

STATEMENT OF ENVIRONMENTAL EFFECTS

In support of
Alterations to the existing apartments
At
73 Lauderdale Avenue Fairlight



Author: [Mitchell Drake](#)
Date: [January 2022](#)
Contact: [0466 591 366](#)
Email: Mitchell@projectflow.net.au

STATEMENT OF ENVIRONMENT EFFECTS

1. PRE-AMBLE

The following documentation is provided in accordance with the outlined deliverables relating to the request for a Statement of Environmental Effects in support of the alterations and additions to the existing apartments at 73 Lauderdale Avenue Fairlight. Advice has been provided with a focus on the existing planning controls and consideration for past, present, and future planning regimes.

1.1. Preliminaries

Request for Statement of Environmental Effects	Tim Carse
Site Street Address	73 Lauderdale Avenue Fairlight
Legal Identifier	Lot 1 and Lot 2 SP15039
Total site area	1331m ²
Zone	C4 Environmental Living (Formerly E4)
Local Government Area	Northern Beaches Council

1.2. Executive Summary

This advice has been prepared by Project Flow on behalf of Tim Carse in relation to the potential development of apartments 1 and 2 at 73 Lauderdale Avenue Fairlight. This advice addresses the relevant planning controls, planning proposals and other relevant planning data. The advice also reviews impacts and opportunities relating to State and Local EPI's and Draft EPI's in addition to the relevant DCP information and guidance.

Additionally, relevant strategic documents have been reviewed and their potential impacts and opportunities have been analysed. Finally, relevant recent planning approvals in a reasonable proximity to the site have also been reviewed and their impacts on the subject site have been identified. Project Flow has also made the following assumptions:

- This advice has been prepared without the benefit of viewing Council's physical DA files and property files as they relate to the site.

The bulk of this analysis has focused on the site controls and their relationships with a residential land uses and subdivision pattern. This statement does not seek to anticipate input from local or state authorities nor does it guarantee success of any application. The proposal is subject to Council assessment and referrals to other stakeholders, together with issues that may arise that are not anticipated by the review. Notwithstanding, it is the intent of this document to create a possible road map and way forward for the development of the subject site.

2. THE PROPOSAL IN DETAIL

The applicant seeks approval for the alterations and additions to existing apartments 1 and 2 at 73 Lauderdale Avenue Fairlight. The proposal entails demolition of external wall elements associated with the existing balcony areas and construction of new balcony areas for both apartments.

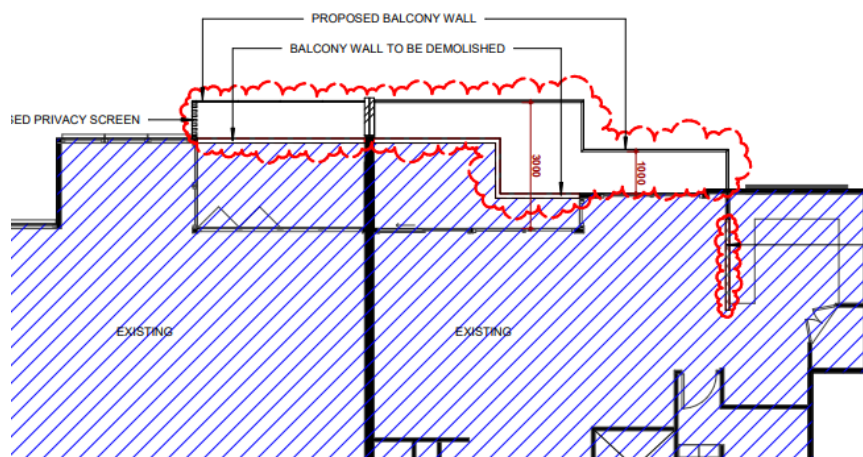


Figure 1: Ground Floor Plan

SOURCE: Design Formation



Figure 2: Elevation

SOURCE: Design Formation

3. THE SUBJECT SITE

The subject apartments are legally known as Lots 1 and 2, SP 15039 and commonly referred to as 73 Lauderdale Avenue Fairlight. The configuration of the allotment is, irregular in shape with a north south orientation, featuring equating to a site area of 1331m².

Current improvements to the allotment include 3 apartments in two separate modules, one single adjacent to the pool area at the northern end of the allotment whilst the 2-apartment module is at the south-eastern portion of the buildable area. The access handle servicing the site connects to Lauderdale Avenue and runs north south, down the slope to the apartments overlooking the Manly Cove and harbour areas.



Figure 3: Aerial View

SOURCE: SIXmaps

4. SITE HISTORY

A review of Council records indicates that there are no past works or applications relevant to the subject proposal. No further investigation is required in this regard.

5. CLAUSE 4.15 THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

5.1. The Provisions of any Environmental Planning Instrument (EPI)

5.1.1. State Environmental Planning Policy No.55 - Remediation of Land

The aim of the policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7(1) of State Environmental Planning Policy No. 55 – Remediation of Land, is relevant to the assessment of this Development Application.

