



**35 Maxwell Street
Mona Vale**

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR A CHANGE OF USE
FOR SHED TO A SECONDARY DWELLING**



Report prepared for
Brigette St John
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1.0 Introduction

- 1.1 This is a statement of environmental effects for the change of use of a shed to a secondary dwelling, at 35 Maxwell Street, Mona Vale.
- 1.2 The report describes how the application addresses and satisfies the objectives and standards of relevant State Environmental Planning Policies, the Pittwater Local Environmental Plan 2014, the Pittwater 21 Development Control Plan 2014 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 Waterview Surveying Solutions,
 - ◆ Cost Estimate,
 - ◆ Owners Consent,
 - ◆ Architectural Plans prepared by Drafting Help
 - ◆ Structural Certification by Hyten Engineering
 - ◆ Stormwater Certification prepared by Hyten Engineering
 - ◆ BCA Report prepared by Absolute BCA
 - ◆ BASIX Certificate (Draft)
- 1.4 This application will be coupled with a Building Information Certificate for the physical works. This Development Application is only for a change of use to a secondary dwelling.

2.0 The site and its locality

- 2.1 The subject site is located on the north western side of Maxwell Street in Mona Vale, approximately 50 metres west of its intersection with Waratah Street. It is legally described as Lot 1 DP 585734.
- 2.2 It is an irregularly shaped lot, with a front boundary of 23.3 metres (south), a rear boundary of 22.795/ 3.065 metres and side boundaries of 32.805 metres (north - east) and 41/8-5 metres (south - west). The lot has an area of 895.1m².
- 2.3 The site is occupied by a one and two storey clad dwelling house with a metal roof and a detached clad garage, a swimming pool and a clad building at the rear that is currently being used as a secondary dwelling. A pedestrian pathway runs along the north eastern boundary.
- 2.4 The property is surrounded by detached residential dwellings in all directions. It is located in close proximity to shops and services in Mona Vale to-east.

