

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED CHANGE OF USE FROM
DUAL OCCUPANCY TO
RESIDENTIAL FLAT BUILDING &
STRATA SUBDIVISION

1.0 INTRODUCTION

The proposal seeks the consent of Northern Beaches Council (“the Council”) for the use of the existing dual occupancy building at 1 Fairlight Crescent, Fairlight, as a residential flat building containing three (3) dwellings and strata title subdivision of the building into three (3) lots.

This application seeks to create three (3) residential units by separating the two levels of existing Unit 2 into two separate domiciles. Unit 1 (ground floor) contains 2 bedrooms, one bathroom; Unit 2 contains two bedrooms and two bathrooms and Unit 3 contains three bedrooms and two bathrooms.

This application does not necessitate the revisiting of the assessment and determination of the approved building in terms of access, landscaping, floor space ratio and parking on-site parking as the application only relates to the internal conversion of the upper level and change of use from dual occupancy to strata titled residential flat building. The adaptaion only requires the installation of kitchen cooking facilities to replace the existing kitchennette hob to the existing joinery unit. No Building work is proposed or required.

The building bulk, scale, external appearance, access and built form have been previously approved by Council and are not altered by this application. On this basis, this Statement addresses only those LEP and DCP provisions that relate to the proposed change of landuse and strata subdivision of the three dwellings.

The existing building in the main complies with the relevant development standards and local development controls contained within the Manly Local Environmental Plan 2013 and supporting Manly Development Control Plan 2013 excepting for density.

The document has been prepared pursuant to Section 4.12(9) of the *Environmental Planning and Assessment Act, 1979 (EP&A Act 1979)*, and cl 47 and Schedule 1, Part 1, Clause 2(c) of the *Regulations*, and reviews the applicable environmental planning instruments and development control plans that apply to the subject property as well as the natural and built environmental

impacts of the proposal with particular reference to the relevant heads of consideration listed under s4.15 of the *EP&A Act 1979*.

A similar application was previously approved by Council under DA2023/0889 on 13 September, 2023.

The assessment concludes that the application is acceptable, and is worthy of Council's approval.

2.0 DESCRIPTION OF SITE & LOCALITY

The subject site is legally identified as Lot A in DP 342163, and more commonly referred to as No. 1 Fairlight Crescent in Fairlight. The property is an irregularly shaped corner site located on the eastern side of Fairlight Crescent and the southern side of Lauderdale Avenue. The site comprises a total land area of 496.1m² and has a frontage of 36.53m to Fairlight Crescent.

The property also contains a number of insignificant trees and gardens which predominantly align the street frontage along the western boundary. Fencing defines all site boundaries.

The property contains an existing three storey brick building containing an attached dual occupancy with one unit at ground floor level and one unit occupying the upper two levels. The surrounding area is characterised by a mixture of medium and higher density residential developments interspersed with single detached dwellings.

To the south of the site at No. 3 Fairlight Crescent exists the 'Fairlight Lodge' which is a part double, part three storey white-brick construction with a tiled roof. To the immediate west across Fairlight Crescent exists a part three, part four storey mixed-brick 1950's walk-up flat building. To the east the site adjoins the property No. 21 Lauderdale Avenue which contains a four (4) separate residential units across two floors. To the north across Lauderdale Avenue exists the prominent six (6) storey residential flat building at No. 28 Lauderdale Avenue. The locality is characterised by

inter war period residential flat buildings interspersed with single dwellings and more contemporary unit buildings.



Figure 1: Location of subject site



Figure 2: Aerial view of the subject development site and surrounding area

3.0 DESCRIPTION OF PROPOSAL

3.1 The Proposal

The subject proposal seeks consent for the conversion of Unit 2, currently over two levels, to two residential units, one on each floor. Unit 2 (Level 1) is to contain two bedrooms, two bathrooms and terrace; Unit 3 (Level 2) is to contain three bedrooms and two bathrooms and terrace. Unit 1 (ground level) is existing and contains two bedrooms, one main bathroom, an entertainment room.