Clause 7(1) requires that consent not be granted until Council has considered whether the land is contaminated. If the land is contaminated, the Council needs to be 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.

The subject site has historically been used as a residential allotment for a significant period. No evidence of contamination was observed during inspection of the site.

As there is no historical evidence of the site being previously used for a purpose which would result in the land being contaminated, further testing of the site in respect of contamination is not warranted in this instance.

5.1.2. State Environmental Planning Policy (Coastal Management) 2018

The following elements of the LEP are applicable to the proposal:

PART 1 - PRELIMINARY

Clause 3. Aims of the Plan

The proposal is consistent with the relevant aims of the plan as follows:

Aim

Managing development in the coastal zone and protecting the environmental assets of the coast, and

Response

The minor nature of the development and the minor impacts of the development on the coastal zone indicate that the environmental assets will not be impacted upon by the proposal.

PART 2 – DEVELOPMENT CONTROLS FOR COASTAL AREAS

Clause 14. Development on land within the coastal use area

The following table indicates the proposals consistency with the relevant controls

DIVISION 4 COASTAL USE AREA			
(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority			
		(a) has considered whether the proposed development is likely to cause an adverse impact on the following:	
		(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	Complies
		(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	Complies

		(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	Complies
		(iv) Aboriginal cultural heritage, practices and places,	Complies
		(v) cultural and built environment heritage, and	Complies
	(b) is satisfied that:		
		(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	Complies
		(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	Not Applicable
		(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	Not Applicable
	(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development		Complies

Clause 15. Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The minor nature of the works and the location of the balconies on the rear module of the two buildings indicate that the coastal zone will not increase risks on the land.

5.1.3. State Environmental Planning Policy Infrastructure

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists)
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line
- includes installation of a swimming pool any part of which is in proximity of Infrastructure

This element of the assessment will be subject to referral to the relevant State bodies for comment. Any recommendations forthwith are requested to be included within any conditions of consent.

5.1.4. Manly Local Environmental Plan 2013

The following elements of the LEP are applicable to the proposal:

PART 1 - PRELIMINARY

1.2 Aims of the Plan

The proposal is consistent with the relevant aims of the plan as follows:

Aim

In relation to all land in Manly, the relevant aims are:

To promote a high standard of urban design that responds to the existing or desired future character of areas, and

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,

Response

The proposed works are minor in nature and undertaken upon existing built forms. The works are designed with a sympathetic and thoughtful response to the location and do not result in any adverse impacts upon the permanent residential accommodation.

Aim

In relation to residential development, the relevant aim is:

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

Response

The works maintain the apartments and allow the subject site to contribute to the range of housing choice within Manly.

Aim

In relation to Manly's unique harbour, coastal lagoon and ocean beach setting the relevant aims are:

To preserve and enhance the amenity of public places and areas visible from navigable water around Manly, and

To retain open space, make more foreshore land available for public access and protect, restore and enhance riparian land along watercourses and foreshore bushland.

Response

The proposal has no impact on public land or accessibility to this land. The amenity of these areas will be maintained and not impacted upon by the proposal.

PART 2 PERMITTED OR PROHIBITED DEVELOPMENT

Clause 2.6. Demolition Requires Consent

The proposal is located within the C4 Environmental Living Zone (Formerly E4) of the LGA. The demolition that requires development consent is sought as part of this subject application.

LAND USE TABLE

Objectives of zone

The relevant objective of the zone is responded to as follows:

Objectives

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To protect tree canopies and ensure that new development does not dominate the natural scenic qualities of the foreshore.
- To ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation.
- To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate, and minimise the impact of hard surfaces and associated pollutants in stormwater runoff on the ecological characteristics of the locality, including water quality.
- To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses

The proposal responds appropriately to the low impact residential character of the locality and does not result in any impacts upon the values identified. The proposal also contributes to the maintaining of the objectives overall.

PERMITTED WITH CONSENT

The proposal is identified as permissible with consent in the C4 Environmental Living Zone (Formerly E4).

PART 4 – PRINCIPAL DEVELOPMENT STANDARDS

STANDARD	REQUIRED	PROPOSED	COMMENT
Minimum Lot Size	300m ²	1331m ²	No Change
Height of Buildings	8.5m	As approved	No Change
Floor Space Ratio	0.5:1	As approved	No Change

Clause 6.9 Foreshore scenic protection area

(1) The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly.

Response

The proposal is consistent with this element.

(2) This clause applies to land that is shown as “Foreshore Scenic Protection Area” on the Foreshore Scenic Protection Area Map.

Response

The area is identified on the map as impacted by the scenic protection provisions.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters

- impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,

Response

The proposal does not have any unreasonable impacts upon the visual amenity of the harbour and coastal foreshore.

(b) measures to protect and improve scenic qualities of the coastline,

Response

The measures to protect the scenic qualities of the coastline are intrinsic to the design of the works.

(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,

Response

The development will remain suitable for the site.

(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.

