

25 June 2020

Northern Beaches Council
PO Box 82
MANLY NSW 1655

Dear Sir/Madam,

SECTION 4.55(1A) APPLICATION

Premises:	Lot 5 in DP 23447, No. 96 Clontarf Street, North Balgowlah
Amendments:	Amend Plans – Pool Coping Height
Development Application:	DA2019/1307
Date of Determination:	09/01/2020

INTRODUCTION

On behalf of Mr John Davies I seek Council consent pursuant to Section 4.55(1a) of the Environmental *Planning & Assessment Act* 1979 to amend Development Consent DA2019/1307 relating to the dwelling alterations/additions and swimming pool.

BACKGROUND

Development Consent (DA2019/1307) was approved by Council for the construction of dwelling alterations and additions including a new swimming pool to replace the existing pool on site.

The approved pool provided for a coping level of RL78.05, approximately 1.2m below the height of the existing pool coping. Following careful consideration by the client, the expense and extensive excavation required to provide for the new pool at the significantly lower level was considered detrimental. This application seeks to amend the pool coping height.

PROPOSED MODIFICATION

The proposal provides for amendments to the approved plans as depicted in the following documentation:

- Amended Landscape Plan prepared by Site Design Studio, Drawing No. 1139, Issue D and dated 11/06/20.
- Amended Architectural Plan, Drawing No. 96A and dated 220/06/20.

The amendments are summarised below:

- Increase pool coping height to RL78.5 (approved RL78.05 and existing RL79.31).
- Minor reconfiguration of external stairs in rear yard to accommodate access to pool.
- Internal alteration to existing bathroom on second floor plan. Includes reconfiguration of the internal door and bathroom fittings. There are no external changes with this amendment.

LEGISLATION

Section 4.55(1A) of the Act states:

(1) 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*

Comment: The proposed amendments to raise the approved pool coping level will reduce the environmental impact of the approved pool. The current approval requires substantial excavation to accommodate the pool. This new scheme seeks to reduce the amount of excavation. This is of reduced environmental impact.

- (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*

Comment: The original consent granted approval to dwelling alterations and additions to the existing dwelling including a new swimming pool to replace the existing pool on site. The minor internal alteration and alteration to the pool coping level is considered to result in substantially the same development.

- (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.*

Comment: The proposal will be notified in accordance with Council's policy.

JUSTIFICATION

The proposed amendments are considered to be justified for the following reasons:

- The existing pool on site has a coping level of RL79.31, with pool coping level proposed under this modification being RL 78.5 being 810mm lower than existing. Therefore whilst, the pool coping is proposed to be higher than originally approved it is still considerably lower than the existing pool and will improve the amenity of the adjoining properties. In conjunction with the boundary setbacks, landscaping and privacy screens which remain unchanged from that approved, it is considered that the proposed modification to the pool coping is appropriate in terms of privacy and amenity to the adjoining properties.
- The raising of the pool coping height will significantly reduce the amount of excavation which reduces the impact on the environment and significantly reduces construction costs.
- The internal alterations to the second floor bathroom is internal only. There are no external changes and this will not have any impact on the environment, streetscape or the adjoining properties.

It is therefore considered appropriate that the request to amend the plans as described should be supported.

CONCLUSION

For the reasons stated above it is considered that this application to amend the plans as described should be supported. Should you require any further information please do not hesitate to contact me.

Yours faithfully,



Natalie Nolan