The building will contain three (3) residential apartments and be defined as a residential flat building. It is proposed to strata title the three apartments.

The only works required for the creation of the additional unit entails the simple conversion of an existing wet bar area by installation of a cooktop and stove to the existing joinery. The other change to the functioning of the existing development to facilitate the additional dwelling is the allocation of part of the rear open space area to Unit 1 at ground level as a car space, however no physical works are required to effect this.

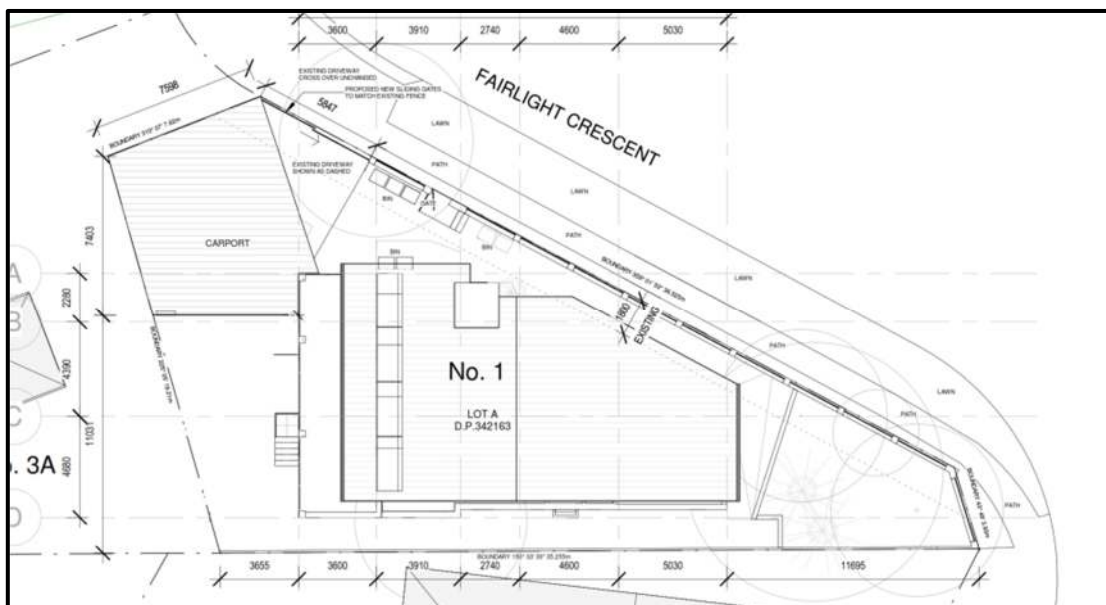


Figure 3: Site Plan

3.2 Supporting Documentation

The proposal is described in detail in the following plans and supporting documentation:

- Survey Plan and Survey Report, prepared by *Stutchbury Jaques Pty Ltd*, dated 3 April 2023
- Architectural Plans prepared by *Woodhouse & Danks Pty Ltd*, Project No. 15005, dated June 2023
- Strata Title Plan (preliminary), prepared by *Stutchbury Jaques Pty Ltd*, dated 19 September 2022
- Waste Management (operational)

