



Minto Planning Services

Town Planning Consultants

STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSED BUILDING ALTERATIONS AND
ADDITIONS TOGETHER WITH A CHANGE OF USE
FROM BACKPACKER'S ACCOMMODATION TO A
DWELLING HOUSE AND CONSTRUCTION OF A
NEW SWIMMING POOL**

35 PINE STREET, MANLY

**On behalf of
Jason Dunnachie**

September 2020

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**PROPOSED BUILDING ALTERATIONS AND ADDITIONS TOGETHER WITH A CHANGE
OF USE FROM BACKPACKER'S ACCOMMODATION TO A DWELLING HOUSE AND
CONSTRUCTION OF A NEW SWIMMING POOL**

35 Pine Street, Manly

Prepared under instructions from

Jason Dunnachie

Minto Planning Services Pty Ltd ABN 68 091 465 271
Town Planning Consultants
PO Box 424
Berowra. NSW. 2081
Tel: (02) 9875 4788
Email: planning@mintoplanning.com.au

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1. INTRODUCTION

This Statement of Environmental Effects accompanies a Development Application lodged on behalf of Jason Dunnachie. The proposal seeks approval for the carrying out of alterations and additions to the existing building together with a change of use from the existing backpacker's accommodation to permit a dwelling house and the construction of new swimming pool upon land identified as Lot 10, Section 5 in DP 2427 and which is known as 35 Pine Street, Manly.

By way of background, it is advised that the subject property is currently approved for use and is occupied by the Manly Bunkhouse Backpackers Accommodation. The existing facility contains 21 rooms and can provide accommodation for up to 65 backpackers. It is understood that the existing facility has been in existence since the 1960's as a boarding house and the 1980's as backpacker's accommodation.

In consideration of this application reference has been made to:

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

Additional information to support this application includes:

- Boundary Identification & Detailed Survey prepared by Stutchbury Jaques Pty Ltd, Ref. No. 10417/19 and dated 5/4/2019.
- Architectural Plans, Shadow Diagrams, Schedule of Colours and Demolition Plan prepared by All Australian Architecture, Drawing No. DA.01-DA.10, Issue H and dated 10/09/20.
- Stormwater Management Plans & Sediment and Erosion Control Plan prepared by Peninsula Consulting Engineers, Job No. 20-0614, Drawing No's. H01-H03, Revision A and dated 27/08/2020.
- Hydraulic Design Certificate prepared by Peninsula Consulting, Ref. No. 20-0614 and dated 27th August 2020.
- Landscape Plan prepared by Potager - The Whole Garden P/L & Vale Green Life, Revision A and dated 19/08/2020.
- Arboricultural Impact Assessment Report prepared by Hugh The Arborist and dated 29/08/2020.
- Statement of Heritage Impact prepared by Graham Hall and Partners and dated May 2020.
- BASIX Certificate No. A381140 and dated 10th September, 2020.
- Waste Management Plan.

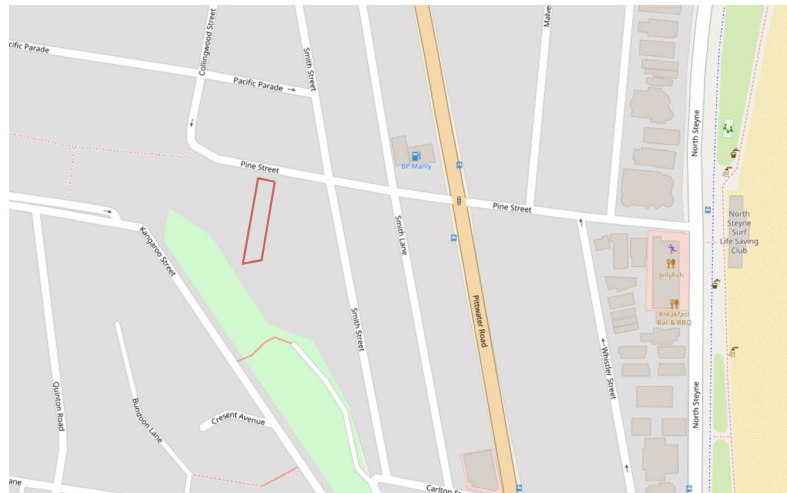
This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15(1) 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. THE SITE

The subject site currently comprises of a single allotment of land identified as Lot 10, Section 5 in DP 2427 and is known as 35 Pine Street, Manly.

