

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Use of
Garage Roof as Private
Open Space

4a Barnes Road,
Frenchs Forest

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4a Barnes Road, Frenchs Forest

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1 Introduction

This Statement has been prepared as part of the documentation associated with a Development Application proposing the use of the garage roof as private open space.

This application is unique insofar that the terrace on the roof of the garage is to be exclusively used by the occupants of the adjoining property of 8 Barnes Road. The dwellings occupants have a lease arrangement in place between them for No. 8 to be able to use the garage roof as a terrace associated with their pool area. The lease is on Council record and registered with the Land Titles Office.

The lease period commenced on the 1st of January 2014 and set to terminate on the 31st of December 2039. In review of the lease conditions it was determined that development consent is required for the use of the garage roof as a terrace which had not been obtained previously. This application is seeking consent for that use.

The lease states that it is unrestricted with respect to use associated with any ordinary residential purpose.

In addition to the Statement of Environmental Effects and the architectural plans the application is also accompanied by the following:

- Survey Plan
- 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 Development Control Plan 2011

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed terrace is compatible with the desired future character and zone objectives for the locality.
- The proposed terrace will not have an adverse impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirement

2 Site Analysis

2.1 Site Description and Location

The application relates to Lot 2 in DP 863876, 4a Barnes Road, Frenchs Forest. An aerial location map is included as **Figure 1**.



Figure 1: Site Location (Source: Six Maps)

The site is an irregular shaped allotment measuring 543.8m². The site is located at the end of Barnes Road.

The topography site falls from the southern rear of the property into a rocky terrain area located in the northeastern corner of the property. The site is identified as being bushfire prone land and within a landslip risk area.

The existing development on the site comprises a single rendered brick dwelling with a detached double car garage. The garage is situated on the boundary with No. 8 Barnes Road and adjoins their swimming pool area.

Development within the vicinity comprises predominately residential dwellings. The site is not heritage listed or within a heritage conservation area.

3 Description of Proposed Development

3.1 Details of the Proposed Development

This application is seeking consent for the garage roof to be used as a terrace. The garage roof is for the exclusive use of No. 8 Barnes Road which adjoins the subject site. A lease arrangement is in place which allows the use of the garage roof as a terrace associated with their swimming pool. The images below give a better understanding of the arrangement.



Image 2: Site context



Image 3: Garage Roof Terrace



Image 4: Garage Roof Terrace

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 2011 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 2011.

Dwelling Houses are permissible with consent in the zone. The specific objectives of the zone are identified as follows:

- *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 application relates to the use of the garage roof as a terrace and is permissible with consent

4.1.2 Height of Buildings

Pursuant to clause 4.3 WLEP the height of any building on the land shall not exceed 8.5 metres 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.*

No physical works are proposed.

4.1.3 Development on Sloping Land

The site is identified as falling within Land Slip Risk Area B. No physical works are proposed with this application. As such, there is no landslip risk associated with this proposal.

4.1.4 Bushfire Prone Land

The site is mapped as bushfire prone land. The works relate to the use of garage roof as a terrace. No physical works are proposed. No additional risks with regard to the planning for bushfire requirements are present with the proposal.

4.2 Warringah Development Control Plan 2011

The proposal relates to Proposed New Dwelling and the following relevant DCP controls have been addressed with respect to consideration of the proposed subdivision application.

4.2.1 DCP Compliance Table

A table demonstrating compliance with the relevant provisions of the Warringah DCP 2011 is detailed as follows:

Control	Requirement	Proposed	Compliance
Wall Height DCP Control B1	7.2 metres from ground level (existing) to the underside of the ceiling to the uppermost floor of the building (excluding habitable areas wholly located within a roof space)	No physical works proposed	Yes – as per existing
Side Boundary Envelope DCP Control B3	Buildings must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 4 metres.	As per existing	Yes

Control	Requirement	Proposed	Compliance
Side Boundary Setback DCP Control B5	<p>Development is to maintain a 900mm minimum setback from side boundaries.</p>	existing	Yes
Front Boundary Setback DCP Control B7	<p>Development is to maintain a front setback of 6.5 metres.</p> <p>Where primary and secondary setbacks are specified, buildings and structures (such as carparks) are not to occupy more than 50% of the area between the primary and secondary setbacks. The area between the primary setback and the road boundary is only to be used for landscaping and driveways.</p>	As per existing	Yes
Rear Boundary Setback DCP Control B9	<p>Development is to maintain a minimum rear boundary setback of 6 metres.</p>	As per existing	Yes
Traffic, Access and Safety C2	<p>Applicants shall demonstrate that the location of vehicular and pedestrian access meets the objectives.</p>	As per existing	Yes