3.3 Development Plans

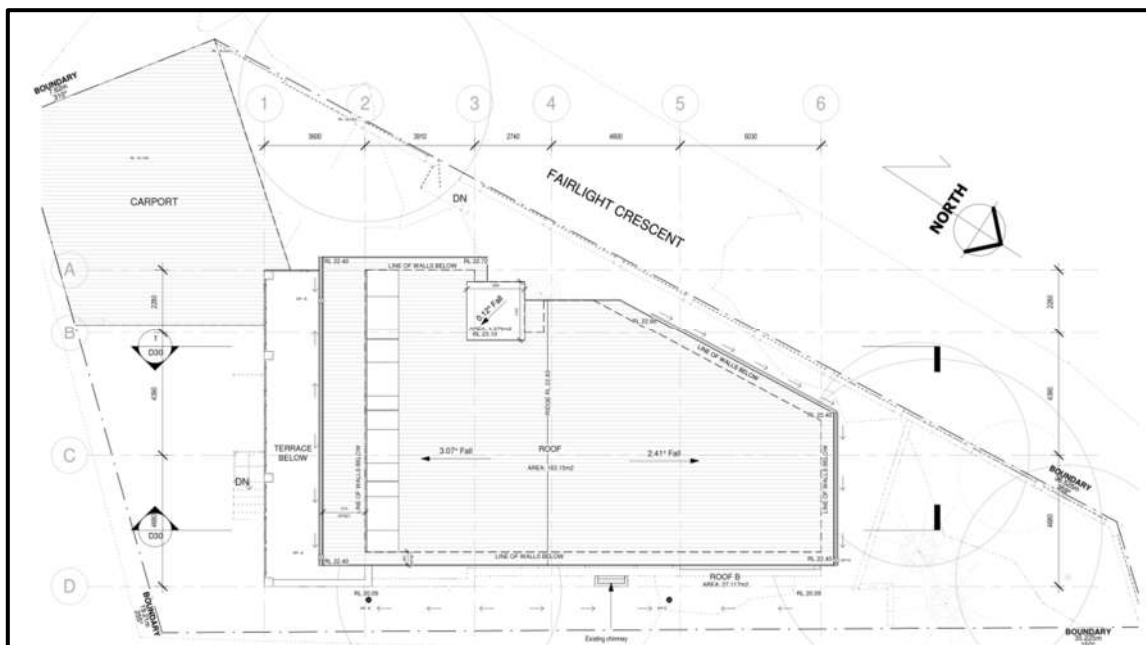


Figure 4: Roof Plan (Source: Woodhouse & Danks, June 2023)

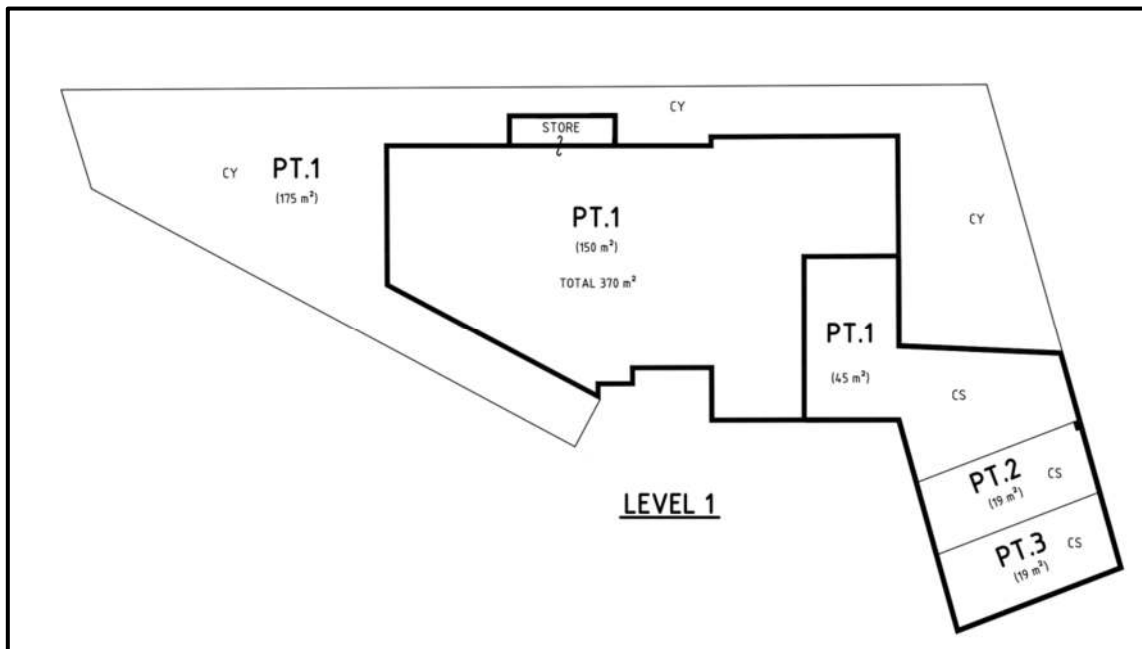


Figure 5: Strata Plan – Level 1 (Source: D Stutchbury, September 2022)

