

**STATEMENT OF ENVIRONMENTAL EFFECTS**

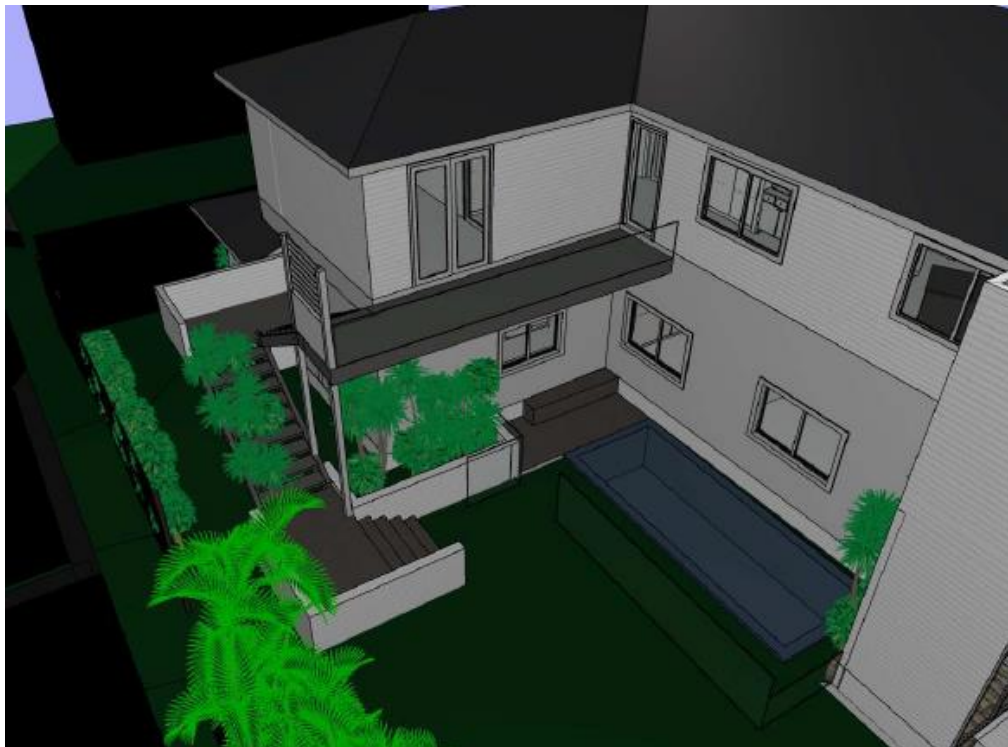
**FOR PROPOSED ALTERATIONS AND ADDITIONS TO AN EXISTING  
DWELLING AND CONSTRUCTION OF A NEW IN GROUND  
SWIM/SPA POOL**

**LOCATED AT**

**8 WILLYAMA AVENUE, FAIRLIGHT**

**FOR**

**BATTRAM & VIDLER**



**Prepared  
June 2019**

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## 1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Battram & Vidler by Brianna Emily Design, Sheets DA-BM-00 – DA-BM-10, Issue A, dated 6 June 2019 to detail the proposed alterations and additions to an existing dwelling and construction of a new in ground swim/spa pool at **8 Willyama Avenue, Fairlight**.

This Statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, (as amended) including:

- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*

## 2.0 Property Description

The subject allotment is described as **8 Willyama Avenue, Fairlight**, being SP 32567 and is zoned R1 General Residential under the Manly Local Environmental Plan 2013.

The land is noted as being within a Foreshore Scenic Protection Zone.

The dual occupancy is not listed as a heritage item within Schedule 5 of the Manly Local Environmental Plan 2013 and is not noted as being within a Conservation Area. The street forward of the site comprises stone kerbs noted on Council's heritage register and this issue is discussed further within this Statement.

The property is not noted as being affected by potential bushfire attack and a bushfire report has been prepared to support the proposal.

The site is noted as being within the Class 5 Acid Sulfate Soils area.

The front portion of the site is identified as 'G2' on the Potential Geotechnical Landslip Hazard Areas map. The proposal is not seeking to excavate to a depth in excess of 2m and therefore, it is considered that further detailed geotechnical investigation is not required at this stage.

