

STATEMENT OF ENVIRONMENTAL EFFECTS

Unauthorised Works

9 Coles Road,
Freshwater

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Statement of Environmental Effects

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9 Coles Road, Freshwater

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1 Introduction

This building information certificate (BIC) application seeks to have a certificate issued with regard to the conversion of a garage into a habitable space that have been constructed at 9 Coles Road, Freshwater.

The change of use of the garage to a habitable space will be subject to a separate development application. The unauthorised works relate to the conversion into an office space and include external and internal modifications to the existing garage.

This BIC application is supported by:

- Identification survey
- Architectural plans

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979;
- Warringah Local Environmental Plan 2011; and
- Warringah 21 Development Control Plan

2 Site Analysis

2.1 Site Description and Location

The subject property is known as Lot 25, DP 7912, No. 9 Coles Road, Freshwater. The site is a rectangular shaped lot with a total site area of 551.8m². An aerial location is provided below:

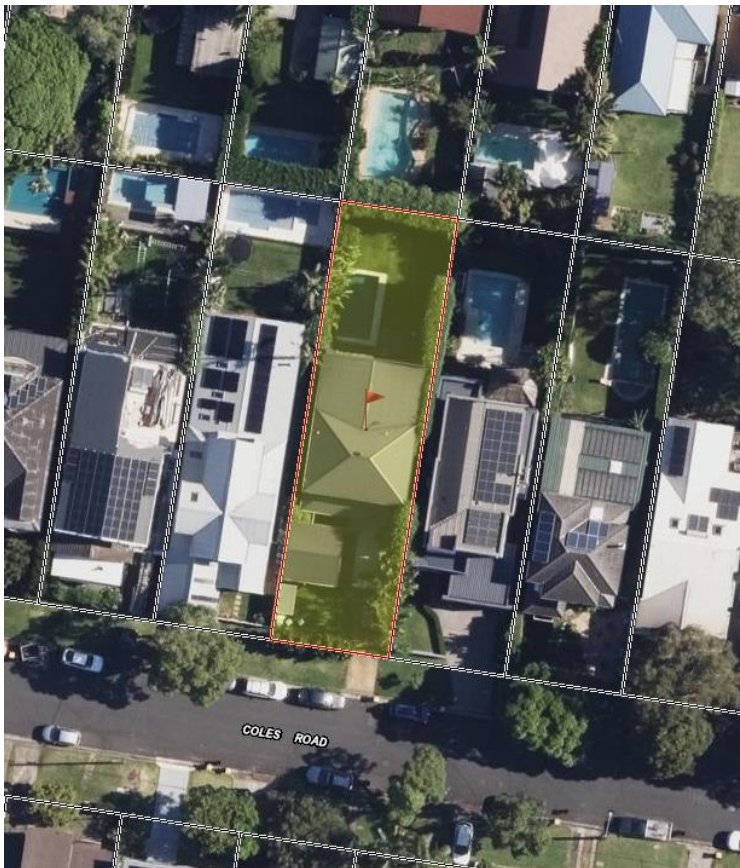


Figure 1: Site Location (Source: Six Maps)

The existing development on site comprise a 2 storey dwelling with detached garage at the front and swimming in the rear. The site has a gentle fall from street level to the rear of the property.

Surrounding development comprises residential dwellings within informal landscape setting.

The site is not heritage listed or located within a heritage conservation area or within the vicinity of any heritage items

3 Description of Works Undertaken

3.1 Details of the works undertaken

The unauthorised works comprise:

- Replacing garage door with double doors and louvered window
- New louvered window and door to the northern elevation
- New bathroom and wet bar
- Internal walls to create bathroom and wet bar areas
- New floor boards
- Shelves and storage areas

As mentioned previously, the use as an office space will be subject to a separate development application.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Warringah Local Environmental Plan 2011

The Warringah Local Environmental Plan is the principal local planning instrument applicable to the land. The relevant provisions of the LEP and the manner in which they relate to the site and the proposed development are assessed below.

4.1.1 Zoning and Permissibility

As previously noted the site is zoned R2 low density residential pursuant to the provisions of the Warringah Local Environmental Plan 2014.

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah..*

The converted garage is in relation to a dwelling house and is permissible with consent in the zone.

4.1.2 Height of Buildings

Pursuant to clause 4.3 PLEP the height of any building on the land shall not exceed 8.5m above existing ground level. The stated objectives of this clause are as follows:

- (a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,*
- (c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,*
- (d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.*

The unauthorised works do not extend above the 8.5m height standard.

4.2 Warringah Development Control Plan

The BIC application relates to an unauthorised detached Studio.

With regard to part B, built form controls, the garage structure was existing and there is no change with regard to the height, envelope and setbacks to the converted garage.

With regard to the Part C, siting factors, the converted garage does impact on the off-street parking arrangement. As mentioned, a separate development application is to be lodged to address the change of use and will demonstrate that 2 off-street parking spaces can be accommodated on site. This will require a modification to the driveway which will be proposed with the development application.

With regard to Part D, design, the works do not give rise to any unreasonable amenity impacts with regard to privacy or overshadowing. The garage is an existing structure and does not impact on the streetscape character and presentation of the dwelling.

5 Environmental Planning & Assessment Act 1979 – Obligations of Council to Issue a Building Certificate

Section 6.25 (1) (former section 149D) of the Environmental Planning and Assessment Act 1979 “The Act” requires that the Council must issue a building certificate if it appears that:

(1) The council must issue a building certificate if it appears that:

(a) there is no matter discernible by the exercise of reasonable care and skill that would entitle the council, under this Act or the Local Government Act 1993:

(i) to order the building to be demolished, altered, added to or rebuilt, or

(ii) to take proceedings for an order or injunction requiring the building to be demolished, altered, added to or rebuilt, or

(iii) to take proceedings in relation to any encroachment by the building onto land vested in or under the control of the council, or

(b) there is such a matter but, in the circumstances, the council does not propose to make any such order or take any such proceedings.

It is submitted that the BIC should be issued for the unauthorised works for the following reasons:

- There is no reason to require the demolition of the works from a public duty of care perspective. The works were completed by qualified professional builders and does not pose any unreasonable risks to the public.
- The works do not give rise to any unreasonable amenity impacts to adjoining properties with regard to privacy, overshadowing or view loss.
- The streetscape character is not impacted by the works
- The works are in conformity with the objectives of the planning controls as they reasonably apply.

The unauthorised works are considered worthy of issuing a BIC.