

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**98 BEACON HILL ROAD, BEACON HILL**

**CHANGE OF USE TO PERMIT A SECONDARY DWELLING**

**PREPARED ON BEHALF OF  
Mr & Mrs Dua**

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## 1. INTRODUCTION

This application seeks approval for the change of use from an outbuilding to a secondary dwelling upon land at Lot 7 in DP 25604 which is known as **No. 98 Beacon Hill Road, Beacon Hill**.

In preparation of this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Warringah Local Environmental Plan 2011.
- Warringah Development Control Plan 2011.

The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by CMS Surveyors Pty Ltd, Ref No. 23954, Issue 1 and dated 18/03/2024.
- Architectural Plans prepared by Michael Airey, Ref No. DA-01 to DA-10, Revision A and dated December 2024.
- BASIX Certificate No. 1780655S and issued 22/01/2025.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

## 2. SITE DESCRIPTION AND LOCALITY

The subject site is identified as Lot 7 in DP 25604 which is known as 98 Beacon Hill Road, Beacon Hill. The site is generally a rectangular shaped allotment with a splayed rear northern boundary. The site is located on the northern side of Beacon Hill Road and has an area of 599.7m<sup>2</sup>. The sites southern boundary have a frontage of 15.24m to Beacon Hill Road, with the northern boundary having a frontage of 17.72m to Warringah Road (service lane). The locality is depicted in the following map:



**Site Location Map**

The site is currently occupied by a single storey brick dwelling house and a detached clad outbuilding. The dwelling house is located on the southern portion of the site and is orientated towards Beacon Hill Road. The outbuilding is located towards the rear northeast corner of the site. A carport is attached to the outbuilding. Vehicular access to the carport is via a driveway which is accessed from the service lane serving Warringah Road.

The site is relatively level with a slight slope from north towards Beacon Hill Road.

The site is depicted in the following photographs:

##

**View of Subject Site from Warringah Road Service Lane**

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### **Rear View of Existing Outbuilding**

The existing surrounding development comprises a mix of one and two storey detached residential dwellings on similar sized allotments.

The subject site and existing surrounding development are depicted in the following aerial photograph:



**Aerial Photograph of Locality**

**3. THE DEVELOPMENT PROPOSAL**

This proposal seeks approval for the change of use, to convert the existing outbuilding for use as a secondary dwelling.

The only physical works proposed as part of this application relate to the provision of a rainwater tank to comply with BASIX and a new window to service the bathroom.

The secondary dwelling will provide for a studio apartment comprising a combined bedroom / living room / kitchen, a dressing room (store) and bathroom.

There is an existing laundry within the main dwelling of the house with an external door on the rear façade. This will be utilised by both the primary and secondary dwelling.

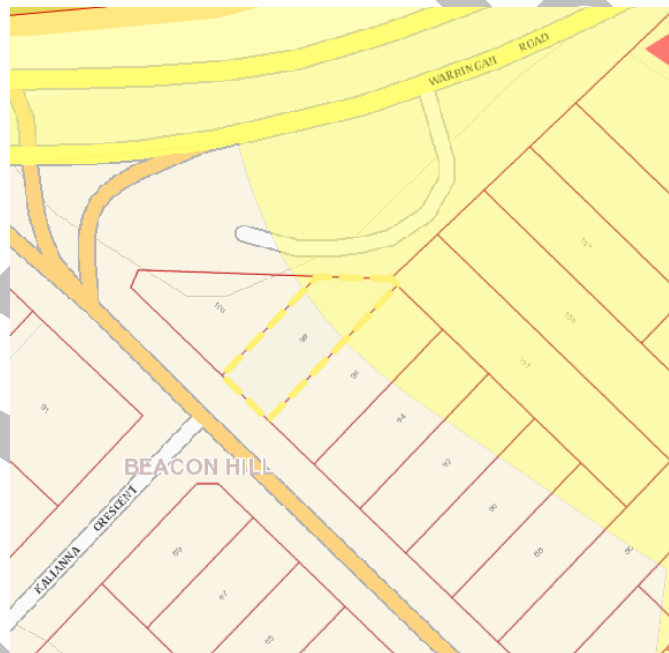
<b>Site Area:</b>	599.7m <sup>2</sup>
<b>Existing Landscaped Area:</b>	212.16m <sup>2</sup> or 35.4%
<b>Proposed Landscaped Area:</b>	212.16m <sup>2</sup> or 35.4%