The subject property is a rectangular shaped allotment with a splayed rear boundary located on the southern side of Pine Street to the west of its intersection with Smith Street. The subject site has a site area of 717.7m² and a frontage to Pine Street of 12.19m.



Site Location Map

The subject site is a level allotment of land and currently supports a part one and two storey brick building with a pitched tile roof. The existing building is approved for use and used as backpacker's accommodation.

The existing backpacker's accommodation is known as Manly Bunkhouse. The existing facility contains 21 rooms and can provide accommodation for up to 65 backpackers. It is understood that the existing facility has been in existence since the 1960's as a boarding house and the 1980's as backpacker's accommodation.

Two separate detached structures with metal roofs are located in the rear portion of the site and are to be demolished as part of this proposal. A paved hardstand car parking area currently occupies the entire front setback of the property. The extent of hard surface area occupying this part of the site is to be reduced as is the impervious area across the entire site.

Stormwater from the property is proposed to be disposed of on-site via an OSD/dispersal system. A separate re-use system collecting roof water only will connect to an outdoor tap and will be used for garden watering.

Vehicular access to the property is currently via a concrete driveway/hardstand area which traverses the entire frontage of the backpacker's accommodation. As previously identified the extent of hardstand area is to be reduced and will be replaced by a conventional dual width driveway and crossing and which will give access to a new garage integrated into the front of the existing building. The proposed garage will provide for the parking of 4 vehicles via a stacker system.

The subject site is not identified as comprising a heritage item however it is located within the Pittwater Road Heritage Conservation Area. It is not considered to have any heritage significance which would prevent the subject application from proceeding and the proposal will not result in any negative impacts on the surrounding HCA. A Heritage Impact Statement has been prepared in support of the proposal and forms part of the information accompanying this application. The issue of heritage is discussed in more detail at Section 5.1 of this report.

Vegetation currently located upon the property is limited and consists of one (1) tree and some lawn areas to the rear of the building. The proposal will require the removal of the existing tree however it is not considered to be significant or worthy of protection. An Arboricultural Impact Assessment Report has been prepared for the site by Hugh the Arborist and accompanies this application. In addition to describing the tree to be removed the report also provides recommendations so as to minimise impacts upon trees adjoining the subject site. It is considered that subject to compliance with the recommendations of that report that the proposal will not result in any unreasonable tree impacts.



The existing backpacker's accommodation as viewed from Pine Street



An aerial view of the subject site

3. THE SURROUNDING ENVIRONMENT

The subject property is located within a residential locality which traditionally comprised of one and two storey detached dwelling houses. In more recent times the areas original housing stock has been the subject of significant dwelling alterations and additions.

Nearby residential development comprises of both single and two storey development and comprising of predominantly original dwelling houses.

The adjoining property located to the west of the site is currently used for the purposes of a child care centre.

The sites relationship with its surrounding properties is depicted in the following aerial photograph.



An aerial view of the subject and adjoining properties

Having regard to the predominantly low density residential nature of the surrounding properties it is considered that the existing backpackers accommodation use is not ideally suited to this location. It is considered that the proposed change of use to a dwelling house is a more sympathetic use of the site.

The site is considered to be ideally located in relation to access to public transport, shops and services and recreation areas.

4. THE PROPOSAL

The proposal seeks approval for the carrying out of alterations and additions to the existing backpacker's accommodation including a change of use to permit a dwelling house and construction of a new swimming pool.

The proposal involves the partial demolition of the existing building and ancillary structures. The demolition is predominately to the rear of the existing backpacker's accommodation but includes a small portion to the front of the building.

