

Statement of Environmental Effects

Proposed Alterations and Additions

54 Thomas St, North Manly

Statement of Environmental Effects
Proposed Alterations and Additions to
54 Thomas St, North Manly

54 Thomas St,
North Manly
Lot 51 DP. 20440

Prepared by 4pm Projects

May 2021

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Proposed Alterations and Additions

54 Thomas St, North Manly

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PART A PRELIMINARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by 4pm Projects, and is submitted to Northern Beaches (Council) to support a Development Application (DA). This DA seeks development consent for construction of new front garage and rear deck, as well as internal modifications to the premises.

The subject site is zoned R2 Low Density Residential Zone under Warringah LEP 2011 (WLEP2011). The proposed development is ancillary to an existing residential flat building which is permissible with consent in R2 Zone subject to development consent. It is considered that the proposal is consistent with the objectives and provisions of WLEP2011.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 50 and Part 1 of Schedule 1 of the Environmental Planning and Assessment Regulations 2000. Assessment against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been carried out.

Based on the assessment undertaken, it is recommended that favourable consideration to the approval of the Development Application be given.

1.2 PRE-LODGEMENT CONSULTATION

A Pre-Lodgement Meeting (Ref. PLM2021/0011) was held with Northern Beaches Council on 4 February 2021 with Tony Collier (Principal Planner) and Stephanie Gelder (Planner). Council' Planning Officers made the following comments in respect of the proposal:

These notes are in response to a pre-lodgement meeting held on 4 February 2021 to discuss alterations and additions to a dwelling house at 54 Thomas Street, North Manly. The notes reference the plans prepared by 4pm Projects dated 16 October 2020.

The proposal may be supported subject to satisfactorily addressing the issues raised in the Notes prior to the submission of a Development Application.

Front Boundary Setback

See notes below under the Warringah Development Control Plan 2011 under Clause 'B7 Front Boundary Setbacks'.

Size of External Deck

See notes below under Warringah Development Control Plan 2011 under Clause 'D8 Privacy'.

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PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The land subject to this development application is known as 54 Thomas St, North Manly Lot 51 DP. 20440 - as shown in Figure 1. The site is rectangular in shape and has its primary frontage to Thomas Street and has a rear boundary to 59 William Street.

The Site is occupied by one residential building. The main pedestrian access to the building is from the frontage of the site.

The Site is located within an R2 Low Density Residential Zone and it is situated approximately 12km northeast of the Sydney CBD and 3km from Manly commercial centre. The surrounding area is characterised by residential land uses which include detached Dwellings and Residential Flat Buildings.

