

S96(1A) Application for a Modification of Consent to

DA 2015/0653

Construction of a Dwelling house and detached gym/workshop

16 Melwood Avenue, Forestville

Prepared by Planning Outcomes Pty Ltd

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S96(1A) Application

A. Proposed Modification

This S96 application involves the submission of amended plans which include the following modifications to the approved development:

1. The roof in the gym is changed from a hipped gable to full gable with raked ceilings internally and triangle windows at each end for additional light. The raked ceilings are at either end, but a standard flat ceiling will remain across the width of the bathroom in the gym. A ducted AC unit will be housed in this ceiling space replacing the split system shown in the approved plans.
2. An office is added to the outbuilding opposite the bathroom to the same with a hallway and door towards the workshop end (office).
3. The bathroom door is to be changed to an internal sliding door.
4. The exterior of the outbuilding is to be all cladding (weatherboard) as opposed to half rendered and cladding.
5. The ground floor living room window of the dwelling house is changed from a window to sliding doors.
6. The stormwater detention system is to be modified reducing the basin size in conjunction with additional offset with increased rainwater capacity (updated BASIX certificate included)

The proposed S96 application also seeks the deletion of Condition 2 of DA 2015/0653 which requires the three north facing upper level balcony windows 'TSW1448' to be converted to windows with a high sill height (1.65m above first floor level). The objective of the abovementioned condition is to protect the visual privacy of the adjoining property at 14 Melwood Avenue Forestville.

In lieu of this condition regarding high sill heights, it is proposed to insert fixed privacy screens in the form of horizontal louvres to a height of 1.65m when measured from the finished upper floor level. The privacy screens are included in the amended plans. This will achieve the same objective for visual privacy while permitting full sized windows.

It is considered that the fixed horizontal privacy screens will ensure that the objectives of the Warringah DCP regarding visual privacy to neighbouring properties are met.

B. S96(1A) Application:

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- (c) it has notified the application in accordance with:
 - i. the regulations, if the regulations so require, or
 - ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

It is considered that the proposed modification is consistent with S96(1A) of the Environmental Planning and Assessment Act being of minor environmental impact and that the development to which the modification relates is substantially the same as the development for which the consent was originally granted.

C. S79 (C1) Matters for Consideration

Matters for Consideration Pursuant to Section 79C(1) of the Environmental Planning and Assessment (Amendment) Act, 1997

(a) Provisions of Warringah LEP 2011 and Warringah DCP 2011

The proposed dwelling house and outbuilding remain permissible under the provisions of the Warringah Local Environmental Plan 2011. The proposed dwelling house remains compliant with the controls contained in the Warringah Development Control Plan. Any departure from the controls is considered to be minor and justified in the table above.

(b) the likely impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.

- it is considered that the proposed modification will not have an adverse impact on the environment;

- stormwater will be disposed of according to Council requirements and erosion and sedimentation will be appropriately controlled during construction;
- it is considered that the potential impact of the proposed modification in terms of privacy and solar access to adjoining residences remains reasonable;
- the social and economic impacts of the development are considered minor due to the size of the development proposal;

(c) the suitability of the site for the development

- the site is considered suitable for the construction of a single dwelling and outbuilding has no major environmental constraints to development.

(d) any submissions made in accordance with this Act or the regulations

- the development will be subject to Council's Notification Policy

(e) the public interest

- the proposed dwelling house and outbuilding will make a positive contribution to the existing housing stock and are recommended for approval.