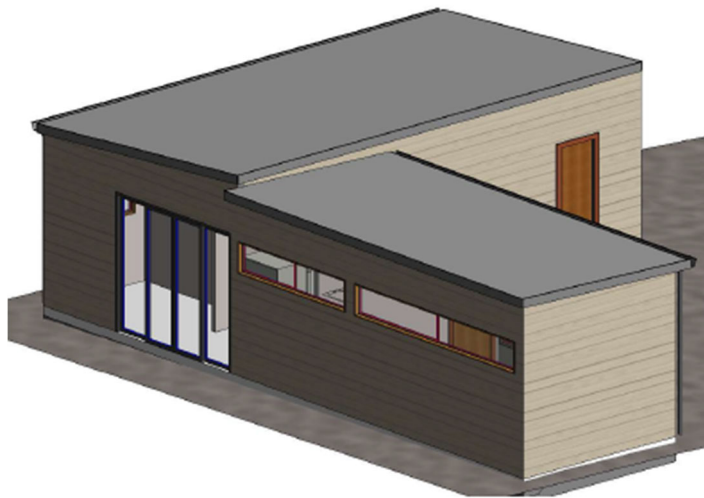


# Statement of Environmental Effects

24 Oliver Street, Freshwater, NSW, 2096



6 PERSPECTIVE VIEW 2

**Approval for the use only of an existing detached outbuilding as a secondary dwelling**

Prepared by: Strategic Approvals  
Date: 8/11/2023  
Version: V1  
Project No.: 22/0035

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# Strategic Approvals

## Intellectual Property and Copyright

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## 1.0 Report Purpose

This Statement of Environmental Effects accompanies the Development Application for the Approval for the use only of an existing detached outbuilding as a secondary dwelling located at 24 Oliver Street, Freshwater, NSW, 2096. The purpose of this report is to analyse the planning compliance in relation to the relevant LEP and DCP.

## 2.0 Applicable Legislation and Controls

- Environmental Planning and Assessment Act 1979 referred to as EP&A (1979).
- Environmental Planning and Assessment Regulation 2000 referred to as EP&R (2000).
- Standard Instrument—Principal Local Environmental Plan referred to as the Standard Instrument.
- Warringah Local Environmental Plan 2011 referred to as WLEP (2011).
- Warringah Development Control Plan 2011 referred to as WDCP (2011)
- State Environmental Planning Policy (Housing) 2021 referred to as “The Housing SEPP”

## 3.0 Document Schedule

### 3.1 Survey

Prepared By	Reference Number	Revision	Date
Revolution Surveys	7605/1	A	02 March 2021

### 3.2 Architectural Plans

Drawings Prepared by:	Complete Construction Engineering Pty Ltd		
Drawing Title / Number	Revision	Date	
A-1, A-2, A-3, A-4, A-5, A-6 & A7	1	05 March 2021	

### 3.3 BASIX

Prepared By	Reference Number	Revision	Date
AENEX	1374703S	-	02 November 2023



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## 4.0 Site location

The subject site is located at 24 Oliver Street, Freshwater, NSW, 2096. The property is legally identified as Lot 5 DP 1636 and Lot 6 1636 and consists of two conventional Torrens Title subdivide lots each with a respective lot area of 268.1m<sup>2</sup>.



Image 1: Locality map showing the subject site and its general surroundings (Near Maps, 2023).