The proposed building alterations and additions are to comprise the following works:

- Removal of the windows and infill panels from the first floor verandah.
- Demolition of most of the brick façade.
- Reconstruction of the first floor verandah consisting of full height paired posts, a simple timber balustrade, and curved verandah brackets.
- Reconstruction of the eastern end of the ground floor verandah.
- Provision of a new internal garage with traditional boarded doors and high level glazing within the front north western corner of the building. The proposed double width garage will provide parking for 4 vehicles via a proposed car stacker system.
- Internal reconfiguration of the existing building to accommodate the new internal layout.
- Provision of additional space in the roof, with a gable dormer at the front and a skillion dormer set back on the eastern and western roof planes.
- Installation of new attic windows to the northern elevation façade.
- Demolition of the skillion roofed rear extension and the single-storey ancillary building.
- Construction of a new linked pavilion extension with metal roof and awning to the rear of the existing building together with a cellar located at the basement level.
- Construction of a front fence with pickets set between brick piers
- Provision of landscaping to the grounds.
- Construction of a new swimming pool and small single level amenities building.

The proposed works will provide for a new single dwelling house comprising of the following:

Basement:	Cellar
Ground Floor:	Entry, garage (providing parking for 4 vehicles), workshop, office, two bedrooms, courtyard, dining, living, kitchen, pantry, laundry and powder room and a covered outdoor area.
First Floor:	Front Verandah, master suite with ensuite and walk-in-robe, linen store, hallway, two bedrooms, study nook, powder room, family and billiard room, two balconies together with a bar.
Attic Floor:	Attic room and a rear balcony.

It is advised that the proposed dwelling accommodation has been designed to accommodate a family containing a number of teenagers and has been designed so as to provide the occupants with a degree of flexibility, hence the number of external access points.

The proposal will require the removal of one tree (tree 1) to accommodate the development works. An Arboricultural Impact Assessment Report prepared by Hugh the Arborist accompanies this application. Details of the tree proposed for removal are as follows:

- Tree 1 - *Schefflera actinophylla*

It is not considered that the tree is significant or worthy of retention.

In addition to describing the tree to be removed the report also provides recommendations so as to minimise impacts upon trees adjoining the subject site. It is considered that subject to compliance with the recommendations of that report that the proposal will not result in any unreasonable tree impacts.

A landscape plan has been prepared for the site by Potager - The Whole Garden P/L and their plan forms part of the information accompanying this application. The landscape plan provides for tree planting together with screen and ground cover planting and lawn areas. It is considered that the proposed landscape planting will ensure that the proposal makes a positive contribution to the landscape character of the locality.

A detailed stormwater management plan has also been prepared for the site and provides for the collection and drainage of all stormwater on-site via a proposed on-site detention/dispersal system located underground in the rear portion of the property. A separate re-use system will connect to an outdoor tap to satisfy BASIX requirements.

The proposal also includes the construction of an inground swimming pool and spa together with a shower/toilet room and covered area within the rear yard of the property. The proposed pool is to be provided with a 1500mm setback from the western side boundary and a 2453mm setback from the eastern side boundary. The proposed shower room and covered area are proposed to be setback 2.5m from the rear boundary.

The pool has a capacity of 40,000L and therefore the provisions of BASIX apply.

An isolation pool fence will be provided around the pool in accordance with the Swimming Pools Act 1992. The pool equipment will be contained in an acoustic enclosure located adjacent to the proposed pool.

There are no other works proposed as part of this application.

The development indices associated with the proposal are detailed below:

Site Area:	717.7m²
Floor Area:	483.3m² or 0.67:1
Landscaped Area:	149.3m² or 51%
Total Open Space:	293.15m² or 40.8%

5. ZONING AND DEVELOPMENT CONTROLS

The proposed development is identified as development permissible with the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979 and the Manly Local Environmental Plan 2013.

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 the Northern Beaches Council.

5.1 Manly Local Environmental Plan 2013

The subject land is zoned R1 - General Residential under the provisions of the Manly Local Environmental Plan 2013.

