



**7 ELM AVENUE,
BELROSE**

**STATEMENT OF ENVIRONMENTAL EFFECTS
FOR THE CHANGE OF USE OF A GARAGE TO A WORKSHOP/ STORAGE SPACE & BATHROOM**



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 a garage to a workshop, storage space and bathroom at 7 Elm Avenue, 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 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
- ◆ Site survey prepared by Urban Surveying,
- ◆ Architectural Plans prepared by JAH Design Services
- ◆ BCA Report prepared by BCA Vision

- 1.3 This application will be coupled with a Building Information Certificate Application for a the unauthorised works undertaken for the workshop, storage space and bathroom, noting that this DA will only consider the use.

2.0 The site and its locality

- 2.1 The subject site is located on the western side of Elm Avenue in Belrose, opposite its intersection with Winani Close. It is legally described as Lot 6 DP 240752.
- 2.2 It is an irregular shaped lot, with front boundary of 15.505 metres and 6.95 metres (east and south-east – Elm Avenue frontage), rear boundaries of 20.42 metres (west), and side boundaries of 33.84 metres (north) and 32.545 metres (south). The lot has an area of 715.9m² and slopes slightly from south to north.
- 2.3 The site is occupied by a single storey brick dwelling, with a tile roof, a shed and a pool in the rear of the property.
- 2.4 The property is surrounded by detached residential dwellings to the north, east and west with a reserve on the southern side. It is located in close proximity to shops and services to the east on Forest Way and to the south in Glenrose Village and Forestway Shopping Centre.

