



*statement of environmental effects*



## USE OF AN EXISTING DETACHED BUILDING

6/10 GOLF PARADE

MANLY NSW 2095

September 2022

### Disclaimer

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## *introduction*

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This statement of environmental effects has been prepared by Northern Beaches Planning on behalf of Geoff Hughes to accompany the lodgement of a development application for the use of an existing detached building at 6/10 Golf Parade, Manly (**site**).

This statement is informed and accompanied by the following documentation:

- Plans A.02, revision A, dates 3 August 2022
- Detail and Boundary Survey by Urban Surveying
- Strata Plan and Owners Consent from the Owner's Corporation
- BCA Compliance letter by EM Building

## *site details*

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The site is legally identified as Lot 6 in Strata Plan 98951 and is commonly referred to as 6/10 Golf Parade, Manly. 10 Golf Parade is rectangular in shape, with a 24.38m frontage to Golf Parade to the south, a maximum depth of 30.48m and a total area of 743m<sup>2</sup>. 10 Golf Parade is generally flat, with levels ranging from 5.21m AHD to 5.96m AHD.

A two storey residential flat building is located generally centrally on the site, with a run of carports along the northern rear boundary. Vehicular access to the carports is gained via a driveway to Golf Parade, that runs along the eastern side boundary. An existing single storey brick outbuilding, the subject of this application, is located in the north-west corner of the site. The building and the adjacent deck and carport form part of Lot 6.

The site is predominantly surrounded by low density residential development of varying age, architectural style and character. The site does not contain any items of heritage significance and is not located in the vicinity of any. However, the site is located adjacent to the Pittwater Road Conservation Area.

A portion of the site is identified as being affected by low risk flooding.

Aerial images of the site and its surrounds is provided in Figures 1 and 2 on the following page. Images of the site, the existing dwelling and the streetscape are also provided (Figures 3 and 4).





Figure 1 – Aerial image with site bordered in yellow

Source: Nearmap



Figure 2 –Aerial image (zoom) with site bordered in yellow

Source: Nearmap





Figure 3 –Existing rear deck and entrance to building  
Source: NBP



Figure 4 –Existing building as seen from common driveway  
Source: NBP

## *proposed development*

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The application seeks consent for the use of the existing rear detached building as a studio associated with Unit 6. The existing building already forms part of Unit 6 on title and benefits (in part) from development consent for a bathroom and a maintenance room (Development Application No. 378/99). A minor extension to the structure was undertaken at some time between the completion of approved works and the purchase of the property by my client in December 2019, with those minor works the subject of a Building Information Certificate Application (BC2022/0182) currently before Council.

The studio will not be separately inhabited and does not contain built-in cooking facilities. The intent is to use the space as a studio or workshop, or as a guest bedroom if the need ever arises. No objection is raised to the imposition of any such condition to limit the use of the building in this regard.

There are no physical works proposed, with the current as-built configuration of the studio depicted on the accompanying Survey and Plans.

It is important to note that the application does not seek a change in use with regard to overall use of the land. The development of the land remains for the purpose of a residential flat building. The application only seeks consent to change a part of the overall development from non-habitable floor space to habitable floorspace, being a change to the use of the floor space under the provisions of the BCA.

