



1 ALDINGA PLACE FORESTVILLE

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR
CHANGE OF USE FROM CABANA TO GYM/WORKSHOP**



Report prepared for
Claire Powell and Barton Hoskins
June 2024

Contents

1. INTRODUCTION
2. THE SITE AND ITS LOCALITY
3. SITE PHOTOS
4. STATUTORY FRAMEWORK
5. SECTION 4.15
6. CONCLUSIONS

1. Introduction

1.1 This is a statement of environmental effects for change of use to a gym/workshop adjacent to an existing dwelling at 1 Aldinga Place, Forestville.

1.2 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 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

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

- Site visit
- Site Survey prepared by C.M.S Surveyors
- Architectural drawings provided by Northern Beaches Drafting

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

2. The site and its locality

- 2.1 The subject site is located at the entrance to and off the western side of Aldinga Place, approximately 45 metres north of its intersection with Laurel Chase in Forestville. The site is legally described as Lot 35 in DP 31528.
- 2.2 The site is irregular in shape with a total overall frontage arc 6.705 metres + 5.48 metres to Aldinga Place, side boundaries of 52.265 metres (north) and 56.085 metres (south) and 23.165 metres (rear).
- 2.3 The site is occupied by a single storey rendered dwelling house with a tile roof, an outbuilding in the rear yard and a carport with metal roof. The lot slopes steeply from the rear to front, with terraced levels.
- 2.4 The property is surrounded by detached residential dwellings in all directions. It is located in close proximity to shops and services at Forestville Centre to the north-east.