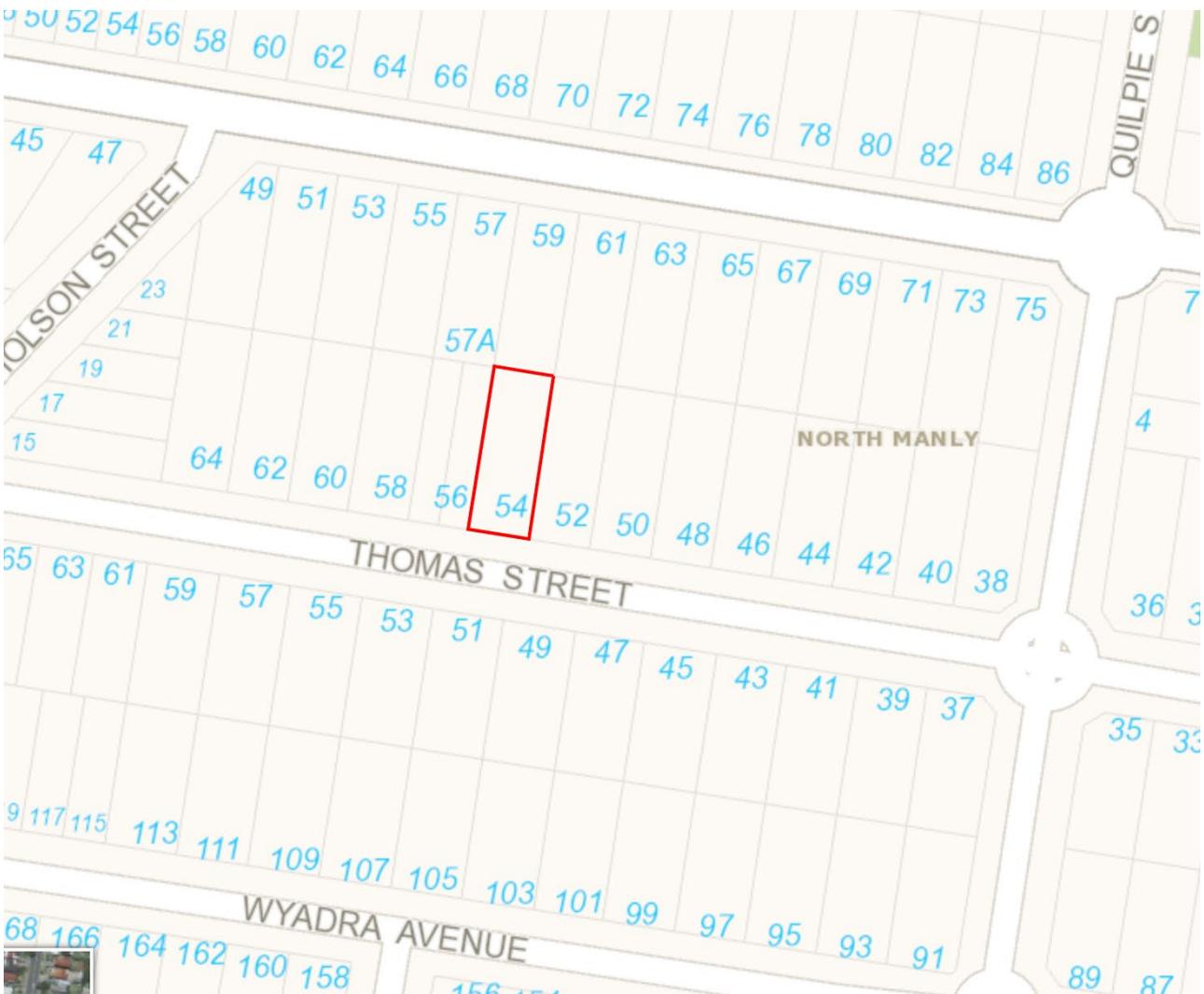


Figure 1: Location Plan, Northern Beaches Council

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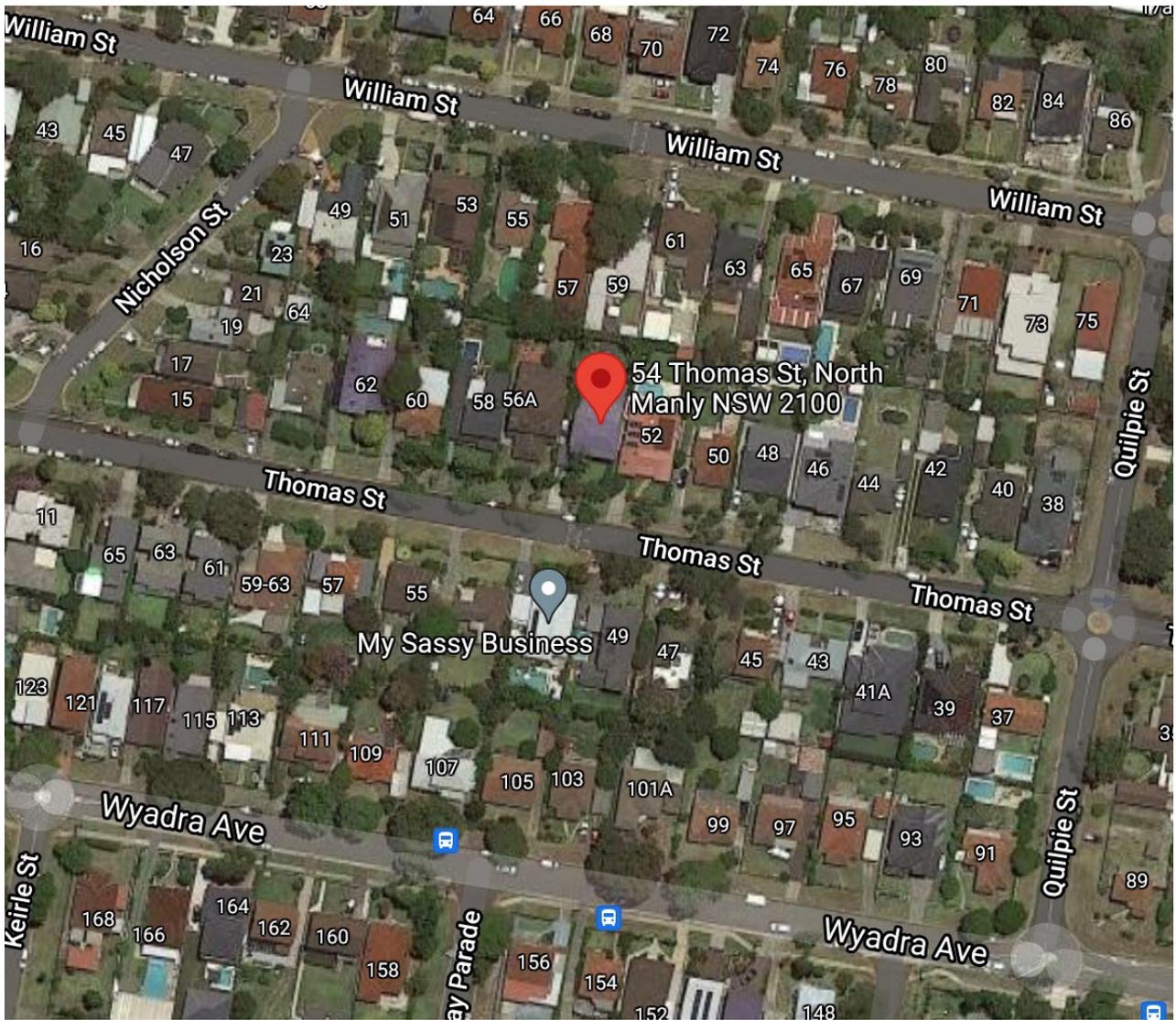


Figure 2: Aerial Map (Google Maps, 2021)

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PART D LEGISLATIVE AND POLICY FRAMEWORK

4.1 STATUTORY PLANNING FRAMEWORK OVERVIEW

This Part of the SEE assesses and responds to the legislative and policy requirements for the project in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act). The statutory planning framework relevant to the preparation of the SEE includes:

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2000*;
- *Biodiversity Conservation Act 2016*;
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*;
- *State Environmental Planning Policy No. 55 – Remediation of Land*;
- *State Environmental Planning Policy (Coastal Management) 2005*;
- *Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment)*; and
- *Warringah Local Environment Plan 2011*.

4.2 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

The EP&A Act is the principle planning and development legislation in New South Wales. Pursuant to Part 4, the proposal is considered local development.

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **Table 1** below.

| Table 1: Section 4.15(1)(A) Considerations | |
|---|---|
| Section | Response |
| Section 4.15(1)(a)(i) any environmental planning instrument, and | This is addressed in Sections 4.3, 4.4, 4.5, 4.6, 4.7, 4.8 and 4.9 of this SEE. |
| Section 4.15(1)(a)(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 | No draft instruments are applicable to this application. |
| Section 4.15(1)(a)(iii) any development control plan, and | <i>Warringah Local Environment Plan 2011</i> (WDCP2011). This is addressed in Section 4.9 of this SEE. |
| Section 4.15(1)(a)(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 | There is no voluntary planning agreement that apply to the proposal or the Site. |
| Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), | The EP&A Regulation are addressed in Section 4.3 of this SEE. |
| Section 4.15(1)(b)-(c) | Refer to Part E of this SEE. |

4.3 ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000

The proposal has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). Clause 50 and Part 1 of Schedule 1 of the EP&A Regulation stipulates how a DA must be "made".