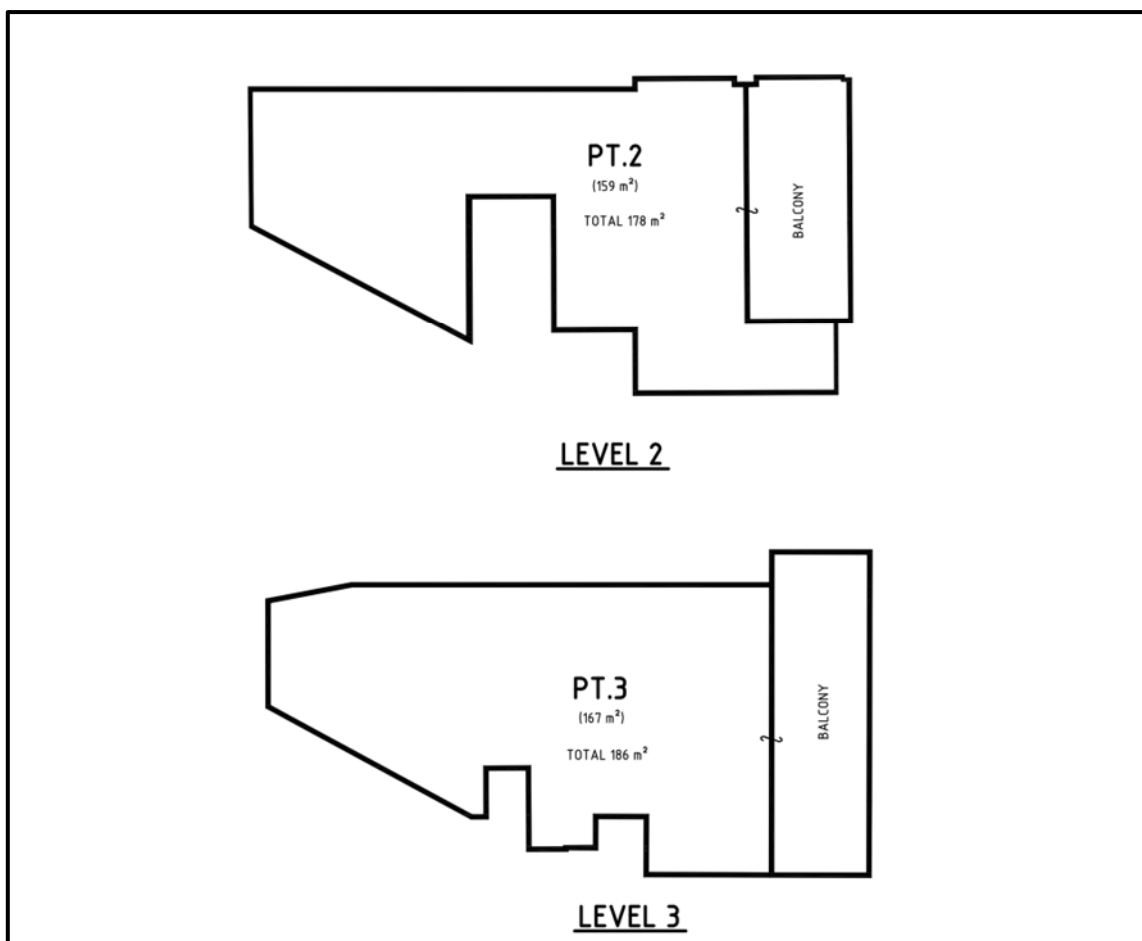


Figure 6: Strata Plan – Level 2 & Level 3 (Source: D Stutchbury, September 2022)

4.0 SECTION 4.15 ASSESSMENT – HEADS OF CONSIDERATION

In accordance with s4.15 of the *EP&A Act 1979* the following matters shall be considered in determination of the development application.