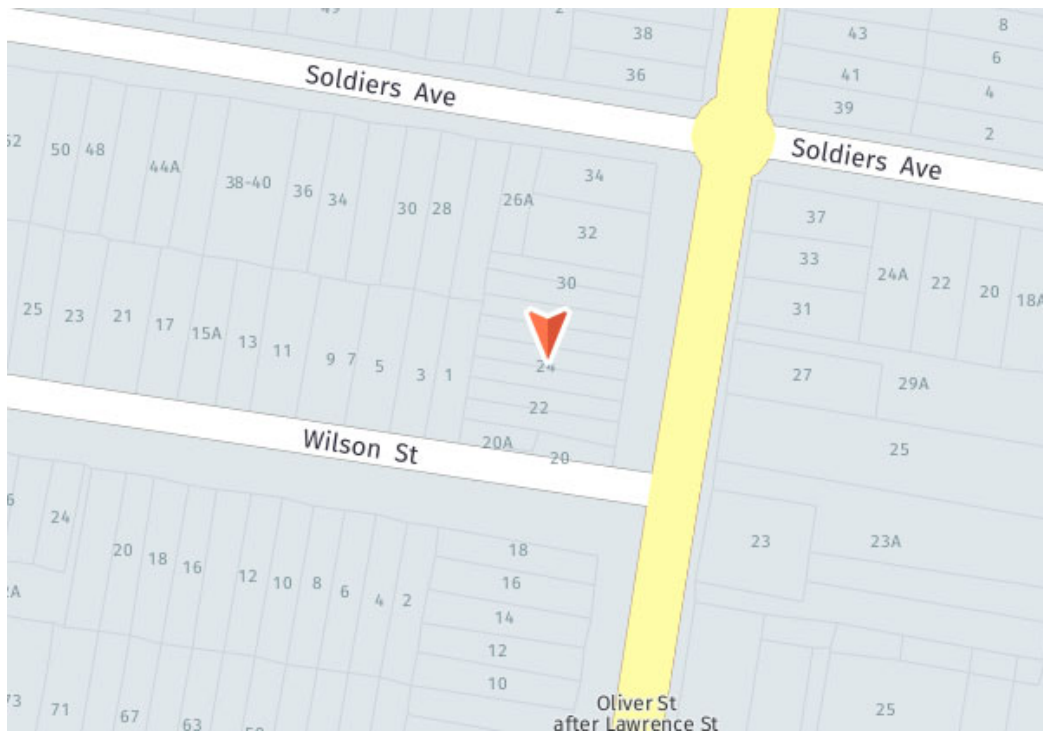


Image 2: Locality map showing the subject site and its general surroundings (Near Maps, 2023).





Image 3: Oliver Street as viewed to the North



Image 4: Oliver Street as viewed to the South





Image 5: Picture of the subject dwelling as viewed from the front elevation



Image 6: Picture of the Street as viewed from the dwelling





Image 7: Photo taken of the rear of the lot



Image 8: Photo taken of the rear of the lot showing the subject detached outbuilding.

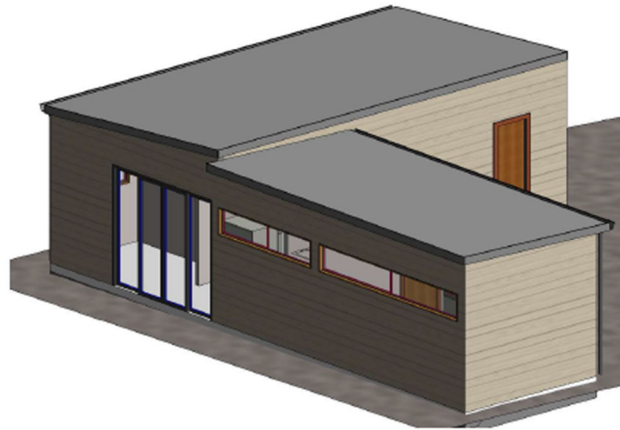


# Strategic Approvals

## 5.0 Description of Development Proposal and Context

The development proposal consists of the following elements:

- Change of use from a detached outbuilding to a secondary dwelling
- 



6 PERSPECTIVE VIEW 2

Image 9: Extract of the architectural plans (3-D Model) showing the subject outbuilding

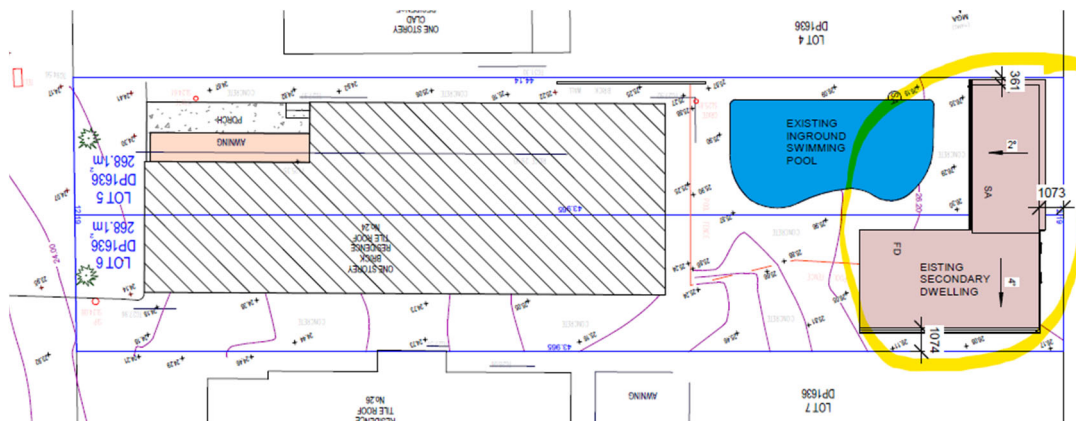


Image 10: Extract of the architectural plans (site plan) showing the location of the subject outbuilding





