



## **4 PUSAN PLACE BELROSE**

### **STATEMENT OF ENVIRONMENTAL EFFECTS FOR CHANGE OF USE TO SECONDARY DWELLING**



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 non-habitable building to a secondary dwelling at 4 Pusan Place, Belrose.

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).

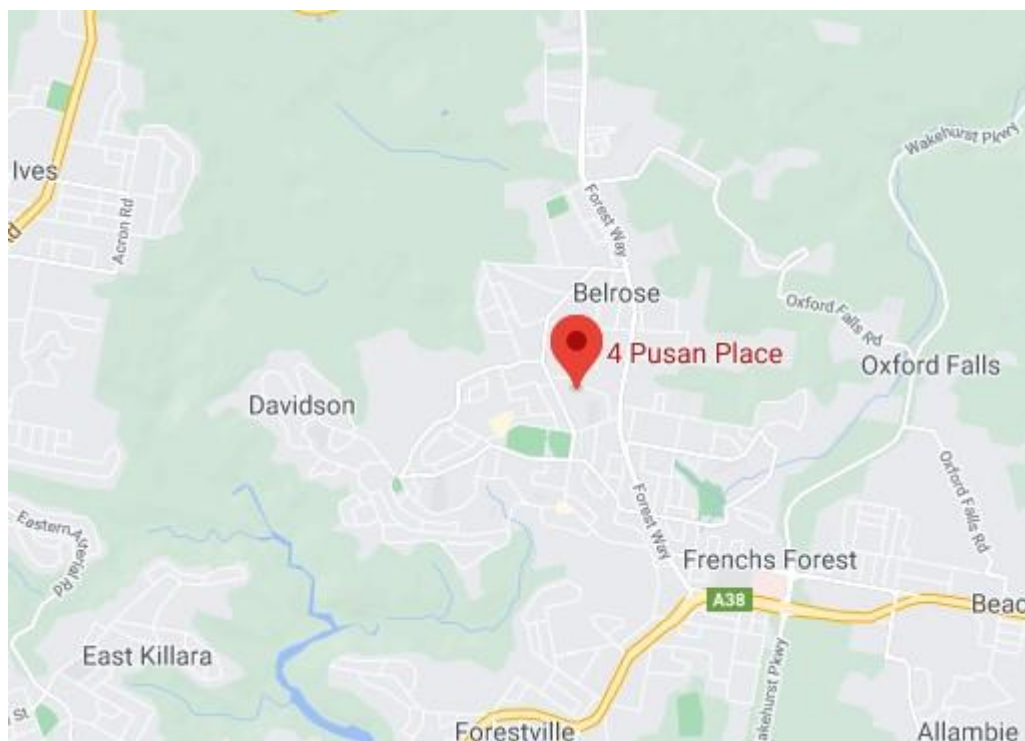
- 1.2 This statement of environmental effects has been prepared with reference to the following:

- ◆ Site visit
- ◆ Architectural drawings prepared by Action Plans
- ◆ Survey prepared by CMS Surveyors Pty Ltd
- ◆ BASIX

- 1.3 The proposed development is compliant with the objectives of all Council controls and is considerate of neighbouring residents. It is an appropriate development worthy of Council consent.

## 2.0 The site and its locality

- 2.1 The site is located on the eastern side of Pusan Place in Belrose, adjacent to Pusan Reserve to the south, and approximately 75 metres south of its intersection with Everton Road.
- 2.2 It is an irregular shaped lot with an arced frontage (8.27 m + 7.62m) narrowing towards Pusan Place with a splayed rear boundary of 24.385 metres. The lot has an area of 726m<sup>2</sup>.
- 2.3 The site is currently occupied by a single storey rendered dwelling with a tile roof and roofed deck, with a detached building at the rear of the site abutting the southern boundary. An in-ground swimming with tiled surrounds is located in the north-eastern corner of the site. The site is set within landscaped gardens on a gently sloping (east to west) lot.
- 2.4 4 Pusan Place is surrounded by detached residential dwellings in all directions, with Forest Way nearby to the east and Lionel Watts Reserve and Community Centre to the south. The site is also in close proximity to Glenrose Village and Wakehurst Public School.



**Figure 1. The site and its immediate surrounds**





Figure 2. The site within the locality



Figure 3. Aerial photograph of the site and its immediate surrounds

### 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. A Notice of Intention to Issue an order was issued on 26 August 2020. The order specified the following which have been addressed below.

1. *Council received a complaint alleging that unauthorised building work has been undertaken at 4 Pusan Place, Belrose.*

The building as constructed under the exempt provisions. Internal fitout works have ceased, and this DA is now submitted to resolve this issue.