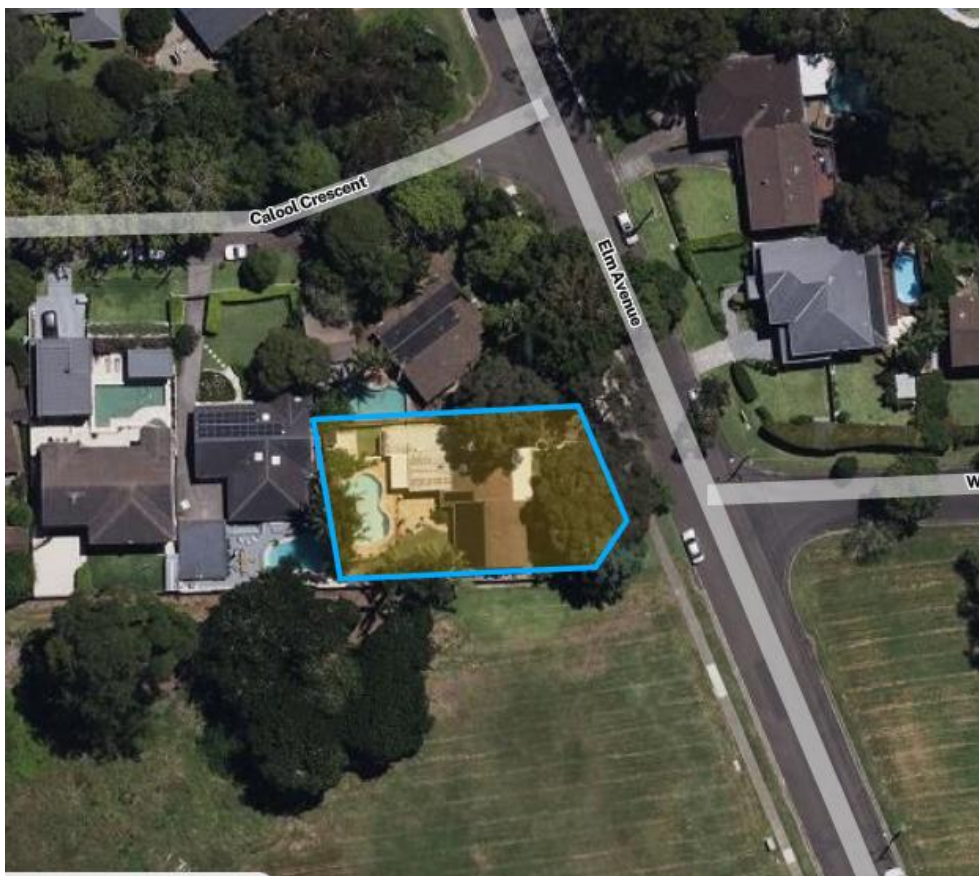


Figure 1. Aerial Image of the subject site

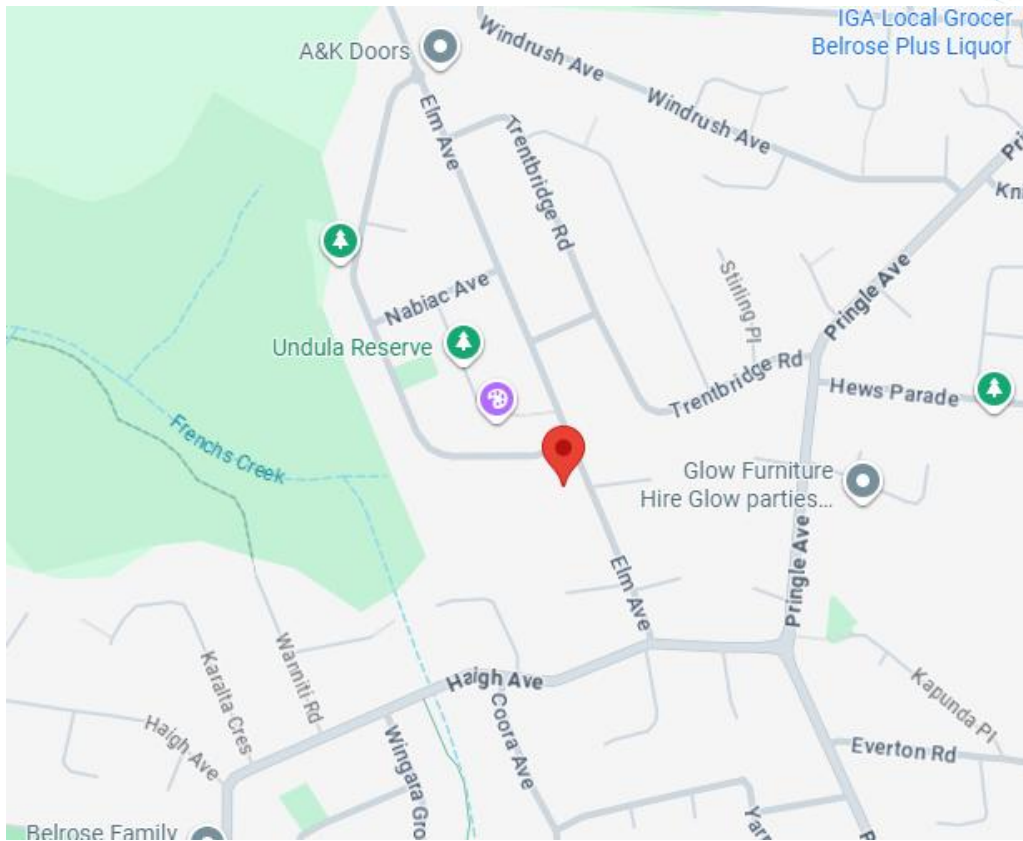


Figure 2. The site within the locality

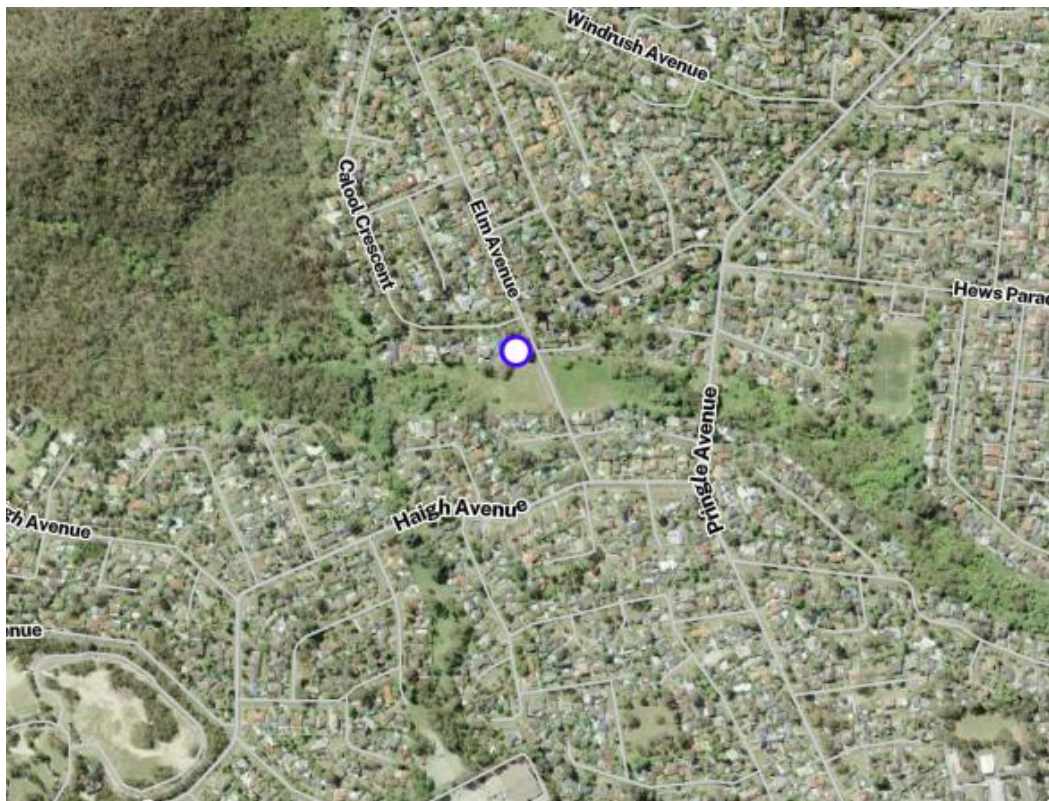


Figure 3. Aerial Image of the site within the locality

3.0 Site Photos



Figure 4: The subject site, looking west from Elm Avenue.



Figure 5: The existing workshop space, looking east.



Figure 6: The northern elevation of the garage/habitable space conversion, looking east.



Figure 7: The workshop with privacy screening, looking east, towards the front of the property.



Figure 8: The bathroom in the converted garage.

4.0 Background

- 4.1 Northern Beaches Council issued a *Notice of Intention to Give a Development Control Order* on 2 September 2025 (EPA2025/0170) in relation to unauthorised development at the subject site.
- 4.2 Specifically the order references:
Order No 10 – Restore Works Order:
1. To restore premises to the condition in which they were before unlawful building or other works occurred, specifically:
 1. Restore the attached brick garage at the premises 7 Elm Avenue BELROSE NSW 2085, (legally known as Lot 6 DP240752), to the condition and layout it was on approved plans under development consent B302-76 by undertaking the following works:
 - a) Remove the new front door and window and reinstate the garage door to this opening.
 - b) Remove the bedroom and built in wardrobe.
 - c) Remove the bathroom with shower vanity basin and toilet and tiled floor.
 - d) Remove the new window in bathroom and make good the opening in the wall with bricks.
 - e) Remove the kitchen wall cupboards, upright oven, washing machine, dishwasher sink and range hood.
 - f) Remove the new window in kitchen and make good the opening in the wall with bricks.
 - g) Remove all new internal non-structural walls separating the kitchen bathroom and bedroom.
 - h) Remove the new rear sliding door to the rear courtyard and reinstate the window and door to this opening.