# Strategic Approvals

## 6.0 LEP Analysis

### 6.1 - Zoning

Under the Warringah Local Environmental Plan 2011 the property is identified to be in an R2 – Low Density Residential

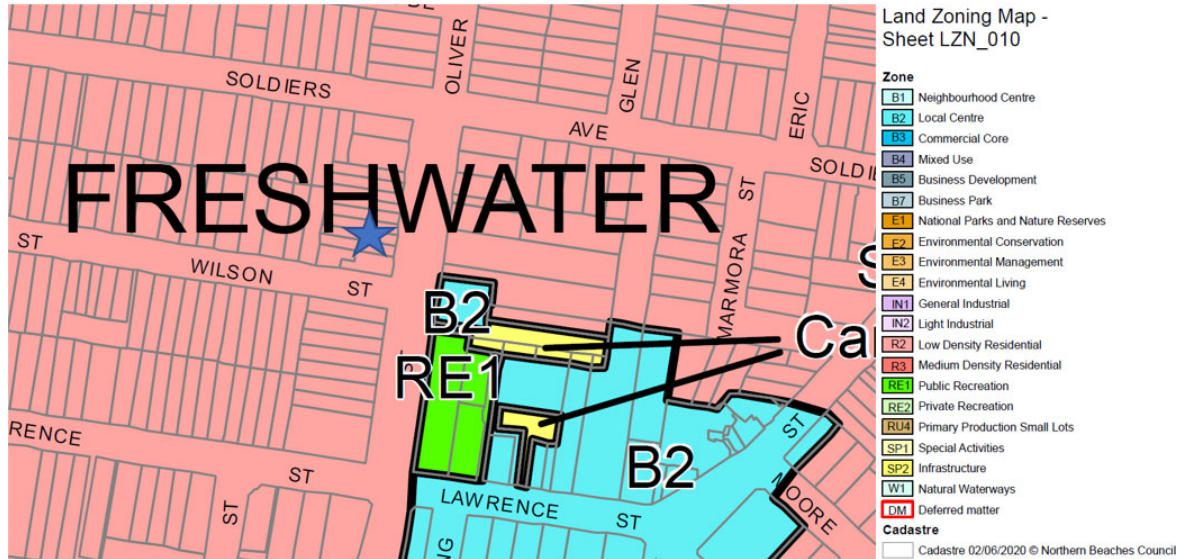


Image 11: WLEP (2011) Land Zoning Map. (Source: Warringah Local Environmental Plan 2011)

Secondary dwellings are permissible within the zone:

#### Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; **Secondary dwellings**; Tank-based aquaculture; Veterinary hospitals

**Secondary dwelling** means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.



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## 6.2 – Heritage Status

The subject site is not located in a heritage conservation area nor is a heritage item