The objectives for development within the R1 zone are:

- *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.*

Under the R1 - General Residential zone a range of uses including that of a *dwelling house* is permissible with the consent of the Council.

The proposal which seeks to carry out alterations and additions to the existing building together with a change of use from the existing backpacker's accommodation to a dwelling house and construction of new ancillary swimming pool upon the site is considered to be consistent with the above objectives and is development permissible with the consent of the Council.



Extract from Council Zoning Map

The following provisions of the Manly Local Environmental Plan 2013 are considered to be applicable to the subject site.

Clause 4.3 - Height of Buildings

The subject site is located within Building Height Area “I” and is therefore subject to a maximum building height control of 8.5m.

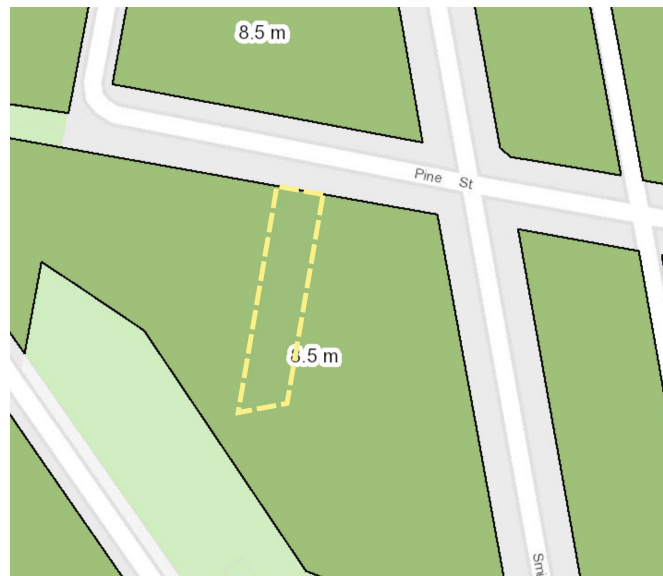
The existing building erected upon the site currently has a height of 11.61m.

The proposal does not seek to increase this height withal proposed alterations and additions either contained within the existing roof form or having a height equivalent to or lower than the existing building.

The maximum height of the proposed rear addition is 6.585m.

A Clause 4.6 submission has been prepared in support of the technical non-compliance resulting from this application.

It is considered that the Clause 4.6 submission is well-founded and is worthy of the support of the Council.



Extract of Council Height of Buildings Map

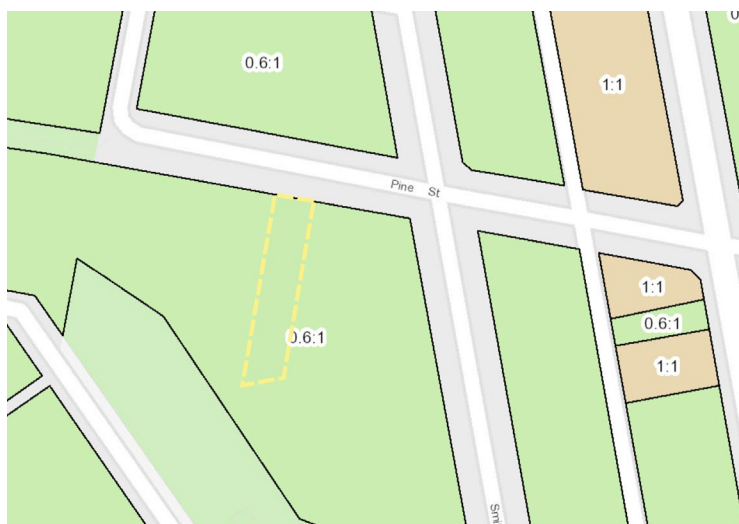
Clause 4.4 - Floor Space Ratio

The subject site is located within the “F” floor space area zone and as such is ordinarily subject to a maximum FSR of 0.6:1.

The existing FSR for the site is 0.76:1 and although the proposal reduces the FSR to 0.67:1 it results in a technical non-compliance with this control.

A Clause 4.6 submission has been prepared in support of the technical non-compliance.

