

Statement of Environmental Effects

Use of an existing studio as a secondary dwelling

39 Forest Way, Frenches Forest

March 2021 (Revision 2)

The Site and Surrounding Development

The site has a legal description of Lot 5 DP 23064, known as 39 Forest Way, Frenches Forest. It is rectangular in shape with area of approximately 975.44sqm. It has a primary street frontage of 21.3m to Forest Way.

The site contains a single storey weatherboard dwelling with attached carport. An existing studio, which is the subject of this application is located at the rear of the site.

The site is not identified as being subject to flooding.

A number of mature trees are located on the site.

The surrounding area is characterised by a mixture of land uses. Properties immediately surrounding the subject site are residential. The Forest Way Shopping Centre is located within walking distance of the site, less than 400m to the south. The Northern Beaches Hospital is located approximately 1km to the west.

The site is within close proximity to public transport services. The nearest bus stop is located 75m from the site, with additional services located closer to Warringah Road.

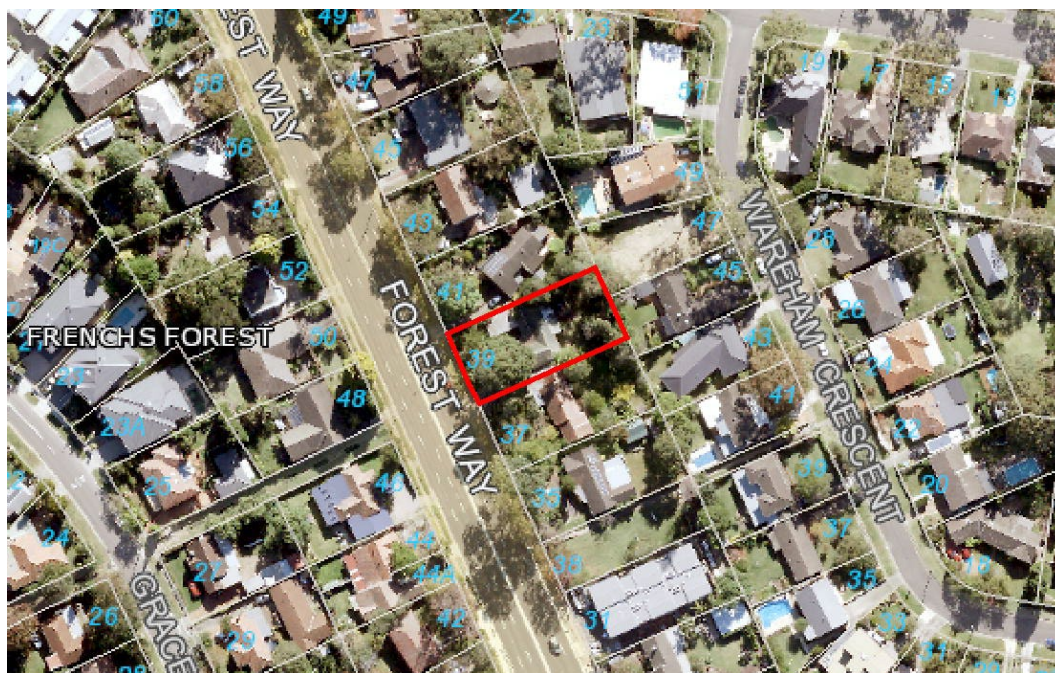


Figure 1: Aerial view of site and surrounds (Northern Beaches Council, 2021)



Figure 2: Photo of the existing studio viewed from the rear yard (looking south)

Relevant Development Applications

The existing studio was granted approval by Council under approval No. 685/90. The approval included the construction of a bathroom located in the south eastern corner of the studio. Details of this approval have been submitted with this application.

Following approval of the studio, the following internal works have been undertaken:

- Installation of a shower screen, vanity and tiles within the existing bathroom.
- Installation of a kit kitchen along the southern wall of the studio building.

Proposed Development

The application seeks consent for the following:

- Use of the existing, approved studio as a secondary dwelling. The total area of the secondary dwelling is 28.2sqm.
- Pedestrian access to the secondary dwelling is available via a side passage located along the northern property boundary.
- No physical works are proposed.

- No tree removal or landscaping changes are proposed.

Assessment

The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (SEPP) (Affordable Rental Housing) aims to provide a consistent planning regime for the provision and maintenance of affordable rental housing and to facilitate the delivery of new affordable rental housing.

Division 2: Secondary Dwellings

Under Clause 22, compliance with any of the following standards must not be used to refuse consent for a secondary dwelling.

Clause 22 – Standards that cannot be used to refuse a secondary dwelling

Provision	Compliance	Comment
(4)(a) Site Area (i) the secondary dwelling is located within, or is attached to, the principal dwelling, OR (ii) the site area is at least 450 square metres,	Yes	The subject site has a total area of 975.44sqm, which exceeds the minimum site requirement.
(b) Parking if no additional parking is to be provided on the site.	Yes	The application does not propose any additional car parking onsite.