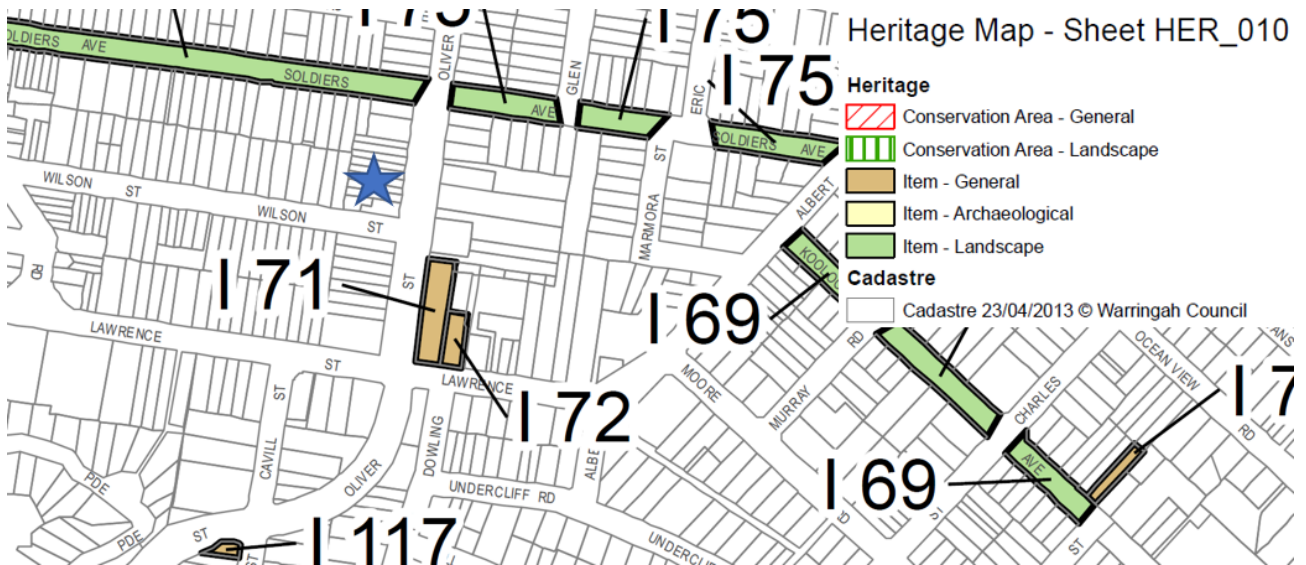


Image 12: WLEP (2011) Heritage Map. (Source: Warringah Local Environmental Plan 2011)

## 6.3 – Floor Space Ratio

The maximum FSR is not dictated by the LEP and is established through a number of prescriptive controls within the DCP. Furthermore, the application does not result in any increased footprint and as such the floor area remains as existing.

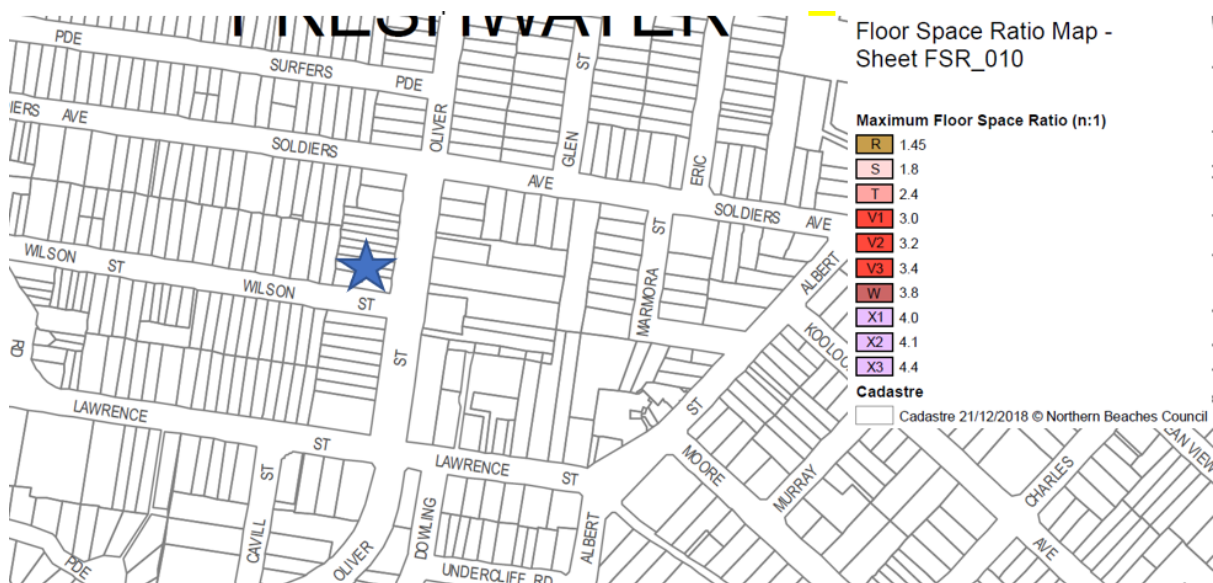


Image 13: WLEP (2011) FSR Map. (Source: Warringah Local Environmental Plan 2011)



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## 6.4 – Maximum Building Height

The maximum permissible Building Height is 8.5m which is complied with as the existing outbuilding is single storey and does not exceed a height of 8.5m.

