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Re **8.2 Review of Determination - DA2021/0148**  
**Renovations to existing house**  
**1A The Serpentine, Bilgola Beach**

This statement is in support of a Division 8.2 Review of Determination application.

This statement includes:

1. Description of the application
2. The determination to be reviewed
3. Focus of review
4. Reasons for review
5. Requested outcome

1 **Description of the Application**

The existing house is a 2-storey dwelling with detached garage and carport.

The approved work includes alterations and additions to an existing dwelling including layout changes, changes to window and door openings on all elevations, a new deck to the south east corner of the dwelling.

The DA application also included modifications to the existing garage.

2 **The Determination to be Reviewed**

Application details:

- . Type: Development Application.
- . Application number: DA 2021 / 0148
- . Outcome: Approved, with conditions.
- . Determination date: 24/06/2021.

3 **Focus of Review**

Pursuant to Division 8.2 of the Environmental Planning & Assessment Act 1979, we request that the following aspects of this determination be reviewed by Council.

***Condition 9 - Amendments to the approved plans***

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

*. The proposed alterations to the existing garage are not supported and must be deleted from the plans.*

*Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.*

The DA application proposed conversion and fit-out of the existing garage into a home office. Council identified that an effect of this conversion would reduce the on-site parking from 2 to 1 space.

DCP Clause B6.3 – Off-Street Vehicle Parking Requirements requires a minimum of 2 parking spaces for a dwelling of 2 bedrooms or more.

Condition 9 was included because the proposal did not meet the requirement for off-street parking. The issue at stake was the number of on-site parking spaces.

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**Reason for review and Amended Proposal**

Clause 8.3 of the Act permits amended drawings to be proposed and considered as part of Council's review of the determination.

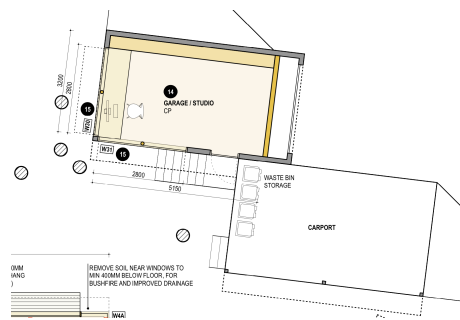
**The original intent**

The original intention of the garage conversion was to provide a simple home-working environment during the COVID pandemic, to temporarily use the space as an informal office, then revert to use as a garage in the near future.

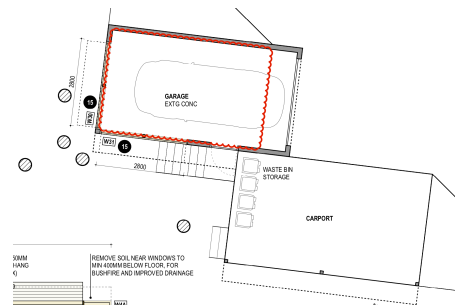
**Compliant plans**

Notwithstanding the above, we propose amended plans which remove the non-compliance. The proposal to convert the garage into a home office is no longer proposed by this application.

The amended plan DA12 shows two parking spaces retained, compliant with DCP Clause B6.3.



1. Excerpt of DA application. Showing garage converted to home office.



2. Excerpt of amended DA plan. Showing garage car parking retained.

The amended drawings show:

- no new work to the interior of the garage,
- previously proposed internal wall and joinery deleted.
- proposed new windows, for ventilation and light to the garage space.
- car parking within the garage retained.

**The issues at stake:**

The proposal retains the two parking spaces, therefore the Off-Street parking requirement is satisfied.

The proposal continues to propose two new windows. However, the windows were not the issue at stake during the DA assessment; only the parking was the issue.

It is considered that the amended proposal is substantially the same as the original development so a 8.2 Review is permitted.

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**Requested Outcome of Review**

We kindly ask Council to change the determination in favour of this review.  
We respectfully suggest one of the following outcomes:

**Outcome 1.**

Council adopt the amended drawings to become the approved drawings, and delete Condition 9 entirely.

**Outcome 2.**

Council amend the DA Condition 9 to read:

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

*. The proposed **internal** alterations to the existing garage are not supported and must be deleted from the plans.*

*Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.*

Amended working in bold.

Thank you for considering this review application.  
We would be pleased to discuss any issue by phone or email.

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Prepared on behalf of owner by:  
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