#### 4. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Northern Beaches Council.

##### 4.1 Planning for Bushfire Protection 2006

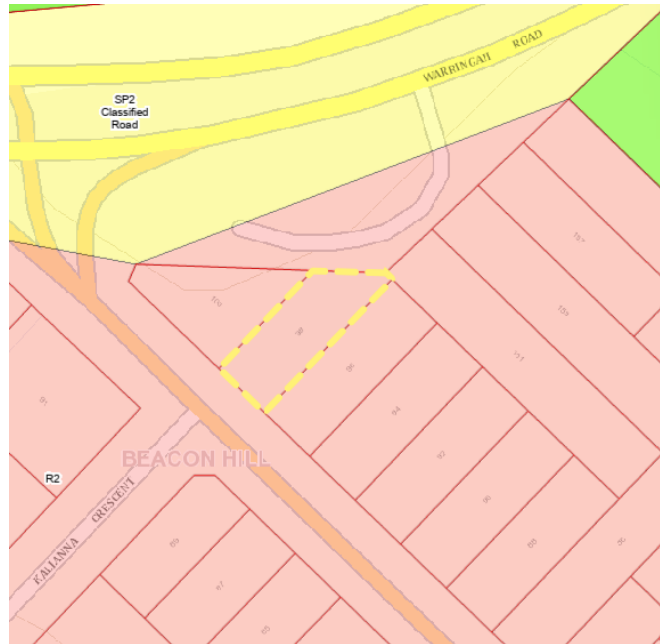
The subject site is partially identified as bushfire prone vegetation buffer on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2006 apply. This application does not provide for any physical works (with exception of the rainwater tank and small window to bathroom) and as such a self-assessment bushfire report has been submitted.



**Extract of Bushfire Map**

## 4.2 Warringah Local Environmental 2011

The Warringah Local Environmental Plan 2011 (LEP 2011) came into effect on Friday 9 December 2011.



**Extract of Zoning Map**

The site is zoned R2 Low Density Residential. The site currently comprises a dwelling house and a change of use to permit a secondary dwelling is permissible in this zone with the consent of Council. The following Development Standards specified in the LEP are relevant to the proposed development:

Clause	Development Standard	Proposal	Compliance
4.3 Height	8.5m	Minimal works – existing single storey building retained and complies with this clause.	Yes

The following provisions are also relevant:

### **Clause 5.4 Controls Relating to Miscellaneous Permissible Uses**

Secondary dwelling are permitted in the R2 zone and therefore the following provisions apply:

- (9) *Secondary dwellings on land other than land in a rural zone*

*If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—*

- (a) 60 square metres,*
- (b) 11% of the total floor area of the principal dwelling.*

The secondary dwelling has an area of 28m<sup>2</sup> which complies with this clause.

#### **Clause 6.4 Development on Sloping Land**

The site is classified as Class B on Council's Landslip Map. However, the proposal does not provide for any earthworks, with the application being for a change of use only. There is no further information required in this regard.

There are no other provisions of the Warringah Local Environmental Plan 2011 that apply to the proposed development.

#### **4.3 Warringah Development Control Plan 2011**

The Warringah Development Control Plan (DCP) has been prepared by Council and was due to come into effect upon the gazettal of the LEP 2011. The new DCP contains detailed planning controls that support LEP 2011. The DCP primarily provides built form controls and the proposal does not provide for any physical works (with the exception of the rainwater tank and small window for bathroom).

The relevant provisions of the DCP as they apply to the change of use are summarised in the table below:

<b>Clause</b>	<b>Requirement</b>	<b>Compliance</b>
B3 - Side Boundary Envelope	Building envelope 45 degrees from 4m. Eaves up to 675mm are an allowable encroachment	Yes The secondary dwelling is within the existing single storey outbuilding which complies with the building envelope.
B5 - Side Boundary setbacks	Minimum: 0.9m	Yes The existing outbuilding is setback 1.69m to the side boundary.
B7 – Front Boundary Setbacks	Minimum 6.5m  Secondary frontage 3.5m	The proposal is for a change of use and does not encroach the existing boundary setbacks.

