

SECTION 4.55(1A) MODIFICATION APPLICATION FOR DA2021/0325

**2 DIXON AVENUE FRENCHS FOREST 2086
(LOT 1, DP 31074)**

SUBMITTED TO NORTHERN BEACHES COUNCIL

ON BEHALF OF THE OWNERS IAIN AND MELISSA DAVISON

**PREPARED BY LEE PRACY
QUALIFIED DRAFTSPERSON**

SEPTEMBER 2021

EXECUTIVE SUMMARY

This planning statement has been prepared on behalf of Iain and Melissa Davison of 2 Dixon Avenue Frenchs Forest, and submitted to Northern Beaches Council in support of an application for a Section 4.55(1A) modification to the Notice of Determination, issued on 14 July 2021, which granted approval for DA2021/0325, pertaining to alterations and additions to a dwelling house including a secondary dwelling and swimming pool at the aforementioned address.

The approval was for alterations and additions to the existing brick and tile, one and two storey, 4 bedroom single occupancy residence at 2 Dixon Avenue, Frenchs Forest (Lot 1, DP 31074). Proposed works included:

Ground floor:

- reconfiguring the layout and extending onto existing deck to incorporate a new kitchen and to create extra living space
- raising ceiling height to improve amenity
- creation of an attached granny flat, using the existing carport footprint and hardstand area behind

Second storey:

- extending to accommodate relocated bedrooms
- creation of ensuites and walk in robes for these bedrooms
- a new living area

Garage:

- construction of a basement garage, with storage area and internal access to living room

Landscaping:

- installation of an inground pool in the rear yard, and associated decking and garden beds.

In summary, the modification application seeks approval to remove the secondary dwelling from the development, thus retaining the property as a Class 1 building. Instead, it is proposed that the structure delineated for the secondary dwelling be retained and incorporated into the primary dwelling, resulting in only minimal changes to the original facade by way of addition of two extra windows. There are no proposed changes to the bulk, height and scale of the development, or to the amenity for neighbouring properties. There will be a potential reduction in traffic generation, and no negative environmental impacts are expected to arise from the modification.

We conclude that the modification results in improvements in the internal design of the dwelling, thus enhancing the amenity for the owners. The development as modified is substantially the same as the approved development, and there are no negative environmental impacts arising from the modification. As such, we believe the application for modification should be supported.

SITE DETAILS

The subject site is located at 2 Dixon Avenue Frenchs Forest (Lot 1, DP 31074).

The site is a corner block, 628.3m² in area and generally rectangular in size with a gradual slope towards both street frontages. The site is in a low impact residential development setting (R2 Low Density Residential), less than 300 metres to amenities, shops, schools and public transport, and 1.3 kilometres to the Northern Beaches Hospital. It currently contains a one and two storey brick and clad dwelling house with carport, constructed in the early 1960s, and in good condition. The site enjoys limited district views to the front (northeast) of the property. The building is oriented to capture the cool northeasterly breezes in summer through the northeast and southeast facing windows.

