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MEMORANDUM

DATE: 27 March 2023
TO: Development Determination Panel
CC: Rod Piggott, Planning Assessments Manager
FROM: Adam Croft, Principal Planner
SUBJECT: Mod2023/0006 – 11 Lyly Road, ALLAMBIE HEIGHTS

Dear Panel,

On Wednesday 22 February 2023, the Development Determination Panel (DDP) deferred the determination of Mod2023/0006 as detailed below:

“DETERMINATION OF DEVELOPMENT APPLICATION

THAT Council as the consent authority defers the decision on Mod2023/0006 for Modification of Development Consent DA2022/0511 granted for alterations and additions to a dwelling house including a secondary dwelling and carport on land at Lot A DP 22132, 11 Lyly Road ALLAMBIE HEIGHTS, to allow the following to happen:

- 1. The applicant is to formally request an amendment to the application through the NSW Planning Portal.*
- 2. The assessing officer is to advise (via email) the surrounding residents of the change and give them 7 days to provide any feedback.*
- 3. The assessing officer is to prepare a supplementary memo for the Panel.*
- 4. The Panel will then determine the matter electronically.”*

Further Amendment of Mod2023/0006

On 8 March 2023, the applicant submitted a formal amendment of Mod2023/0006 through the NSW Planning Portal. Specifically, the amendment seeks to reduce the width of the approved car parking structure from 6.0m to 5.9m as detailed in the amended plan set. The amendment results in a 100mm increase to the southern side setback to provide a total setback of 3.286m.

Notification of Amendment

On 10 March 2023, Council notified surrounding residents of the proposed amendment via email, advising that further submissions would be accepted until 20 March 2023.

As a result of the informal re-notification, Council received 1 further submission from the owner of No. 9 Lyly Road. The submission is not considered to constitute an objection to the proposed amendment and is attached to this memo along with the planner response.



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Consideration of Amendment

The proposed amendment results in an increased southern side setback and will not give rise to any additional visual or amenity impacts to surrounding land. The internal hardstand width of 5.5m complies with the minimum width required by the relevant Australian Standard.

The proposed amendment necessitates the modification requirement (4) of Condition No. 12 to read as follows:

12. Amendments to the Approved Plans and Additional Requirements

The following amendments are to be made to the approved plans:

- 1. The entry door to the secondary dwelling is to be relocated to the front (western) elevation of the building generally as per Plan No. DA05, Rev B, dated 28.11.2022, prepared by Sammy Fedele. The existing entry door is to be closed-up with brickwork and finished to match the remainder of the southern wall.*
- 2. The under-eave downlights on the southern elevation are to be removed in their entirety.*
- 3. The finished RL of the parking structure is to be lowered in height by 700mm.*
- 4. The width of the parking structure is to be reduced to a maximum of ~~6.0m~~ 5.9m and the reduction in width is to be reflected in an increased southern side setback.*
- 5. The carport is not approved and is to be deleted from the plans.*
- 6. Amended BASIX certificates (as required).*

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure development minimises unreasonable impacts upon the character of the street and adjoining land.

The proposed amendment of Condition No. 12(4) gives rise to a physical change to the approved development – being a reduction in the hardstand size and subsequent increase to the side setback – thereby engaging the power of the consent authority to modify the development consent.

Recommendation

The recommendation of approval is maintained based on the above considerations, subject to the amendment of condition No. 12 Amendments to the Approved Plans and Additional Requirements to read as follows:

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- 2. The under-eave downlights on the southern elevation are to be removed in their entirety.*
- 3. The finished RL of the parking structure is to be lowered in height by 700mm.*
- 4. The width of the parking structure is to be reduced to a maximum of 5.9m and the reduction in width is to be reflected in an increased southern side setback.*
- 5. The carport is not approved and is to be deleted from the plans.*
- 6. Amended BASIX certificates (as required).*