



**168 HEADLAND ROAD  
NORTH CURL CURL**

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR  
CHANGE OF USE FROM CABANA TO TEENAGE RETREAT**



Report prepared for  
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## **1.0 Introduction**

- 1.1 This is a statement of environmental effects for the change of use of an existing cabana to a teenage retreat (habitable space) at 168 Headland Road, North Curl Curl.

The report describes how the application addresses and satisfies the objectives and standards of the Warringah Local Environmental Plan 2011, the Warringah Development Control Plan 2000 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

- 1.2 This statement of environmental effects has been prepared with reference to the following:

- ◆ Site visit
- ◆ Architectural drawings prepared by Donna Barnes Designs
- ◆ Survey prepared by DA Surveys

- 1.3 The proposed development is compliant with the objectives of all Council controls, considerate of neighbouring residents and streetscape and results in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

## 2.0 The site and its locality

- 2.1 The site is located on the northern side of Headland Road in North Curl Curl, opposite its intersection with Parr Avenue and approximately 660 metres east of its intersection with Harbord Road.
- 2.2 It is an irregular shaped lot with a splayed frontage to Headland Road. The lot is long and narrow with an area of 699.89m<sup>2</sup>.
- 2.3 The site is currently occupied by a two-storey clad dwelling with a metal roof and a detached single garage at the front of the site. The site is set within terraced landscaped gardens with the lot falling steeply from the rear to the street frontage. A large bush rock sits to the rear of the site adjacent to the cabana, at the rear of the property. An in-ground swimming is located centrally on the site.
- 2.4 The site is surrounded by detached residential dwellings in all directions, with Harbord Lagoon and Dee Why Beach located nearby. The site is also in close proximity to the retail and public transport services on Pittwater Road.



**Figure 1. The site and it's immediate surrounds**



The map displays the Dee Why area, characterized by its coastal location and dense housing. Key features include:

- Streets:** Major roads like Pacific Parade, Headland Rd, and Griffin Rd are visible, along with a network of smaller residential streets.
- Landmarks:** The Dee Why Rockpool, Dee Why Cliff Reserve, and Dee Why Head are prominent coastal features. The map also shows the harbor area and the coastline.
- Commercial and Public Buildings:** Various businesses and public facilities are marked, including Domino's Pizza, Avis Car & Truck Rental, Delmar Private Hospital, and several schools.
- Parks and Recreation:** The map highlights several green spaces, including the Stony Range Regional Botanic Garden, Greendale Creek, and the Harbor Bowling and Recreation Club.
- Pin Location:** A red pin is placed on Headland Road, specifically at the address 168 Headland Road.

168 Headland Road, North Curl Curl

### 3. Background

3.1 The owner of the site was contacted by Council's compliance officer, Ashley Roberts, regarding the building at the rear of the site and possible unauthorised works. An order has not been issued. However, the owner has assured Mr Roberts, that a Development Application would be lodged with Council.

3.2 The building was constructed as a cabana under the provisions of the SEPP (Exempt and Complying Development Codes) 2009 pursuant to sections 2.17 and 2.18. The provisions of the SEPP have been fulfilled as is specified below:

#### **2.17 Specified development**

*The construction or installation of a cabana, cubby house, fernery, garden shed, gazebo or greenhouse is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item, on land in a foreshore area or in an environmentally sensitive area.*

The cabana is built on a site which is not heritage listed, a foreshore area or environmentally sensitive.

#### **2.18 Development standards**

*(1) The standards specified for that development are that the development must—*

*(a) (Repealed)*

*(b) not have a floor area of more than—*

*(i) on land in Zone RU1, RU2, RU3, RU4, RU6 or R5—50m<sup>2</sup>, or*

N/A

*(ii) on land in any other zone—20m<sup>2</sup>, and*

Complies – floor area is 20m<sup>2</sup>.

*(c) be not higher than 3m above ground level (existing), and*

Complies – maximum height is 3 metres.

*(d) be located at a distance from each lot boundary of at least—*

*(i) for development carried out in Zone RU1, RU2, RU3, RU4, RU6 or R5—5m, or*

N/A



*(ii) for development carried out in any other zone—900mm, and*

Complies – Rear setback is 930mm.  
Side setbacks are 1.011m and 3.582 metres.

*(e) if it is not on land in Zone RU1, RU2, RU3, RU4 or RU6—be located behind the building line of any road frontage, and*

N/A

*(f) not be a shipping container, and*

N/A

*(g) be constructed or installed so that roofwater is disposed of without causing a nuisance to adjoining owners, and*

Complies - roof water is collected in rainwater tank and disposed of into Council's existing stormwater system.