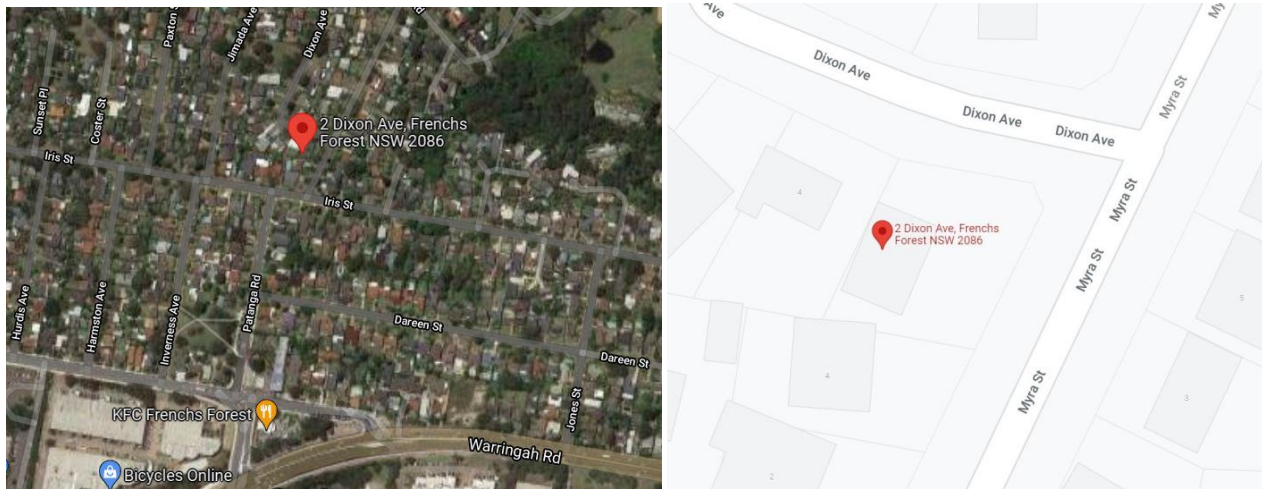


Figure 1: Location of subject site (Source: Google Maps)

PROPOSED MODIFICATION

1. PLANNING HISTORY AND CONSENT TO BE MODIFIED

Development Consent DA2021/0325 was granted by Northern Beaches Council, with the Notice of Determination and Consent Conditions issued on 14 July 2021. The Development Consent was for "alterations and additions to a dwelling house including a secondary dwelling and swimming pool".

2. OVERVIEW OF MODIFICATIONS

This application seeks to amend the approved plans associated with the existing development consent. There are no proposed changes to the building bulk, height or scale. We seek approval for the following amendments:

1. Deletion of the secondary dwelling from the planned development, thus **maintaining the current building classification of Class 1**.
2. Removal of a number of internal walls from the plans, allowing the deleted secondary dwelling to be incorporated into the primary dwelling as a **rumpus room with wet bar**.

3. Deletion of the internal wall between the primary dwelling laundry and secondary dwelling bathroom, creating a **larger laundry and powder room**.
4. Addition of a multi panel sliding door on the SW wall and a highline opaque louvre window on the NW wall of the proposed rumpus room, to **increase light and ventilation**, thus improving the amenity of the space.

It should be noted that **no proposed changes to the bulk, height, scale or facade** of the building.

