

# STATEMENT OF ENVIRONMENTAL EFFECTS

Conversion of garage into habitable space  
Use of carport as a car space

133 Starkey Street, Killarney Heights – Lot 83 DP215008

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## Preamble

The subject development application has been prepared to obtain approval for the conversion of the garage into habitable space and the use of the carport at 133 Starkey Street, Killarney Heights, the **Site**, as a car space. This application has been prepared in the context of Building Information Certificate application BC2025/0010.

This Statement of Environmental Effects (**SEE**) is a report supporting the subject Development Application (the DA). The DA is submitted under the provisions of Part 4 and sections 4.2 and 4.12(1) of the *Environmental Planning & Assessment Act 1979*.

The Development Application is also submitted in accordance with the provisions of the *Environmental Planning & Assessment Regulation 2021*. The SEE assesses the development under Section 4.15 (**Evaluation**) of the *Environmental Planning and Assessment Act, 1979*.

The SEE is to be read in conjunction with the accompanying documentation.

## SUMMARY

### Proposed Development Details

| ASSESSMENT MATTERS   | STATUS / COMMENT  |
|----------------------|---|
| Site Address         | 133 Starkey Street, Killarney Heights (the <b>Site</b> )                                      |
| Property Description | Lot 83 DP215008   |
| Proposed Development | Conversion of the garage into habitable space<br>The use of the carport as the parking space. |

### Planning Assessment Details

| ASSESSMENT MATTERS            | STATUS / COMMENT   |
|-------------------------------|--|
| Assessment Manager            | Northern Beaches Council   |
| Consent Authority             | Northern Beaches Council or the Northern Beaches Local Planning Panel, subject to EP&A Act 1979  |
| Concept DA                    | No   |
| Crown Development             | No   |
| State Significant Development | No   |
| Integrated Development        | No   |
| Critical Habitat              | No   |
| Threatened Species            | No   |
| Biodiversity Assessment       | No   |
| State Planning Policies       | Compliance achieved.<br><br>The subject Application requires consideration against the following SEPPs: <ul style="list-style-type: none"><li>State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 Vegetation in non-rural areas</li><li>State Environmental Planning Policy (Housing) 2021</li><li>State Environmental Planning Policy (Industry and Employment) 2021</li></ul> |

| ASSESSMENT MATTERS  | STATUS / COMMENT   |
|---|--|
|   | <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Resources and Energy) 2021</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> </ul> <p>The subject application complies with all relevant provisions.</p>  |
| Warringah Local Environmental Plan 2011   | Compliance achieved.   |
| Development Control Plan<br><br>Compliance - DCP                                      | Warringah Development Control Plan 2011<br><br>Compliance achieved.  |
| Environmental Planning & Assessment Act 1979 – S.4.14 – Certain bush fire prone land. | Not applicable. The Site is not mapped as bushfire-prone.  |
| Other Acts  | <p>Consideration was afforded to other legislation, including legislation concerning whether the proposal is integrated development. Integrated development is the development that, to be carried out, requires development consent and one or more of the following approvals:</p> <ul style="list-style-type: none"> <li>Biodiversity Conservation Act 2016</li> <li>Coal Mine Subsidence Compensation Act 2017</li> <li>Fisheries Management Act 1994</li> <li>Heritage Act 1977</li> <li>National Parks and Wildlife 1974</li> <li>Protection of the Environment Operations Act 1997</li> <li>Roads Act 1993</li> <li>Rural Fires Act 1997</li> <li>Water Management Act 2000</li> </ul> <p>The Subject application is <u>not</u> integrated development.</p> |
| Advertising   | <p><b>Advertising / Notification of DA</b></p> <p>Minimum advertising of the DA is required for 14 days under the EP&amp;A Act 1979 – Schedule 1, Part 1, Division 2.</p>  |
| Key DA Issues   | Nil. Full compliance is achieved.  |

## 1.0 INTRODUCTION

The owners of 133 Starkey Street, Killarney Heights (the '**Site**') seek the consent of Northern Beaches Council (the '**Council**') for the conversion of the garage into habitable space and the use of the carport as a car space.