*(h) to the extent it is comprised of metal components—be constructed of low reflective, factory pre-coloured materials if it is located on land in a residential zone, and*

Complies – the structure is weatherboard with a low reflective colorbond roof.

*(i) if it is located on bush fire prone land and is less than 5m from a dwelling—be constructed of non-combustible material, and*

N/A

*(j) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and*

N/A

*(k) if it is located adjacent to another building—be located so that it does not interfere with the entry to, or exit from, or the fire safety measures contained within, that building, and*

Complies – it is located at the rear of the residential lot and well away from access to the dwelling.

*(l) be a Class 10 building and not be habitable, and*

Complies – the dwelling was constructed as non-habitable. This application seeks to change that use.

*(m) be located at least 1m from any registered easement.*

N/A

*(2) There must not be more than 2 developments per lot.*

Complies

- 3.3      Following this construction a bathroom and wet bar has been installed. The owner now wishes to rectify this addition and request a change of use to a teenager's retreat.



## 4. Proposed Development

- 4.1 A change of use is proposed for the existing cabana at the rear of the property to a teenager's retreat (habitable space).
- 4.2 The cabana is an existing exempt development and accordingly, its location is appropriate. This application seeks only to permit the use of the existing structure as a habitable space.
- 4.3 Internal works have been done including the installation of a bathroom and wet bar. It is anticipated that these works would require a condition of consent for a Building Certificate Application.
- 4.4 The habitable space is proposed to be used by the family as an additional living space for the children and will be a positive addition to the existing dwelling. It is well separated and private from neighbouring residences due to the fall of the land and siting. The structure has ample surrounding space and is oriented to face the existing dwelling on the lot connecting it to the pool area and away from neighbours.



Figure 4. The existing cabana with stair access form the lower garden





Figure 5. Rear setback to the cabana



Figure 6. rear yard of dwelling in front of cabana/teenagers retreat

## **5. Statutory Framework**

### **5.1 State Environmental Planning Policies**

#### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of the standard instrument LEP relating to the preservation of trees and vegetation.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The development does not propose the removal of any vegetation and existing landscaping will be retained on the site.

## 5.2 Warringah Local Environment Plan 2011

### Zoning

The site is zoned R2 pursuant to the provisions of the Warringah Local Environment Plan 2011. The proposed development is a permissible use in the R2 zone which permits residential dwellings with development consent.



Figure 7. Extract from Warringah LEP zoning map

### Height

The LEP restricts the height of any development on the subject site to 8.5 metres. The proposed development complies with this requirement, with the existing building having a maximum height of 3 metres.

### Heritage

The site is not a heritage item, located within a heritage conservation area or located near any heritage items which will be impacted by the proposed development.

### Acid Sulfate Soils

The site is not located in an area nominated as Acid Sulfate soils.

### Earthworks

No building works are proposed.

### Development on Sloping Land

The structure was completed under the provisions of Exempt Development and no additional works are required.



### 5.3 Warringah Development Control Plan 2000

The relevant sections of the DCP are addressed below.

#### 5.3.1 Part B General Controls

##### **Wall Heights**

A maximum wall height of 7.2 metres is permitted. Existing exempt cabana has a wall height well below the maximum permitted.

##### **Side Building Envelope**

The site requires a side boundary envelope of 4m/45°. We note that the existing cabana is within this envelope and no additional works are proposed.

##### **Side Boundary Setbacks**

The side setbacks of 900mm are permitted on the subject site. All existing side boundaries are easily compliant with required setbacks.

##### **Front Setback**

The front setback is not applicable to this proposal as the existing cabana is located at the rear of the property behind the existing dwelling.

##### **Rear Setback**

A rear setback of 6 metres is required by the DCP. The existing cabana was approved under the exempt provisions and is appropriate at 930 mm. The retention of this setback with the proposed change of use to a habitable space will have a nil impact, with the structure located well away from any neighbouring dwellings and having an appropriate impact on amenity for all neighbours.

#### 5.3.2 Part C Siting Factors

##### **Traffic Access and safety**

No change is proposed.

##### **Parking**

The existing parking will not be impacted by this proposal.

##### **Storm water**

The proposed teenagers retreat is connected to Council's existing stormwater system.