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- Clause 50(1)(a) – This DA is accompanied by the necessary information and documentation as part of this DA, pursuant to Schedule 1 of the EP&A Regulation.

Further, the proposal does not trigger 'Designated Development' pursuant to Schedule 3 of the EP&A Regulation.

4.4 BIODIVERSITY CONSERVATION ACT 2016

The *Biodiversity Conservation Act 2016* (BC Act) commenced on 25 August 2017 and sets out, among other things, to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change. This site is not identified as an area of 'Outstanding Biodiversity Value' in the NSW Government Biodiversity Values map

4.5 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

The aim of this Policy is to establish a scheme to encourage sustainable residential development (the BASIX Scheme). This on-line assessment tool calculates the dwelling's energy and water scores based on a range of design data.

This SEPP requires a submission of a BASIX Certificate to accompany an application for development consent for any "BASIX affected building". A BASIX affected building means "*any building that contains one or more dwellings but does not include a hotel or motel*".

As the proposed works is related to the modification of internal works to an existing building only and the only new works related to an external garage and deck, it is not considered to have any adverse impact on the sustainability of the existing building in respect of energy, thermal comfort or water. Accordingly, a BASIX Certificate is not considered necessary for the proposed works.

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4.6 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Under the provisions of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55), where a development application is made concerning land that is contaminated, the consent authority must not grant consent unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Given the Site has historically been used for residential purposes, the Site is suitable for the proposed development without the need for any further assessment to be carried out in accordance with SEPP 55.

4.7 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2005

The Site is not located within the Coastal environment area and Coastal use area.

4.8 SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT)

The Site is not located within the designated Sydney Harbour Catchment and is not subject to the provisions of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP).

4.9 WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

The *Warringah Local Environmental Plan 2011* (WLEP2011) is the primary environmental planning instrument that applies to the site.

The relevant provisions of WLEP2011 as they relate to the subject site are considered below:

4.13.1 Zoning and Permissibility

The site is located in the R2 Low Density Residential Zone (**Figure 2**).

Based on the above classification, the proposed works are permissible with consent. The proposal is consistent with the objectives of the zone as it will not have any adverse impact on the key environmental attributes of the site.