The site and the existing dual occupancy is currently undergoing additions and alterations in accordance with DA N0 154/2017, determined 14 November 2017 (as modified).

### 3.0 Site Description

The site is located on the northern, higher side of Willyama Avenue, with a fall to the street boundary.

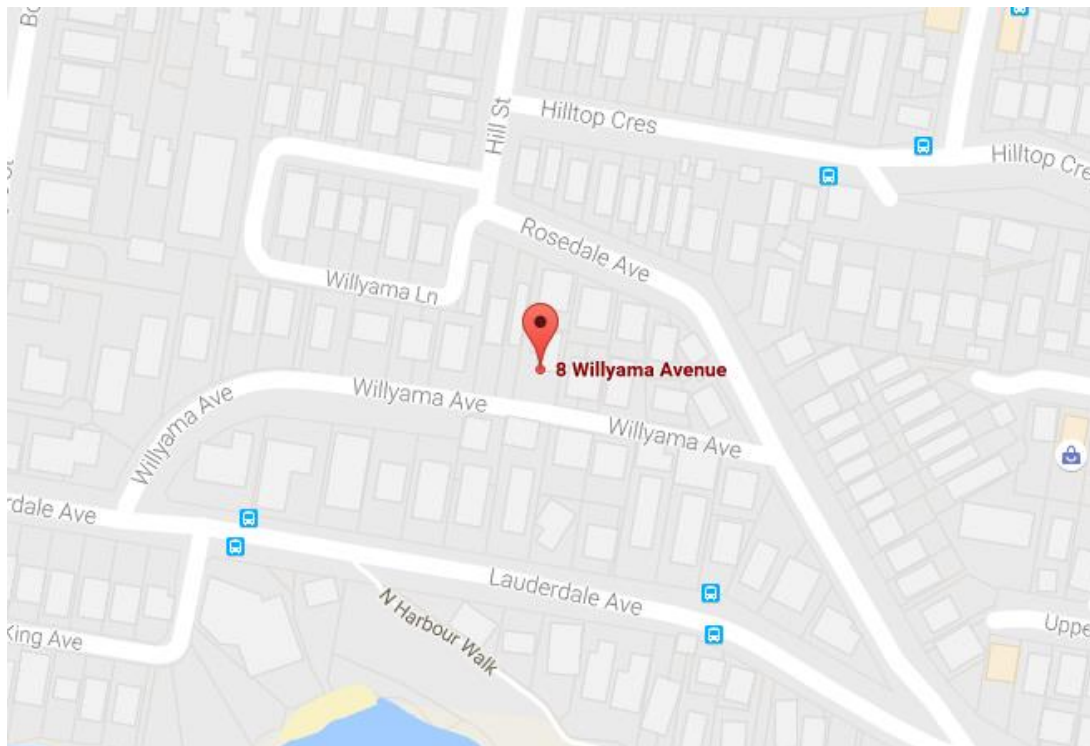
The rectangular shaped allotment has a frontage of 18.29m to Willyama Avenue, with eastern and western boundaries of 34.665m and 34.615m respectively. The total site area is of 633.4m<sup>2</sup>.

The site has a general fall to the street, with stormwater from the roofed areas being directed to the street gutter.

Vehicular access is currently available from Willyama Avenue.

The site is currently developed by a brick and clad dual occupancy with a tile roof.

The details of the site are included on the survey plan prepared by C.M.S. Surveyors Pty Ltd, Reference No. 14775, dated 3 May 2016, which accompanies the DA submission.



**Fig 1: Location sketch**  
(Source: Google Maps)



**Fig 2: Street view of neighbouring dual occupancy development at 6A & 6B Willyama Avenue, looking north-east from Willyama Avenue**



**Fig 3: Street view of neighbouring development immediately to the west of the site, looking north from Willyama Avenue**



#### 4.0 Surrounding Environment

The area surrounding the site is predominantly represented by a mix of development comprising one, two and in some instances, three level detached dwellings.

The adjoining developments to the north, east & west are detached dwellings.

The dwellings in the vicinity have been designed with living areas and associated open space that are oriented to take advantage of the significant harbour views.



**Fig 4: Aerial view of subject site**  
(Source: Google Maps)

## 5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks approval for the proposed alterations and additions to an existing dwelling and construction of a new in ground swim/spa pool.