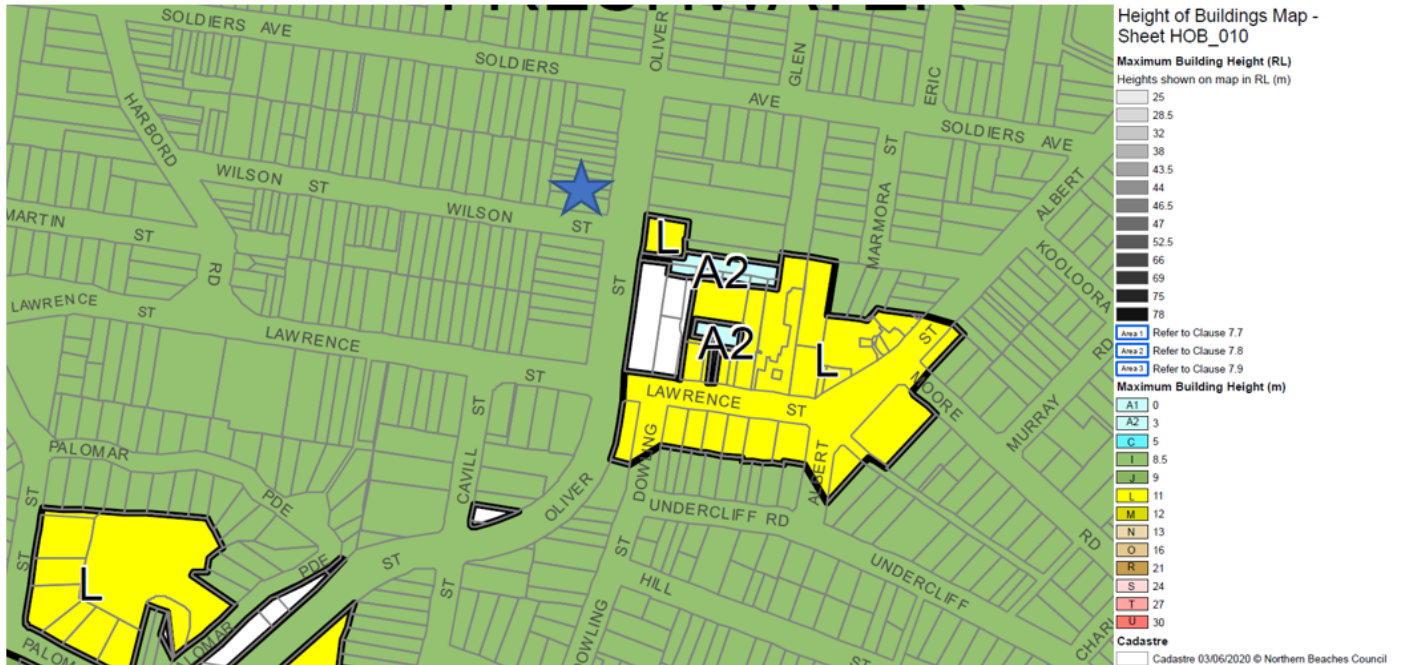


Image 14: WLEP (2011) MBH Map. (Source: Warringah Local Environmental Plan 2011)

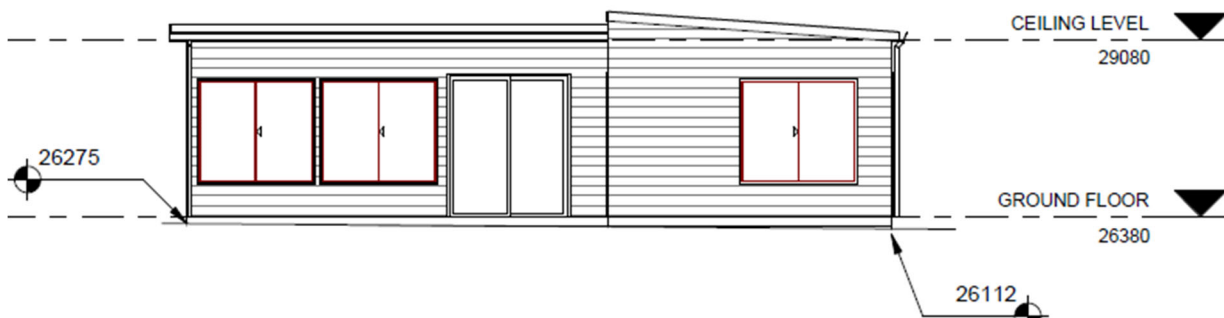


Image 15: Extract of the architectural plans (elevations) showing a compliant building height.





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## 7.0 Warringah Development Control Plan 2011 Analysis.