 - i) Remove the floating timber floors throughout the rooms
 - j) Remove the ceiling fans and smoke detectors.
- 4.3 This Development Application for change of use and the concurrent Building Information Certificate Application seek to regularise the unauthorised development.

5.0 Proposed Development

5.1 This application proposes the change of use of the previous garage on site to allow for use as a workshop, storage space and bathroom.

5.2 A concurrent Building Information Certificate Application has been submitted for the associated works comprising:

- Storage room
- Workshop
- Bathroom

5.3 There are components of the works that are not compliant with the Building Code of Australia which are proposed to be rectified including:

- Proximity to side boundary -900mm (window to be upgraded to BCA recommendation)

These works are proposed to be completed to allow for the issuing of the Building Information Certificate.

6.0 Statutory Framework

6.1 State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The development remains consistent with the provisions of the SEPP as it does not propose to remove any trees.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

The subject site has historically been used for residential purposes, and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.

State Environmental Planning Policy (Sustainable Buildings) 2022

Schedule 1 of the Environmental Planning and Assessment Regulation (2001) 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. A BASIX Certificate is not required where the cost of the works is less than \$50,000.

6.2 Warringah Local Environment Plan 2011

The Warringah Local Environmental Plan 2011 is the primary planning instrument that applies to the subject site. The relevant provisions of LEP 2011 are assessed below.

Zoning

The site is zoned R2 Low Density Residential pursuant to the provisions of the Warringah Local Environment Plan 2011. The works are permitted in the zone, which permits dwelling houses and ancillary associated works with development consent.

