

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED CARPORTS AND BARBECUE FACILITIES

AT LOTS 5 & 6 IN DP1636, (No.24) OLIVER STREET FRESHWATER

Prepared for:
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1 INTRODUCTION

This Statement of Environmental Effects (**SEE**) accompanies a development application (**DA**) for two proposed carports in the front setbacks of each dwelling within the property at 24 Oliver Street, Freshwater and two barbecue facilities in the private open space at the rear of each dwelling. The property is the subject of Complying Development Certificate (**CDC**) E240033/CDC-01, as modified, issued by Certicorp on 22 October 2024. The Statement has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Act, 1979 (the EPA Act)*, the *Warringah Local Environmental Plan, 2011 (WLEP)*, and the *Warringah Marrickville Development Control Plan, 2011, (WDCP)*.

2 THE SITE AND ITS CONTEXT

The site is Lots 5 & 6 in DP 1636, Oliver Street, Freshwater. The site comprises 2 Torrens Title lots under a single street address (No.24 Oliver Street). Construction works are currently underway on the site in accordance with the above described CDC for 2 attached dwellings on the two existing adjoining lots. The site is on the western side of Oliver Street between its intersections with Soldiers Avenue to the north and Wilson Street to the south (Figure 2-1). It has a combined frontage to Oliver Street of 12.19m with each lot having a frontage of 6.095m. Lot depths are each 40.145m and rear boundary widths are each 6.095m resulting in total site areas for each lot of 244.68m².