2. *An inspection undertaken by Council Officer on 24 July 2020 revealed the following observations:*
  - *A new outbuilding has been constructed in the rear yard of the property*
  - *The new outbuilding has been internally connected to an existing building on the site*
  - *The internal floor area of the buildings appears to be more than 20m<sup>2</sup>.*

Some works, as described were subject to the exempt provisions. The remainder are the subject of this application.

3. *The Building work is not considered exempt from development consent under the provisions set out within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and a further search of Council's records identified that no prior approvals have been obtained for the building work to have occurred.*

See details below (3.2) regarding exempt provisions.

4. *The undertaking of building work without prior Council consent, effectively removes the rights of surrounding residents, neighbours, stakeholders and interested parties to make submissions in relation to the premises through the assessment procedure under the Environmental Planning and Assessment Act 1979.*

This change of use DA will allow for review by neighbours.

5. *As the building works has been undertaken without consent, Council has not been given the opportunity to perform their regulatory function, being the assessment of the "Matters for Consideration" in accordance with Section 4.15 of under the Environmental Planning and Assessment Act 1979.*

This change of use DA allows appropriate assessment.

6. *As the building works has been undertaken without consent, Council has not been given the opportunity to perform their regulatory function, being the assessment of whether compliance has been determined with the appropriate section of the Building Code of Australia, Structural Requirements or Australian Standards.*

This change of use DA allows appropriate assessment.

7. *The undertaking of building works not in accordance with the consent is not consistent with the orderly development of land.*

This change of use DA allows appropriate assessment.

8. *It is in the public interest to ensure that all works carried out on the site have been adequately considered and assessed by the relevant authorities prior to the works being carried out in the site.*

This change of use DA allows appropriate assessment.

9. *It is in the public interest that the unauthorised development be remedied as soon as possible.*

This change of use DA allows appropriate assessment.

### 3.2

The building is a combination of an existing historic shed and a new cabana constructed 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 2.902 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 1383mm.

Side setbacks is 1.266 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. There is one additional shed existing on the site historically.

3.3

Following this construction a bathroom and kitchen were proposed prior to the issuing of the Notice of Intention. The owner now wishes to rectify this addition and request a change of use to a secondary dwelling.

## 4. Proposed Development

- 4.1 A change of use is proposed for the existing cabana and shed at the rear of the property to a secondary dwelling with a corridor proposed to connect the two spaces.
- 4.2 The existing cabana and shed are existing exempt developments and accordingly, the location is appropriate. This application seeks only to permit the use and fit out of the existing structure as a secondary dwelling.
- 4.3 Internal works have commenced, but ceased.
- 4.4 The proposed secondary dwelling is well separated and private from neighbouring residences due to the adjacent reserve and siting on the lot. The structure has ample surrounding space and is oriented to face a small courtyard on the lot and away from neighbours.



Figure 4. The existing cabana to be converted to a secondary dwelling viewed from existing pool area





Figure 5. Rear setback to the existing cabana



Figure 6. Existing courtyard

## **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.

#### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

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 applies to the proposal and a compliant BASIX certificate is provided with this application.



## 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/secondary 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 2.902 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 earthworks are proposed with only an internal fitout and upgrades required.

### **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. The 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. The structure is existing, and no built works are proposed. The existing shed component sits with a setback of 425mm to the southern boundary. This is appropriate as it is an historic and existing building. No windows existing in this wall and accordingly BCA fire requirements are fulfilled.

#### **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 1383 mm. The retention of this setback with the proposed change of use to a secondary dwelling 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 secondary dwelling 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 290.4m<sup>2</sup> for the site area of 726m<sup>2</sup>. The existing development achieves a landscaped area of 175.44m<sup>2</sup> or 24.16% which is not compliant but remains unchanged.

The landscape setting of the site is maintained, and the overall appearance will be green, and in character with the Belrose 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 secondary dwelling already existing. Shadow diagrams are provided for Council's attention, which detail an appropriate result from the exempt development on the east-west 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 as the secondary dwelling neighbours a park to the south and is not adjacent a dwelling to the east.

**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 secondary dwelling.

**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.

**5.4 Building Code of Australia**

The secondary dwelling is a converted class 10a building. Appropriate considerations have been made in accordance with the provisions of the BCA in conjunction with a BCA consultant. Any additional items can be provided as conditions of consent and the development further upgraded as required at Construction Certificate stage.



## 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 major building works with only the internal fitout proposed, 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.

## **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 is within an existing building and has no impact.

*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?*

The proposal will comply with all conditions of consent.

#### **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 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/shed to a secondary dwelling at 4 Pusan Place, Belrose 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.