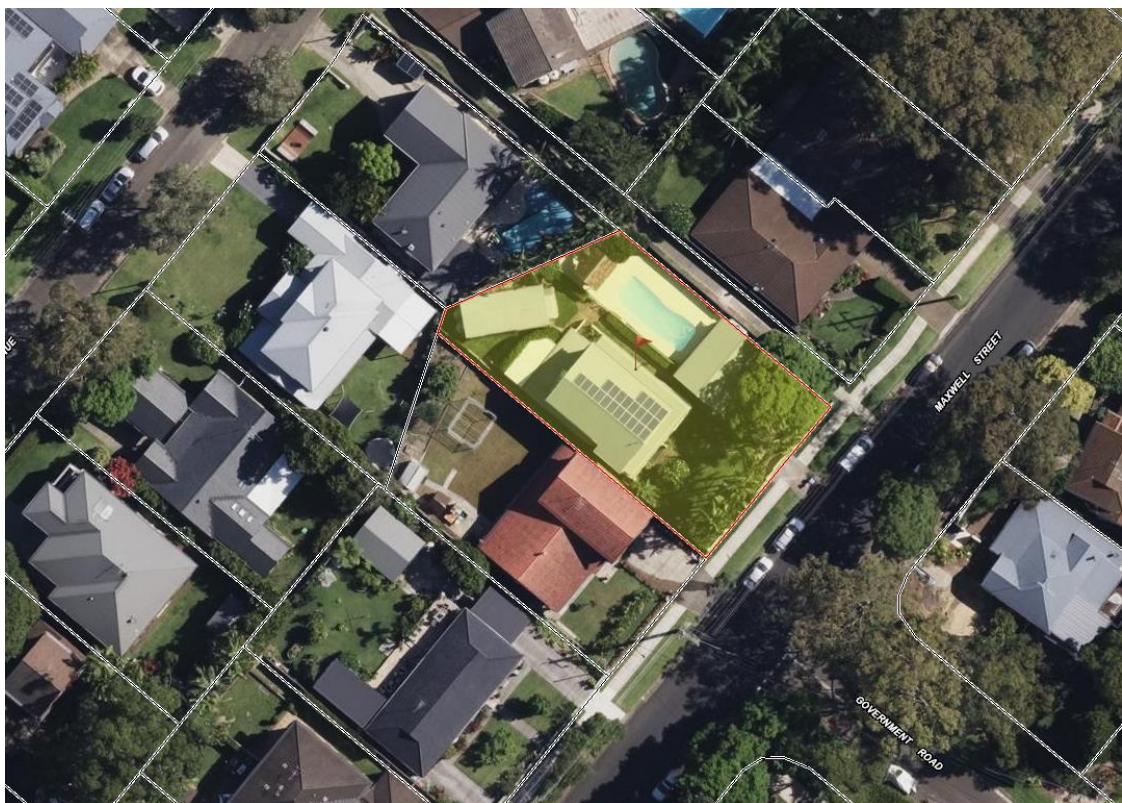


Figure 1. Aerial Image of the subject site

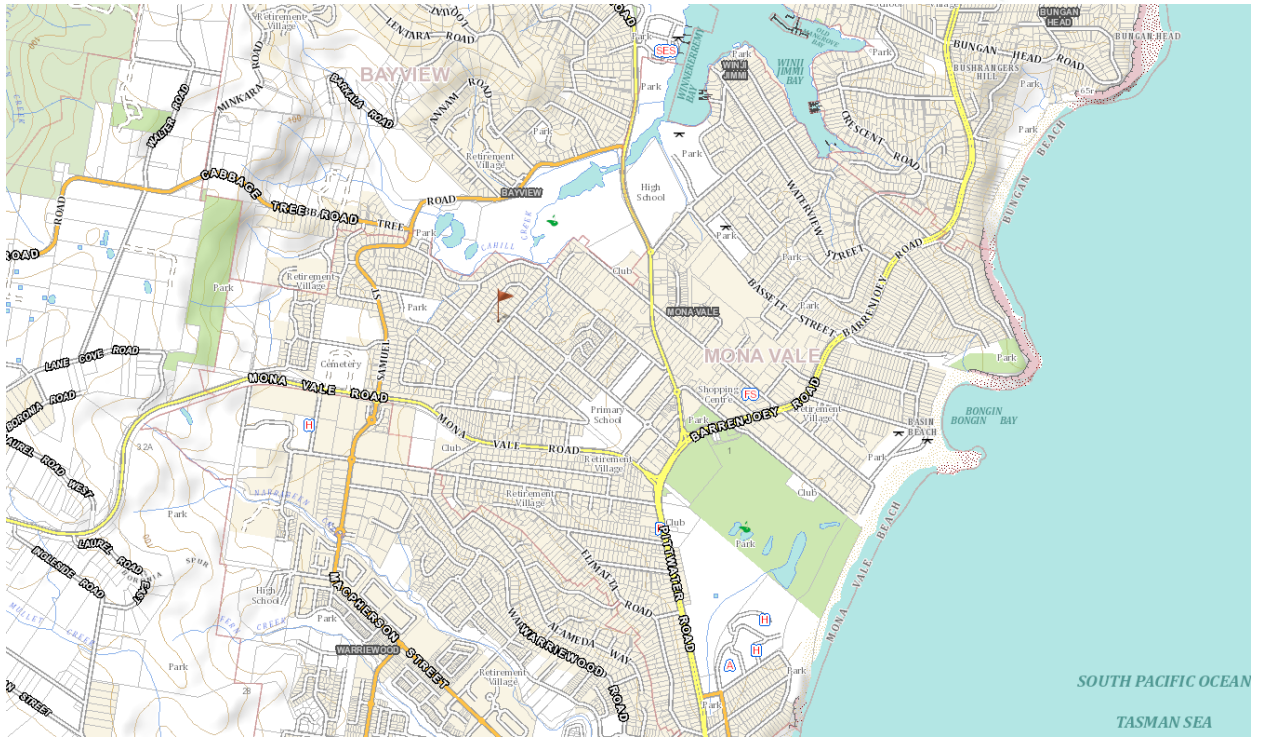


Figure 2. The site within the locality



Figure 3. Aerial Image of the site within the locality

3.0 Site Photos



Figure 4. The front of the principal dwelling



Figure 5. The existing kitchen in the secondary dwelling



Figure 6. The existing bedroom



Figure 7. The existing bathroom



Figure 8. The front of the existing secondary dwelling



Figure 9. The rear of the existing secondary dwelling.