### Part B – Built Form Controls

#### B1 – Wall Heights

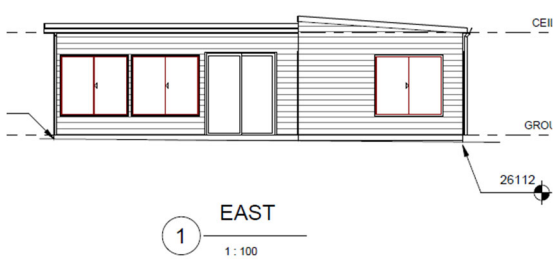
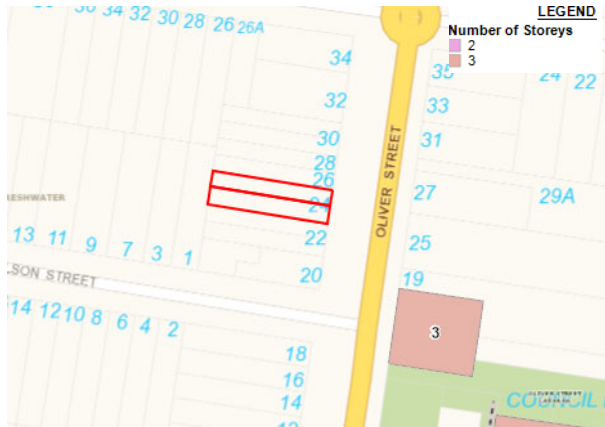
Relevant provision in DCP	Development Standard	Compliance Comment
Objective (a)	To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.	<b>Complies.</b> There are no proposed amendments to the existing building. Furthermore, the subject outbuilding is located at the rear of the lot and is single storey resulting in no impact to viewing opportunities afforded to the adjoining dwelling or public domain.
Objective (b)	To ensure development is generally beneath the existing tree canopy level.	<b>Not applicable.</b> The application relates to use and therefore there are no proposed building works.
Objective (c)	To provide a reasonable sharing of views to and from public and private properties.	<b>Not applicable.</b> The application relates to use and therefore there are no proposed building works.
Objective (d)	To minimise the impact of development on adjoining or nearby properties.	<b>Not applicable.</b> The application relates to use and therefore there are no proposed building works.
Objective (e)	To ensure that development responds to site topography and to discourage excavation of the natural landform.	<b>Not applicable.</b> The application relates to use and therefore there are no proposed building works.
Objective (f)	To provide sufficient scope for innovative roof pitch and variation in roof design.	<b>Not applicable.</b> The application relates to use and therefore there are no proposed building works.
Control (1)	Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).	<b>Not applicable.</b> The application relates to use and therefore there are no proposed building works.

#### B2 – Number of Storeys

Relevant provision in DCP	Development Standard	Compliance Comment
Objective (a)	To ensure development does not visually dominate its surrounds.	<b>Not applicable.</b> The application relates to use and therefore there are no proposed building works. Furthermore, the existing outbuilding consists of a single storey.



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		 <p>Image 16: Extract of the architectural plans (Elevations) showing the existing single storey outbuilding.</p>
Objective (b)	To minimise the visual impact of development when viewed from adjoining properties, streets, waterways and land zoned for public recreation purposes.	<b>Complies.</b> The subject single storey outbuilding is located at the rear of the lot and does not result in any visual impact to the adjoining dwellings and public domain.
Objective (c)	To provide equitable sharing of views to and from public and private properties.	<b>Not applicable.</b> The application relates to use and therefore there are no proposed building works.
Objective (d)	To ensure a reasonable level of amenity is provided and maintained to adjoining and nearby properties.	<b>Not applicable.</b> The application relates to use and therefore there are no proposed building works.
Objective (e)	To provide sufficient scope for innovative roof pitch and variation in roof design.	<b>Not applicable.</b> The application relates to use and therefore there are no proposed building works.
Objective (f)	To complement the height of buildings control in the LEP with a number of storeys control.	<b>Noted.</b>
Control (1)	Buildings on land shown coloured on the DCP Map Number of Storeys must comply with the maximum number of storeys identified on the DCP Map Number of Storeys.	<b>Complies.</b> The subject lot is unspecified, however, a single storey is the minimum number of storeys a building can contain.  <p>Image 17: Extract of the WDCP Map number of storeys</p>



# Strategic Approvals

## B3 – Side Boundary Envelope

### **Not applicable.**

The application relates to use and therefore there are no proposed amendments to the existing building and as such the existing side setbacks remains as existing.

## B4 – Site Coverage

### **Not applicable.**

The application relates to use and therefore there are no proposed building works meaning the existing site coverage remains as existing.

## B5 – Side Boundary Setbacks

### **Not applicable.**

The application relates to use and therefore there are no proposed amendments to the existing building and as such the existing side setbacks remains as existing.

## B7 – Front Boundary Setbacks

### **Not applicable.**

The application relates to use and therefore there are no proposed amendments to the existing building and as such the existing primary road setbacks remains as existing. Furthermore, the subject outbuilding is located at the rear of the lot.

