

10 March 2023

Northern Beaches Council

RE: Development Application No: DA2023/0005 for Alterations and additions to a dwelling house including a swimming pool at 2/4 Brisbane Place, CROMER

To whom it may concern

We the owners of 2/4 Brisbane Pl Cromer are writing in reply to the Northern Beaches Council letter dated 22nd February 2023 concerning Development Application No: DA2023/005 for Alterations and additions to a dwelling house including a swimming pool at 2/4 Brisbane Pl, Cromer.

All matters raised by the council are replied to herein.

Environmental Planning and Assessment Act 1979 (EP&A Act) and Warringah Local Environmental Plan 2011

We the applicants have made a request to the Northern Beaches Council rates department to seek records of proof of living within lot 2 of SP 76625. The request was made on Tuesday 7th March to team leader Lyndall McCann requesting confirmation that since the approval in 1998 of Dual occupancy, that rates have consistently been paid for the subject property. Please find attached in Appendix 1, email issued to council@northernbeaches.nsw.gov.au titled ***“urgent! Brisbane Pl, Cromer, 2009 – Rates Information Request”***

We the owners of the property are confident in our knowledge of the property and the history of the property as residents on the street have been living in Brisbane place, since the property was extended into a dual occupancy back in 1998 or soon thereafter. One of these particular residents actually works within the northern beaches' council HR department and upon request I'm sure could provide a statement could confirm the consistent habitable state of the property.

Due to privacy reasons information is difficult to retrieve. We have also made efforts to the electoral office with no such luck. We would like to council to review this item and confirm that if rates have been paid on Lot 2 of SP76625 that it be assumed it has been lived in consistently and never not lived in for longer than 12 months.

Clause B7 - Front Boundary Setbacks

Clause D1 - Landscaped Open Space and Bushland Setting

To address the councils concerns to this matter as far as reasonably practicable the hardscape pavement design of the pool area has been reduced significantly by approximately 30%. The below extract of the previous revision 2 plan LS101 - landscape plan highlights the amount of hardscape area that has been removed in the new revised documents. This equates to approximately 10m2 of pavement which will now remain as landscape open space.

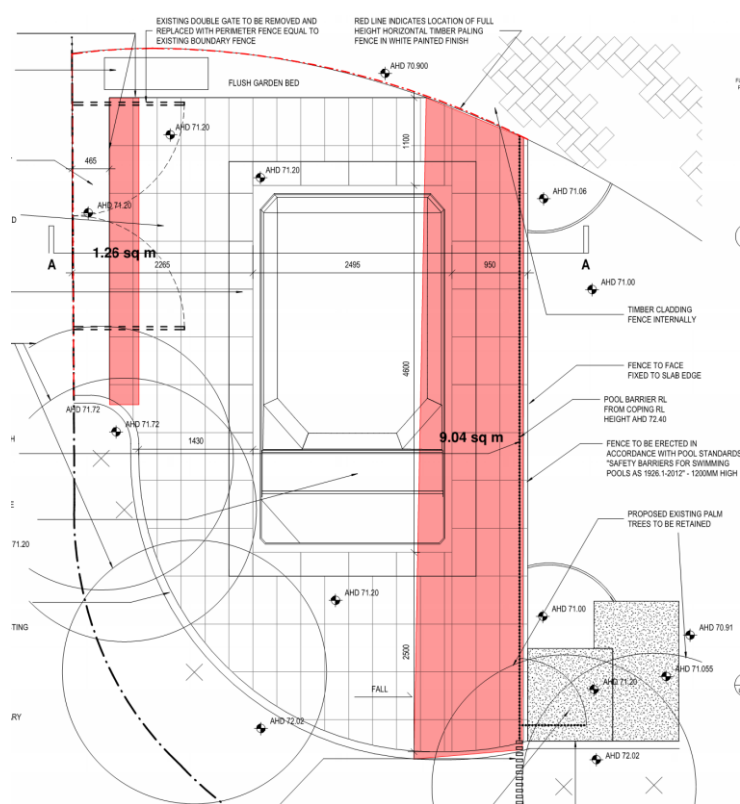


Figure 1. Highlighted area of pavement deletion – Pool re-aligned

We believe that any further reductions in hardscape would impact the amenity of the proposed pool and take away from the intended architectural design of the area. Further reductions in pavement would see bare minimum widths between the pool and retaining walls causing potential safety issues with poor circulation around the pool.