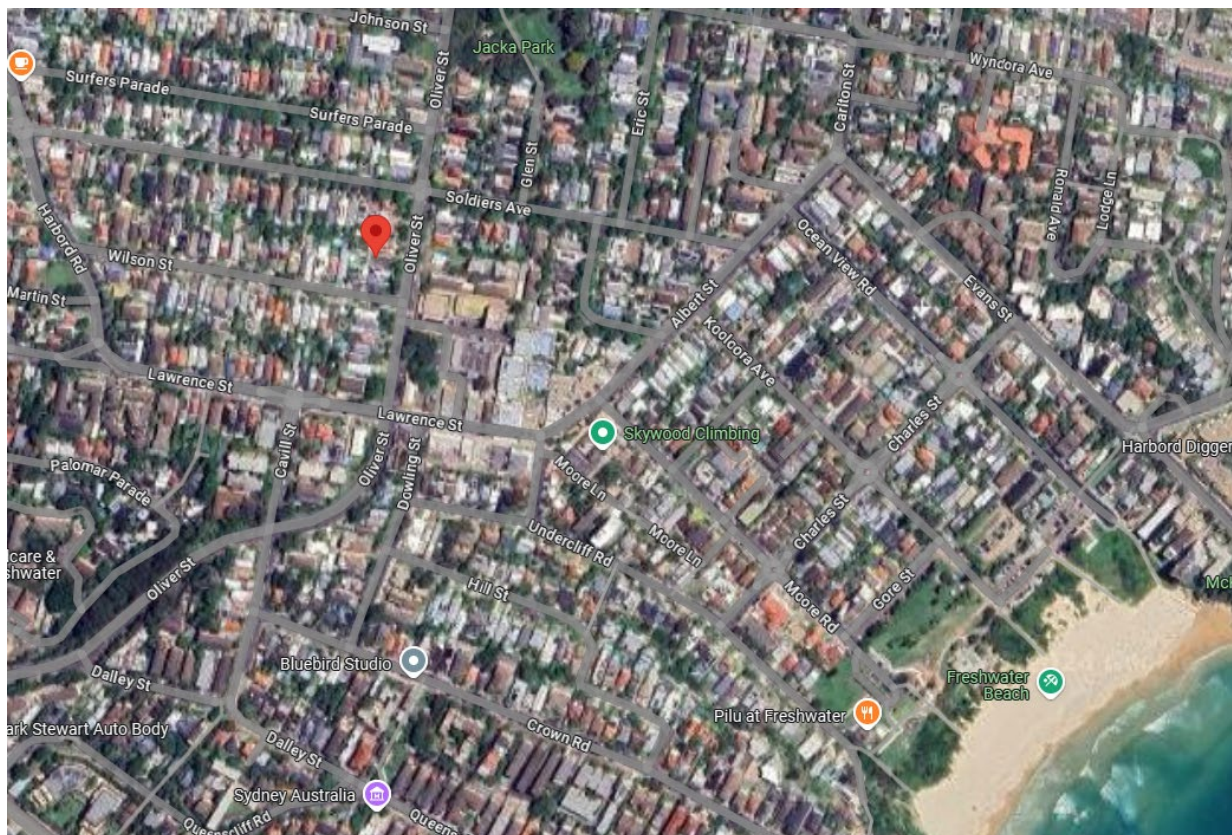


Figure 2-1 Site location (subject site indicated by red symbol) (Source: Google Maps)

Oliver Street and the surrounding streets in the locality generally support single dwelling residential houses on lots of similar dimensions to the subject lot, interspersed with residential apartment buildings up to 3 storeys in height and community facilities.

No significant trees are located on or in close proximity to the site.

3 THE PROPOSAL

The proposed development is detailed in the architectural drawings set entitled: *Development Application, Northern Beaches Council 24 Oliver Street Freshwater, NSW 2096 (Issue 4, 30.10.2024)* prepared by 2206 Studio.

The proposal includes construction of 2 free standing open sided carports and 2 barbecue facilities, one on each existing Torrens Title lot. The carports will be erected on currently approved parking bays on each lot. They will provide weather protection for vehicles at each CDC approved dwelling. Barbecue facilities are proposed at the rear of each approved dwelling.

4 PLANNING BACKGROUND

4.1 STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008 (THE SEPP)

Barbecues are Exempt Development under Division 1, Subdivision 7 of the SEPP if they satisfy all of the development standards in Clause 2.14. The proposed barbecues do not satisfy the development standard requiring that they be located no closer than 450mm from the lot boundaries.

Accordingly, the barbecues are not Exempt Development under the SEPP.

Carports are Exempt Development under Division 1, Subdivision 10 of the SEPP if they satisfy the development standards in Clause 2.20. The proposed carports are not consistent with a number of the development standards and thus are also not Exempt Development.

4.2 WARRINGAH LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP)

The subject site is zoned R2 – Low Density Residential under the WLEP. The objectives of the zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

Dwelling houses are permissible with consent under the zone. Accordingly, the proposal for carports to 2 approved dwelling houses is permissible with consent and is consistent with the zone objectives. The barbecue facilities are ancillary to the approved development and are also permissible with consent.

The proposal has been assessed against the WLEP and has been found to be consistent with all of the relevant development standards in the LEP (see Compliance Table at Section 5 of this Statement).

4.3 WARRINGAH DEVELOPMENT CONTROL PLAN, 2011 (WDCP)

Sections of the DCP of relevance to this proposal include the general controls for development and environmental quality along with sections specific to Side Boundary Setbacks (B5) and Parking Facilities (C3). The proposal is assessed against the relevant clauses of the WDCP in Section 5 of this Statement.

5 COMPLIANCE ASSESSMENT

The table below provides an assessment of the proposal against the relevant development standards and controls in the WLEP, 2011 and the WDCP, 2011.

DEVELOPMENT STANDARD / CONTROL	REQUIRED	PROPOSED	COMPLIANCE
WARRINGAH LOCAL ENVIRONMENTAL PLAN, 2011			
Cl.4.3 Height of buildings	Maximum 9.5m	Less than maximum height Standard	YES
Cl.4.4 Floor Space Ratio	Maximum 0.7:1 (212.53m ²)	The proposal does not increase GFA and FSR	YES
Cl.6.2 - Earthworks	Consent for earthworks will be required under cl.6.2(3) of the MLEP as part of the DA.	No earthworks are proposed	YES
WARRINGAH DEVELOPMENT CONTROL PLAN, 2011			
Part B5 – Side boundary setbacks	<i>0.9m minimum setback (consent may be granted for development ancillary to a dwelling house, including carports, for minor non-compliances with side setback controls)</i>	Carports are proposed at 0 setbacks to north boundary (Lot 6) and south boundary (Lot 5.)	NO (see discussion below)
Part C3 – Parking Facilities	<i>...carports are to be integrated into the house design and to not dominate the façade</i>	Carports are designed to be consistent with the architecture of the houses and are well integrated into the overall design of the CDC approved development.	YES
	<i>Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.</i>	Carports occupy greater than 50% of the building width	NO (see discussion below)

Notwithstanding the identified non-compliances with some numeric controls in the Warringah DCP, the following assessment finds that the proposal is generally consistent with the relevant objectives and numeric controls within the WDCP.