Not required, the works are minor in nature and do not require any conflict reduction measures.

6.3. The provisions of any Draft Environmental Planning Instrument (EPI)

There are no Draft Environmental Planning controls relevant to the proposal.

6.4. The provisions of any Development Control Plan (DCP)

The following development control plan is applicable to the development.

6.4.1. Manly Development Control Plan 2013

The Manly Development Control Plan (DCP) applies to the land with the following chapters of particular relevance to the proposal:

AIMS OF THIS DCP

Aim

Ensure that development contributes to the quality of the natural and built environments

Response

The built environment will benefit from this appropriate, upgraded and contemporary design.

Aim

Encourage development that contributes to the quality of our streetscapes and townscapes

Response

The streetscape has visual interest added by the development and the quality of the proposal overall.

Aim

Ensure development positively responds to the qualities of the site and its context.

Response

The minor nature of the works on site will allow for the qualities of the site to be retained and ensure the continued interaction of the proposal in its context.

NOTE: The minor nature of the proposal ensures that the building holistically, will continue to respond as approved, to the relevant elements of the DCP. No Further investigation is required in this regard.

Clause 3.4.2. Privacy and Security

Objective 1) To minimise loss of privacy to adjacent and nearby development by:

- appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings;

- mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.

Response

The extending of the deck areas does not result in direct overlooking issues to the public pathway located upon the shoreline of the Manly Cove coastline. The adjoining buildings will not be impacted upon by the proposal in terms of privacy and the maintaining of views and vistas. No further investigation is required in this regard.

Objective 2) To increase privacy without compromising access to light and air. To balance outlook and views from habitable rooms and private open space.

Response

The proposal increases the privacy of the occupants, particularly with reference to the scenic walk along the foreshore. Solar penetration and crossflow ventilation will not be impacted by the works to an unreasonable level.

Objective 3) To encourage awareness of neighbourhood security.

Response

Casual surveillance is maintained by the proposal.

6.5. Planning agreements or draft planning agreements

There are no planning agreements or draft planning agreements submitted under Section 93F that are relevant to this proposal.

6.6. The Likely Impacts

Environmental

The assessment of the proposal has shown that any environmental impacts resulting from the proposal will be negligible. Regard is shown for the natural environment in terms of scenic protection and view maintenance, with appropriate measures incorporated into the overall design that operate in concert with the extensive areas of landscaping provided by the site layout.

The built environment will be enhanced by the upgrade and its more economical use of the available resource, without impacting or dominating the area in terms of built form. The proposal satisfies the requirements of both the natural and built environments.

Social

The proposal maintains housing stock, allowing for a more diverse accommodation typology within the appropriate C4 Zone. This allows a more diverse population cross section to “settle and stay “within the Northern beaches LGA.

The maintaining of choice of housing in this area provided by the proposal increases the longevity of the site whilst allowing residents an affordable alternative. The maintaining of accommodation options adds to the available housing stock within the area and provide opportunities for more dwelling ownership. The proposal is consistent with the social requirements in these regards.

Economic

The provision of the upgraded housing opportunity within this appropriately zoned locality, will allow a contribution to the easing of housing pressure on potential homeowners whilst showing regard for the requirements of this C4 Zone.

6.7. Site Suitability

The site suitability is indicated by the appropriate land use being located within the appropriate C4 Zone. The proposal has demonstrated compliance with the vast majority of the standards and controls together with a consistency of all underlying objectives of both State and Local policies.

The subject site is serviced by existing infrastructure, is easily accessible and is within a gentrified residential area. The proposal is an appropriate fit to the naturally developed character of the locality and will add a further unique land use and housing opportunity within this residential area. The application is considered acceptable with regards to suitability of the site.

6.8. Submissions

There have been no submissions received from any public person, private or Government Authorities at the time of the preparation of this report.

6.9. The Public Interest

The public interest is served by the provision of the appropriate land use that is consistent with Local and State planning objectives. The land use responds at a strategic level to desired planning outcomes together with increased affordable housing opportunities within the Sydney region and the Northern Beaches LGA specifically. The proposal is consistent with the underlying objectives of the EP&A Act in that it is an appropriate and economical use of the available resource.

7. CONCLUSIONS

This Statement of Environmental Effects has provided an assessment of the proposed dwelling against the relevant provisions of the Manly Local Environmental Plan (MLEP) 2013, the subject site is located within the C4 zone thus the proposal is therefore considered to satisfy the zone objectives at a strategic level. The project, located within suburban Fairlight, offers a contemporary apartment set which will provide for and contribute to the housing diversity in this residential precinct. The proposal has demonstrated consistency with the underlying objectives of the controls and general compliance with the numerical standards contained within both State and Local policies

Overall, it is considered that will not have any adverse impact on the subject site and surrounding streetscape or harbour. The proposal provides for a high degree of amenity with no unreasonable view or privacy impacts. We submit that the proposal is consistent with Councils expectations upon the site and there is no planning reason why this proposal should not be approved.