



# STATEMENT OF REPLY

8 The Crest Frenchs Forest

McManus Building Consulting  
22 January 2024

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## History

On 6 December 2023, Council sent the following correspondence raising issues of noncompliance:

### **C3 Parking Facilities**

*The removal of the existing double garage creates a non-compliance with the numerical requirement for two (2) off-street car parking spaces under Appendix 1 WDCP 2011. Council's Development Engineer also does not support the use of the hardstand area in front of the garage being used for car parking purposes. Therefore, the site does not presently contain any functional off-street car parking which is not supported. This also does not comply with the requirements of SEPP (Housing) 2021 if the application was seeking consent for a secondary dwelling.*

### **Development Engineering**

*Council's Development Engineer has reviewed the application and raised the following comments:*

*Access -*

*There is a proposal to remove the existing garage as a parking facility, removing 2 off street parking spaces.*

*The existing space forward of the garage ranges from RL160.34 at the strip drain to 161.42 closer to the boundary.*

*This grade is at 22.5% which far exceeds the maximum gradient of 5% for a parking facility as defined in clause 2.4.6 of AS 2890.1:2004: Parking facilities - Off-street car parking.*

*Furthermore, the existing driveway gradients do not comply with the B85 vehicle vertical clearance in clause 2.5.3 of AS 2890.1:2004: Parking facilities - Off-street car parking.*

*The applicant shall provide the following additional information if they wish to use the space forward of the studio structure as a parking facility:*

*1. 2 driveway long sections (both sides of driveway) commencing from the centreline of the road and ending at the parking facility to show that the proposed access driveway complies with the vertical clearance model of the B85 vehicle template defined in Australian Standard AS2890 Part 1 Off Street Car Parking. The RLs and gradients shall be shown at each transition.*

*2. Demonstrate the proposed facility complies with the minimum car parking dimensions in accordance with AS/NZS 2890.1.*

*3. The existing driveway needs replacement as it is not at a serviceable level and is a hazard in the road reserve.*

*4. The applicant shall demonstrate how stormwater runoff will be disposed of.*



*As such, development engineering cannot support the application due to insufficient evidence to address clause C3 of the Warringah DCP.*

**On 11 December 2023, Council sent further correspondence:**

*I am satisfied with the explanation that there are no internal cooking facilities.*

*I have looked at the plans and the length of the garage is actually undersized in the context of the relevant Australian standards for car parking, so I agree that the garage couldn't have been used for vehicle parking.*

*Therefore, we believe there is merit to support only 1 off-street parking space.*

*In regards to the gradient, I am only passing on advice from our development engineer. The advice they have provided is what they require and I rely on their professional opinion. If you would like to discuss the engineer's comments with them, you can e-mail me your specific queries and I can forward it on and get a response back to you. Alternatively, you can give them a call through customer service on 1300 434 434 and ask for Leon Tan.*



## Response

### **C3 Parking Facilities**

*The removal of the existing double garage creates a non-compliance with the numerical requirement for two (2) off-street car parking spaces under Appendix 1 WDCP 2011.*

**Response:** The proposed use does not remove a double garage (removal of 2 spaces) as reiterated by Councils correspondence on 11 Dec 2023, the garage was always undersized and could only be used for storage purposes.

*Council's Development Engineer also does not support the use of the hardstand area in front of the garage being used for car parking purposes. Therefore, the site does not presently contain any functional off-street car parking which is not supported.*

**Response:** The proposal does not remove any area capable of carparking, nor add any structures to increase intensity. The concrete area used in front of the studio for carparking has been used historically for the life of the development. The current carparking situation will remain unchanged and not be reduced/impacted by the change of use from a storage area to a hobby studio.

*This also does not comply with the requirements of SEPP (Housing) 2021 if the application was seeking consent for a secondary dwelling.*

**Response:** The proposal is for change of use to a studio. Consent is not being requested for a secondary dwelling.

### **Development Engineering**

*1. 2 driveway long sections (both sides of driveway) commencing from the centreline of the road and ending at the parking facility to show that the proposed access driveway complies with the vertical clearance model of the B85 vehicle template defined in Australian Standard AS2890 Part 1 Off Street Car Parking. The RLs and gradients shall be shown at each transition.*

*2. Demonstrate the proposed facility complies with the minimum car parking dimensions in accordance with AS/NZS 2890.1.*

*3. The existing driveway needs replacement as it is not at a serviceable level and is a hazard in the road reserve.*

*4. The applicant shall demonstrate how stormwater runoff will be disposed of.*

**Response:** The proposal does not include any reduction in carparking spaces as the 'garage' was undersized and not useable for carparking purposes. The driveway at the front of the property remains and will continue to be used as carparking. On that basis, demonstrating proposed driveway works is not applicable.

Stormwater collection and disposal remains unchanged with no additional roofed area added (existing system connected into easement at rear).



In addition to the above justifications, the owner of the property provides the following comments:

- 1. I work from home – many people do these days. I'm an independent consultant (ABN available) and have to have access to a quiet studio for my work. Our daughter is a nurse 'with NSW Health and I can't work at the kitchen table when she is sleeping after a night shift – we have an open plan older house with poor acoustics.*
- 2. Council cannot on one hand, penalise honest ratepayers with outdated planning requirements no longer relevant in the modern working world, while on the other hand allowing a NSW Government planning proposal for a 450-dwelling residential subdivision in an area of native bushland known as "Lizard Rock" – 100 metres down the road from us. Our Northern Beaches Council Mayor and member of the NSW Legislative Assembly, Michael Regan MP, tabled a petition against this development in the NSW Parliament on 29 June this year. We watched from the packed public gallery. Clearly Michael Regan has our best interests at heart and I trust his good intentions will cascade to the Council planning department. We take heart from Councillor Regan's intelligent and common-sense approach to planning in our area.*
- 3. My wife Nicola and I share a car, Council must surely recognise the planning requirements are not keeping pace with the modern way of working and they should not be penalising responsible rate payers who are, in all aspects, respectful of the street in which they reside. Case in point I attach 2 pictures (taken on different days) showing how much space there is in our end of the street, plenty for Refuse Collection vehicles and no hindrance whatsoever to pedestrians or turning vehicles. I put it to council to conduct a survey of 10 streets in the immediate Belrose area, where they will find exactly the same topographical situation, with many residents parking on the street.*



*Photo 1 – Turning circle and space at No. 8 the Crest.*



*Photo 2 – looking down street towards No. 8 The Crest.*

## Conclusion

When considering the change of use impacting on carparking, merit-based consideration must be given to the age of the property/structures, existing situation, site limitations and noncompliant existing dimensions of the garage.

Historically, available carparking has only been on the existing driveway and public street. This has not been impacted by the use of the garage (storage area) changing to a studio as it was never capable of garaging cars.

As the application does not propose a secondary dwelling housing additional occupant/s, the intensity of the property remains unchanged. It is simply using an existing storage area for hobby/work purposes. The change from use as storage to a functional hobby area has increased the usability and enjoyment of the property.

In addition, no submissions were received from neighbouring properties objecting to this proposed use.

On that basis, the proposal should be supported.