5.1.1 WDCP Division A5 – Objectives

Justification for the numerical non-compliances with the WDCP is provided below against the overarching objectives and the control specific objectives of the WDCP.

5.1.1.1 DCP Objective - overriding

- *The overriding objective of the DCP is to create and maintain a high level of environmental quality throughout Warringah. Development should result in an increased level of local amenity and environmental sustainability.*

Commentary

The proposal is not inconsistent with this objective. Protected on site parking will encourage parking within the property boundaries, freeing up on street parking for others and contributing to street amenity.

5.1.1.2 DCP Objective – other objectives

The other objectives of this plan are:

- *To ensure development responds to the characteristics of the site and the qualities of the surrounding neighbourhood*
- *To ensure new development is a good neighbour, creates a unified landscape, contributes to the street, reinforces the importance of pedestrian areas and creates an attractive design outcome*
- *To inspire design innovation for residential, commercial and industrial development To provide a high level of access to and within development.*
- *To protect environmentally sensitive areas from overdevelopment or visually intrusive development so that scenic qualities, as well as the biological and ecological values of those areas, are maintained*
- *To achieve environmentally, economically and socially sustainable development for the community of Warringah*

Commentary

The proposal is positively consistent with many of the overarching DCP objectives and not inconsistent with any.

The proposed carports are consciously designed to present as integral components of the currently approved development and to enhance amenity for future residents (Figure 5-1). In this regard, the proposal represents a positive response to the site and its neighbourhood, creates an attractive design outcome and contributes to a unified development which enhances its local streetscape.



Figure 5-1 streetscape view of proposed carports and CDC approved dwellings (2206 Studio)

5.1.1.3 DCP Objective – Part B5 – Boundary setbacks

- To provide opportunities for deep soil landscape areas.
- To ensure that development does not become visually dominant.
- To ensure that the scale and bulk of buildings is minimised.
- To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.
- To provide reasonable sharing of views to and from public and private properties.

Commentary

The proposed carports are at zero setbacks from their adjoining properties. Their location on each lot is necessitated by the narrow lot widths and the need to provide adequate weather protected space for off street parking. Figure 5-1 illustrates that the carports are designed to be integral components of the developed sites and will present as such in the streetscape. Walls at the boundary of each lot will provide visual and acoustic privacy for adjacent residences and further enhance the design intention to present the two structures as unifying elements consistent with the design aesthetic of the development.

The carports are of appropriate scale and height and are of light weight appearance so that they do not contribute to bulk of the buildings. They also do not impact on view sharing.

5.1.1.4 DCP Objective – Part C3 – Parking facilities

- To provide adequate off street carparking.
- To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.
- To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.

Commentary

Again, the computer generated image at Figure 5-1 indicates that the carports as proposed will be entirely consistent with the above planning objectives for carparking facilities.

The above assessment of the proposal against the relevant development standards and planning controls illustrates that the site is capable of supporting the proposed house with acceptable impacts on adjoining properties, including the adjacent heritage listed two storey dwelling.

To summarise, this Statement has illustrated that the subject site is highly suitable for the proposed development.

6 CONCLUSION

The proposed carports and barbecue facilities that are the subject of this Statement are permissible with consent in their zone under the *Warringah Local Environmental Plan, 2011*.

The barbecues are ancillary facilities to the approved dwellings that will enhance the amenity of future residents with no appreciable environmental impacts on the local neighbourhood.

Notwithstanding some non-compliances with the numeric controls in the *Warringah Development Control Plan, 2011*, the carports have been illustrated to be consistent with all relevant planning objectives.

The proposed carports are of contemporary design and are well integrated with the approved dwellings that they serve. They would enhance the existing streetscape and would be consistent with the character of the local neighbourhood.

In this regard, it is considered that the development application is in the public interest and is worthy of development consent.