## B8 – Merit Assessment of Front Boundary Setbacks

### **Not applicable.**

The application does not seek a merit based assessment of the primary road boundary setback as the prescriptive controls are satisfied.

## B9 – Rear Boundary Setbacks

### **Not applicable.**

The application relates to use and therefore there are no proposed amendments to the existing building and as such the existing rear setbacks remains as existing.

## Part C – Siting Factors

### C7 – Excavation and Landfill

### **Not applicable.**

The application relates to use and therefore there are no proposed amendments to the existing building or topography of the lot and as such there is no proposed excavation.





# Strategic Approvals

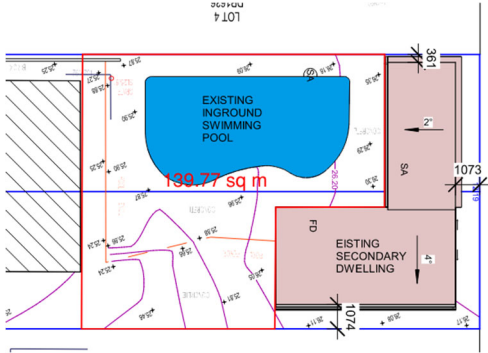
## Part D – Design

### D1 – Landscaped Open Space and Bushland Setting

#### Not applicable.

The application relates to use and therefore there are no proposed amendments to the existing building or topography of the lot and as such the existing landscaped area remains as existing.

### D2 – Private Open Space

Relevant provision in DCP	Development Standard	Compliance Comment								
Objective (a)	To ensure that all residential development is provided with functional, well located areas of private open space.	<p><b>Complies.</b></p> <p>Ample private open space is provided with approximately an area of 140m<sup>2</sup> being retained.</p> <div></div> <p>Image 18: Extract of the site plan revealing the existing open space area.</p>								
Objective (b)	To ensure that private open space is integrated with, and directly accessible from, the living area of dwellings.	<p><b>Complies.</b></p> <p>The open space is directly accessible from the living room of the secondary dwelling.</p>								
Objective (c)	To minimise any adverse impact of private open space on adjoining buildings and their associated private open spaces.	<b>Complies.</b>								
Objective (d)	To ensure that private open space receives sufficient solar access and privacy.	<b>Complies.</b>								
Control (1)	Residential development is to include private open space for each dwelling.	<b>Complies.</b>								
Control (2)	The minimum area and dimensions of private open space are as follows:	<b>Complies.</b>								
	<table><thead><tr><th>DWELLING Type</th><th>Area and Minimum Dimensions per dwelling</th></tr></thead><tbody><tr><td>Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms</td><td>A total of 35m<sup>2</sup> with minimum dimensions of 3 metres</td></tr><tr><td>Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms</td><td>A total of 60m<sup>2</sup> with minimum dimensions of 5 metres</td></tr><tr><td>Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing</td><td>A total of 10m<sup>2</sup> with minimum dimensions of 2.5 metres</td></tr></tbody></table>	DWELLING Type	Area and Minimum Dimensions per dwelling	Dwelling houses (including dual occupancy) and attached dwellings with 1 or 2 bedrooms	A total of 35m <sup>2</sup> with minimum dimensions of 3 metres	Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A total of 60m <sup>2</sup> with minimum dimensions of 5 metres	Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A total of 10m <sup>2</sup> with minimum dimensions of 2.5 metres	
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Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms	A total of 60m <sup>2</sup> with minimum dimensions of 5 metres									
Multi dwelling housing (not located at ground level); residential flat buildings and shop top housing	A total of 10m <sup>2</sup> with minimum dimensions of 2.5 metres									
Control (3)	Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children’s play.	<b>Complies.</b>								
Control (4)	Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.	<b>Complies.</b>								
Control (5)	Private open space shall not be located in the primary front building setback.	<b>Complies.</b>								



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Control (6)	Private open space is to be located to maximise solar access.	<b>Complies.</b>
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## D6 – Access to Sunlight

### **Not applicable.**

The application relates to use and therefore there are no proposed amendments to the existing building, resulting in no additional impacts to the solar access afforded to the adjoining dwellings.

## D7 – Views

### **Not applicable.**

The application relates to use and therefore there are no proposed amendments to the existing building, resulting in no additional impacts to the viewing opportunities afforded to the adjoining dwellings.

## D8 – Privacy

### **Not applicable.**

The subject outbuilding consists of a modest single storey outbuilding which provides no vantage points or compromise of adjoining privacy amenity.

## D9 – Building Bulk

### **Not applicable.**

The application relates to use and therefore there are no proposed amendments to the existing building, resulting in no increase to the bulk and scale of the existing outbuilding.