Warringah Local Environmental Plan 2011

An assessment of the proposed development against the relevant provisions of the Warringah Local Environmental Plan 2011 is provided in the following sections.

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the R2 Low Density Residential zone. The proposed development is for use of an approved studio as a secondary dwelling, which is permissible with consent in the zone.

4.3 Height of buildings	Yes	<p>A maximum building height of 8.5m is permitted.</p> <p>The existing studio has a maximum height of 4.31m to the top of the roof ridge.</p>
<p>5.4 Controls relating to miscellaneous permissible uses</p> <p>The total floor area of the dwelling must not exceed whichever of the following is the greater</p> <p>(a) 60 square metres,</p> <p>(b) 11% of the total floor area of the principal dwelling.</p>	Acceptable	<p>The maximum floor area permitted for the secondary dwelling is 60sqm.</p> <p>The proposed floor area for the secondary dwelling is 28.2sqm.</p> <p>The secondary dwelling is approximately 18% of the floor area of the existing dwelling. This is a minor increase above the allowable 11% and is considered acceptable as follows:</p> <ul style="list-style-type: none"> • The proposal utilises an existing, approved studio. No additional floor area above what already exists onsite is proposed as part of this development application. • The existing studio is located at the rear of the site and is subservient to the existing dwelling.
6.4 Development on sloping land	Yes	<p>The site is located within Area B on the LEP Landslip Risk Map.</p> <p>The rear of the site where the existing studio is located is relatively flat and the existing building has guttering and downpipes that connect to the sites existing stormwater system.</p>

Warringah Development Control Plan 2011

An assessment of the proposed development against the relevant provisions within the Warringah Development Control Plan 2011 is provided in the following sections.

Part B – Built Form Controls

Provision	Compliance	Comment
B1 Wall Heights	Yes	The existing studio is 3.6m from the floor level to the gutter.

B5 Side Boundary Setbacks	Yes	The existing studio is located 3.88m from the southern side boundary and approximately 13m from the northern side boundary.
B9 Rear Boundary Setbacks	Acceptable	<p>The existing studio is located 2.905m from the eastern rear boundary, which is less than the 6m DCP numerical requirement. The existing rear setback is considered acceptable as follows:</p> <ul style="list-style-type: none"> • There are no windows or openings located on the eastern elevation that would create privacy impacts to adjoining properties. • Ample private open space and deep soil zones exist within the site.

Part C – Sitting Factors

Provision	Compliance	Comment
C2 Traffic, Access and Safety	Yes	<p>No new vehicle access is proposed as part of this application.</p> <p>The site is located within walking distance to a number of services including the Forest Way Shopping Centre and Northern Beaches Hospital, reducing reliance on private vehicles. The site is well serviced by public transport.</p>
C3 Parking Facilities	Yes	No new parking facilities are proposed as part of this application.
C4 Stormwater	Yes	The existing studio has guttering and downpipes that connect to the sites existing stormwater system.

Part D – Design

Provision	Compliance	Comment
D1 Landscaped Open Space and Bushland Setting	Yes	Approximately 318sqm of landscaped private open space (excluding decking) exists in the rear yard, with an additional 177sqm

		of landscaped area (excluding carport and circulation space) at the front of the site. Combined this equates to 51% of the site.
D2 Private Open Space	Yes	Approximately 353sqm of private open space (including decking) exists in the rear yard.
D6 Access to Sunlight	Yes	The existing studio is appropriately located to ensure that the private open space of the subject site and adjoining properties receives ample solar access.
D8 Privacy	Yes	The existing studio is well setback from adjoining properties and does not contain openings along the southern, eastern and western elevations. Windows on the northern elevation are perpendicular to the primary dwelling on the site, are screened by vegetation and do not allow direct viewing into the existing dwelling.

Part E – The Natural Environment

Provision	Compliance	Comment
E1 Preservation of Trees or Bushland Vegetation	Yes	The proposal does not involve the removal of any existing trees or vegetation.
E10 Landslip Risk	Yes	<p>The site is located within Area B on the LEP Landslip Risk Map.</p> <p>The rear of the site where the existing studio is located is relatively flat and the existing building has guttering and downpipes that connect to the sites existing stormwater system.</p>

Conclusion

The development application seeks approval for the use of an existing, approved studio located at the rear of the site as a secondary dwelling.

No physical works or tree removal is proposed.

The proposed use will not result in any adverse impacts on both the natural and built environment or surrounding properties and is suitable for the site.

The proposed use satisfies the relevant provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009, the Warringah Local Environmental Plan 2011 and the Warringah Development Control Plan 2011.