4.0 Background

4.1 Northern Beaches Council has visited the site and corresponded with the owner in relation to unauthorised development at the subject site.

The email correspondence states that:

I have attached two plans from works undertaken by previous owners. These plans described the use of the structure in the rear of the yard as shed.

For shed to have its use changed, it would require a development consent which council does not have a record of. This is why it was recommended you seek independent advice.

You may have been provided documentation that approved this when you bought the property, this may be a plan or even a building certificate records were poorly kept in these days.

4.2 This Development Application for change of use and the concurrent Building Information Certificate Application are to regularise the unauthorised development and specifically seeks approval for a secondary dwelling and the associated works on the subject site.

5. The Proposed Works

5.1 The proposed development is for a change of use to allow for use of an historic shed as a secondary dwelling.

5.2 A concurrent BIC Application is being submitted for associated works.

The existing secondary dwelling comprises:

- Kitchen,
- Living room,
- Bathroom/ laundry
- Bedroom,
- Deck.

5.3 There are components of the works that we note are not compliant with the Building Code of Australia including the proximity of the structure to the side and rear boundaries. A BCA report is provided with the BIC application by Absolute BCA & Accessibility Consulting Pty Ltd which recommends works to allow for the retention of the structure. These works are proposed to be completed to allow for the issuing of the Building Information Certificate. These works are noted on the Master plans which are included in this submission.

6.0 Statutory Framework

6.1 State Environmental Planning Policies

State Environmental Planning Policy (Sustainable Buildings) 2022

Schedule 1 of the Environmental Planning and Assessment Regulation (2001) 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. A BASIX Certificate is provided with the application detailing works to be completed to allow compliance.

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 tree removal occurred.

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 Pittwater Local Environmental Plan 2014

The Pittwater Local Environmental Plan 2014 is the primary planning instrument that applies to the subject site and the relevant controls are addressed below.

Zoning

The site is zoned R2 Low Density Residential, pursuant to the provisions of the Pittwater Local Environmental Plan 2014.

The development is for the change of use to a secondary dwelling and secondary dwellings are permitted with consent in the R2 Low Density Residential zone.



Figure 10. Extract from Pittwater LEP 2014 Zoning Map

Demolition

No demolition is proposed or required.

Minimum Lot Size

The site is mapped with a minimum subdivision lot size of 700m². The subject site is an existing undersized parcel, comprising an area of 895.1m² and no subdivision is proposed.

Height of Buildings

The LEP restricts the height of any development on the subject site to 8.5 metres and the secondary dwelling has a compliant maximum height of 4 metres.

Floor Space Ratio

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

Controls relating to miscellaneous permissible uses

The LEP permits a maximum floor area for a secondary dwelling of 60m² or 25% of the floor area of the principal dwelling.

The secondary dwelling comprises a compliant area of 34m² which is compliant.

Heritage Conservation

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

Flood Planning

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

Acid Sulfate Soils

The site is mapped with class 5 acid sulfate soils. The works are minor and are not likely to lower the watertable below 1 metre AHD on adjacent class 1,2,3 or 4 land.

Essential services

All essential services are existing on the site.

6.3 Pittwater 21 Development Control Plan

The relevant sections of the DCP are addressed below.

Section A Shaping Development in Pittwater

Objectives

The development is entirely consistent with the ecologically sustainable, environmental, social and economic objectives as specified in the DCP. The proposal is appropriate to the site and the locality and has been designed with fulfilment of these objectives as essential criteria.