4.15 Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(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

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

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

(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,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

4.1 Relevant Statutory Environmental Planning Policies (EPIs)

The following identifies the relevant EPIs applicable to the assessment of the application.

4.1.1 SEPP BASIX

A BASIX Certificate is submitted with the DA package.

4.1.2 SEPP (Resilience and Hazards) 2021 – Remediation of Land

There is no change to the building. No excavation proposed. Therefore, no requirements.

4.1.3 SEPP Housing – Quality of Residential Flat Buildings

Does not apply to the development as there are less than 4 dwellings in the building.

4.1.4 Manly Local Environmental Plan 2013

The Manly Local Environmental Plan (LEP) 2013 is the applicable local environmental planning instrument. The following identifies the relevant aims of the LEP and assessment of the proposal against those aims:

Clause 1.2 Aims

The particular aims of the Plan are as follows:

(a) in relation to all land in Manly:

- (i) to promote a high standard of urban design that responds to the existing or desired future character of areas, and*
- (ii) to foster economic, environmental and social welfare so that Manly continues to develop as an accessible, sustainable, prosperous, and safe place to live, work or visit, and*
- (iii) to ensure full and efficient use of existing social and physical infrastructure and the future provision of services and facilities to meet any increase in demand, and*
- (iv) to ensure all development appropriately responds to environmental constraints and does not adversely affect the character, amenity or heritage of Manly or its existing permanent residential population,*

(b) in relation to residential development:

- (i) to provide and maintain a diverse range of housing opportunities and choices that encourages affordable housing to cater for an ageing population, changing demographics and all socio-economic groups, and*
- (ii) to ensure high quality landscaped areas in the residential environment, and*
- (iii) to encourage higher density residential development to be located close to major transport nodes, services and employment opportunities, and*
- (iv) to maintain active retail, business and other non-residential uses at street level while allowing for shop top housing in centres and offices at upper floors in local centres,*

(c) in relation to business and the economy:

- (i) to encourage, provide and consolidate business opportunities for a range of uses in appropriate locations that support local employment, community services and economic growth in business centres and light industry zones, and*
- (ii) to recognise that tourism is a major industry and employer in Manly and to encourage its growth and continuing viability while protecting the needs of the local community,*

(d) in relation to transport, infrastructure and amenities:

- (i) to reduce private car dependency, increase the viability of various public transport modes, minimise conflict between pedestrians and vehicular movement systems and encourage walking and cycling while concentrating intensive land uses and trip generating activities in locations most accessible to public transport and centres, and*
- (ii) to provide for a range of recreational and community service opportunities to meet the needs of residents and visitors to Manly and promote the efficient and equitable provisions of public services, infrastructure and amenities,*

- (e) *in relation to heritage—to identify, protect, sustain, manage and conserve all heritage, including archaeological relics, sites and resources, places of Aboriginal heritage significance, heritage items (and their curtilages), heritage conservation areas and the cultural (natural and built) environmental heritage of Manly,*
- (f) *in relation to the natural environment:*
- (i) *to conserve and enhance terrestrial, aquatic and riparian habitats, biodiversity, wildlife habitat corridors, remnant indigenous vegetation, geodiversity and natural watercourses,*
 - (ii) *to promote energy conservation, water cycle management (incorporating water conservation, water reuse, catchment management, stormwater pollution control and flood risk management) and water sensitive urban design, and*
 - (iii) *to protect, enhance and manage environmentally sensitive land with special aesthetic, ecological, scientific, cultural or conservation values for the benefit of present and future, and*
 - (iv) *to protect existing landforms and natural drainage systems and minimise the risk to the community in areas subject to environmental hazards, particularly flooding, bush fires, acid sulfate soils, sea level rise, tsunami and landslip, and*
 - (v) *to provide a framework that facilitates and encourages measures to assist the adaptation of the local environment to mitigate the impacts of climate change, and*
 - (vi) *to give priority to retaining bushland for its own intrinsic value and as a recreational, educational and scientific resource,*
- (g) *in relation to Manly's unique harbour, coastal lagoon and ocean beach setting:*
- (i) *to preserve and enhance the amenity of public places and areas visible from navigable water*
 - (ii) *to retain open space, make more foreshore land available for public access and protect, restore and enhance riparian land along watercourses and foreshore bushland.*

The proposal is consistent with the aims of the LEP. The proposal will not alter the character, built form or external appearance of the building, only the development typology is changed from a dual occupancy to residential flat building.

