

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**19 MARSHALL STREET, MANLY**

**PROPOSED CHANGE OF USE TO PERMIT SECONDARY  
DWELLING & ALTERATIONS TO THE EXISTING  
DWELLING & LANDSCAPING**

**PREPARED ON BEHALF OF  
Mr Paul Jacobsohn**

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## TABLE OF CONTENTS

1.	INTRODUCTION	3
2.	SITE DESCRIPTION AND LOCALITY	5
3.	THE DEVELOPMENT PROPOSAL	6
4.	ZONING & DEVELOPMENT CONTROLS	7
5.	EP&A ACT – SECTION 4.15	15
6.	CONCLUSION	16

## 1. INTRODUCTION

This application seeks approval for the change of use to permit a secondary dwelling and alterations to the existing dwelling upon land at Lot B in DP 344759 which is known as **No. 19 Marshall Street, Manly**.

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

- Environmental Planning & Assessment Act, 1979.
- Manly Local Environmental Plan 2013.
- Manly Development Control Plan 2013.

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

- Survey Plan prepared by Bee & Lethbridge Pty Ltd, Ref No. 21153 and dated 12/11/2018.
- Architectural Plans prepared by Rapid Plans, Project No. RP0119JAC and dated 20/02/19.
- Landscape Plan prepared by Space Landscape Designs, Project No. 171497 and dated 19/12/2017.

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 B in DP 344759 which is known as No. 19 Marshall Street, Manly. The site is located on the southern side of Marshall Street with a street frontage 11.28m. The site is rectangular in shape and has an area of 533.2m<sup>2</sup> with a depth of 47.335m. The locality is depicted in the following map:



Site Location Map

The site falls towards the street with levels of RL33.34 at the rear of the site and RL27.24 adjacent to the street frontage. The subject site currently comprises a two storey rendered masonry dwelling with tiled roof. A single garage and double carport are attached and integrated into the front of the dwelling. A timber pergola is located over the elevated front terrace.

A detached outbuilding is located at the rear of the site. Consent (DA357/03) was granted by Council on 13 October 2003 for the construction of this detached outbuilding as a studio with storeroom and bathroom. This application seeks approval to permit the use of this structure as a secondary dwelling. A separate Building Certificate application has been lodged for the physical works carried out.

The site is depicted in the following photographs:



**View of Subject Site from Street**

The existing surrounding development comprises a mix of single detached dwellings, semi attached dwellings and multi dwelling housing comprising of 1, 2 and three storeys. The existing surrounding development is depicted in the following aerial photograph:



**Aerial Photograph of Locality**



#### 4. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the following:

- Change of use to permit outbuilding to be used as a secondary dwelling.
- Retractable pergola over existing elevated terrace on front of existing dwelling.
- Landscape works in rear yard including stairs, retaining walls, privacy screens as depicted on Landscape Plan.

The existing detached outbuilding at the rear of the site is to be utilised for a secondary dwelling. A separate Building Certificate application has been lodged for the physical works that have been carried out. The secondary dwelling will provide for a bedroom, kitchen/living area and bathroom. There are no physical works proposed to this structure.

The proposal also seeks to demolish the existing pergola over the front terrace of the existing principal dwelling on site. This pergola will be replaced with a retractable awning.

The proposal provides for a new access stair adjacent to the eastern boundary at the front building alignment.

All collected stormwater will continue to discharge to the existing drainage system which drains to the street gutter.

The proposal will result in the following numerical indices:

<b>Site Area:</b>	<b>533.2m<sup>2</sup></b>
<b>Existing Total Open Space:</b>	<b>116.46m<sup>2</sup> or 21.84%</b>
<b>Proposed Total Open Space:</b>	<b>116.46m<sup>2</sup> or 21.84%</b>
<b>(as defined)</b>	
<b>Existing FSR:</b>	<b>230.48m<sup>2</sup> or 0.43:1</b>
<b>Proposed FSR:</b>	<b>230.48m<sup>2</sup> or 0.43:1</b>