##### **Demolition and Construction**

N/A

### **Waste Management**

The existing dwelling has appropriate waste storage areas which will be retained.

## **5.3.3**

### **Part D Design**

#### **Landscaping and Open space and bush land setting**

The DCP requires 40% landscaping on the site which is equivalent to 278.22m<sup>2</sup> for the site area of 699.89m<sup>2</sup>. The existing development achieves a landscaped area of 282.06m<sup>2</sup> or 40.55% which is fully compliant.

The landscape setting of the site is maintained, and the overall appearance will be green, and in character with the coastal Curl Curl location.

#### **Private open space**

Private open space area in excess of 60m<sup>2</sup> will be retained for the site in the rear yard as required by the DCP.

#### **Noise**

The development is appropriate and will not result in noise levels inappropriate to a residential area. The site is not located in close proximity to a noise generating activity.

#### **Access to sunlight**

Appropriate solar access results from the change of use, with the cabana already existing. Shadow diagrams are provided for Council's attention, which detail an appropriate result from the exempt development on the north-south oriented lot.

#### **Views**

There are no view impacts as the structure is existing and exempt.

#### **Privacy**

Privacy will be retained for neighbours with ample setbacks and no direct overlooking into any key living areas.

Neighbouring properties are at varying levels, are oriented to views and do not have any key windows or areas which will be impacted detrimentally as a result of the development proposal.

#### **Building Bulk**

The building bulk is unchanged by the change of use.

#### **Building Colours and Materials**

Natural colours to match the existing dwelling and the bushland surrounds were used for the cabana.

**Site Facilities**

The existing dwelling has appropriate waste, recycling areas and drying facilities. These will be retained as part of the proposed application.

**Safety and Security**

An ability to view the street frontage is retained allowing for casual surveillance which is to the benefit of the safety and security.

**Conservation of Energy and Water**

The design is appropriately considerate and compliant.

**5.3.4 Part E Design****Preservation of Trees or Bushland Vegetation**

No trees are to be removed or detrimentally impacted as a result of the proposed development, which primarily includes no building works.

**Retaining unique Environmental Factors**

The development will have no impact on any unique environmental factors, with no building works proposed.

**Wildlife Corridors**

There will be no impact on any valued wildlife as a result of the change of use.

**Landslip Risk**

No building works are proposed and accordingly no additional details are required.

## 6. Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

### **The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations**

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed land use is complimentary and compatible with adjoining development. The proposal achieves the aims of the Warringah LEP and DCP.

The development is permissible in the zone.

### **The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality**

#### 6.1. Context and Setting

*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 detail in the body of the statement.

*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?*

The change of use involves no building works and will have negligible impact on adjacent properties.



## **6.2. 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?*

No conflict or issues will arise as a result of the proposed development.

## **6.3. Public domain**

The proposed development will have no impact on the public domain as the change of use involves no built works.

## **6.4. Utilities**

There will be no impact on the site, which is already serviced.

## **6.5. Flora and fauna**

There will be no impact.

## **6.6. Waste**

There will be no impact.

## **6.7. Natural hazards**

The site is affected by slip. No works are proposed and accordingly, no additional information is required.

## **6.8. Economic impact in the locality**

There will be no impact, other than the possibility of a small amount of employment during construction.

## 6.9. **Site design and internal design**

*Is the development design sensitive to environmental conditions 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?*

The proposed change of use fits well within the context of the surrounds and the buildings on the site will remain of minimal scale and well-suited to its residential surrounds.

*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 change of use can comply with the provisions of the Building Code of Australia. All conditions of consent will be fulfilled. Additionally, finishes, building materials and all facilities will be compliant with all relevant Council controls.

## 6.10. **Construction**

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

- *the environmental planning issues listed above?*
- *site safety?*

No construction work is required.

### **The suitability of the site for the development**

*Does the proposal fit in the locality?*

- *are the constraints posed by adjacent developments 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?*

The adjacent development does not impose any unusual development constraints.

*Are the site attributes conducive to development?*

The site is appropriate for the change of use proposed.

#### **Any submissions received in accordance with this Act or the regulations**

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

#### **The public interest**

It is considered that the proposal is in the public interest as it allows for appropriate and use of an existing residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

## **7. Conclusions**

- 7.1 The proposed development application for the change of use of an existing cabana to a teenagers retreat at 168 Headland Road, North Curl Curl is appropriate considering all State and Council controls.
- 7.2 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 7.3 Considering all the issues, the fully compliant development is considered worthy of Council's consent.