

2 July 2025



Mr William Fleming  
Boston Blyth Fleming Pty Ltd  
1/9 Narabang Way  
BELROSE NSW 2085

Dear Will,

**Development Application No: DA2025/0348 for Demolition works and construction of a dwelling house, swimming pool, horse arena, stables and paddocks at 113 Orchard Street WARRIEWOOD.**

An assessment has been undertaken of your application. I apologise for the delay in response.

The assessment has found that it is unsatisfactory in its current form for the reasons identified below:

**Front Building Line**

The proposed setback of the horse arena (estimated at between 1.9m and 2.3m from the front boundary with Orchard Street) is considered inadequate to meet the objectives of the Front Building Line control Pittwater 21 Development Control, specifically those which seek to:

*Achieve the desired future character of the Locality;*

*Vegetation is retained and enhanced to visually reduce the built form. (En);*

*To preserve and enhance the rural and bushland character of the escarpment and the locality. (En, S); and*

*To encourage attractive street frontages and improve pedestrian amenity.*

Whilst we acknowledge that the application is a revision of past proposals on the site, the proposed horse arena remains a significant structure that in its current form is not setback at an adequate distance to justify the significant variation to the numerical control (20m).

For further guidance on how this issue may be resolved, refer to the comments from Council's Landscape Officer, below.

**Landscape Officer's Comments**

Council Landscape Officer has provided the following comments:



*“Council’s Landscape Referral is assessed against the Pittwater Local Environment Plan clause RU2 Rural Landscape zone, and the following Pittwater 21 DCP controls (but not limited to): B4.22 Preservation of Trees and Bushland Vegetation; C1.1 Landscaping; D14 Warriewood Locality.*

*The site exists upon RU2 Rural Landscape zone land and the landscape objectives of the zone includes as follows: maintain the rural landscape character of the land; minimise conflict between land uses within this zone and land uses within adjoining zones. An Arboricultural Impact Assessment (AIA) report is submitted and recommends existing trees for removal that are impacted by development works as well as providing tree protection measures for existing trees to be retained. As calculated a total of 70 existing trees are to be removed should the application be approved. A Landscape Concept Plan is provided with proposals for replanting of indigenous trees, shrubs, groundcovers and native grasses.*

*It is noted that the property is bush fire prone land, and the submitted Tree Removal plan Drawing No. 13 identifies that existing trees to be retained occupies a total of 12.3% canopy cover, in consideration of Planning for Bush Fire Protection 2019 guidelines.*

*Landscape Referral require clear and accurate documentation to continue the assessment for the landscape setting outcome as set out below including minor adjustments. Additionally, matters impacting native vegetation, designated 10/50 clearing entitlement associated with the new dwelling, asset protection zones, and associated services and infrastructure are required to be assessed by Council's Bushland & Biodiversity Referral team, and these matters need assessment prior to further Landscape Assessment consideration.*

- *The following aspects require attention:*

*Vegetation screen planting by notation is shown on public land as documented on Drawing No. 14 and this is not supported. It is noted that other plans appear to indicate planting wholly within the property and it is advised that documentation shall clearly demonstrate the proposal accurately.*

- *Adjustments:*

*It is considered by Landscape Referral that a minimum 3 metres wide landscape buffer zone is required to support and establish adequate vegetation screen planting, rather than the identified 2 metres wide, and more so as the horse arena is elevated by retaining walling above existing ground up to appropriately 3 metres at the southern portion and this prominent built form of the retaining walling must be softened by appropriate vegetation and an appropriate setback to establish long term vegetation screening, in consideration of the Pittwater Local Environment Plan clause RU2 Rural Landscape zone objective to maintain a rural landscape character. Additionally, Landscape Referral consider that the proposed walling at the frontage is unable to achieve the C1.1 requirement for "a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form" due to the limited proposed width of the landscape zone.*

- *Other:*



*The Street Elevation plan at Drawing No. 02 indicates a low height 'fence' at the boundary line and it is assumed this is a timber fencing which is typical of the RU2 Rural Landscape land zone character and no concerns are raised except for the non-identification of the material.*

*Following receipt of the adjusted documents, Landscape Referral shall re-commence the assessment."*

### **Options available to the Applicant**

Council is providing you with two (2) options to progress your application:

1. Prepare and submit further supporting information/amendments to address the above issues. Please carefully read the below advice if you choose this option.
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application.

Please advise of your selected option by responding **within 7 days of the date of this letter** by email sent to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au) marked to the attention of the assessment officer. Should Council not receive your response by this date, Council will determine the application in its current form.

### **Submitting further information/amendments**

Council will offer one opportunity to provide feedback on conceptual amendments addressing the issues raised in this letter. We strongly request that you contact the assessment officer directly for a 'without prejudice' discussion on your proposed resolution of the issues and the submission requirements **before** lodging any documentation on the NSW Planning Portal.

Conceptual amendments must be provided to Council for feedback **within 14 days of the date of this letter**. If conceptual amendments are deemed sufficient, we will then provide you with a timeframe upon which an amended application is to be lodged on the NSW Planning Portal (generally 14 days).

Please ensure that the amended/additional information submitted on the NSW Planning Portal is a genuine attempt to resolve the issues as Council will generally not seek any further information/amendments after that point. Council will proceed to assess and determine the application based on the submitted information without further consultation. Whilst we will provide feedback on your conceptual amendments in good faith, this cannot guarantee the approval of the amended application.

As part of any amended application, it may be necessary to update your supporting documentation (e.g., BASIX certificate, bushfire report, geotechnical report, etc.). Failure to do so may affect Council's ability to determine the application favourably.

Please ensure that any amendments are accompanied by a summary/schedule of amendments cover sheet.



Council reserves its right under section 37 of the *Environmental Planning and Assessment Regulations 2021* not to accept any information/amendment if it is not considered to be a genuine attempt to resolve the issues. In which case, Council will inform you that the changes have not been accepted and the application will proceed to be determined.

This process has been established to ensure an efficient and responsible level of service which meets the requirements of the Department of Planning and Environment's *23A Guidelines on withdrawal of Development Applications 2023*, Ministerial Orders *Statement of Expectations 2021* and the *Development Assessment Best Practice Guide 2017*.

As per the requirements of section 36 of the *Environmental Planning and Assessment Regulation 2021*, you are advised that this application was accepted on 16 April 2025 and 77 days in the assessment period have now elapsed.

This letter will be released on Council's webpage as part of the application's documentation.

Should you wish to discuss any issues raised in this letter, please contact me on 1300 434 434 during business hours Monday to Friday.

Yours faithfully,



Nic England  
Planner