**Figure 1:** The Site – Location Plan (SIX Maps, 2025)

The SEE is based on:

- Survey Plan
- Architectural Plans

## 2.0 SITE ANALYSIS

### 2.1 Site Context

The Site is legally described as Lot 83 DP215008 and is in the suburb of Killarney Heights, directly opposite the Killarney Heights Shopping Centre. The Site is adjoined on the left and right by dwelling houses and is in a neighbourhood of low-density development.

### 2.2 Existing Site Conditions

The survey plan identifies the location of all existing structures (dwelling house, carport, driveway) and natural features on the Site, including its slope.

Alterations and additions to the dwelling house and structures on the Site, including the carport, are currently the subject of a Building Information Certificate – BC2025/0010.

### 2.3 Planning Controls

Development on the Site is regulated by the *Warringah Local Environmental Plan 2011* (the '**WLEP 2011**') and the *Warringah Development Control Plan 2011* (the '**WDCP**').

The relevant standards and controls affecting the Site are summarised in **Table 2**. A complete assessment is detailed in section 4 of this report.

**Table 2:** Summary of WLEP2011 Development Standards

| WLEP2011 Development Standard         |                              |
|---------------------------------------|------------------------------|
| • <b>Land Zoning</b>                  | R2 – Low Density Residential |
| • <b>Height of Building</b>           | 8.5m                         |
| • <b>Floor Space Ratio</b>            | N/A                          |
| • <b>Minimum Lot Size</b>             | 600sqm                       |
| • <b>Heritage</b>                     | NA                           |
| • <b>Land Reservation acquisition</b> | NA                           |
| • <b>Foreshore Building Line</b>      | NA                           |
| • <b>Land Risk Land</b>               | Area A – Slope <5            |

The Site is not bushfire-prone, nor is it affected by flooding.

### 3.0 The Proposal

#### 3.1 Background

The preparation of the subject development application has been prepared in the context of Building Information Certificate BC2025/0010.

#### 3.2 The Proposed Development

Development approval is sought for:

- Conversion of the garage into 27sqm habitable space (minimum floor-to-ceiling height of 2.4m)
- the use of the carport as a car parking space.