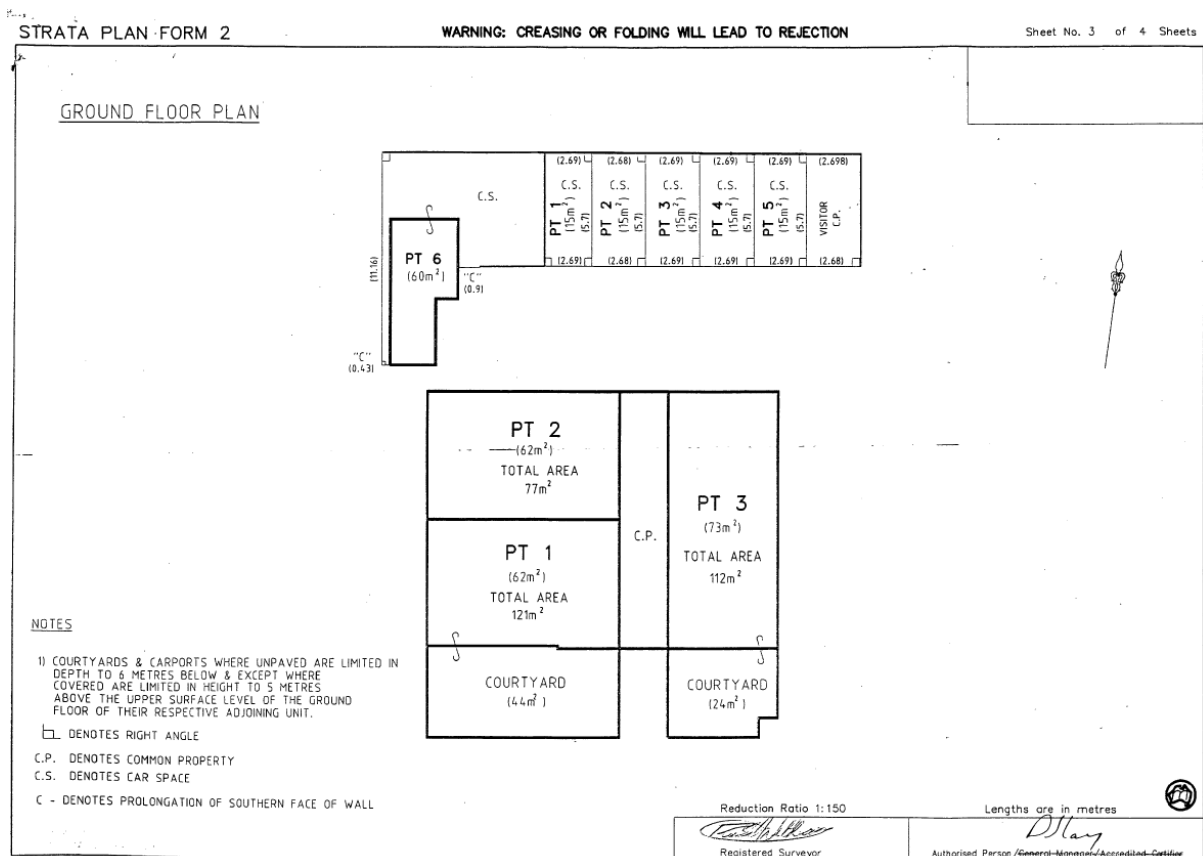


Figure 5 – Extract of Strata Plan demonstrating the inclusion of the building as part of Lot 6

## legislation, plans and policies

The following relevant state and local policies are applicable to the proposed development:

- Environmental Planning and Assessment Act (**EP&A Act**)
- Environmental Planning and Assessment Regulation 2021 (**EP&A Regulation**)
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Manly Local Environmental Plan 2014 (**MLEP 2013**):
  - Acid Sulfate Soils Map: Class 4
  - Lot Size Map: 250m<sup>2</sup>
  - Land Zoning Map: R1 General Residential
  - Height of Buildings Map: 8.5m
  - Floor Space Ratio Map: 0.6:1
- Manly Development Control Plan 2013 (**MDCP 2013**)
  - Density Area D3 (1 unit/250m<sup>2</sup>)
  - Open Space Area OS3

## *environmental planning and assessment act*

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The matters prescribed by section 4.15(1) of the EP&A Act are considered, as follows:

Clause	Provision	Comment
(a)	<p><i>the provisions of—</i></p> <ul style="list-style-type: none"><li><i>i. any environmental planning instrument, and</i></li><li><i>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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i></li><li><i>iii. any development control plan, and</i></li><li><i>iv. 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</i></li><li><i>v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i></li></ul> <p><i>that apply to the land to which the development application relates,</i></p>	<p>The relevant provisions of MLEP 2013, all relevant SEPPs, and MDCP 2013 have been considered and addressed in this statement.</p>
(b)	<p><i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i></p>	<p>The likely impacts of the proposed development have been addressed with respect to relevant plans and policies in this statement. The proposed development will not result in any unacceptable impacts upon the natural or built environment, or any social or economic impacts in the locality.</p>
(c)	<p><i>the suitability of the site for the development,</i></p>	<p>The subject site is suitable for the proposed development.</p>
(d)	<p><i>any submissions made in accordance with this Act or the regulations,</i></p>	<p>The application will be notified to all neighbouring properties, with any submissions received to be considered by Council.</p>
(e)	<p><i>the public interest.</i></p>	<p>The proposed development is in the public interest, in so far as it is consistent with the objectives and outcomes of MLEP 2013 and MDCP 2013.</p>

## *state environmental planning policy (resilience and hazards)*

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### **Remediation of Land**

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The existing site has been used for residential purposes for an extended period of time, with no known prior land uses. Council can be reasonably satisfied that there is no contamination risk, particularly in the absence of any proposed physical works.

Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

## *state environmental planning policy (biodiversity and conservation)*

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### **Vegetation in Non-Rural Areas**

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The proposed development does not involve the removal of any vegetation and is consistent with the requirements and objectives of SEPP (Biodiversity and Conservation).

## *local environmental plan*

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The site is identified on the Land Application Map of MLEP 2013 and the provisions of this policy are applicable in relation to the site and the proposed development.

The relevant provisions of MLEP 2013 are considered, as follows:

Clause	Standard	Proposal	Compliance
Zone R1 General Residential			Yes See discussion
4.3 Height of Buildings	8.5m	3.125m (unchanged)	N/A



4.4 Floor Space Ratio	0.6:1	0.56:1 (unchanged)	N/A
5.10 Heritage Conservation			Yes See discussion
5.21 Flood Planning			Yes
6.1 Acid Sulfate Soils	Class 4		N/A
6.2 Earthworks			N/A
6.4 Stormwater Management		No change to existing building	N/A
6.11 Essential Services			Yes See discussion

### Zone R1 General Residential

The site is zoned R1 General Residential under the provisions of MLEP 2013. Pursuant to the land use table in Part 2 of this instrument, residential flat buildings are permissible with consent. The proposed habitable use of an existing outbuilding does not alter the characterisation of the development on the site.

The objectives of the R1 General Residential 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.*

Council can be satisfied that the proposed development is consistent with the relevant objectives of the R1 General Residential zone, in so far as the proposed habitable use of the existing building will provide for the housing needs of the residents of Lot 6, and the resultant development will continue to positively contribute to the existing variety of housing types and densities in the area.

### Clause 5.10 Heritage Conservation

The site is identified as being immediately adjacent to land within the Pittwater Road Conservation Area on the Heritage Map of MLEP 2013.

The application is limited to the use of an existing building, with no physical works proposed. Council can be reasonably satisfied that the proposed development will not adversely impact upon the heritage significance of the Pittwater Road Conservation Area.

### Clause 5.21 Flood Planning

The north-eastern corner of the site is identified as being subject to minor flooding on Council's Flood Risk Precinct Map (Figure 6) and the proposed development is subject to the provisions of clause 5.21 of MLEP 2013.



Figure 6 – Extract of Flood Precinct Map  
Source: Northern Beaches Council

The objectives of this clause are as follows:

- a) to minimise the flood risk to life and property associated with the use of land,
- b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
- d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

Council can be satisfied that the development is consistent with the provisions of clause 5.21 of MLEP 2013, as the proposal:

- is compatible with the flood function and behaviour on the land, with no changes to the building proposed, and
- will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties as there are no physical works proposed, and

- will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood as there is no proposed intensity of use, with the space to be used as an extension of Unit 6, and
- incorporates appropriate measures to manage risk to life in the event of a flood, with safe refuge provided within Unit 6 on the upper floor of the residential flat building, and
- will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses with no physical works proposed.

#### Clause 6.12 Essential Services

The consent authority can be satisfied that the supply of water and electricity, the disposal and management of sewerage, stormwater drainage and suitable vehicular access is available, with all services provided to the building as part of Development Consent No. 378/99.

### *development control plan*

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MDCP 2013 is applicable to the site and the proposed development. The relevant provisions of MDCP 2013 are considered, as follows:

Clause	Control	Proposal	Compliance
3.1.1.1 Complementary Design and Visual Improvement	Development in the streetscape should be designed to complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality. Further, development is to address and complement the built form and style of any heritage property in the vicinity to preserve the integrity of the item and its setting. The use of plantation and/or recycled timber in construction and finishes is encouraged.	The building is located in the rear, north-western corner of the site and is not readily visible from Golf Parade.  There are no physical works proposed to the existing building.	N/A
3.1.1.4 Garages, Carports and Hardstand Areas	Garages must be designed and sited in a manner that does not dominate the street frontage by its roof form, material choice and detailing by being subservient to the associated	There are no changes proposed to existing carports or parking areas at the site.	N/A