The new works comprise:

- A new in ground swim/spa pool and decking area.
- Pool gate and fencing to comply with the Pool standards.
- The adjacent windows to the new swim/spa pool will have compliant lock restraints to pool fencing standards.
- New timber box seating with storage behind.
- Construction of a power room (existing lower ground level)

The external finishes of the new works will match the existing development on site.

The proposal will not see any increase to the existing maximum ridge height of the building with the existing dwelling remaining unchanged.

The development indices for the site are:

Site Area	633.4m <sup>2</sup>
Allowable FSR	0.6:1 or 380.04m <sup>2</sup>
Proposed new floor area	No change - N/A
Required open space (Area OS3) – 55% total/35% soft open space	348.27m <sup>2</sup> (55%)/121.93m <sup>2</sup> (35%)
Proposed total open space	380.96m <sup>2</sup> or 60.1%
Proposed soft open space	253.24m <sup>2</sup> or 66.4%

## **6.0 Zoning and Development Controls**

### **6.1 State Environmental Planning Policy No. 55 – Remediation of Land**

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

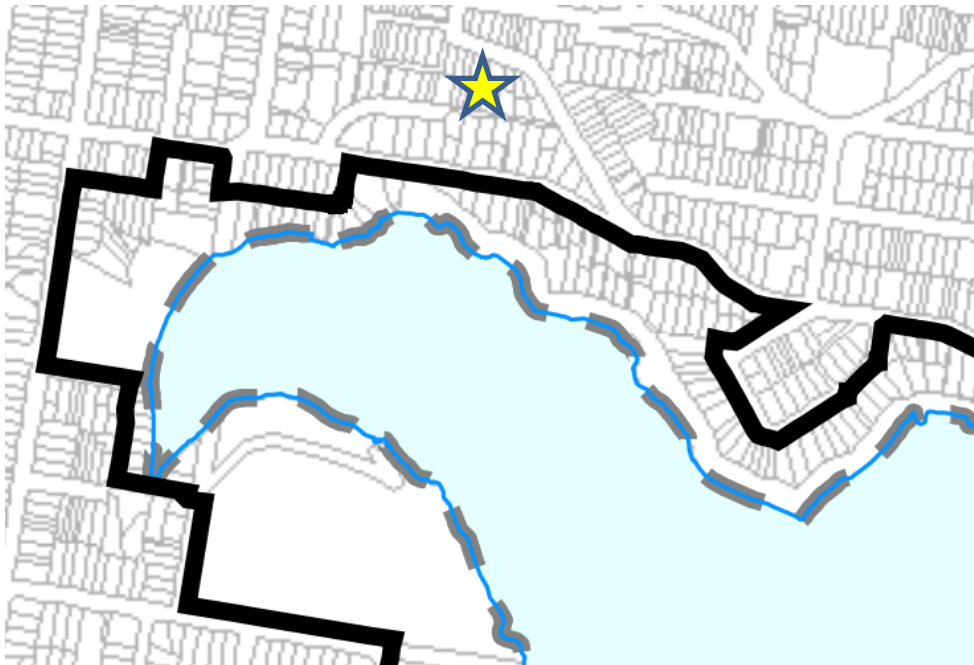
### **6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The proposal has been designed to respect the water, thermal and energy standards required by BASIX. A BASIX certificate however is not required in this instance as the swim/spa pool will be less than 40KL.

### **6.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The subject site is not located within the area affected by the provisions of State Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005 (SREP 2005).

No further assessment under the provisions of the SREP is required in this instance.



**Fig 5: Extract of Sydney REP (Sydney Harbour Catchment) 2005  
Foreshores and Waterways Area Map 4 of 5**



#### 6.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Manly Local Environmental Plan 2013.

The aims of the SEPP are detailed in Clause 3 and note:

*The aims of this Policy are:*

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

In this instance, the proposal will not see any loss of any substantial vegetation and is therefore considered to be consistent with the aims of the SEPP.

#### 6.5 Manly Local Environmental Plan 2013

The land is zoned R1 General Residential under the provisions of the MLEP 2013.