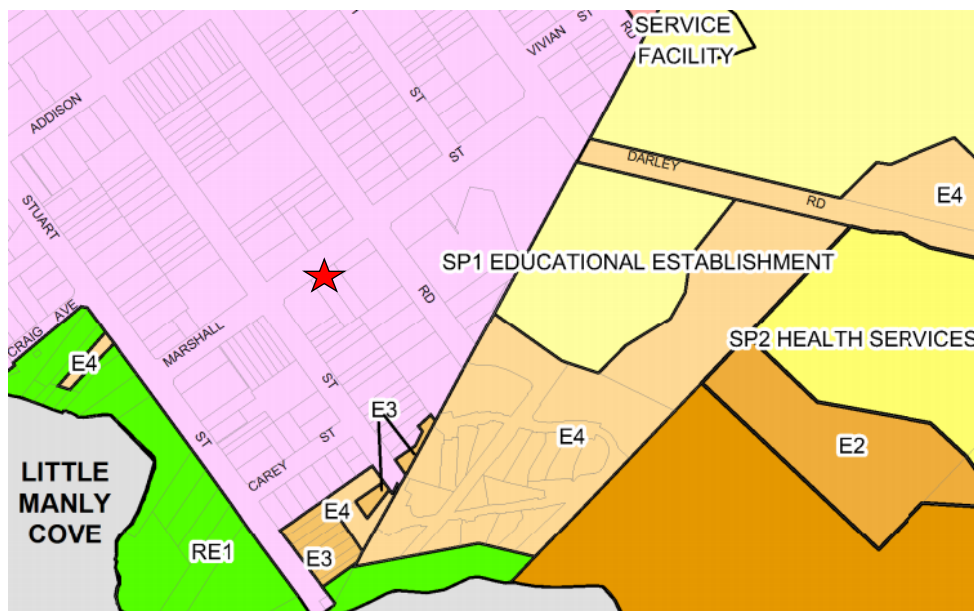
## 5 ZONING & DEVELOPMENT CONTROLS

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.

### 5.1 Planning for Bushfire Protection 2006

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 2006 do not apply.

### 5.2 Manly Local Environmental 2013



Extract of Zoning Map

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:

- Ensuring the proposal compliments the existing streetscape and the existing surrounding properties. The proposed retractable awning replaces an existing pergola.
- Retaining the existing amenity to the surrounding residences.

- Providing a development that is compatible in terms of bulk, scale and height to surrounding properties.

Single dwellings, secondary dwellings and associated structures are a permissible use in the R1 General Residential zone with the consent of Council. The following numerical standards are applicable to the proposed development:

Clause	Development Standard	Proposal	Compliance
Clause 4.3 Height of Buildings	8.5m	5.3m	Yes
Clause 4.4 Floor Space Ratio	0.60:1	0.43:1	Yes

The following clauses also apply:

#### **Clause 6.1 Acid Sulfate Soils**

The subject site is identified as Class 5 of the Acid Sulfate Soil map. The proposal does not require any significant excavation. No further information is required in this regard.

#### **Clause 6.2 Earthworks**

The proposal requires only minor earthworks for the construction of the access stair. No further information is required in this regard.

#### **Clause 6.4 Stormwater Management**

All collected stormwater will continue to discharge to the street gutter in accordance with Council controls.



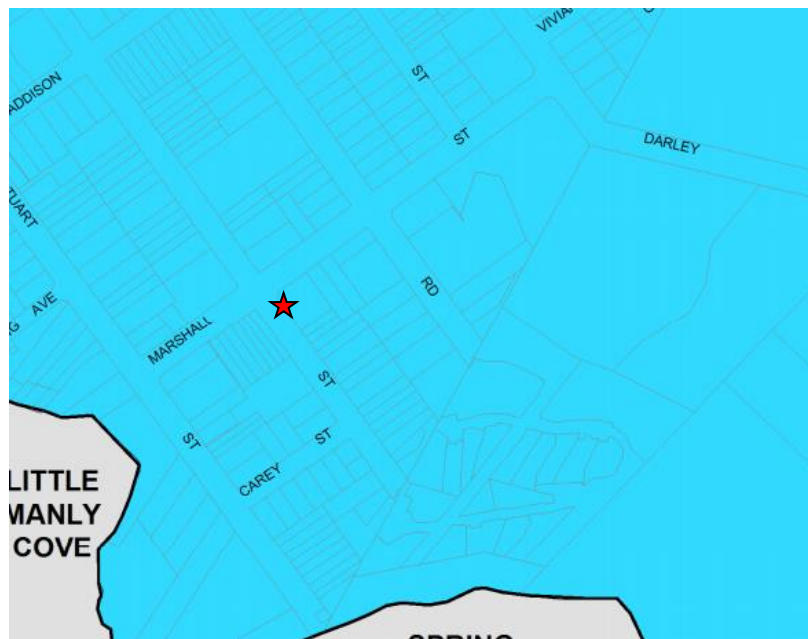
## Clause 6.5 Terrestrial Biodiversity



Extract of Terrestrial Map

The site is mapped on Council's Terrestrial Biodiversity Map. The proposal does not provide any major earthworks. The proposal is for a change of use, retractable awning over existing footprint and a small access stair. The works do not require removal of any vegetation and no further information is required in this regard.