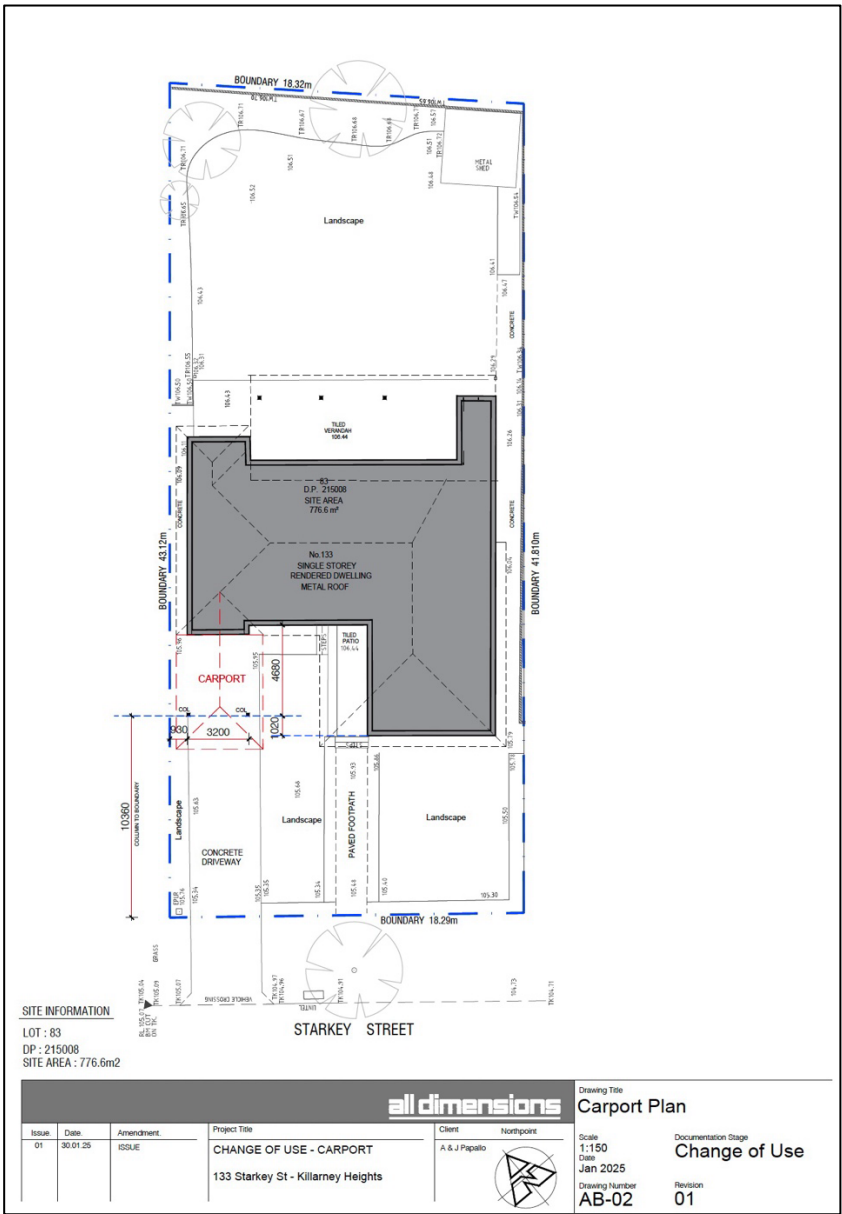


Figure 2: Carport Plan – AB-02 rev 01.

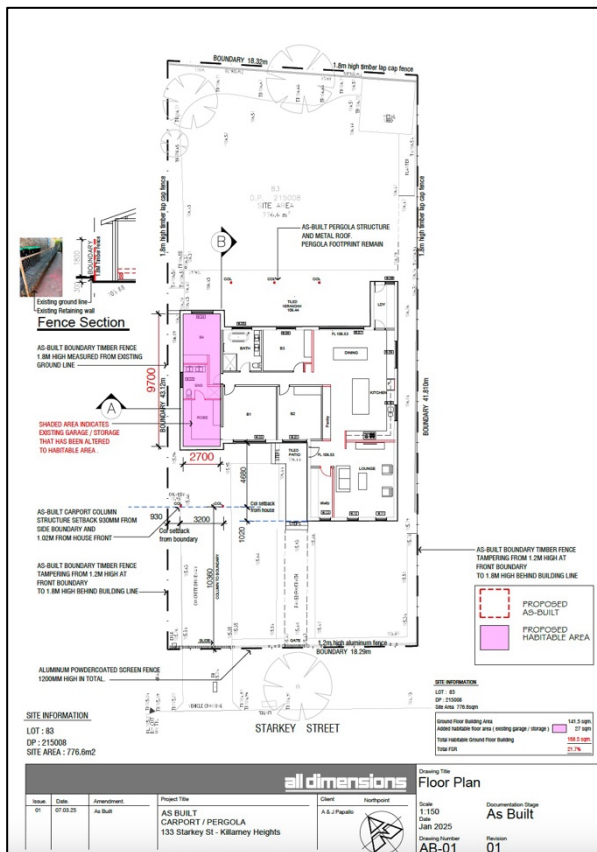


Figure 3: Floor Plan – AB-01 rev 01.