A4 Localities

Mona Vae Locality

The site is located within the Mona Vale Locality.

The desired character statement for Mona Vale is:

The Mona Vale locality will contain a mix of residential, retail, commercial, industrial, recreational, community, and educational land uses.

Existing residential areas will remain primarily low-density with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Any dual occupancies will be located on the valley floor and lower slopes that has less tree canopy coverage, species and habitat diversity and fewer other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities.

Retail, commercial and light industrial land uses will be employment-generating. The Mona Vale commercial centre status will be enhanced to provide a one-stop convenient centre for medical services, retail and commerce, exploiting the crossroads to its fullest advantage and ensuring its growth and prosperity as an economic hub of sub-regional status. The permissible building height limit is increased to promote economic growth within the centre. The Mona Vale Hospital, as a regional facility servicing the Peninsula, is an essential part of the future local economy.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

The design, scale and treatment of future development within the Mona Vale commercial centre will reflect principles of good urban design. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

Light industrial land uses in Darley and Bassett Streets will be enhanced as pleasant, orderly, and economically viable areas.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. Improved public transport, pedestrian accessibility and amenity, carparking and an efficient surrounding local network will support the commercial centre, moving people in and out of the locality in the most efficient manner. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.

The secondary dwelling remains consistent with the desired character of the location. The minor scale and rear yard location, ensures the character sought by Council is retained.

Section B General Controls

B1 Heritage Controls

As described above the site is not a heritage item, is not located within a heritage conservation area and is not located within close proximity to any heritage items.

Aboriginal heritage Significance

The site is not known or anticipated to be home to any aboriginal relics.

B3 Hazard Controls

The site is not constrained by natural hazards.

B4 Control Relating to the Natural Environment

The works have no impact on the natural environment, as no new works or tree removal is proposed.

B5 Water management

The site is connected to the reticulated sewer system. Stormwater is retained as was existing for original shed, draining to existing system and Maxwell Street as detailed in stormwater compliance certificate.

B6 Access and parking

The site contains an existing driveway from Maxwell Street to an existing double garage, which will be retained.

Section C - Development Type Controls

C1 Design Criteria for Residential

Landscaping

The subject site is mapped as landscaped area 3 and requires a minimum landscaped area of 50%, which equates to 447.55m² for the site area of 895.1m².

The site retains a landscaped area which is marginally non-compliant.

Safety and Security

The dwelling maintains clear property boundaries and retains the existing visual surveillance of the street.

View Sharing

A site visit has been undertaken and it is considered that no views are obtained across the subject site.

Solar Access

The DCP requires 3 hours of solar access is maintained for the windows of principal living areas, solar collectors and private open space of the site and adjoining properties on 21 June.

The subject site enjoys a north - west to rear aspect and the single storey secondary dwelling will not result in any significant shadowing across neighbouring properties.

Visual Privacy

The works will have no impact for neighbours visual privacy with no direct overlooking to private open space or any key living areas.

The secondary dwelling is visually separated from neighbouring properties by existing boundary fencing. The secondary dwelling incorporates a number of privacy measures including orienting glazing towards the principal dwelling.

Acoustic Privacy

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

Private Open Space

The DCP requires a minimum private open space requirement of 80m² with minimum dimensions of 3 metres and the site retains a compliant private open space in the rear yard.

Waste and Recycling Facilities

The site contains an existing bin storage area which will be retained and waste will be collected by Councils regular service.

Section D – Locality Specific Development Controls

Part D – Mona Vale Locality

The site is located in the Mona Vale Locality and will be appropriate within the desired character, built form and natural environment criteria as specified in the DCP. The dwelling remains appropriate within the residential and natural setting.

Character

The secondary dwelling retains an appropriate architectural design for the locality. The materials and colours complement the area, while sitting comfortably in the locality.

Scenic Protection

The development is consistent with this clause, in that there will be no negative visual impacts from a waterway, road or public reserve.

Building colours and materials

The secondary dwelling is constructed of cladding and metal, consistent with the residential environment.