Fig 6: Extract of Manly Local Environmental Plan 2013

The development of and use of the land for residential purposes is consistent with the R1 zone objectives, which are noted as:

- *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 new works will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality and enhance the function and amenity for the existing dual occupancy development.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any unreasonable or significant impact on long distance views for the neighbouring properties.
- The site is utilised as housing and will continue to maintain the residential use.
- The works will provide for the proposed alterations and additions to an existing dwelling and construction of a new swim/spa pool, which will maintain the residential scale and character of the locality.
- Maintaining an appropriate level of amenity to the adjoining properties.
- The proposal does not unreasonably obstruct any significant views from private property or the public domain. The neighbouring properties to the north continue to enjoy views to the south.
- As detailed in this report the proposal maintains appropriate solar access to the surrounding properties.

**Clause 4.3** provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)*** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The building height limit for development in this portion of Fairlight is 8.5m. The proposed new works will provide for an inground swim/spa pool, with maximum height of new works being 1.2m for the new glass pool fencing.

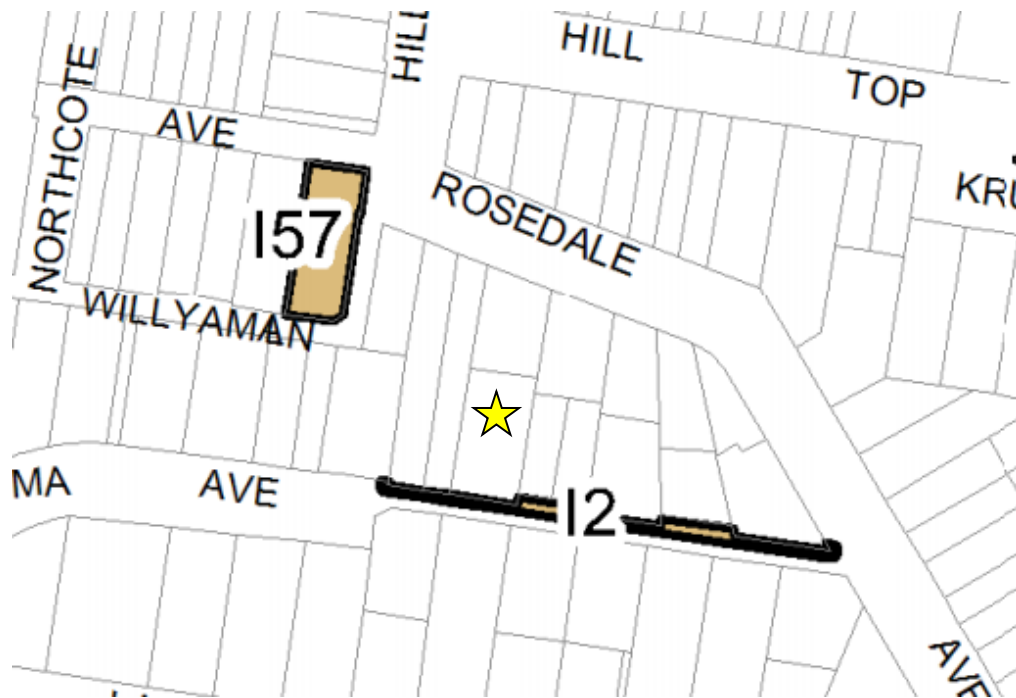
**Clause 4.4** provides a maximum floor space ratio control of 0.6:1 for development in this locality. The proposal will not involve any change to the Floor Space Ratio for the current dual occupancy.

**Clause 5.10** relates to Heritage Conservation.

The street forward of the site comprises stone kerbs noted on Council's heritage register (Item No. 12).

The objectives of the clause are noted as:

- (a) to conserve the environmental heritage of Manly,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.



**Fig 7: Extract of Manly Local Environmental Plan 2013**

As previously discussed, the proposal will respect the scale and form of the surrounding development, and in doing so will not unreasonably impact on the integrity or importance of the adjoining heritage item.

The development is considered to be conserving the heritage significance of the items for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development will not have any direct impact on the integrity of the heritage items.
- The works will not adversely affect views to or from the heritage items.
- The kerb can be reinstated as required by Council.

**Clause 6.2** relates to earthworks. The proposal will see some excavation of the site to provide for the in ground swim/spa pool. All works will be managed to ensure that the amenity and safety of the subject and neighbouring dwellings will be protected.