Control	Requirement	Proposed	Compliance
Parking Facilities DCP Control C3	<p>2 off street parking spaces must be located behind the front building alignment.</p> <p>Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.</p>	The garage will continue to accommodate 2 off street parking spaces	Yes
Stormwater DCP Control C4	<p>To protect and improve the ecological condition of Warringah's beaches, lagoons, waterways, wetlands and surrounding bushland;</p> <p>to minimise the risk to public health and safety;</p>	As per existing	Yes
Demolition & Construction DCP Control C8	<p>A demolition and waste management plan must be satisfactorily completed and submitted.</p>	No construction required	Yes
Waste Management C9	<p>To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).</p>	No physical works are proposed that would generate waste.	Yes

Control	Requirement	Proposed	Compliance
	To achieve waste avoidance, source separation and recycling of household and industrial/commercial waste.		
Landscaped Open Space DCP Control D1	A minimum 40% landscaped open space is to be provided.	As per existing	Yes
Private Open Space DCP Control D2	Dwelling houses with 3 or more bedrooms are to provide a minimum area of 60sqm of private open space.	The subject site will maintain its existing level of private open space.	Yes
Noise D3	To encourage innovative design solutions to improve the urban environment.	The potential noise impacts are assessed with regard to its use by No. 8 Barnes Road. The garage roof terrace is not used with regularity and mostly through the warmer months. The terrace is used for lounging poolside and does not create any unreasonable noise impacts for surrounding occupants.	Yes
Access to Sunlight DCP Control D6	Pursuant to these provisions development is not to unreasonably reduce sunlight to	As per existing	Yes

Control	Requirement	Proposed	Compliance
	<p>surrounding properties. In the case of housing:</p> <ul style="list-style-type: none"> At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21. 		
<p>Views D7</p>	<p>Development shall provide for the reasonable sharing of views.</p>	<p>No impact to views.</p>	<p>Yes</p>
<p>Privacy DCP Control D8</p>	<p>Ensure the siting and design of buildings provides a high level of visual and acoustic privacy for occupants and neighbours.</p>	<p>The terrace does not create any unreasonable visual privacy impacts for the occupants of 4a Barnes Road. The overlooking opportunities are limited to specific corners of the terrace which are low traffic areas.</p> <p>As mentioned, the terrace is provide a lounging area in association with the swimming pool which is typically only used during the warmer</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
		<p>months. When using the sunbeds there are no overlooking opportunities.</p> <p>The use of the garage use has been in place since 2014 and has not raised any previous privacy concerns.</p>	
<p>Building Bulk DCP Control D9</p>	<p>Encourage good design and innovative architecture to improve the urban environment. Minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.</p>	<p>No physical works are proposed</p>	<p>Yes</p>
<p>E10 Landslip Risk</p>	<p>A preliminary assessment of site conditions prepared in accordance with the Checklist for Council's assessment of site conditions (see Notes) must be carried out for development. The preliminary assessment must be prepared by a suitably qualified geotechnical engineer/ engineering geologist and must be submitted</p>	<p>No physical works are proposed that would provide increased landslip risk</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	with the development application.		

4.3 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the EP&A Act (as amended):

(i) *any environmental planning instrument*

The proposal is permissible and consistent with the objectives of LEP and DCP as they are reasonably applied.

(ii) *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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

There are no draft instruments that are applicable in relation to the proposed development.

(iii) *Any development control plan*

Warringah DCP applies and the relevant provisions have been considered in this statement.

(iiia) *Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and*

N/A

(iv) *The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

N/A

(v) *Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)*

N/A

- (b) *The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,*

[The assessment considers the Guidelines (in italics) prepared by the Department of Planning and Environment in this regard].

Context and Setting

- i. *What is the relationship to the region and local context in terms of:*

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

These matters have been discussed in the body of this report.

- ii. *What are the potential impacts on adjacent properties in terms of:*

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*

- *Vehicular parking spaces*

The development provides adequate carparking facilities in conformity with the objectives of DCP.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

This matter has been discussed in detail in the body of this report.

Flora and Fauna

The proposal will result not result in any unreasonable impacts upon flora and fauna.

Waste Collection

Existing waste collection maintained

Natural hazards

Bushfire and landslip hazard identified. No physical works are proposed.

Economic Impact in the locality

No impact on the local economy

Site Design and Internal Design

i) *Is the development design sensitive to environmental considerations and site attributes including:*

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be minimal and within the scope of the general principles, desired future character and built form controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia. A compliant pool balustrade is constructed to the garage roof terrace in conformity with the swimming pool safety standards.

Construction

i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

(c) *The suitability of the site for the development*

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to utility services. The development will not cause excessive or unmanageable levels of transport demand.

(d) *Any submissions received in accordance with this act or regulations*

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) *The public interest*

The proposed use is permissible and consistent with the intent of the LEP and DCP standards and controls as they are reasonably applied to the proposed development. The development would not be contrary to the public interest.

5 Conclusion

The proposed use of the garage roof as a terrace is permissible with consent and does not raise any unreasonable amenity impacts. A lease arrangement is in place for the terrace to be used exclusively by No. 8 Barnes Road and has been in place since 2014.

The application is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed use is compatible with the zone and desired future character of the locality.
- The site is suitable for the proposal, having regard to the relevant land use and planning requirements.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

Boston Blyth Fleming Pty Limited

William Fleming

Director