## Clause 6.9 Foreshore Scenic Protection Area



Extract of Foreshore Scenic Protection Area Map

The site is located within the foreshore scenic protection area. The detached building as constructed is not visible from the street, public domain or the foreshore area. No further information is required in this regard.

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

### 4.3 Manly Residential Development Control Plan 2013

The Manly DCP 2013 applies to all land where the LEP applies. Therefore, the DCP applies to the subject development.

#### **Part 3**

Part 3 provides general principles applying to all development and Part 4 outlines development controls for specific forms of development including residential. The relevant provisions of **Part 3** are summarised below:

#### **Clause 3.1.1 – Streetscape (Residential Areas)**

The proposal provides for a change of use, retractable awning and access stairs to an existing two storey dwelling and will not have a detrimental impact on the view of the site from the street. The new retractable awning replaces an existing pergola. The awning is lightweight and does not have a detrimental impact on the streetscape. The change of use to permit a secondary dwelling relates to the detached outbuilding in the rear yard and is not visible from the street. The new access stair will improve access to the rear yard and does not have any detrimental impact.

The intended outcomes are noted as:

- i) *complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;*
- 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;*
- 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;*
- 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;*
- 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;*
- vi) *visually improve existing streetscapes through innovative design solutions; and*

- 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. See also paragraph 3.5.7 Building Construction and Design*

It is considered that the proposal provides for minor alterations to an existing dwelling and a change of use to a detached outbuilding that are compatible with the existing surrounding streetscape.

The new works will be compatible with the style and form of the surrounding dwellings.

### **Clause 3.1.1.3 Roofs and Dormers**

This clause provides:

- a) *Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.*  
b) *Roofs should be designed to avoid or minimise view loss and reflectivity.*  
c) *Dormer windows and windows in the roof must be designed and placed to compliment the roof structure and reflect the character of the building. In particular, such windows are not permitted on the street frontage of the building where there is no precedent in the streetscape, especially on adjoining dwellings.*

There is no change to the existing roof form of the dwelling or detached outbuilding.

### **Clause 3.3 - Landscaping**

The proposal works are generally located within the existing footprint and do not require the removal of any trees protected by Council's Tree Preservation Order.

### **Clause 3.4 - Amenity (Views, Overshadowing, Overlooking/Privacy, Noise)**

The objectives of the clause are noted as:

- Objective 1) To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties.*  
*Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.*

It is suggested that the works will achieve these objectives as:

- The change of use of the outbuilding to permit a secondary dwelling does not alter the existing building envelope and has no impact on existing views.
- The new retractable awning.

- Shadow diagrams have been prepared which indicate negligible additional shadowing to the adjoining properties. The allotment is orientated north-south which ensures that adjoining properties will receive at least 3 hours of solar access to private open space and living areas on the winter solstice.
- The subject and surrounding properties do not enjoy any significant views. The proposal does not obstruct views.

### Clause 3.7 - Stormwater Management

All collected stormwater will continue to drain to the existing stormwater system in Marshall Street. The proposal does not result in any significant increase in the existing hard surface area and therefore OSD is not required.

### Part 4

The following numerical provisions of **Part 4** are considered relevant to the proposal:

Clause/ Design Element	DCP Requirement	Compliance/Comments
Residential Density & Subdivision	Density Area D3 – 1 dwelling per 250m <sup>2</sup>	Yes Site area is 533.3m <sup>2</sup> . There is no change to the density. (Secondary dwellings permissible)
Floor Space Ratio	Refer to LEP 0.6 :1	Yes 0.43:1
Wall Height	Height – 6.5m	The proposed retractable awning replaces an existing structure. The awning is lightweight with all sides open. The works do not extend above the height of the existing dwelling.
Number of Storeys	Two Storeys	Yes The proposed works do not increase the existing number of storeys.
Roof Height	2.5m above wall height	Yes
Parapet Height: 600mm above wall height.	600mm above wall height	Not Applicable
Maximum Roof Pitch	35°	Yes