## D10 – Building Colours and Materials

### **Not applicable.**

The application relates to use and therefore there are no proposed amendments to the existing colours and materials of the subject outbuilding.

## D11 – Roofs

### **Not applicable.**

The application relates to use and therefore there are no proposed amendments to the existing roof of the outbuilding.



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## D13 – Front Fences and Front Walls

### Not applicable.

The application does not propose any amendments to boundary fencing.

## 8.0 State Environmental Planning Policy (Housing) 2021 Analysis

### Part 1 Secondary Dwellings

#### Division 1 Preliminary

Relevant provision in SEPP	Development Standard	Compliance Comment
49	In this Part— development for the purposes of a secondary dwelling includes the following— (a) the erection of, or alterations or additions to— (i) a secondary dwelling, or (ii) an ancillary structure within the meaning of Schedule 1, (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling. residential zone means the following land use zones or an equivalent land use zone— (a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential, (e) Zone R5 Large Lot Residential.	<b>Complies.</b> The lot is located within an R2 Low Density Residential Zone.
50	This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument.	<b>Complies.</b> Dwellings and secondary dwellings are permissible within the zone.
51	Development consent must not be granted for the subdivision of a lot on which development has been carried out under this Part.	<b>Not applicable.</b>

#### Division 2 Secondary dwellings permitted with consent:

Relevant provision in SEPP	Development Standard	Compliance Comment
52	(1) Development to which this Part applies may be carried out with consent. (2) Development consent must not be granted for development to which this Part applies unless— (a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and (b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and (c) the total floor area of the secondary dwelling is— (i) no more than 60m <sup>2</sup> , or (ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.	<b>Complies.</b>





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53	<p>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—</p> <p>(a) for a detached secondary dwelling—a minimum site area of 450m<sup>2</sup>,</p> <p>(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.</p>	<p><b>Complies.</b></p> <p>The lot area exceeds 450m<sup>2</sup>.</p>
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## 9.0 Clause 4.15 Analysis

### 1 (a) (i) Environmental Planning Instruments

As discussed in Part 6 of this report, the proposal complies with the Warringah Local Environmental Plan 2011.

### 1 (a) (ii) Draft Environmental Planning Instruments

There are no known draft environmental planning instruments that are applicable to the subject site.

### 1 (a) (iii) Development Control Plan

As discussed in Part 7 of this report, the proposal generally complies with the Warringah Development Control Plan 2011.

### 1 (a) (iv) The Regulations

The proposal satisfies the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

### 1 (a) (v) Coastal Zone Management Plan

Not applicable.

### 1 (b) Likely Impacts of Development

#### (i) *Impact on the Natural Environment:*

The proposed development will not result in any adverse impacts on the natural environment as there is no proposed building work.

#### (ii) *Impact on the Built Environment:*

The built environment remains as existing given that there is no proposed building work as a result of this application.

#### (iii) *Social and Economic Impacts in the Locality:*

The proposed development will have a positive social and economic impact on the area on the basis that it will result in increased affordable residential accommodation within the locale.

### 1 (c) Suitability of the site for the proposed development

Having regard to the characteristics of the site and its location, the proposed development is considered to be appropriate in that:

- The land is zoned to permit the proposed use.
- The nature and form of the proposed development is broadly consistent with the development controls which apply to the site.



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- The size and dimensions of the land are suitable for a secondary dwelling.
- The site has access to all utility services to accommodate demand for water, electricity, gas and telecommunications.

## **1 (d) Any submission made**

Northern Beaches Council will undertake a notification period in accordance with their policies.

## **1 (e) The public interest**

The proposed development is considered to be in the wider in the public interest for the following reasons:

- It is consistent with the objectives of the *Environmental Planning and Assessment Act 1979*, specifically because it represents the economic and orderly development of land.
- The proposal is in accordance with Warringah Local Environmental Plan 2011.
- There are no proposed building works as a result of this application.
- The proposal results in increased affordable housing opportunities to the community.

## **10.0 Conclusion**

From this statement it is concluded that the proposed development is appropriate within the given context responding to the streetscape character of the surrounding area. The amenity of the neighbouring dwellings is not adversely affected in any way by the proposed in terms of privacy, loss of view or overshadowing.

The proposal development is seen to comply with the relevant provisions of the Warringah Local Environmental Plan 2011 & the Warringah Development Control Plan 2011.

Having regard to the aforementioned assessments it is considered that the proposed development is acceptable and should be supported by council.