

STATEMENT OF ENVIRONMENTAL EFFECTS

Change of use of
Detached Garage

36 Smith Avenue

Allambie

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Statement of Environmental Effects

Change of Use of Detached Garage

36 Smith Avenue, Allambie

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TABLE OF CONTENTS

1	Introduction.....	1
2	Site Analysis.....	2
2.1	Site Description and Location	2
2.1.1	The Site.....	2
3	Description of Proposed Development.....	3
3.1	Details of the Proposed Development.....	3
4	Statutory Planning Framework	4
4.1	Warringah Local Environmental Plan 2011.....	4
4.1.1	Zoning and Permissibility.....	4
4.1.2	Height of Buildings.....	4
4.1.3	Development on sloping land	5
4.2	Warringah Development Control Plan 2011.....	5
4.2.1	Built Form Controls.....	5
4.2.2	Front Boundary Setback.....	5
4.2.3	Side Boundary Setbacks	6
4.2.4	Parking Facilities	6
4.2.5	Noise	6
4.2.6	Privacy	6
4.3	Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended.....	7
(i)	The provision of any planning instrument.....	7
(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	7
(iii)	Any development control plan	7
	Warringah DCP applies.....	7
(iia)	Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and	7
(iv)	The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and.....	7
(v)	Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979).....	8
(b)	The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,	8
(c)	The suitability of the site for the development.....	10
(d)	Any submissions received in accordance with this act or regulations.....	11
(e)	The public interest	11
5	Conclusion	12

1 Introduction

This statement has been prepared for the owners of 36 Smith Avenue as part of the supporting documentation for a Development Application (DA) proposing a change of use of the detached garage into a habitable space and new hardstand parking arrangement.

The existing garage has already been converted into a habitable space. As such, a building certificate is lodged with Council to address the physical works with this DA seeking to approve the change of use of the garage into a habitable space. We note that no kitchen or cooking facilities have been included with the garage conversion.

In addition to the Statement of Environmental Effects, the application is also accompanied by the following:

- Survey Plan;
- Architectural drawings including site plan; elevations and sections

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979;
- Warringah Local Environmental Plan 2011;
- Warringah Development Control Plan 2011;

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

2 Site Analysis

2.1 Site Description and Location

2.1.1 The Site

The application relates to Lot 115 DP 12764, 36 Smith Avenue, Allambie. A location map is included as **Figure 1**.



Figure 1: Site Location (Source: Six Maps)

The subject site has a frontage of 13m, variable depth of between 42.6m and 44.9m and a rear boundary of 12.8m. The site is generally rectangular in shape with an area of 556m² with frontage and address to Smith Avenue. There is also a private carriageway at the rear of the site.

Development in the immediate vicinity is by predominately low density residential dwelling set in informal landscaped settings.

3 Description of Proposed Development

3.1 Details of the Proposed Development

This application seeks approval for the following:

- The change of use of the detached garage into habitable space
- The use of the existing driveway to accommodate hardstand car parking spaces in tandem with the existing single car garage located at the front of the site.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 79C of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Warringah Local Environmental Plan 2011

The Warringah Local Environmental Plan 2011 is the principal local planning instrument applicable to the land. The relevant provisions of the LEP and the manner in which they relate to the site and the proposed development are assessed below.

4.1.1 Zoning and Permissibility

As previously noted the site is zoned R2 Low Density Residential pursuant to the provisions of the Warringah Local Environmental Plan 2014.

Dwelling Houses are permissible with consent in the R2 zone and the works relate to the change of use of the detached garage into a habitable space. We note that a secondary dwelling was approved (DA2016/1191), and since constructed, on the site. The conversion of the garage to a habitable space is in addition to the primary dwelling. No kitchen or cooking facilities are included within the garage conversion which would allow the space to be used as an additional dwelling. As such, the site only has a primary and secondary dwelling and the conversion of the garage to a habitable space raises no permissibility issues.

4.1.2 Height of Buildings

Pursuant to clause 4.3(2) PLEP 2014 the height of a building on any land is not to exceed 8.5 metres. The objectives of the clause are as follows:

- *(a) to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- *(b) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*
- *(c) to minimise any overshadowing of neighbouring properties,*
- *(d) to allow for the reasonable sharing of views,*
- *(e) to encourage buildings that are designed to respond sensitively to the natural topography,*
- *(f) to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

The proposed works maintain the established height of the dwelling and the detached garage proposed to be converted.

4.1.3 Development on sloping land

Pursuant to clause 6.4 of the LEP the subject site is mapped as being within Area B on the landslip risk map. No physical works or excavation is required and no external changes proposed to the garage that would require a preliminary geotechnical report. As such, it is considered that the works pose no risk to landslip.

4.2 Warringah Development Control Plan 2011

The proposed development has been assessed against the relevant provisions of the Warringah DCP as outlined in the following sections of this report.