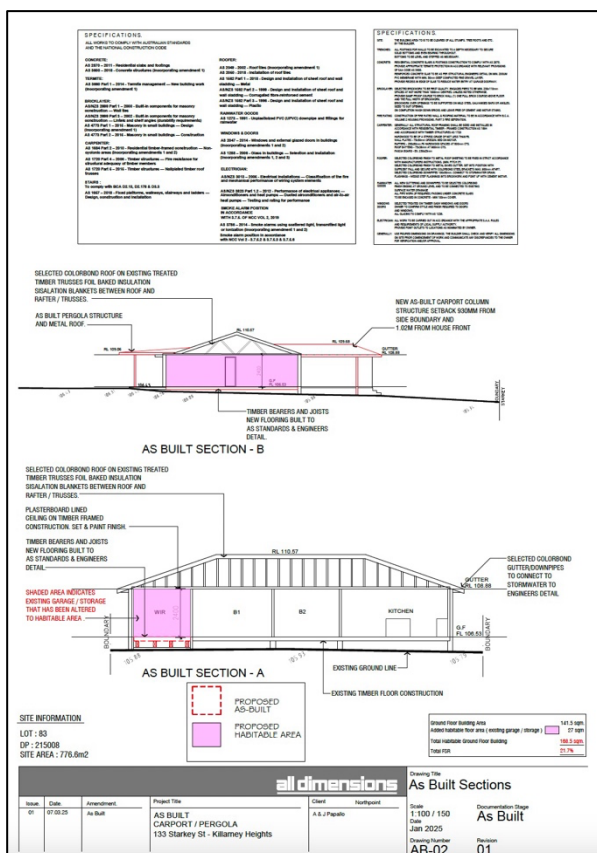


Figure 2: As Built Sections – AB-02 rev 01.

The Council is requested to review and approve the conversion and use.

## 4.0 Assessment of Planning Controls

### 4.1 General

This section assesses the proposal against the relevant statutory planning and controls affecting the Site. These plans are:

- The *Environmental Planning & Assessment Act 1979*;
- *Warringah Local Environmental Plan 2011*; and
- *Warringah Development Control Plan 2011*.

The approach taken has been to assess the proposal in terms of the requirements of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended).

The assessment in this section assesses the proposed development and the likely impacts in accordance with the relevant guidelines and on the environment.

### 4.2 Environmental Planning and Assessment Act 1979 (as amended)

The *Environmental Planning and Assessment Act 1979* (**the EP&A Act**) guides the NSW's statutory framework for development assessment.

In the broad context of the Act, the conversion of the garage and use are consistent with the objects of the EP&A Act.

The proposed development is permissible with consent on the Site and is of a form and scale consistent with the development standards and planning controls. Based on these considerations, the proposed works are consistent with the objects of the EP&A Act.

According to the Act, several statutes potentially apply to any development proposal. This section reviews the range of instruments and notes their application in the proposed development.

The relevant clause within the EP&A Act for the assessment of development requiring consent is:

#### 4.15 Evaluation

(1) *Matters for consideration—general*

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development, the subject of the development application:*

(a) *the provisions of:*

(b) *any environmental planning instrument, and*

- i. *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

- ii. any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- iii. the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- iv. any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,
- (c) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (d) the suitability of the Site for the development,
- (e) any submissions made in accordance with this Act or the regulations,
- (f) the public interest.

An assessment of the proposal against these matters reveals the proposal is suitable for approval. This is demonstrated in the following evaluation.

#### 4.3 Environmental Planning and Assessment Regulations 2021 (as amended)

The following are the relevant clauses of the *Environmental Planning and Assessment Regulations 2021* for the subject application:

- Clause 24 (1) (a):
  - (1) A development application must—
    - (a) be in the approved form, and
    - (b) contain all the information and documents required by—
      - (i) the approved form, and
      - (ii) the Act or this Regulation, and
    - (c) be submitted on the NSW planning portal.

The subject application meets these requirements

#### 4.4 Other Acts

Consideration was afforded to other legislation, including legislation concerning whether the proposal is integrated development. Integrated development is a development that, to be carried out, requires development consent and one or more of the following approvals:

- Biodiversity Conservation Act 2016
- Coal Mine Subsidence Compensation Act 2017
- Fisheries Management Act 1994
- Heritage Act 1977
- National Parks and Wildlife 1974
- Protection of the Environment Operations Act 1997
- Roads Act 1993
- Rural Fires Act 1997
- Water Management Act 2000

The Subject proposal does not trigger assessment under any of these Acts.