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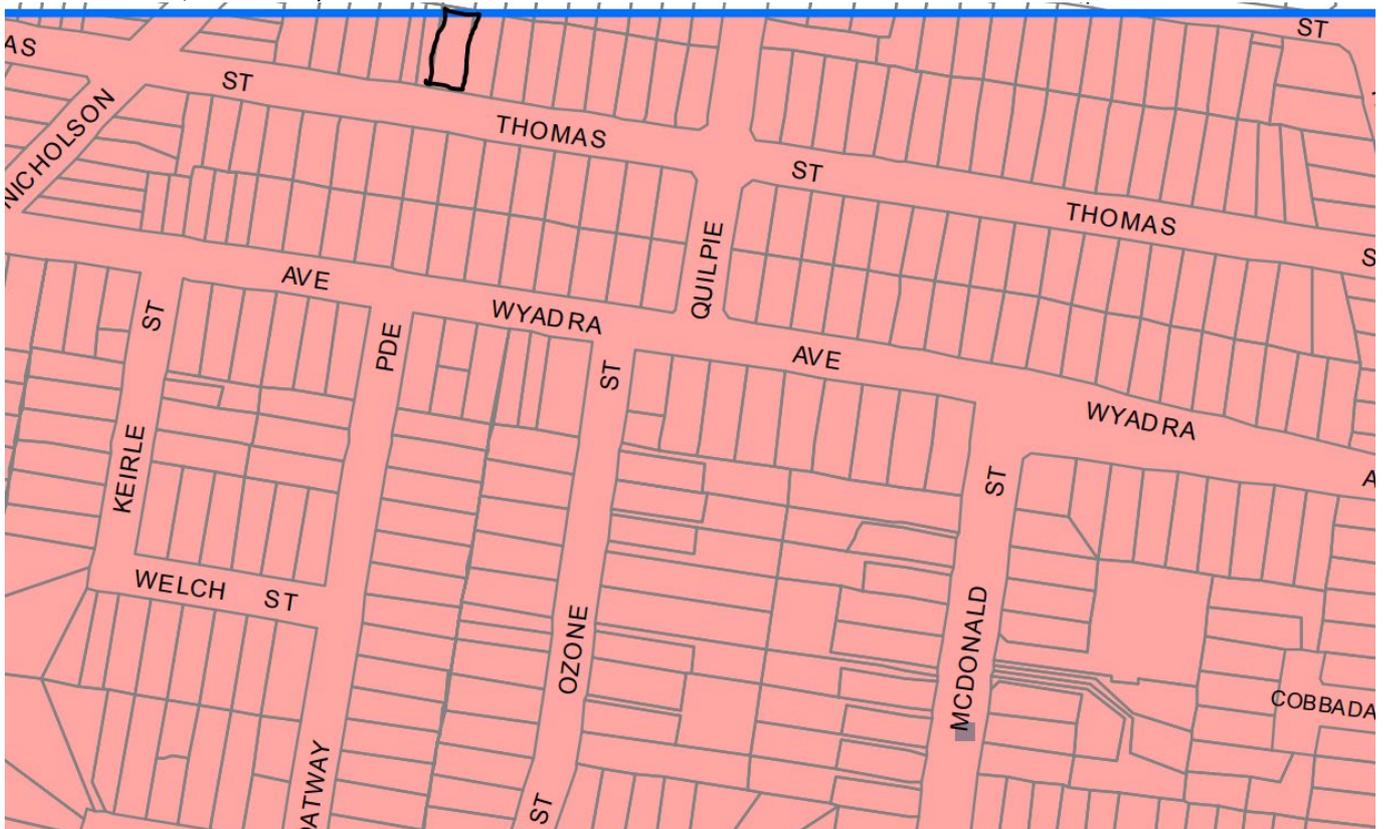


Figure 4: WLEP2011 Land Zoning Map - Sheet LZN_010 (Source: NSW Legislation, 2020)

Table 2 outlines the developments consistency and compliance with the relevant development standards and controls under WLEP2011.

| Table 3: Development Standards | |
|---------------------------------------|--|
| Clause | Comment |
| Clause 4.3 – Height of Buildings | The site is subject to a maximum building height of 8.5m. No increase to building height is proposed as part of the subject development application. |

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| Clause 4.4 – FloorSpace Ratio | The subject site is subject to a maximum floor space ratio of 0.6:1. No change is proposed to the FSR as the proposed works are excluded from the calculation of GFA. |
| Clause 5.10 – Heritage | The site does not contain any heritage items. |

4.10 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No Draft Environmental Planning Instruments apply to the Site.

4.11 WARRINGAH DEVELOPMENT CONTROL PLAN 2011

The Warringah Development Control Plan 2011 (WDCP2011) provides more detailed provisions to guide development. The following table outlines the relevant development controls which apply to the proposed development.

