

STATEMENT OF ENVIRONMENTAL EFFECTS

42 FAIRY BOWER ROAD, MANLY

**PROPOSED STRATA SUBDIVISION OF AN EXISTING
'TENANTS IN COMMON' RESIDENTIAL FLAT BUILDING**

**PREPARED ON BEHALF OF
Owners Corporation of 42 Fairy Bower Road**

June 2025

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1. INTRODUCTION

This application seeks approval for the strata subdivision of an existing 'Tenants in common' residential flat building upon land at Lot A in DP 335832 which is known as **No. 42 Fairy Bower Road, Manly**.

In preparation of this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Manly Local Environmental Plan 2014.
- Manly Development Control Plan.

The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by Terry Survey & Development Consulting, Job No. 240145, Revision A and dated 09/07/2024.
- Plan of Proposed Subdivision prepared by Marc Jason Terry, Reference No. 240145SP.
- Fire Safety Assessment Report prepared by BCA Vision, Ref No. P230170 and dated 03/11/2023.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

2. SITE DESCRIPTION AND LOCALITY

The site is identified as Lot A in DP 335832 which is known as 42 Fairy Bower Road, Manly. The site is generally a regular shape with a splayed southwest side boundary. The allotment is located at the northern end of Fairy Bower Road and has a total area of 419.6m² with a street frontage of 10.835m to Fairy Bower Road and a depth of approximately 24.84m. The locality is depicted in the following map:



Site Location Map

The site has a gradual slope from the street frontage to the rear boundary. The site currently comprises a two storey rendered brick and tiled roof building. The building is a residential flat building comprising four (4) dwellings. Each level comprises two dwellings. The residential flat building is currently 'Tenants in common'. There is no parking provided on site.

The residential flat building has been in existence prior to 1942.

The site is depicted in the following photograph:



View of Subject Site from Fairy Bower Road

The existing surrounding development generally comprises a mixture of single dwelling, semi detached dwellings and residential flat buildings. The existing surrounding development is depicted in the following aerial photograph:



Aerial Photograph of Locality

3. THE DEVELOPMENT PROPOSAL

This proposal seeks strata subdivision of the existing residential flat building.

The proposal seeks to provide four strata titled allotments consistent with the existing built form on site. There are no physical works proposed on site. The area around the building is proposed to be common property. The entry landing, corridor and stairs are also to be identified as common property.

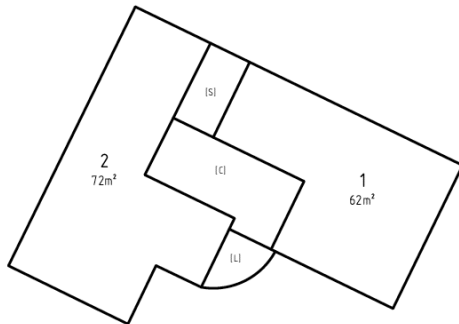
The proposal will result in the following strata allotments:

Lot 1:	62m ²
Lot 2:	72m ²
Lot 3:	62m ²
Lot 4:	72m ²

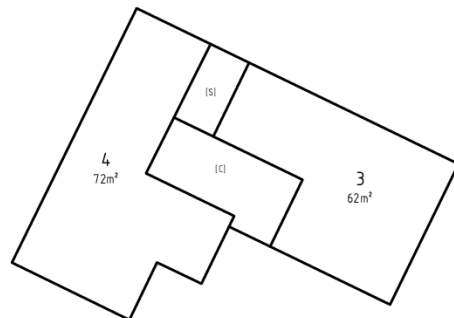
An extract of the proposed strata plan is depicted below:



FLOOR PLAN - GROUND LEVEL



FLOOR PLAN - LEVEL ONE



Extract of Proposed Strata Subdivision Plan

4. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Manly Council.

4.1 Planning for Bushfire Protection 2019



Extract of Bushfire Prone Lands Map

The subject site is not identified as bushfire prone land on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2019 do not apply.

4.2 Manly Local Environmental 2013

The subject site is zoned R1 General Residential.

The objectives of the R1 Zone are as follows:

- *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.*

It is considered that the proposed development achieves these objectives by retaining the existing built form. The proposal does not provide for any physical works, but is merely a Strata subdivision.

Residential flat buildings remain permissible in the R1 General Residential Zone.

Strata Subdivision of land zoned R1 Low Density Residential is permissible with the consent of Council under the provisions of Clause 2.6 of the LEP. The following numerical standards are applicable to the proposed development:

Clause 4.2A Minimum Subdivision Lot Size.

This clause specifies minimum allotment sizes for subdivision and in part provides:

- (4) *This clause does not apply in relation to the subdivision of any land—*
 - (a) *by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
 - (b) *by any kind of subdivision under the Community Land Development Act 2021.*

The proposal seeks Strata subdivision of the existing allotment and as such the minimum allotment size specified by this Clause does not apply.

There are no clauses that specifically relate to the proposed development.

4.3 Manly Development Control Plan

The Manly DCP applies to all land where the Manly LEP applies. Therefore, the DCP applies to the subject development. The proposal does not provide for any physical works with the subdivision proposed being 'strata' titled. There are no specific requirements of the DCP applying to strata subdivision.

5. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013 and the Manly DCP. It is considered that the provisions of these documents have been satisfactorily addressed within this report.

There are no other environmental planning instruments applying to the site.

The Likely Impacts of the Development

The proposal merely provides for the Strata subdivision of the existing residential flat building to create a strata lot for each dwelling with associated common property. The proposal does not provide for any building works and there is not considered to be any impacts on the adjoining properties or the character of the locality.

The Suitability of the Site for the Development

The subject site is zoned R1 General Residential and the proposed strata subdivision is permissible with the consent of Council. The strata subdivision does not require any physical works on the site.

For these reasons it is considered that the site is suitable for the proposed development.

The Public Interest

It is considered that the proposal is in the public interest in that it will provide for the strata subdivision of an existing development without any impact on the amenity of the adjoining properties or the public domain.

6. CONCLUSION

This application seeks approval for the strata subdivision of an existing attached residential flat building. As demonstrated in this report the proposal is consistent with the aims and objectives of the Manly Local Environmental Plan 2013 and the Manly DCP. The proposal does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed strata subdivision of the existing residential flat building upon land at **No. 42 Fairy Bower Road, Manly** is worthy of the consent of Council

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