## 4.5 Environmental Planning Instruments

### State Environmental Planning Policies

The following State Environmental Planning Policies (**SEPP**) and Deemed State Environmental Planning Policies (**Deemed SEPP**) apply to the Site:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 Vegetation in non-rural areas*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Resources and Energy) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

Upon review of these documents, the following have been considered for further assessment:

- ***State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of land***

The Site has historically been used for residential purposes. It is considered unlikely that any contaminants on Site require further investigation.

- ***State Environmental Planning Policy (Sustainable Buildings) 2022***

The works undertaken have a cost less than \$50,000.00. Therefore BASIX requirements are not triggered.

No further matters raised in a SEPP or deemed SEPP require consideration.

#### Warringah Local Environmental Plan 2011

The principal environmental planning instrument is the WLEP 2011.

#### **4.4.1 Key considerations**

The subject application proposes the conversion of the garage into habitable space (bedroom and ensuite in an existing dwelling house) and to use of a carport on a residentially zoned property as a car space for the dwelling house.

The garage conversion provides an additional 27 sqm of floorspace (a total of 168.5 sqm for the entire dwelling house). Whilst there is no maximum floorspace ratio for the Site, the conversion does not result in an overdevelopment of the site as the development will result in a total FSR of 0.22:1.

The development is compliant with all relevant aspects of the WLEP2011.

#### **4.6 Proposed Instruments**

There are no proposed instruments relevant to the subject development application.

#### **4.7 Development Control Plans**

##### Warringah Development Control Plan 2011

The WDCP has been considered. The proposed development achieves full compliance with the relevant provisions of the WDCP.

#### **4.8 Provisions of a Planning Agreement**

There are no planning agreements applicable to this Site.

#### **4.9 Coastal Management Plan**

There are no coastal management plans affecting the Site.

#### 4.10 Assessment of the Likely Impacts

The application proposes to convert the garage into a habitable space and to use the carport, which is associated with the dwelling house on the property, as a car space. The use of such a structure for this purpose is implied by the definition of a carport.

The use's environmental, social, and economic impacts have been assessed. The likely effects of the proposed use are considered minimal and manageable as the development is consistent with the Site's controls.

#### 4.11 Suitability of the Site for the Development

The Site is considered suitable for the proposed use. The use is consistent with the existing and future character of the subject land and the immediate surroundings. Further, the dwelling house is listed as development permitted with consent within the zone, and the provision of a parking space is ancillary to this use.

The assessment reveals no significant outstanding environmental, social or economic issues that cannot be mitigated or managed to an acceptable standard. The assessment identifies the proposal's merits and ensures it meets development standards, planning controls, and objectives.

#### 4.12 Any Submissions made in accordance with this Act or the Regulations

The development is considered to be publicly notified and advertised development in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2021*, the WDCP and the community participation plan.

Submissions can be made during this period, and the Council will consider these in their application assessment.

#### 4.13 Public Interest

The proposed development represents a form of development permissible with consent on the Site.

Therefore, the key public interest issue concerning the application is considered to be consistent with the development standards and planning controls. The proposed use complies with the WLEP 2011 and WDCP. Development that conforms to applicable planning policies, instruments and controls is in the public interest. The public interest would best be served by the approval of the application, particularly regarding the proper management of the land and its orderly use as a consequence of the development.

## 5.0 Conclusion

Consideration of the above-mentioned instruments and legislation concludes that the subject application for the conversion of the garage into a habitable space and the use of the carport as a car space is permissible under the WLEP 2011, subject to consent.

The impacts of the proposed development are acceptable. The analysis reveals no outstanding issues that cannot be mitigated or managed to an acceptable level of performance via conditions of development approval.

This assessment shows that the proposal is acceptable in terms of the relevant criteria specified by the EP&A Act, WLEP2011 and WDCP, and approval will not result in any adverse environmental impacts.

Based upon the preceding assessment, the consent authority is requested to approve the development, subject to conditions.