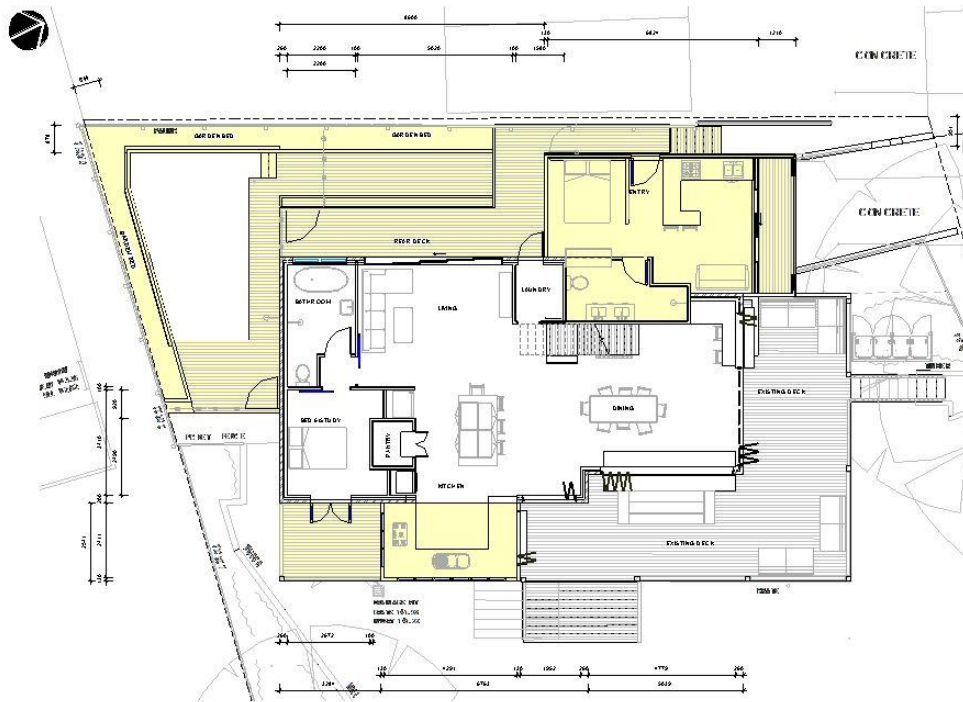


Figure 2: Original ground floor plan, as approved by DA2021/0325

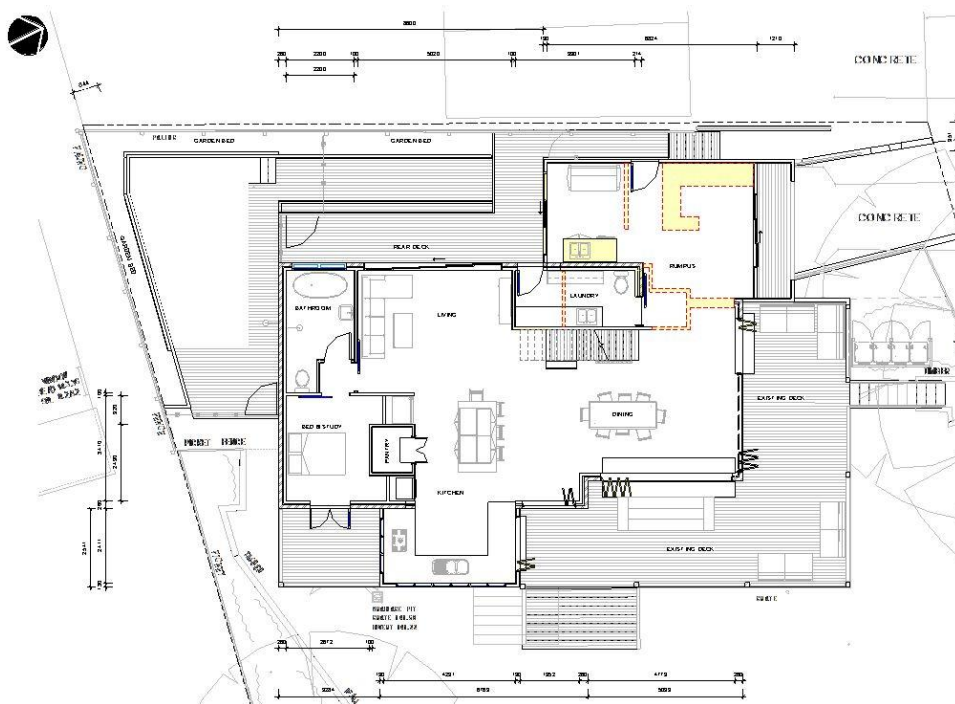


Figure 3: Proposed changes to ground floor plan

3. CONDITIONS OF DEVELOPMENT CONSENT TO BE MODIFIED

Condition 1: Approved plans and supporting documentation	The development must be carried out in compliance (except as amended by any other condition of consent) with the following: <ul style="list-style-type: none">• Plans 2020-01-A101 - 2020-01-A120 submitted as part of DA2021/0325• BASIX Certificate A381240_04 (for the primary dwelling)• BASIX Certificate 1194040S (for the secondary dwelling)
Condition 12: Change of Building Class	The proposed additions to the existing building to create a secondary dwelling will result in a change of classification to a Class 2 building and will be required to be upgraded to comply with Parts C, D, E & F (specifically sound transmission ratings) of the Building Code of Australia. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.
Condition 13: Laundry Facilities	The secondary dwelling is required to comply with Part F2.1 of the Building Code of Australia – 'Facilities in residential buildings'. A kitchen sink or washbasin must not be counted as a laundry washtub. Details demonstrating compliance are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

REASON FOR MODIFICATION

After much consideration, the plans have been amended to delete the secondary dwelling from the proposed development.

Due to a change in personal circumstances, the applicants conducted a detailed cost benefit analysis of the proposed secondary dwelling, and determined that an additional rumpus room / living area for their growing teenage children would best serve the family's needs. Retaining the property as a single dwelling will enhance the amenity of the property for the family.