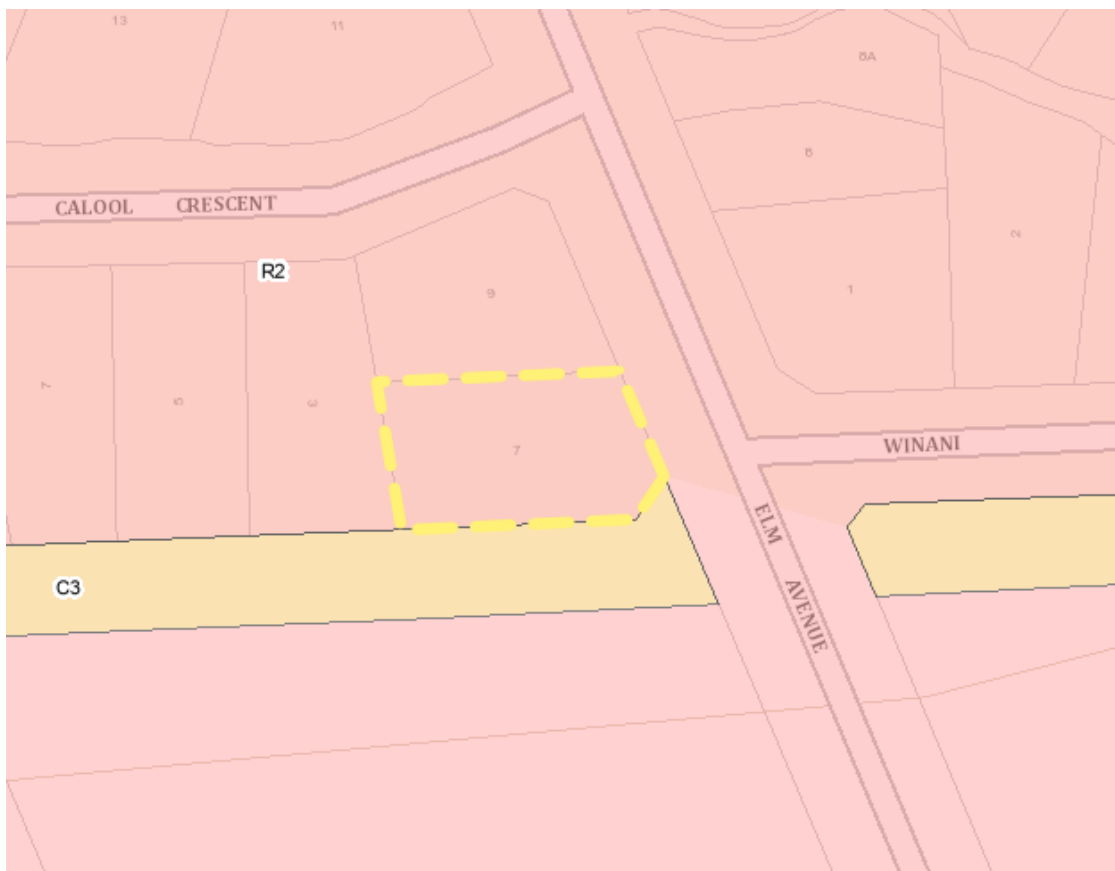


Figure 12. Extract from Warringah LEP zoning map

Demolition

No works are proposed as a part of the change of use.

Minimum Subdivision Lot Size

The subject site is mapped with a minimum subdivision lot size of 600m². The site has an area of 715.9m² and no subdivision is proposed.

Height of Buildings

The LEP restricts the height of any development on the subject site to 8.5 metres, and the converted garage has compliant maximum height of 2.8 metres. No works are proposed as a part of the change of use.

Floor Space Ratio

The site is not identified on the floor space ratio map.

Heritage Conservation

The site is not a heritage item, is not located within a heritage conservation area and is not located in proximity to a heritage item.

Flood Planning

The site is not flood impacted.

Acid Sulfate Soils

The site is not located in an area nominated as Acid Sulfate soils.

Earthworks

No works are proposed as a part of the change of use.

Development on Sloping Land

The site is located in the area nominated the LEP maps as Area A– Slopes < 5. As such the consent authority must be satisfied that:

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) the development will not impact on or affect the existing subsurface flow conditions.*

No works are proposed as a part of the change of use.

6.3 Warringah Development Control Plan 2011

The relevant sections of the DCP are addressed below.

Part A Introduction Objectives

The proposed development is entirely consistent with the ecologically sustainable, environmental, social and economic objectives as specified in the DCP. The proposal is appropriate to the site and the locality and has been designed with fulfilment of these objectives as essential criteria.

Part B General Controls

Wall Heights

The site is mapped with a maximum wall height of 7.2 metres and the converted garage has an unchanged compliant maximum wall height of 2.6 metres. No works are proposed as a part of the change of use.

Side Building Envelope

The site requires a side boundary envelope of 4m/45° and the development is located within the permitted envelope. No works are proposed as a part of the change of use.

Side Boundary Setbacks

The DCP requires minimum side setbacks of 0.9 metres on the subject site. Side setback are unchanged, with the closest point being 850mm. The BIC proposes to ensure changes to allow for compliance with fire rating provisions. No works are proposed as a part of the change of use.