As suggested within the council letter, a site meeting was held with Tony Collier to discuss the options available for the subject site. We believe these actions are achieved with the redesign.

Site Plan

A new site plan drawing in line with Northern beaches Council site plan requirements has been developed. This plan now includes for

- boundary locations and all site measurements (length, width, and area, both existing and proposed),
- dimensioned distances of the new and existing works in relation to site boundaries,
- any minimum setbacks/building lines (shown dotted/dashed) as prescribed by the relevant plan or policy,
- location of all buildings/structures on adjoining land, including levels and any openings or decks/balconies facing the site
- all existing and/or proposed impervious areas/hard surfaces, including dimensions of driveways, decks, paved areas etc
- any existing or proposed swimming pools, proposed fences and landscaping features, including retaining walls, paths etc
- vegetation and natural features, including canopy trees, rock outcrops etc.
- existing and/or proposed car parking, pedestrian and vehicle access, indicating gradients
- existing and/or proposed stormwater infrastructure and/or easements (Council and private), both within the site and the adjacent road reserve, the site and the adjacent road reserve,
- contours at 1m intervals,
- north point (true north),
- width of road reserve.

We believe all the concerns of the council have been exceeded. If the council has any further concerns, we would only be too happy to assist.

Kind Regards

Scott and Robyn Bennett

Owners

2/4 Brisbane Place, Cromer, 2099



APPENDIX 1.

Scott Bennett <scottbennett.pm@gmail.com>

Urgent! 4 Brisbane PI, Cromer, 2099 - Rates Information request

1 message

Scott Bennett <scottbennett.pm@gmail.com>
To: council@northernbeaches.nsw.gov.au
Cc: Robyn Ritter <robynleighritter@gmail.com>

Tue, Mar 7, 2023 at 2:03 PM

Dear Lyndal McCann

As part of a Development application DA2023/0005 I currently have with the Northern Beaches council, I am required to provide proof that my current property, a dual occupancy, has been continuously lived in, since it was approved as dual occupancy in 1998.

I can respect that there may be a privacy issue here with information, so perhaps it would be possible to receive some type of acknowledgement from the council that they have in fact received payments for council rates since that point in time. Snapshot of the request below.

I have until the 10th March 2023 to reply so I am appreciative of any urgency or assistance you could be.

Environmental Planning and Assessment Act 1979 (EP&A Act) and Warringah Local Environmental Plan 2011

Section 4.66 of the EP&A Act stipulates the requirements for existing use rights for a development which is rendered as **prohibited** by a planning instrument.

Although the dual occupancy was approved in 1998 this was subject to the provisions of the former Warringah Local Environmental Plan 1995 which permitted dual occupancy development within the then 2(a) Residential zone.

The current Warringah Local Environmental Plan 2011 prohibits dual occupancy development within the now designated R2 Low Density Residential zone, thus rendering the subject property dependent upon existing use rights and the provisions of Section 4.66 of the EP&A Act.

Section 4.66(3) stipulates that *"a use is to be presumed, unless the contrary is established, to be abandoned if it ceases to be actually so used for a continuous period of 12 months"*.

Therefore, in order to address this presumption, you are required to demonstrate (by providing evidence) that the dual occupancy has been in use as a dual occupancy for a continuous period since its approval in 1998.

Happy to field a phone call if need be to fast track the process.

Kind Regards

Scott bennett
Owner: 2/4 Brisbane PI, Cormer, 2099

Regards

Scott Bennett