**Clause 6.9** relates to development within the Foreshore Scenic Protection Area and notes within (3):

- 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:*

- (a) 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,*
- (b) measures to protect and improve scenic qualities of the coastline,*
- (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,*
- (d) measures to reduce the potential for conflict between land-based and water-based coastal activities.*

In this regard, it is considered that the proposal is suitable in the Foreshore Scenic Protection area, as the works will respect the height, scale and form of the surrounding residential development and the existing development on the site.

The proposal will not result in the removal of any significant trees to facilitate its construction and therefore the scenic catchment of the locality is generally unaltered.

There are no other clauses of the MLEP 2013 that are considered to be relevant to the proposed development.

It is considered that the proposal achieves the requirements of the MLEP.

## 6.5 Manly Development Control Plan 2013 – Amendment 11

Councils DCP Development Control Plan 2013 – Amendment 11 provides the primary control for development within the area.

The DA submission will address the Council's submission requirements outlined in Part 2 – Process.

The primary areas which are applicable to the proposed works are detailed within Part 3 – General Principles of Development & Part 4 – Development Controls and Development Types.

### Clause 3.1.1 – Streetscape (Residential Areas)

The proposed new works will not see any increase to the bulk and scale of the development on site, and will maintain a similar scale to the development in the locality.

The intended outcomes are noted as:

*a) Development in the streetscape (including buildings, fences and landscaping) should be designed to:*

- 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*

#### *Setback Principles in Low Density Areas*

*b) In lower density areas including LEP Zones R2, E3 & E4, setbacks should be maximised to enable open space to dominate buildings, especially on the foreshore.*

The new works are complementary to the existing locality, and will improve the on-site amenity enjoyed by the residents.



### **Clause 3.3 Landscaping**

The proposed new works will continue to retain a substantial area of soft landscaping.

The new works will present an appropriate form and footprint, which is well set back from the street, side and rear boundaries. The area surrounding the existing building will retain the opportunity for perimeter landscape planting and assists in screening the view of the building from the street and neighbouring properties.

No substantial native planting is to be removed to accommodate the new works.

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

The objectives of the clause are noted as:

- |                     |   |
|---------------------|---|
| <i>Objective 1)</i> | <i>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.</i> |
| <i>Objective 2)</i> | <i>To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.</i>  |

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

- The proposed in ground swim/spa pool will not result in a substantial reduction of the available views for the neighbouring properties.
- Generous setbacks and existing screen planting separates the proposed new swim/spa pool from neighbouring properties.
- There are no proposed changes to the overall height and bulk of the existing dwelling. The in ground swim/spa pool is modest and will see on site amenity enhanced.

### **Clause 3.5 Sustainability**

A BASIX Certificate is not required as the works are <40KL.

### **Clause 3.7 Stormwater Management**

The stormwater from the roof areas will be not be altered and will continue to be directed to the street gutter in accordance with the existing arrangements.

## Part 4 – Residential Development Controls

Site Area 633.4m<sup>2</sup> - Density Sub Zone D3 (250m<sup>2</sup> per lot)

### Compliance Table

Control	Required	Proposed	Compliance
<b>Clause 4.1.1</b> Residential Density & Subdivision	Density Area D3 – 1 dwelling per 250m <sup>2</sup>	Site area is 633.4m <sup>2</sup> .	Yes – existing site and dimensions are unchanged
<b>Clause 4.1.2</b> Height of Buildings	Maximum height – 8.5m  Wall height – 6.9m  Max two storeys  Roof height – 2.5m above wall height	Maximum height – 1.2m  N/A – no change to existing wall height  N/A  N/A	Yes  N/A  N/A
<b>Clause 4.1.13</b> Floor Space Ratio (FSR)	0.6:1	N/A	N/A
<b>Clause 4.1.4</b> Setbacks (front, side and rear)  Side Boundary setback – 1/3 of wall height  Rear setback – 8m	Relate to neighbouring sites or 6m	Well setback from front boundary  Well setback from side boundaries  Well setback from rear boundary	Yes  Yes  Yes