Clause	Control	Proposal	Compliance
	dwelling and being compatible with the streetscape and the location in relation to the front setback criteria.		
3.4.1.1 Overshadowing Adjoining Open Space	New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June).	No physical works proposed.	N/A
3.4.1.2 Maintaining Solar access into Living Rooms of Adjacent Properties	The level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 4 hours from 9am to 3pm on the winter solstice (21 June).	No physical works proposed.	N/A
3.4.2.1 Window Design and Orientation	Use narrow, translucent or obscured glass windows to maximise privacy where necessary.  When building close to boundaries, windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy.	There are no existing or proposed windows along the western side of the existing single storey building.  The use of the building as a studio will not result in any adverse privacy impacts upon adjoining properties, with any direct lines of site mitigated by the existing boundary fence.	Yes
3.4.3 Maintenance of Views	The design of any development, including the footprint and form of the roof is to minimise the loss of views from neighbouring and nearby dwellings and from public spaces.	No physical works proposed.	N/A
3.5 Sustainability	To ensure the principles of ecologically sustainable development are taken into consideration within a consistent and integrated	No physical works proposed.	N/A



Clause	Control	Proposal	Compliance
	planning framework that achieves environmental, economic and social sustainability in the short, medium and long term.		
3.7 Stormwater Management	All developments must comply with Northern Beaches Council's 'Water Management for Development Policy'.	No physical works proposed. Runoff collected from the existing approved roof is drained to the street.	N/A
3.8 Waste Management	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	No physical works are proposed, with waste associated with the use of the building to be managed by Lot 6.	Yes
3.10 Safety and Security	The principle of 'safety in design' is to be considered for all development in relation to the design and assessment of DAs to ensure developments are safe and secure for residents, all other occupants and visitors.	No physical works are proposed. Nonetheless, the building has appropriate security and is consistent with the relevant CPTED design principles.	Yes
4.1.1.1 Residential Density and Dwelling Size	1 dwelling per 250m <sup>2</sup>	(No change)  The habitable use of the building is associated with Lot 6 and does not intensify the amount of dwellings on the site.	N/A
4.1.2.1 Wall Height	Maximum wall height: 6.6m	2.8m (unchanged)	N/A
4.1.2.2 Number of Storeys	Buildings must not exceed 2 storeys.	1 storey (unchanged)	N/A
4.1.2.3 Roof Height	Pitched roof structures must be no higher than 2.5m above the actual wall height.	Flat roof (unchanged)	N/A
4.1.4.1 Street Frontage Setbacks	Street front setbacks must relate to the front building line of neighbouring properties and	The building is located in the rear, north-western corner of the site.	N/A

Clause	Control	Proposal	Compliance
	the prevailing building lines in the immediate vicinity.	(unchanged)	
4.1.4.2 Side Setbacks and Secondary Street Frontages	<p>Minimum side setback: one third of wall height (<math>2.8\text{m}/3 = 0.93\text{m}</math>).</p> <p>All new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries.</p>	<p>Western side = 0.40m (unchanged)</p> <p>No physical works proposed.</p> <p>Setbacks approved pursuant to Development Application No. 378/99.</p> <p>Irrespective of the use of the structure, there are no existing or proposed windows that face the side boundary.</p>	<p>N/A</p> <p>Yes</p>
4.1.5.1 Minimum Residential Total Open Space Requirements	Total Open Space: 55%	No physical works proposed.	N/A
4.1.5.2 Landscape Area	Landscaped Area: 35% of TOS	No physical works proposed.	N/A
4.1.5.3 Private Open Space	Minimum area: $18\text{m}^2$	Existing POS = $16.5\text{m}^2$ (unchanged)	N/A
4.1.6.1 Parking Design and Location of Garages, Carports or Hardstand Areas	The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain the desired character of the locality.	There are no changes proposed to existing carports or parking areas at the site.	N/A

## *conclusion*

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The proposal simply seeks consent for the use of an existing building for habitable purposes. The building has been used for habitable purposes for in excess of 20 years, however it was not known until recently that the habitable use of the structure was not approved.

As endorsed by Council in the issuance of the amended Strata Plan, the area in question serves as an extension of the dwelling at Lot 6. The habitable use of the building will not result in any adverse impacts upon the amenity of adjoining properties beyond what is reasonably anticipated within the R1 General Residential zone, with no physical works proposed.

The application warrants Council's support in this regard.



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