SUPPORTING DOCUMENTATION

A number of report are submitted in support of this application:

- BASIX Certificate A381240_06, issued on 29 September 2021
- Construction Impact Assessment and Management Plan, Botanics Tree Wise People Pty Ltd, issued on 30 June 2021
- Preliminary Geotechnical Report, Crozier Geotechnical Consultants, issued on 20 January 2021

STATUTORY PLANNING FRAMEWORK

Section 4.55(1A) - Modifications involving minimal environmental impact of the Environmental Planning and Assessment Act 1979 states that:

"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.

Subsections (1), (2) and (5) do not apply to such a modification."

The built form of the modified development will remain substantially the same as approved, and there are no environmental impacts expected to arise from the modification.

COMPLIANCE WITH DEVELOPMENT STANDARDS

The planning instruments pertaining to this development are as follows;

- Warringah Development Control Plan 2011 (WDCP2011), which came into effect 09 December 2011
- Warringah Local Environmental Plan 2011 (WLEP2011)

Site Summary			
Site area	628.3 m ²		
Current Building Footprint	210.9 m ² (including covered verandah, shed and carport)		
Proposed Building Footprint	220.7 m ² (including covered verandahs)		
Warringah Local Environment Plan 2011 (WLEP2011) Controls			
	Proposed	Standard	Complies (Y/N)
Building Height	8.41m	8.5m max.	Y
Warringah Development Control Plan 2011 (WDCP2011) Controls			
Primary* Front Setback	8.13m	6.5m min.	Y
Secondary* Front Setback	3.60m	3.5m min.	Y
Side Setback (NW)	1.17m	0.9m min.	Y
Side Setback (SW)	2.65m	0.9m min.	Y
	existing and maintained		
Wall Height to underside of ceiling	7.67m max.	7.2m max.	#
Garage Opening	2.7m	6m max.	Y
Landscaped Open Space	47.7% (299.5 m ²)	40% min.	Y
Private Open Space	86.0m ²	60 m ² min.	Y
Solar Access to Private Open Space	>75%	50% min	Y

* see accompanying Letter of Variation to DCP Controls - Primary and Secondary Setbacks, as approved by DA2021/0325

see accompanying Letter of Variation to DCP Controls - Wall Heights, as approved by DA2021/0325

IMPACTS OF THE MODIFIED DEVELOPMENT

The main modification proposed in this application is pertaining to the classification of the building. This application seeks to delete the secondary dwelling from the plans, thus retaining the property as a Class 1 building. There are no adverse impacts expected in relation to this modification.

Built form - There are no changes to the built form proposed in this application. The height, bulk, scale and facade of the development remains the same as the original approved development.

Traffic and parking - Vehicle numbers will potentially be reduced, due to there being only one dwelling on the property. There is no increase in traffic generation and no additional parking requirements as a result of this proposal.

Noise - There is no predicted change to noise levels as a result of this proposal above those addressed in the approved development.

Amenity - The proposed amendments provide improved amenity for the owners, by creation of an additional living space for their family. There is no change to the amenity of neighbouring properties.

Privacy - There is an additional multi panel sliding door proposed for the SW wall of the rumpus room, opening onto the rear deck. This door does not impact on the privacy of either the occupants or the neighbouring properties, due to the privacy screening planting along the SW and NW fence, as approved in the original development application. The proposed highline window on the NW wall of the rumpus room is at a sill height of 1.8m, thus providing privacy for both the occupants and the neighbouring property.

CONCLUSION

This application seeks approval for a Section 4.55(1A) modification to Development Consent DA2021/0325 granted on 14 July 2021 for alterations and additions to a dwelling house including a secondary dwelling and swimming pool at 2 Dixon Avenue Frenchs Forest.

The proposed modifications do not alter the built form of the development. The proposal is substantially the same as the original development, and poses no adverse environmental impacts. The modifications meet all regulatory planning requirements. The development is a considered design and will enhance the amenity of the property for the owners, a family with teenage children. For these reasons, we believe the application for modification should be supported.