Zoning and Permissibility

The site is zoned R1 General Residential pursuant to the Manly LEP 2013. The following land use table applies:

Zone R1 General Residential

1 Objectives of zone

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems

4 Prohibited

Advertising structures; Water treatment facilities; Any other development not specified in item 2 or 3.

A residential flat building is permissible in the R1 zone. The proposal is consistent with the objectives of the zone as:

- The proposal increases the number of dwellings from 2 to 3, providing one additional dwelling as residential accommodation in the area;
- The change of development typology is in keeping with similar development in the immediate area;
- The units provide for 2 and 3 bedroom apartments, ensuring variety in the type of dwelling available in the area.

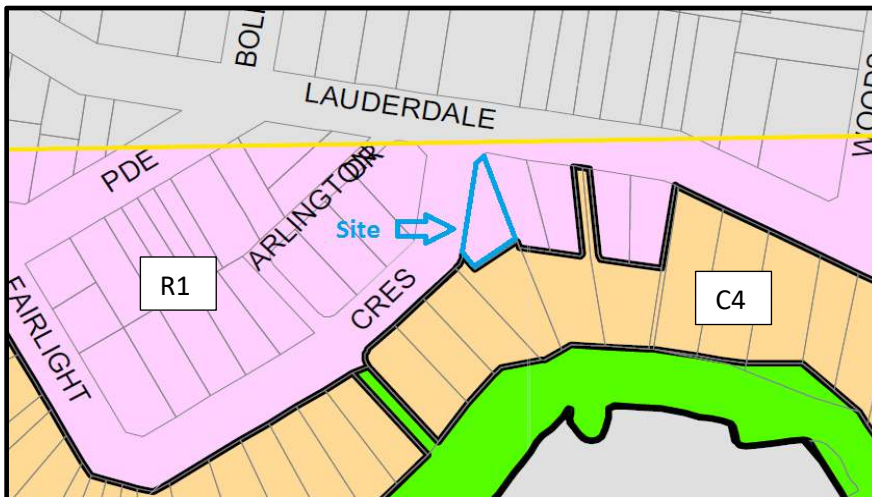


Figure 7: Extract of Manly LEP 2013 Zoning Map 004

Manly LEP Assessment Table

MANLY LEP 2013	Proposal
4.3 Building Height	The proposal does not alter the existing building. No erection of a building is proposed. Notwithstanding the proposal complies
4.4 Floor Space Ratio	The proposal does not alter the existing building. No erection of a building is proposed.
5.10 Heritage Conservation	The site is not heritage listed and not located in a HCA or in proximity to any heritage item that the change of use would impact upon.
6.2 Earthworks	None.
6.3 Stormwater Management	No change to the existing drainage of the site.

4.2 Any Development Control Plan**4.2.1 Manly Development Control Plan (DCP) 2013**

The Manly DCP 2013 is the local development control plan applying to the subject site and all land subject to the Manly LEP 2013.

The proposal seeks approval for the change of use of the building from a dual occupancy to residential flat building. There is no construction or building works required, only internal fitout of a kitchen for Unit 3. Only those DCP provisions of relevance to this application are included for assessment purposes, otherwise they are noted as not applicable in following table:

Manly DCP 2013		
Control	Comment	Complies
Part 3 – General Principles of Development		
3.1 Streetscapes and Townscapes	No change to the visual appearance of the building from the street or any neighbouring property.	No requirements
3.1.1.5 Garbage Areas	Existing: Bins location near entry driveway - within property. Proposed: five (5) bins within property – new bins to be located as depicted on the plans - concealed from view from the street by the front fencing.	Yes

