

# NOLAN PLANNING CONSULTANTS

---

31 January 2021

Northern Beaches Council  
PO Box 82  
MANLY NSW 1655

Dear Sir/Madam,

**MOD NO: 2021/0876**

**ADDRESS: 16 GRANDVIEW DRIVEWAY, NEWPORT**

I have reviewed the assessment report on behalf of my clients Mr Christian Miles and we wish to provide submission in relation to the reasons for refusal for which we have not had previous opportunity to address.

The proposal sought to modify the approved detached secondary dwelling to provide for an additional bathroom and amend condition 7 to delete subclause (a) which stated:

*(a) The floor plan of the secondary dwelling is to be amended so that only one bathroom is provided for use by the occupants of the secondary dwelling.*

The proposed works were contained within the approved building footprint and envelope.

It is noted that there were no objections received by Council from surrounding property owners.

In the assessing officers report the reasons for refusal are based upon the apparent potential for more than one tenant for family group to be housed within the secondary dwelling and potentially increasing density whilst referencing Clause C1.11 of the Pittwater DCP.

Clause C1.11 of the DCP relates only Secondary Dwellings and Rural Workers Dwellings and amongst other things restricts the such buildings to two bedrooms and one bathroom. There is no stated reason for the limit, however some guidance can be provided from the stated 'Outcomes'. It is our opinion that the Outcomes of this clause can be achieved as stated below:

- *Limitation of the visual bulk and scale of development.*

The proposed amendments do not alter the approved bulk or scale. There is no change to the building envelope or footprint.

- *Provision of design flexibility for second storey development.*

This outcome does not apply as the proposal is single storey.

- *Restriction of the footprint of development site*

The proposed modification does not alter the approved building footprint.

- *Retention of natural vegetation and facilitation planting of additional landscaping.*

The proposed modification is located within the existing footprint and does not have any impact on existing vegetation.

- *Provision of Rental Accommodation*

Providing for an additional bathroom does not indicate that the secondary dwelling will be tenanted by two separate families. The applicant has provided separate submission relating to the proposed use of the secondary dwelling, which is to house his two children. Regardless, whether the secondary dwelling has one or two bathrooms does not increase the density of the development. The two bedrooms were depicted and approved as double bedrooms and as such the dwelling would be able to accommodate 4 people. With or without the second bathroom the building can accommodate 4 people.

Dwellings rented to 'separate families' would have separate kitchens, laundries or living area. This secondary dwelling complies with the floor space requirements and this limited floor plate is not conducive to accommodating two separate groups. The limiting of the secondary dwellings to 60sqm is sufficient to limit the use of the building to a single family group. Further, the limiting of bathroom is not imposed on other forms of development, including single dwelling houses. It is common for dwellings and units to have two bathrooms, regardless of the number of bedrooms.

It is noted that SEPP (Housing) which applies to the Northern Beaches Council does not restrict the number of bathrooms for secondary dwellings.

The refusal of the application on this basis serves no purpose. The built form and footprint remain unchanged. There is no impact on the adjoining properties or the character of the locality. A refusal based upon the logic that the secondary dwelling could accommodate two separate family groups is unreasonable given the very limited floor area of the secondary development. Regardless of the number of bathrooms it is not sufficient size to accommodate two family groups. Building bulk and density are sufficiently limited through the provision of the maximum floor area provisions.

## **SUMMARY**

The proposed modification to amend Condition 7 to delete subclause (a) is considered to be justified and should be supported for the following reasons:

- The inclusion of the two bathrooms does not alter the approved footprint or building envelope.
- The two bathrooms will not have any detrimental impact on the adjoining properties. Bathrooms are not high use areas and will not impact on the amenity or privacy of the adjoining properties.
- The provision of two bathrooms does not increase the density nor intensify the use. The size of the approved secondary dwelling is sufficient factor to limit use of the building to one family group.
- Whilst Clause C1.11 of the Pittwater DCP limits secondary dwellings to providing only one bathroom, there is no direct reasoning for this control. The outcomes of Clause C1.11 are still achieved with the proposed modifications in that there is no change to the approved bulk or scale, does not alter the approved footprint nor require removal of any vegetation.
- The proposed modifications do not result any impacts on the adjoining properties, character of the locality or the environment.

It is therefore considered appropriate that the request to amend Condition 7 as described be supported.

Should you require any further information please do not hesitate to contact me.

Yours faithfully,



**Natalie Nolan**