<p><b>Clause 4.1.5</b> Open space and Landscaping</p>	<p>Area OS 3 Min 55%/35%</p> <p>348.27m<sup>2</sup>/121.93m<sup>2</sup></p>	<p>Proposed total open space 380.96m<sup>2</sup> or 60%</p> <p>Proposed soft open space 253.24m<sup>2</sup> or 66.4% of the total open space</p> <p>The development complies with Council's Open Space/Landscaped Area controls.</p> <p>The proposal is in keeping with the Objectives of this controls, being:</p> <p><i>1) To retain and augment important landscape features and vegetation including remnant populations of native flora and fauna.</i></p> <p><i>2) To maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland.</i></p> <p><i>3) To enhance the amenity of the site, streetscape and surrounding area.</i></p> <p><i>4) To maximise water infiltration on-site with porous landscaped areas and surfaces and minimise stormwater runoff.</i></p> <p><i>5) To minimise</i></p>	<p>Yes</p> <p>Yes</p>
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		<p><i>the spread of weeds and the degradation of private and public open space.</i></p> <p><i>6) To maximise wildlife habitat and the potential for wildlife corridors.</i></p> <p>The proposal does not seek to remove any significant trees. The development complies with the controls and a significant amount of open space is maintained on site. The proposal is accompanied by stormwater plans demonstrating that the proposal is acceptable in this regard.</p> <p>The proposed landscaping on site will enhance the amenity of site.</p>	
<b>Clause 4.1.6</b> Parking	2 spaces	No changes to existing car parking arrangements	Yes
<b>Clause 4.1.8</b> Development on Sloping Sites	The front portion of the site is identified as 'G2' on the Potential Geotechnical Landslip Hazard Areas map.	The proposal does not seek to excavate the site to a depth in excess of 2m and therefore a detailed Geotechnical assessment is not required at this stage.	Yes
<b>Clause 4.1.9</b>	To be located and designed to maintain the privacy (visually	The proposed new in ground swim/ spa pool does not detract	Yes

Swimming Pools, Spas and Water Features	<p>and aurally) of neighbouring properties and to minimise the impact of filter noise on neighbouring properties.</p> <p>To be appropriately located so as not to adversely impact on the streetscape or the established character of the locality.</p> <p>To integrate landscaping.</p> <p>To become an emergency water resource in bush fire prone areas.</p>	<p>from the amenity or character of the site of the locality and presents generous setbacks to the neighbouring properties.</p> <p>The proposed new filter will be located in a sound proof enclosure.</p> <p>The proposed new swim/spa pool will meet the objectives of this control.</p>	
<b>Clause 5.4.1</b> Foreshore Scenic Protection Area		As discussed within the LEP assessment, the proposal is not prominently viewed from any public areas or the waterway. The complementary nature of the proposal will not adversely impact on the Foreshore Scenic Protection Area	Yes
<b>Clause 5.4.2</b> Threatened Species and Critical Habitat		N/A	N/A



**7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979**

**7.1 The provisions of any environmental planning instrument**

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

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

**7.2 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and**

There are no draft instruments applying to the land.

**7.3 Any development control plan**

The development has been designed to comply with the requirements of Council's Manly Development Control Plan.

The application has been prepared having regard to the requirements of the Manly DCP.

It is considered that the proposed new dwelling respects the desired character objectives of the DCP in that they reinforce the existing residential character of the area and are compatible with the existing uses in the vicinity.

**7.4 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**

No matters of relevance are raised in regard to the proposed development.

**7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),**

No matters of relevance are raised in regard to the proposed development.

**7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.**

It is considered that the proposal, which seeks consent for proposed alterations and additions to an existing dwelling and construction of a swim/spa pool, which will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's MLEP 2013 and Council's Codes and Policies, in particular the Manly DCP 2013.

#### **7.7 The suitability of the site for the development**

The subject land is currently zoned R1 General Residential under the Manly Local Environmental Plan 2013 and is considered suitable for the proposed development.

#### **7.8 Submissions made in accordance with this Act or the regulations**

This is a matter for Council in the consideration of this proposal.

#### **7.9 The public interest**

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

#### **8.0 Conclusion**

The principal objective of this development is to provide for the proposed alterations and additions to an existing dwelling and construction of a swim/spa pool, which respects and complements the site's location.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbours amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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