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## MEMORANDUM

**DATE:** 25 October 2022

**TO:** Northern Beaches Development Determination Panel

**CC:** Rod Piggott, Planning Assessments Manager

**FROM:** Adam Croft, Principal Planner

**SUBJECT:** DA2022/0511 - 11 Lyly Road ALLAMBIE HEIGHTS

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Dear Panel,

The purpose of the memo is to address the amended survey information provided by the applicant and typographical/formatting errors in the assessment report, as below.

### Amended Survey Plan

Council is in receipt of an amended survey plan for 11 Lyly Road, Allambie Heights. The amended survey indicates that the southern side setback distance to the proposed secondary dwelling is 0.785m-0.805m, rather than 0.980m-0.985m as previously indicated. As the boundary setback is less than 900mm, the following amendment of Condition No. 1 is recommended to address the relevant BCA and fire safety requirements:

#### **1. Deferred Commencement - Building Certificate**

i. An application for a Building Information Certificate shall be lodged and approved with respect to the unauthorised works to and use of the secondary dwelling and any other unauthorised works onsite.

ii. A detailed BCA report shall be provided in relation to the development, including but not limited to, fire safety, access, egress, health and amenity considerations. The report must also demonstrate how the walls and openings within 900mm of the side boundaries shall be protected in accordance with the requirements of the BCA.

Reason: To regularise unauthorised development and ensure compliance with the relevant BCA requirements.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Clause 76 of the Environmental Planning and Assessment Regulation 2021. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.



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### Typographical and Formatting Errors

1. The Executive Summary incorrectly references "WLEP 2013". The fourth paragraph of the Executive Summary should read:  
*The proposal does not include any variations to the development standards under the WLEP 2011.*
2. The Section 4.15 (clauses 36 & 94) assessment does not address the additional information requested by Council. The assessment should read:  
*Clauses 36 and 94 of the EP&A Regulation 2021 allow Council to request additional information. **Amendments were requested by Council to provide an increased front setback to the proposed carport.***
3. The Referrals table in the report is partially excluded from the report due to a formatting error. The complete Referrals table is included below:

### **REFERRALS**

<b>Internal Referral Body</b>	<b>Comments</b>
Building Assessment - Fire and Disability upgrades	<p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no concerns with the application subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><i>Note: The proposed development may not comply with some requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</i></p>
Landscape Officer	<p>The application seeks consent for alterations and additions to a dwelling house including a secondary dwelling and carport.</p> <p>The application is assessed by Landscape Referral against Warringah Local Environmental Plan 2011 and the following Warringah Development Control Plan 2011 controls (but not limited to):</p> <ul style="list-style-type: none"><li>• D1 Landscaped Open Space and Bushland Setting</li><li>• E1 Preservation of Trees or Bushland Vegetation and E6 Retaining Unique Environmental Features</li></ul> <p>The plans indicate that no significant landscape features are affected by the proposed works.</p> <p>No objections are raised with regard to landscape issues subject to conditions.</p>
NECC (Bushland and Biodiversity)	<p>The application seeks approval for the construction of a secondary dwelling and carport. Council's Natural Environment Unit - Biodiversity referral team have reviewed the application for</p>



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Internal Referral Body	Comments
	<p>consistency against the relevant environmental legislation and controls, including:</p> <p><b>Biodiversity Conservation Act 2016 (BC Act)</b>  <b>Warringah Development Control Plan (WDCP)</b></p> <ul style="list-style-type: none"> <li>• Clause E2 Prescribed Vegetation</li> <li>• Clause E4 Wildlife Corridors</li> <li>• Clause E6 Retaining unique environmental features</li> </ul> <p>The application does not require the removal of prescribed trees or vegetation, nor is it likely to impact on nearby biodiversity values. Subject to conditions the Bushland and Biodiversity referral team find the application to be consistent against relevant environmental controls.</p>
NECC (Development Engineering)	<p><b>22/06/2022:</b></p> <p>The application seeks consent for alterations and additions to a dwelling house including a secondary dwelling and carport.</p> <p><b>Access</b>  Vehicular access is available via a concrete driveway from Lyly Road to a hardstand parking area.  New double carport, new driveway, new layback and works proposed on the public road reserve will be assessed under Road Act Application (S138A) Civil Works on public road reserve.</p> <p><b>Stormwater</b>  Stormwater from the site will be directed to existing approved site stormwater system.</p>
Road Reserve	<p>The proposed development impacts Council's existing concrete crib retaining wall the supports the road formation and pedestrian fence/railing. The plans do indicate removal of some landscape elements on the verge however all hedging plants along the Council retaining wall must be removed to ensure future pedestrian access as well as the removal of hedging across the verge.</p> <p>Council's Development Engineering Team to require a Civil Works application to be lodged and approval of the works obtained prior to obtaining construction certificate. Application to provide details of proposed changes to Council's existing retaining wall and the proposed new retaining walls associated with the proposed planter box and garden on the public road reserve, together with changes to pedestrian safety railings.</p> <p>Redundant layback, crossings and concrete to be removed and kerb reinstated.</p>

#### Recommendation

The recommendation of approval is maintained subject to amendments to conditions described above.