4.2.1 Built Form Controls

Part B of the DCP relates to built form controls. We note that no physical external works have been undertaken or proposed with this application. The existing structures on the site maintain the setbacks, envelope and site coverage as approved. A variation to the front setback control is proposed for a hardstand parking space, which is addressed below, however no physical works are associated with that car space.

4.2.2 Front Boundary Setback

The subject site has a front setback control of 6.5m. This application proposes a hardstand parking space at the front of the site which will sit within this front setback area. The objectives of the front setback control are as follows:

- *To create a sense of openness.*
- *To maintain the visual continuity and pattern of buildings and landscape elements*
- *To protect and enhance the visual quality of streetscapes and public spaces.*
- *To achieve reasonable view sharing.*

The provision of a hardstand parking area ensures that no built structures will dominate the frontage of the site and maintains a sense of openness in the streetscape. The hardstand parking space will utilise the existing driveway. As such, the existing landscaping circumstance within at the front of the site will be maintained. It is considered that the hardstand area within the front setback does not raise any adverse amenity impacts for neighbours nor create any unreasonable impacts within the streetscape.

4.2.3 Side Boundary Setbacks

As mentioned, there is no change to the siting of existing structures located on the site. However, the converted garage has an existing setback that is within the 900mm control. The objectives of the control are as follows:

- *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.*

As mentioned, the existing setbacks are to be maintained and there is no change to the envelope of the existing garage. The bulk and scale and visual impact of the structure is to be maintained. The location of the converted garage raises no amenity impact issues by virtue of its location on the site in proximity to habitable areas of the neighbouring property. It is considered that the change to a habitable spaces raises no amenity impacts issues with regard to privacy, overshadowing or visual impacts.

4.2.4 Parking Facilities

Pursuant to clause C3 of the DCP, the objectives of the clause state:

- *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.*

For dwelling houses the carparking requirements are to provide 2 off-street parking spaces. This application proposes a hardstand parking space located in tandem with the existing garage located under the front patio area.

4.2.5 Noise

The conversion of the garage into a habitable space raises no unreasonable impacts to the acoustic privacy to the immediate neighbours. The existing garage is adjacent to the adjoining garage at 34 Smith Avenue and not in proximity to any private outdoor areas. It is considered that the garage conversion does not pose any unreasonable noise risk to neighbouring properties.

4.2.6 Privacy

The conversion of the garage raises no unreasonable privacy impacts for occupants and neighbours. The side boundary facing elevations do not include any windows that would provide overlooking opportunities. A window is located on the eastern elevation which provides natural light to the bedroom and poses no risk to the privacy of neighbours. There is

no direct line of sight into the windows of habitable spaces within the dwelling located at 34 Smith Avenue nor to the secondary dwelling located on the site. As such, it is considered that the conversion of the garage raises no adverse amenity impact with regard to the privacy of adjoining properties.

4.3 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as amended

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 (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment.

(i) The provision of any planning instrument

The proposal is permissible and generally in conformity with the General, Development Type and Locality Specific Controls contained within Warringah Development Control Plan.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

N/A

(iii) Any development control plan

Warringah DCP applies

(iiia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

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

N/A

Context and Setting

i. 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*

The proposed works are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

ii. 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*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

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*

2 car spaces are proposed on the site.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

Existing utility services will continue to service the dwelling house.

Flora and Fauna

N/A

Waste Collection

Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

The site is mapped as being within a landslip risk area however no structural works are proposed.

Economic Impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

- i) *Is the development design sensitive to environmental considerations 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*

These matters have been discussed in detail earlier in this report. The potential impacts are minimal and within the scope of the general principles, desired future character and built form controls.

ii) 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 development will comply with the provisions of the Building Code of Australia as required by Clause 98 of the Environmental Planning and Assessment Regulation 2000. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

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

- *The environmental planning issues listed above*
- *Site safety*

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development 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*
- *Are the site attributes conducive to development*

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The conversion of the garage into a habitable space does not raise any amenity impacts to adjoining properties. The unauthorised works that have been undertaken are subject to approval via a building certificate application which has been lodged with Council. The loss of a car space with the conversion is mitigated by providing a hardstand parking area located at the front of the site, in tandem with the existing garage located under the front patio.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly, approval of the development would be in the public interest.

5 Conclusion

The proposed change of use of the converted garage to a habitable space, hardstand car parking arrangement do not create an unreasonable amenity impacts to neighbouring properties. The unauthorised works that have been undertaken are subject to approval via a building certificate application which has been lodged with Council. The loss of a car space with the garage conversion is mitigated by providing a hardstand parking area located at the front of the site, in tandem with the existing garage located under the front patio.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of exceptional design merit, that satisfies the outcomes and controls contained within the adopted legislative framework.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.