Front Building Line

The DCP requires a front building line setback of 6.5 metres or the established building line on the site (whichever is greater). The secondary dwelling is located to the rear of the site behind the principal dwelling.

Side and Rear setbacks

Side setbacks of 2.5 metres on 1 side setback and 1 m for the other side setback are required. The secondary dwelling has setbacks of 1.74 metres (south)

A rear setback of 6.5 metres is required by the DCP and the secondary dwelling has a rear setback of 0.75m – 2.99 metres.

A variation to the southern side setback and rear setback is considered appropriate, in this case, as the development remains consistent with the outcomes of the control, despite the variation, as assessed below.

To achieve the desired future character of the Locality.

Comment

Consistent. The secondary dwelling remains compatible with the desired future character of the area as discussed above and remains consistent with the principal dwelling and other properties in the locality.

The bulk and scale of the built form is minimised.

Comment

Consistent. The secondary dwelling has a compliant building height and all works are located within the permitted building envelope, ensuring the resulting secondary dwelling is an appropriate bulk and scale.

Equitable preservation of views and vistas to and/or from public/private places.

Comment

Consistent. A site visit has been undertaken and it is concluded that the small scale secondary dwelling does not result in any view loss impacts to or from public or private places.

To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.

Comment

Consistent. A site visit has been undertaken and it is concluded that the development will not result in any view loss impacts.

To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.

Comment

Consistent. Privacy and amenity is achieved, despite the proposed side and rear setback variation, as the secondary dwelling faces away from neighbouring properties.

The single storey secondary dwelling is visually separated from neighbouring properties by existing boundary fencing. The secondary dwelling incorporates a number of privacy measures including orienting glazing towards the principal dwelling.

The subject site enjoys a northwest to rear aspect and the single storey secondary dwelling will not result in any significant shadowing across neighbouring properties.

Substantial landscaping, a mature tree canopy and an attractive streetscape.

Comment

Consistent. The site retains existing landscaping and does not propose to remove any trees.

Flexibility in the siting of buildings and access.

Comment

Consistent. It is considered that the site characteristics warrant the support of a variation to the side and rear setback, as the location of the secondary dwelling allows for privacy to be retained between the site and all adjoining neighbours.

The proposed variation will not result in any unreasonable impacts on neighbouring properties.

Vegetation is retained and enhanced to visually reduce the built form.

Comment

Consistent. The site retains existing landscaping and does not propose to remove any trees. A compliant landscaped area is retained.

To preserve and enhance the rural and bushland character of the locality.

Comment

Consistent. The development retains existing vegetation and does not propose to remove any bushland.

To ensure a landscaped buffer between commercial and residential zones is established.

Comment

Not relevant. The site is not located between a commercial and residential zone.

Building envelope

A building envelope of 45° measured at a height of 3.5 metres applies to the site. The secondary dwelling is located within the permitted envelope.

Landscaped Area

The subject site is mapped as landscaped area 3 and requires a minimum landscaped area of 50%, which equates to 447.55m² for the site area of 895.1m².

The site retains a landscaped area which is marginally non-compliant.

7.0 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 land use is complimentary and compatible with adjoining development. The proposal achieves the aims of the Pittwater 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.

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 works complement the site and its surrounds, are 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 not constrained by natural hazards.

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 secondary dwelling is appropriate to the site with regards to all of the above factors. The development fits well within the context of the surrounds and is well suited to the 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 secondary dwelling can be updated to comply with Building Code of Australia and recommendations are made in the accompanying BCA report.

Construction

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

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

No new construction is proposed.

7.3 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 development.

7.4 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.

7.5 The public interest

It is considered that the development is in the public interest as it allows for the continued use of the approved dwelling on the 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.

8.0 Conclusion

- 8.1 This Development application, for the change of use to a secondary dwelling at 35 Maxwell Street, Mona Vale, is appropriate considering all State and Council controls.
- 8.2 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the development is appropriate and should be granted consent.
- 8.3 Considering all the issues, the development is considered worthy of Council's consent to regularise the unauthorised works.