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Table 3: Warringah Development Control Plan 2011

| DCP Controls | Comment |
|--|--|
| <p>3.1.1 Streetscape (Residential area)</p> <p>a) Development in the streetscape (including buildings, fences and landscaping) should be designed to</p> <p>i) complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;</p> | <p>The proposed works will not have an adverse impact on the streetscape character. In addition, the proposed works to the building in respect of the new finishes to the façade of the building will enhance the buildings setting to the streetscape.</p> <p>Further details of the materials and finishes are provided in the Architectural Plans (Appendix 1)</p> |
| <p>ii) ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed from surrounding public and private land;</p> | <p>The proposed works will not have any adverse impact on the bulk or design of the existing building.</p> |
| <p>iii) maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys;</p> | <p>The proposed works will maintain the existing building height across the site.</p> |
| <p>iv) avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like. See also paragraph 4.1.8 Development on Sloping Sites and paragraph 4.1.9 Swimming Pools, Spas and Water Features;</p> | <p>The proposed rear North facing deck will have privacy screens the East and West so privacy into adjacent neighbours will be maintained.</p> |
| <p>v) address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also paragraph 3.2 Heritage Considerations;</p> | <p>No impact on heritage items.</p> |
| <p>vi) visually improve existing streetscapes through innovative design solutions; and</p> | <p>The proposal will enhance the visual appearance of the existing building by undertaking cosmetic upgrades to the building façade by replacing some finishes and re-painting the building. A double lock up garage will be finished in line with existing finishes.</p> |
| <p>vii) incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged.</p> | <p>The proposed materials and finishes will be complementary to the existing built form on the site as well as neighbouring buildings.</p> |

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| | Further details of the materials and finishes are provided in the Architectural Plans (see Appendix 1) |
| 3.2.1 Consideration of Heritage Significance i) it does not detract or significantly alter the heritage significance of any heritage items, conservation area or place; ii) the heritage values or character of the locality are retained or enhanced; and iii) any contemporary response may not necessarily seek to replicate heritage details or character of heritage buildings in the vicinity, but must preserve heritage significance and integrity with complementary and respectful building form, proportions, scale, style, materials, colours and finishes and building/street alignments. | No impact to heritage items. |
| 3.3.1 Landscaping Design Landscape Character The design, quantity and quality of open space should respond to the character of the area. In particular: i) In low density areas: (including LEP Zones R2 Low Density, E3 Environmental Management and E4 Environmental Living) open space should dominate the site. Setbacks of buildings from open space should also be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshore. | The proposed Double lock up Garage set back is 5.1m from the front boundary which will allow for 2 large vehicles to be parked off street and undercover with limited circulation around the cars whilst garage is locked. Further detail has been provided in Section 5.6 of this report. |
| Planting criteria including Native Plant Species and Amenity | Existing landscaping areas meet this criterion. |

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| <p>i) Landscaped Areas must be capable of supporting new native tree species that are typically expected to reach a mature height of 10m notwithstanding the minimum dimension requirements at paragraph 4.1.5.2 of this plan.</p> | |
| <p>ii) The use of locally occurring native plant species is preferred to assist in providing habitat for local fauna; and preserve threatened native plants</p> | <p>The proposal will include the loss of three palm trees, which will be relocated if possible or replaced with native species.</p> |
| <p>iii) Trees should be positioned in locations that minimise significant impacts on neighbours in terms of:</p> <ul style="list-style-type: none"> ▪ blocking winter sunlight to either living rooms, private open space or solar collectors; or ▪ where the proposed location of the tree may be otherwise positioned to minimise any significant loss of views. | <p>The proposed landscaping at the frontage of the site will be sited in a similar position to the existing trees which are located toward the centre of the site, away from neighbouring habitable rooms. As such, there will not be any impacts to neighbouring properties.</p> |
| <p>3.3.2 Preservation of Trees or Bushland Vegetation</p> <p>A person shall not ringbark, cut down, top, lop, remove, poison, injure, or wilfully destroy any prescribed tree or bushland vegetation unless authorised by a current Development Consent.</p> | <p>The proposal comprises the removal of three existing palm trees at the frontage of the site. These trees are Archontophoenix alexandrae, commonly known as Alexandra palm and are native. As per the DA plans, these trees will be relocated by an excavator to another location in the front yard.</p> |
| <p>3.3 Amenity (views, overshadowing, overlooking/privacy, noise)</p> <p>3.4.2.2 Balconies and Terraces</p> <p>a) Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties. Architectural screens must be fixed in position and suitably angled to protect visual privacy.</p> <p>b) Recessed design of balconies and terraces can also be used to limit overlooking and maintain privacy</p> | <p>A screen has been proposed to the 2nd storey deck to the eastern and western elevations to provide privacy to neighbouring properties.</p> <p>The other works associated with the proposal would not give rise to any adverse amenity impacts to neighbouring properties.</p> |