It is considered that the Clause 4.6 submission is well-founded and is worthy of the support of the Council.



Extract from Council Floor Space Ratio Map

Clause 4.6 - Exceptions to Development Standards

Variation to Clause 4.3 - Height of Buildings

The proposed development will result in a built form which has a height in excess of the maximum 8.5m height of building control as required by Clause 4.3 of the Manly Local Environmental Plan 2013.

The existing building erected upon the site currently has a height of 11.61m.

The proposal does not seek to increase this height with the proposed alterations and additions either contained within the existing roof form or having a height equivalent to or lower than the existing building.

The maximum height of the proposed rear addition is 6.585m.

Given that the proposal does not strictly comply with the maximum height control of 8.5m as required by Clause 4.3 of the Manly LEP 2013 and in order for consent to be granted to the proposal a variation pursuant to Clause 4.6 of the LEP is required.

This Clause 4.6 variation has been prepared having regard to the recent decisions of the Land & Environment Court.

It is submitted that the variation is well founded and is worthy of the support of the Council.

The following is an assessment of the proposed variation against the requirements of Clause 4.6.

1. What are the objectives of Clause 4.6 and is the proposal consistent with them.

The objectives of Clause 4.6 of the LEP are:

- (a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*
- (b) to control the bulk and scale of buildings,*
- (c) to minimise disruption to the following—*
 - (i) views to nearby residential development from public spaces (including the harbour and foreshores),*
 - (ii) views from nearby residential development to public spaces (including the harbour and foreshores),*
 - (iii) views between public spaces (including the harbour and foreshores),*
- (d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,*
- (e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.*

It is my opinion, as is demonstrated by the responses to the questions below, that the proposed variation is consistent with the objectives of this clause.

2. Is the standard to be varied a Development Standard to which Clause 4.6 applies.

Clause 4.3 is contained within Part 4 of the LEP and which is titled Principal Development Standards. It is also considered that the wording of the Clause is consistent with previous decisions of the Land & Environment Court of NSW in relation to matters which constitute development standards.

It is also noted that Clause 4.3 does not contain a provision which specifically excludes the application of Clause 4.6.

On this basis, it is considered that Clause 4.3 is a development standard for which Clause 4.6 applies.

3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of this case.

It is my opinion that compliance with the requirements of Clause 4.3 is both unreasonable and unnecessary in the circumstances of this case for the reason that the proposal is consistent with the objective of the standard.

In addition to the above it is submitted that:

- The proposal is for the carrying out of alterations and additions to the existing building and which currently has a building height of 11.61m and which exceeds the Council's maximum building height control of 8.5m.
- The proposed alterations to the existing dwelling have been designed so as to be contained either within the existing roof form or to have a height no higher than the existing ridge.
- The proposed rear building additions will have a maximum height of approximately 6.585m and will not result in an increase in the existing building height and have been designed to match the existing dwelling.
- The proposed dwelling alterations and additions are of a design which is in keeping with the character of the Pittwater Road Heritage Conservation Area and will make a positive contribution to the existing streetscape.

The proposal in my opinion will not result in any unreasonable impacts upon either adjoining properties or the streetscape as a result of the non-compliance.

On this basis, it is my opinion that strict compliance with the standard is unreasonable and unnecessary in the circumstances of this case.

4. Are there sufficient environmental planning grounds to justify contravening the development standard.

It is considered that a contravention of the development standard is justified in the circumstances of this case for the following reasons:

1. The existing backpacker's accommodation building currently has a height of 11.61m which exceeds the maximum 8.5m building height as required by Clause 4.3 of the LEP.
 2. The proposed alterations to the existing dwelling have been designed so as to be contained either within the existing roof form or to have a height no higher than the existing ridge.
 3. The proposed new rear building additions do not exceed the maximum 8.5m building height as required by Clause 4.3 of the LEP.
 4. The proposal will not result in any additional negative impacts on the privacy or amenity of the adjoining properties to the east and west.
- 5. Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.**

The proposed development is in my opinion in the public interest because it will provide for the cessation of the existing backpacker' accommodation use upon the site and will provide for the high quality conversion of the existing building to a single dwelling in a manner which will make a positive contribution to the built form character of the locality. The proposal is considered to be otherwise compliant with the requirements of the LEP, the applicable zone objectives and the objectives of the particular standard.