3.2 Heritage Considerations	No requirements.	NA
3.4 Amenity	No change to the built form of the building. Therefore, no change to solar access, privacy, views to or from the site or security of the area. All units have at least 2 hours solar access and generous compliant private open space areas.	No requirements
3.6 Accessibility	No change to the access arrangements into the building. External stairs and lift access provided to the upper two levels.	Yes
3.8 Waste Management	Two additional bins are to be located out of sight from the street, next to the entry gateway. Subject to conditions of consent.	Yes
3.10.2 Security (Casual Surveillance)	No change.	No requirements
Part 4 – Development Controls and Development Types		
4.1 Residential Development Controls		
4.1.1 Residential Density <i>Area D3 (Light green)</i> <i>1 unit/250m² site area</i>	Site area: 483m ² Proposed density: 1/161m ² . This is a variation to the DCP control that in the circumstances is reasonable. There are no changes to the existing building required to create the proposed three units. Each unit size is above the minimum required under SEPP 65 and the internal amenity of each unit is acceptable. See discussion below.	No. Variation considered acceptable in this case.
4.1.5.3 Private Open Space <i>Required: 12m² per unit</i>	Each unit has its own private open space. Refer to the Strata Plan set. Unit 1: all northern area Unit 2: 39m ² terrace Unit 3: 39m ² terrace	Yes
4.1.6 Parking, access and loading <i>In LEP Residential Zones and all other Zones except LEP Business Zones:</i> • 1 resident parking space for each dwelling (irrespective of number of bedrooms), plus	The triple carport was approved previously. A parking area is to be established in part of the rear terrace of Unit 1 twch in addition to the existing triple carport provides for 4 on site spaces. Resident spaces:	Satisfactory on merit given small size of development and size and constraints of site precluding

<ul style="list-style-type: none"> • 0.2 resident parking spaces for each 2 bedroom dwelling, plus • 0.5 resident parking space for each 3 (or more) bedroom dwelling, and plus • 0.25 visitor parking space for each dwelling (irrespective of number of bedrooms). 	<p>1 x each dwelling = 3.0 2 x 0.2 (2br) = 0.4 1 x 0.5 (3br) = 0.5 Total required = 3.9 residential spaces Provided: 4 spaces Complies. Visitor spaces: Required 3 x 0.25 = 0.75spaces. Provided: No visitor space</p> <p>On-street parking along Lauderdale Avenue and Fairlight Crescent for visitor parking is available, noting that the frontage of the subject site along Lauderdale Ave is 36m long.</p>	<p>provision of a visitor space. This arrangement has been previously deemed acceptable and approved.</p>
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DCP Section 4.1.1 Residential Density

The site is mapped as within Area D3 (Light green) and therefore has a residential density of 1 unit/250m² site area. The proposal has a residential density of 1 unit/161m². The following addresses the proposal against the relevant DCP objectives for residential density.

Objective 1: To promote a variety of dwelling types, allotment sizes and residential environments in Manly

Comment: By proposing a higher density of 1 dwelling per 161m², allows for the promoting of a greater variety of dwelling types and sizes within the area. This increased density allows for more flexibility in housing options, which can cater to diverse needs and preferences of the community. By offering a range of housing choices, the overall residential environment is enhanced and promote inclusivity, accommodating various demographic groups and lifestyles.

Objective 2: To limit the impact of residential development on existing vegetation, waterways, riparian land and the topography

Comment: While the proposed density exceeds the stipulated requirement, the three units are provided within the existing, approved building footprint, and albeit lesser than anticipated by the DCP density Control, the proposal achieves the three apartments in compliance with the minimum requirement of SEPP 65 and minimizes any disturbance to surrounding environmental features. This approach leaves larger areas of open space, allowing for the retention and protection of significant vegetation, and promoting a more sustainable approach to development.