Figure 1. Aerial Image of the subject site

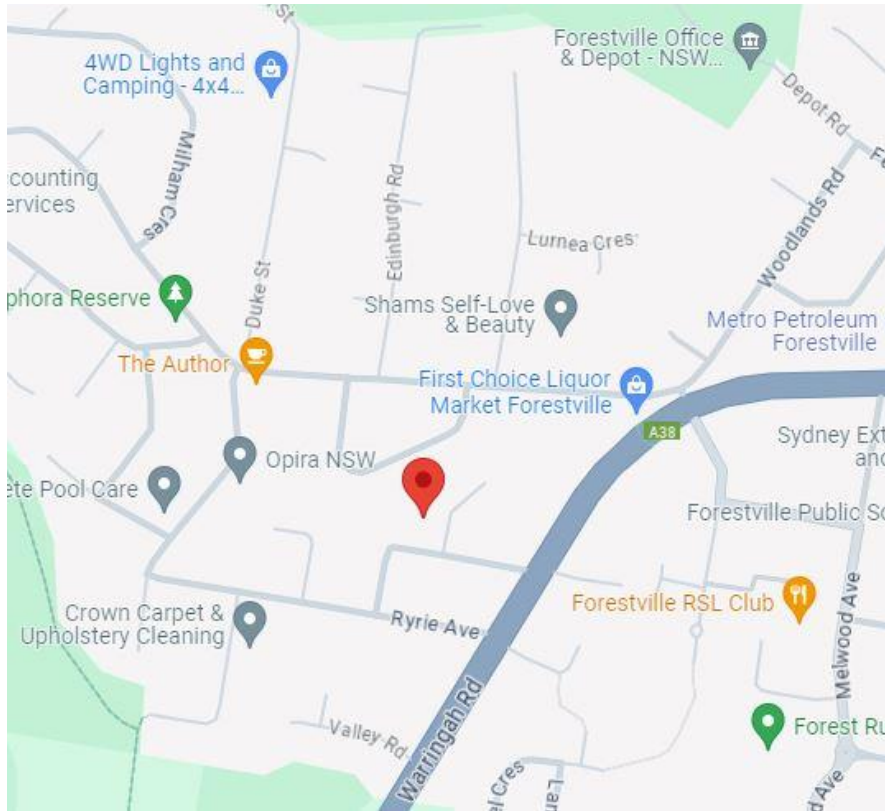


Figure 2. The site within the locality

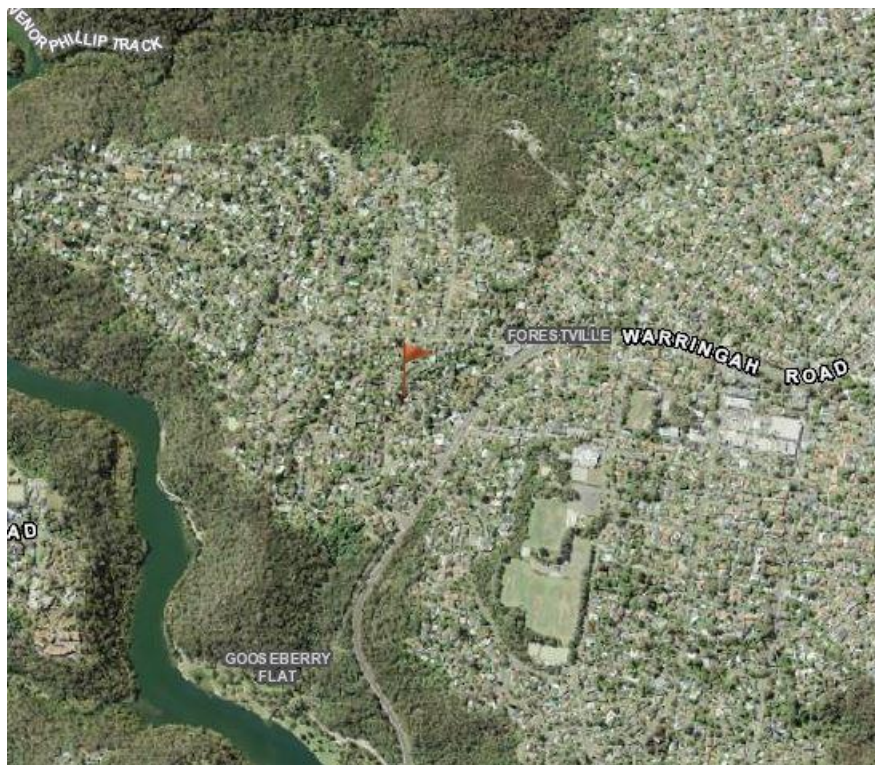


Figure 3. Aerial Image of the site within the locality

3. Site Photos



Figure 4. The existing gym/workshop viewed from the rear of the yard looking east



Figure 5. The existing gym/workshop viewed from the dwelling looking west

4. Background

- 4.1 The existing cabana construction in the rear yard at 1 Aldinga Place, Forestville was constructed in good faith. The owners were advised by both the shed company and Council that the structure would be exempt if no kitchen or bathroom was installed.
- 4.2 The subject outbuilding was the subject of a Council Notice EPA2024/0040 in which it was referred to as a detached studio.
- 4.3 A Building Information Certificate was lodged BC2022/0779. This was refused with the reasons for refusal stating that the structure was less than 900mm from the boundary and was not connected to stormwater.
- 4.4 The building was relocated to allow for a 1100mm setback to the southern boundary and connected to stormwater and then correspondence was undertaken with Council who advised that the structure was still unable to meet the exempt provisions based on:
- Floor boards
 - Fitout including cabinetry and furniture
- 4.5 We have spoken with Jeff Hudson, the compliance officer who dealt with the Building Information Certificate and advised that the structure would be exempt if the structure was not fitted out as is currently the case. He advised that a DA for a change of use to allow residential use was the appropriate means to resolve the matter.
- 4.6 A Notice of intention to issue an order was issued to the owners on 29 April 2024. A copy of this is attached as Appendix 1. We understand that this order is being held in abeyance awaiting lodgement of the subject development application for change of use.

5. Proposed Works

- 5.1 A change of use is proposed for the existing “exempt cabana” at the rear of the property to a gym and workshop.
- 5.2 The cabana is an existing exempt development and accordingly, its location is appropriate. This is addressed later in the report. This application seeks only to permit the use of the existing structure as a gym and workshop and allow for the internal fitout to be retained.
- 5.3 Internal non-structural works have been done including the installation floor boards and gyprock walls and ceiling and cabinetry. These works are also considered to be exempt.
- 5.4 The space is intended to be used as a home gym/ shed workshop, with cabinetry retained for storage and workshop uses. The structure has ample surrounding space and is oriented to face the existing dwellings.

6. Statutory Framework

6.1 State Environmental Planning Policies

State Environmental Planning Policy (Exempt and Complying Codes) 2008

The building was constructed as a cabana under the provisions of the SEPP (Exempt and Complying Development Codes) 2008 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—50m², or

N/A

(ii) on land in any other zone—20m², and

Complies – floor area is 20m².

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

Complies – maximum height is less than 3 metres from existing ground level.

(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 1098mm.
Side setbacks are 1.01m and 15.8 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 connected to stormwater 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 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 structure was built as a shed and is now proposed to be changed to be a gym/ workshop

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

The structure is more than 1 metre from the drainage easement on the northern side of the site.