Clause/ Design Element	DCP Requirement	Compliance/Comments
Building Setbacks	<p>Front Setback – Min. 6.0 metres or consistent with neighbouring.</p> <p>Side Setback – 1/3 of the height of wall.</p> <p>Walls without windows may be constructed to one side boundary only, providing the objectives of this part can be met and the applicant can demonstrate no disadvantage to the adjacent allotment through increased overshadowing, or loss of view and no impediment to property maintenance.</p> <p>Rear Setback – Minimum 8.0 metres</p>	<p>The proposal provides for a new retractable awning over the existing first floor terrace over the carport. This awning provides for a nominal setback to the street frontage and replaces an existing pergola in the same location. The proposed awning is an open lightweight structure that will not detract from the existing streetscape.</p> <p>Yes No new walls proposed</p> <p>Not Applicable</p> <p>The secondary dwelling is merely a change of use utilising the existing approved outbuilding. The existing outbuilding does not comply with the rear setback, however as the proposal does not provide for any physical works to this structure, it is unreasonable to require compliance with this clause.</p>
Landscaping/Open Space	Open Space Area 3: Minimum total open space: 55% of site area.	The proposal provides for the following: Total Open Space: 116.46m <sup>2</sup> or 21.84%

Clause/ Design Element	DCP Requirement	Compliance/Comments
	<p>Minimum soft open space as % of total open space: 35%</p> <p>Minimum number of endemic trees: 1 additional tree required</p> <p>Private open space to be directly accessible from living areas. Minimum dimension 3m. Minimum area of 18m<sup>2</sup>.</p>	<p>Soft Open Space: 116.46m<sup>2</sup> or 39% of the 'required' total open space.</p> <p>Whilst the proposal does not comply with the numerical requirements of the total open space given that the proposal does not reduce the existing area of total open space it is unreasonable to require strict compliance. It is noted that there is no reduction in landscaped area on site as a result of the proposed development.</p> <p>Yes The proposal does not require the removal of any significant vegetation.</p> <p>Yes The proposal retains the existing private open space. The secondary dwelling has direct access to the private open space in the rear yard.</p>
Parking and Access	<p>Minimum 2 Spaces per Dwelling.</p> <p>Garages/carports shall be sited so as to not dominate the street frontage through the use of appropriate materials.</p> <p>Carports forward of the building line shall be open on all sides.</p> <p>Maximum width of structures forward of the building line is 6.2m or 50% of site width whichever is the greater.</p>	<p>Yes Existing parking to be retained. Secondary dwellings do not require additional parking. However, it is noted that the site currently provides for 3 off street parking space.</p>



Clause/ Design Element	DCP Requirement	Compliance/Comments
First Floor Additions	Additions may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues. Must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences	Not Applicable
Fences	Maximum height 1.0m for solid Maximum height 1.5m where at least 30% is transparent.	Not Applicable

There are no other provisions of the Manly DCP that apply to the proposed development.

## **6. 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 2013. 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**

It is considered that the development will provide for additions to an existing dwelling and provision of a secondary dwelling within the existing outbuilding without detrimentally impacting on the character of the area. The proposal does not result in the removal of any significant vegetation and there is no decrease in pervious area. The design of the proposal is such that they do not result in any unreasonable loss of privacy.

### **The Suitability of the Site for the Development**

The subject site is zoned R2 Low Density Residential and the construction alterations/additions to an existing dwelling house and change of use to permit a secondary dwelling in the existing outbuilding in this zone are permissible with the consent of Council. The resultant development is of a bulk and scale that is consistent with existing surrounding developments. The proposal does not result in the removal of any significant vegetation.

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 additions to an existing dwelling that are consistent with other development and create a secondary dwelling being an alternative form of housing in this locality without unreasonably impacting the amenity of the adjoining properties or the public domain.

## 7. CONCLUSION

This application seeks approval for the construction of alterations to an existing dwelling and change of use of the detached outbuilding to permit a secondary dwelling. 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 2013. 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 of alterations/additions to an existing dwelling and change of use of the existing outbuilding to permit a secondary dwelling upon land at **No. 19 Marshall Street, Manly** is worthy of the consent of Council.

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