Clause	Requirement	Compliance
B9- Rear Boundary Setbacks & B10 Merit Assessment of Rear Setbacks	6.5m  Exceptions: Swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area	The proposal is for a change of use and does not encroach the existing boundary setbacks.
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Yes The proposal retains the existing vehicular crossing and driveway.
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Yes There is no change to existing on site parking. The site provides for a single carport with driveway. The existing outbuilding was previously a storage shed with no driveway access. Additional parking is not required for secondary dwellings.
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification.	Yes All collected stormwater will continue to the existing stormwater system. The proposal does not increase the existing hard surface area.
C9 – Waste Management	Waste storage area to be provided	Yes The proposed secondary dwelling will utilise the existing waste services. There is sufficient area screened from the public

Clause	Requirement	Compliance
		domain for the storage of waste and recycling bins.
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	Existing landscaped area: 35.4% Proposed landscaped area: 35.4%. The proposal does not comply with the numerical requirements of this clause, however the secondary dwelling is contained within the existing building footprint and does not reduce the existing landscaped area.
D2 - Private Open Space	Dwelling houses with three or more bedrooms Min 60m <sup>2</sup> with min dimension 5m	Yes The proposal retains existing open space in the rear yard. The private open space with an area of approximately 200m <sup>2</sup> can be used by both the primary and secondary dwelling.
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements	Yes A BASIX Certificate has been submitted with the application.
D6 – Access to sunlight	The controls require that sunlight to at least 50% of the private open space of both the subject and adjoining properties'	Not Applicable The proposed change of use did not require any change to the approved building envelope.

Clause	Requirement	Compliance
	private open space receives not less than three hours sunlight between 9am – 3pm on 21 June winter solstice.	Therefore, there will be no additional shadowing.
D7 - Views	View sharing to be maintained	Not Applicable The proposed change of use did not require any change to the approved building envelope. Therefore, there will be no loss of views.
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	Yes Whilst the proposal provides for a change of use to permit a secondary it is considered that the privacy of the adjoining properties will be retained. Only one small window on the eastern elevation is required to the bathroom. This is a non-habitable area and is well separated from habitable areas and private open space of the adjoining properties. Further the building is provided with sufficient setback (1.2m) to ensure appropriate visual separation.
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby properties & not to visually dominate the street.	Yes The proposed change of use does not encroach the existing building envelope. There is no additional bulk or scale.

Clause	Requirement	Compliance
D11 - Roofs	The LEP requires that roofs should not dominate the local skyline.	Yes No change to existing roof form.
D22 – Conservation of Energy and Water	A BASIX Certificate is required.	Yes BASIX Certificate is submitted.
E10 – Landslip Risk	Identified on map as B	Yes The proposed change of use does not require any ground works.
E11 – Flood Prone Land	Not Applicable	Not Applicable

There are no other provisions of the DCP that apply to the proposed development.

## **5. EP & A ACT - SECTION 4.15**

### **The Provisions of any Environmental Planning Instruments**

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. The site is zoned R2 Low Density Residential under the provisions of the LEP. A change of use to permit a secondary dwelling is permissible with the consent of Council in this zone. It is considered that the provisions of this document have been satisfactorily addressed within this report and that the proposal complies with the relevant provisions.

There are no other environmental planning instruments applying to the site.

### **The Likely Impacts of the Development**

It is considered that the development will provide for the change of use to permit a secondary dwelling without any detrimental impact on the environment, social and economic status of the locality. The proposal does not require the removal of any vegetation, there is minimal physical works and there is no detrimental impact on the adjoining properties.

### **The Suitability of the Site for the Development**

The subject site is zoned R2 Low Density Residential and the change of use to permit a secondary dwelling in this zone is permissible with the consent of Council. The works are contained within the existing building envelope and do not have any impact on the public domain or the adjoining properties.

For these reasons it is considered that the site is suitable for the proposed development.

### **The Public Interest**

It is considered that the proposal is in the public interest in that it will provide for an alternative form of housing that is consistent with other development in this locality without impacting the amenity of the adjoining properties or the public domain.

## 6. CONCLUSION

This application seeks approval for the change of use to permit a secondary dwelling. As demonstrated in this report the proposal is consistent with the aims and objectives of the Warringah Local Environmental Plan 2011. The proposed development does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed change of use to permit a secondary dwelling at **No. 98 Beacon Hill Road, Beacon Hill** is worthy of the consent of Council.

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