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| <p>3.9.3 Noise from Mechanical Plant</p> <p>External mechanical plant systems (for pools, air conditioning and the like) must be acoustically enclosed and located centrally and away from neighbours living areas of neighbouring properties and side and rear boundaries.</p> | <p>The proposal will not have any significant adverse impacts in respect of noise on neighbouring properties.</p> <p>This has been discussed in detail in Section 5.3 of this report.</p> |
| <p>4.1.4.1 Street Front Setbacks</p> <p>Street front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity. Where the street frontage building line is variable a minimum 6m front set back is required.</p> | <p>The proposed Double lock up Garage set back is 5.1m from the front boundary which will allow for 2 large vehicles to be parked off street and undercover with limited circulation around the cars whilst garage is locked.</p> |

PART E LIKELY IMPACTS OF THE DEVELOPMENT

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15(1) of the EP&A Act.

5.1 CONTEXT AND SETTING

The subject site is located in an established residential area and the proposal relates to the existing residential flat building.

The proposal entails external and internal alterations to improve the amenity of the overall site. Importantly, the works will continue to respect the predominant streetscape qualities in terms of materials, finishes and vegetation.

The proposal will not exhibit any undue environmental impacts and will not adversely impact the amenity of any adjoining sites. Therefore, the proposed development is considered compatible with the site context.

For further clarity, a schedule of materials, finishes and landscaping of the proposed works is provided in the Architectural Plans (see **Appendix 1**).

5.2 TRAFFIC & TRANSPORT

Given the nature of the works, the use of the site will not be intensified. In addition, the proposal adds additional off street parking and does not alter existing vehicle access. Therefore, there will be no adverse impacts on the traffic and transport management of the site.

5.3 NOISE

The proposal will not have any significant adverse impacts in respect of noise on neighbouring properties.

5.4 WASTE

Appropriate measures will be undertaken to mitigate any potential impacts from the construction including dust, noise, and traffic impact. A waste management plan has been prepared which provides detail on the management of construction waste (see **Appendix 2**).

The proposed development relates to proposed alterations and additions to an existing premise and therefore the operational waste generation and management of the site will not change as a result of this proposal.

5.5 HERITAGE

No Heritage impacts due to the proposed works.

5.6 FLORA AND FAUNA

The proposal will have no negative affect on flora and fauna

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5.7 SUITABILITY OF SITE FOR DEVELOPMENT

Given the nature of the works, the proposal will not result in any unreasonable impacts on the environmental values of the site which is consistent with the aims and objectives of the R2 Low Density Zone.

5.8 SUBMISSIONS

No submissions have been received in relation to the proposed development at the time of writing. However, the applicant is willing to address any submissions, should they be received by Council.

5.9 THE PUBLIC INTEREST

As demonstrated throughout this SEE, the proposed development is considered to be in the public interest for the following reasons:

- The proposal is consistent and compatible with land uses in the surrounding locality;
- The proposal supports the viability of the building for existing and future users; and
- No adverse social, economic or environmental impacts are to result from the proposal.

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PART F CONCLUSION

The purpose of this SEE has been to present the proposal for site and to assess its potential impacts having regards to Section 4.15(1) of the EP&A Act

The proposal has been prepared after taking into consideration the following key issues:

- The development history of the site;
- The context of the site and locality;
- The relevant heads of consideration under Section 4.15(1) of the EP&A Act;
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments; and

The proposed development is permissible within the zone and is compatible with the zone objectives. As stipulated previously in this Report, the matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* have been satisfactorily addressed.

In light of the merits of the proposed development and in absence of any significant environmental impact, the proposed development warrants support by Council.