Objective 3: To promote housing diversity and a variety of dwelling sizes to provide an acceptable level of internal amenity for new dwellings

Comment: The proposed density increase enables the provision of a wider range of dwelling sizes and types, addressing the objective of promoting housing diversity, supply and hence affordability. By accommodating smaller strata lot sizes, opportunities are created for more affordable and compact housing options, meeting the needs of individuals or smaller households. Simultaneously, one larger dwelling (3 bedrooms) is still incorporated into the development, ensuring a mix of housing sizes and catering to families or those seeking more spacious living arrangements. The emphasis on providing an acceptable level of internal amenity remains a priority, and through thoughtful design and layout, the proposal ensures that each dwelling meets the necessary standards for comfort, functionality, and livability.

Objective 4: To maintain the character of the locality and streetscape

Comment: The proposal does not alter or compromise the character of the locality and streetscape. There is no change to the footprint or external appearance of the building when viewed from the two streets or neighboring buildings. The existing building blends harmoniously with the existing built environment.

Objective 5: To maximise the use of existing infrastructure

Comment: The proposal increases the number of units onsite from two to three and varies the site density to 1 dwelling per 161m². This allows for a more efficient use of existing infrastructure. The proposal does not require any external changes to the building and hence makes for efficient use of existing infrastructure and contribution to the local economy.

By concentrating development within a smaller area, optimization and utilisation of utilities, transportation networks, and public amenities is promoted. This approach reduces the need for costly infrastructure expansion and minimizes the ecological footprint associated with extending services to more dispersed developments. Moreover, the higher density can support the viability of public transportation options, as well as encourage active modes of transport like walking and cycling, promoting a more sustainable and connected community.

In summary, the proposed density increase addresses the objectives of promoting housing variety, limiting environmental impact, ensuring housing diversity and amenity, maintaining locality character, and maximizing existing infrastructure. The proposal achieves these objectives while still creating a vibrant, sustainable, and inclusive residential environment in Fairlight.

In addition, it should be noted that the control is considered to be outdated (existing since 1993) and does not reflect current social and economic market and community expectations particularly in light of the recognised impact of deficient housing supply and the adverse consequential effect on affordability.

4.3 Suitability of the site for the development

The building is existing. The proposal involves the change of use of one of the existing dwellings into two residential apartments, thus creating a residential flat building containing three units. The strata subdivision of the units provides for sale of each dwelling and private ownership. There are no construction or building works to the site to create the three units, only installation of the cooking facilities.

The provision of two x 2 bedroom and one x three bedroom unit in this area will have a positive social and economic to supply of housing, over and above the existing two dwellings on the site. The area is highly sought after and has good access to local services and facilities.

4.6 Any Submissions Made in Accordance with this Act or the Regulations

Council is responsible for the referral of the application to relevant Government bodies and to adjoining owners. Any submissions will be reviewed by the applicant and Council during the assessment process, and duly considered.

4.7 The Public Interest

The proposal is consistent with the R1 zoning of the site and is generally in accordance with Council's adopted LEP & DCP. Given that the relevant issues have been addressed with regard to the public interest as reflected in the relevant planning policies and codes, the development is unlikely to result in any adverse impact on the public interest in the circumstance of the case. The efficient utilisation of the existing building to create an additional dwelling adds to housing stock and supply and contributes to local housing affordability.

5.0 CONCLUSION

The proposal has been assessed having regard to the relevant matters for consideration under s4.15 of the *EP&A Act 1979*, Manly LEP 2013, and the MDCP 2013.

The proposal represents a development based on sound and established urban design principles and based on Council's planning policies and satisfies the objectives of the relevant environmental planning instruments and development control plans as demonstrated throughout this report.

As the proposal does not require external alterations to the building in order to increase the number of dwellings from two to three, there are no adverse impacts on the natural and built environments that result from the proposal. The only works are internal to Unit 3, the formalisation of the fourth parking space and provision of two additional garbage bins for Unit 3.

The proposal is consistent with the objects of the *EP&A Act 1979* to promote the orderly and economic redevelopment of land. The site has previously been assessed and approved as suitable for the building and for residential accommodation as proposed with high living amenity and general enjoyment of the property being maintained.

On the merit assessment of all the issues and potential impacts discussed in this report the proposal is deemed to be worthy of Council's support.



Joe Vescio
June 2025

APPENDIX 1

Architectural Plans

APPENDIX 2

Strata Plans