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

Complies

State Environmental Planning Policy (Sustainable Buildings) 2002

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel. SEPP BASIX does not apply to this application.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The development remains consistent with the provisions of the SEPP as no trees are to be removed.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.

6.2 Warringah Local Environmental Plan 2011

The relevant clauses of the Warringah Local Environmental Plan 2011 are addressed below.

Zoning

The site is zoned R2 low density residential, pursuant to the provisions of the Warringah Local Environmental Plan 2011. The proposed works are ancillary to the existing dwelling house, and dwelling houses are permitted with consent in the R2 Zone.



Figure 6. Extract from Warringah LEP 2011 Zoning Map

Demolition

No demolition works are proposed.

Minimum Lot Size

The site is mapped with a minimum subdivision lot size of 600m². The subject site comprises a compliant area over 600m² and no subdivision is proposed.

Height of Buildings

The LEP restricts the height of any development on the subject site to 8.5 metres. All existing structures on the site are compliant with the 8.5 metre development standard and no construction is proposed as a part of this application.

Floor Space Ratio

The site is not identified on the floor space ratio map.

Heritage Conservation

The site is not a heritage item, is not located within a heritage conservation area and is not located in proximity to a heritage item.

Flood Planning

The site is not identified on the NBC flood hazard map.

Acid Sulfate soils

The site is not identified to contain acid sulfate soils.

Earthworks

No earthworks are involved as the proposal is for a change of use only.

Development on Sloping Land

No earthworks are involved as the proposal is for a change of use only and accordingly no geotechnical report is required.

6.3 Warringah Development Control Plan 2011

The relevant sections of the Warringah DCP 2011 are addressed below.

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 has a setback of 10.815 metres.

Part C Siting Factors

Traffic Access and safety

No change is proposed.

Parking

The existing parking will not be impacted by this proposal.

Stormwater

The existing building 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.

Part D Design

Landscaping and Open space and bush land setting

No building works are proposed as part of the change of use. Accordingly, there is no change to the existing landscaped open space which appears to be compliant.

Private open space

The DCP requires a minimum 60m² private open space (with minimum dimensions of 5 metres) and the change of use has not impact on existing approved private open space.

Noise

The change of use will not result in noise levels inappropriate to the residential area. The site is not located in close proximity to a noise generating activity.

Access to sunlight

At least 50% of the private open space of the subject site and the adjoining dwellings are required to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21 by the DCP.

No building works are proposed and accordingly, there will be no impact on solar access to neighbouring sites.

Views

No building works are proposed and accordingly, there will be no impact on views.

Privacy

The change of use will have no impact for neighbour's visual privacy with no direct overlooking to private open space or any key living areas. The existing exempt structure is single storey and existing side boundary fencing and topographical levels will ensure that privacy will be retained for neighbours. The design and placement of windows also ensures that no overlooking will occur onto neighbouring properties.

The gym and workshop use will not result in excessive noise of use of the area.

Building Bulk

The change of use does not add inappropriate bulk to the building and the existing dwelling retains an appropriate presentation to Aldinga Place.

Building Colours and Materials

No built works are proposed, and no materials or colour changes will result as a part of the change of use.

Roofs

No built works are proposed and no change to the existing roof form is proposed.

Glare & Reflection

No built works are proposed and no change to the materials which have been chosen to ensure no glare or reflection issues, is proposed.

Site Facilities

All site facilities including a bin storage area, mailbox and clothes drying facility are provided on the site.

Safety and Security

An ability to view the street frontage is retained which is to the benefit of safety and security of residents.

Part E The Natural Environment

Preservation of Trees or Bushland Vegetation

No trees are to be removed or detrimentally impacted as a result of the proposed development, which 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.

7. 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:

7.1 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 development is complimentary and compatible with adjoining development. The proposal achieves the aims of the Warringah LEP and DCP.

The development is permissible in the R2 zone.

7.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

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, appendices and attached specialist reports.

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 proposed development complements the site and its surrounds, is appropriate and will have negligible impact on adjacent properties.

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.

Public domain

There will be no impact.

Utilities

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

Flora and fauna

There will be no impact.

Waste

There will be no impact.

Natural hazards

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

Economic impact in the locality

There will be no impact.

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 development complies with the provisions of the Building Code of Australia and all relevant Council controls.

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.

6.3 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.

6.4 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 development.

6.5 The public interest

It is considered that the development is in the public interest as it allows for appropriate use of the 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 for change of use of to a gym/workshop at 1 Aldinga Place, Forestville 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 development is considered worthy of Council's consent to regularise the works.