Objectives of control:

- *To ensure opportunities for deep soil landscape areas are maintained.*

Comment:

The site retains ample deep soil and landscaped area. The variation to the setback will not be to the detriment of the provision of planting on the site.

- *To create a sense of openness in rear yards.*

Comment:

The rear yard retains a large open area and no changes result due to the internal fit out that was undertaken.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Comment:

In accordance with BCA recommendations, the window to the workshop in the side elevation will be replaced with glass blocks as part of the Building Information Certificate. This will minimise overlooking into the rear property.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

Comment:

The structure existing at located behind the front building line. All works are internal.

- *To provide opportunities to maintain privacy between dwellings.*

Comment:

Privacy is maintained with no overlooking into neighbouring sites.

Front Setback

A minimum front setback of 6.5 metres is required on the site and no change results from the development which is within the existing garage.

Rear Setback

A rear building setback of 6 metres is required on the site and the work contained within the existing garage comply with a retained setback of 7.7 metres. No works are proposed as a part of the change of use.

Part C Siting Factors

Traffic Access and Safety

The subject site has existing vehicular access from Elm Avenue which is retained.

Parking Facilities

The DCP requires a minimum 2 car parking spaces and the site retains a compliant 2 parking spaces in the driveway.

Stormwater

No works are proposed as a part of the change of use.

Excavation and Landfill

No works are proposed as a part of the change of use.

Demolition and Construction

No works are proposed as a part of the change of use.

Waste Management

No works are proposed as a part of the change of use.

The dwelling retains appropriate bin storage areas, with waste to be collected by Councils regular service.

Part D Design

Landscaping and Open space and bush land setting

The DCP requires a landscaped area of 40%. No works are proposed as a part of the change of use.

Private open space

The DCP requires a minimum 60m² private open space, with minimum dimensions of 5 metres. The unauthorised works are internal and result in a nil change to private open space. No works are proposed as a part of the change of use.

Noise

The development will not result in noise levels inappropriate to the residential area and the site is not located within close proximity to a noise generating activity.

Access to sunlight

The existing small single storey structure will not have any discernible impact on solar access for neighbours. No works are proposed as a part of the change of use.

Views

No works are proposed as a part of the change of use.

Privacy

Privacy will be retained for neighbours with no direct overlooking into any key living areas or private open space. No works are proposed as a part of the change of use.

Building Bulk

The dwelling retains its existing, compliant single storey scale presenting to Elm Avenue. The small single storey garage is externally in scale and is of an appropriate scale and remains consistent with other outbuildings in the locality. No works are proposed as a part of the change of use.

Building Colours and Materials

No works are proposed as a part of the change of use.

Roofs

The roof is unchanged.

Glare & Reflection

No works are proposed as a part of the change of use.

Fences

Existing boundary fencing has been retained on the site.

Site Facilities

All site facilities, including bin storage, drying facilities and mailboxes are provided on the site.

Safety and Security

An ability to view the street frontage is retained.

Part E – The Natural Environment

Landslip Risk

As described above the site is located in the area nominated the LEP maps as Area A – Slopes < 5. As such the consent authority must be satisfied that:

No works are proposed as a part of the change of use.

7. 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:

7.1 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 development is complimentary and compatible with adjoining development.

The proposal achieves the aims of the Warringah LEP and DCP and the development is permissible in the zone.

7.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

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 works complement the site and its surrounds, are appropriate and will have negligible impact on adjacent properties.

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.

Public domain

There will be no impact.

Utilities

There will be no impact on the site, which is already serviced.

Flora and fauna

There will be no impact.

Waste

There will be no impact.

Natural hazards

Natural hazards can be effectively mitigated to allow the development to proceed.

Economic impact in the locality

There will be no impact.

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 works are appropriate to the site with regards to all of the above factors. The development fits well within the context of the surrounds and the development is well suited to the residential surrounds.

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 development will comply with the provisions of the Building Code of Australia and all relevant Council controls.

Construction

What would be the impacts of construction activities in terms of:

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

7.3 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 development.

7.4 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 development.

7.5 The public interest

It is considered that the development is in the public interest as it allows for appropriate use of the 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.

8. Conclusions

- 8.1 This Development application, for the change of use for unauthorised building works being the fitout of a garage as a workshop, storage space and bathroom at 7 Elm Avenue, Belrose is appropriate considering all State and Council controls, once Building Code of Australia alterations are made as recommended in the accompanying BCA report.
- 8.2 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the development is meritorious and the Certificate should be granted.
- 8.3 Considering all the issues, the development is considered worthy of Council's consent to regularise the unauthorised works.