The following assessment is provided in relation to the proposals relationship to the objectives for the R1 - General Residential zone and which are:

- *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.*

Comment

The proposal seeks to provide for alterations and additions to the existing building erected upon the subject site as part of an application which includes a change of use to a dwelling house. The proposal is, therefore considered to be consistent with this objective.

The proposal is also considered to be consistent with the objectives of Clause 4.3 - Height of Buildings in that:

1. The proposed alterations and additions to the existing backpacker's accommodation together with the resultant change of use to a dwelling house are considered to result in a built form which is compatible with the height and scale of surrounding and nearby development noting that no change is proposed to the existing building height.
2. The proposal will not result in any unreasonable visual impacts, disruption of views or loss of privacy.
3. The proposal will not result in any visual impacts when viewed from public places. It is considered that the building alterations and additions will improve the aesthetic appearance of the built environment when viewed from Pine Street.

6. Whether contravention of the development standard raises any matter of significance for state or regional environmental planning.

It is my opinion that contravention of the standard does not raise any matters of significance for State or Regional environmental planning.

7. What is the public benefit of maintaining the development standard.

It is my opinion that there is no public benefit in maintaining the development standard in this instance, given the high quality of the proposal, the proposed change of use from backpacker's accommodation to a dwelling house and the absence of any unreasonable detrimental impacts.

Conclusion

It is therefore my opinion based upon the content of this submission that a variation of the height requirements of Clause 4.3 of the Manly LEP 2013 is appropriate in this instance.

Variation to Clause 4.4 - Floor Space Ratio

The subject site is located within the “F” floor space area zone and as such is ordinarily subject to a maximum FSR of 0.6:1.

The existing FSR for the site is 0.76:1 and although the proposal reduces the FSR to 0.67:1 it results in a technical non-compliance with this control.

The proposed development will result in a built form that has a gross floor area of 483.3m² or 0.67:1, which is in excess of the 0.6:1 FSR control as required by Clause 4.4 of the Manly Local Environmental Plan 2013.

Given that the proposal does not comply with the floor space ratio control and in order for consent to be granted to the proposal a variation pursuant to Clause 4.6 of the LEP is required.

This Clause 4.6 variation has been prepared having regard to the recent decisions of the Land & Environment Court.

It is submitted that the variation is well founded and is worthy of the support of the Council.

The following is an assessment of the proposed variation against the requirements of Clause 4.6.

1. What are the objectives of Clause 4.6 and is the proposal consistent with them.

The objectives of Clause 4.6 of the LEP are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

It is my opinion, as is demonstrated by the responses to the questions below, that the proposed variation is consistent with the objectives of this clause.

2. Is the standard to be varied a Development Standard to which Clause 4.6 applies.

Clause 4.4 is contained within Part 4 of the LEP and which is titled Principal Development Standards. It is also considered that the wording of the Clause is consistent with previous decisions of the Land & Environment Court of NSW in relation to matters which constitute development standards.

It is also noted that Clause 4.4 does not contain a provision which specifically excludes the application of Clause 4.6.

On this basis it is considered that Clause 4.4 is a development standard for which Clause 4.6 applies.

3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of this case.

It is my opinion that compliance with the requirements of Clause 4.4 is both unreasonable and unnecessary in the circumstances of this case for the reason that the proposal is consistent with the objective of the standard.

In addition to the above it is noted that:

- The subject site currently has a floor area of 547.1m² and which equates to an FSR of 0.76:1.
- The proposal will result in a reduction of FSR with the proposed FSR being 0.67:1.

On the basis of the above it is submitted that compliance with the standard is unreasonable given that the relevance of the standard has been diminished by the previous actions of the Council in approving the existing FSR for the site and noting the proposed FSR will result in a reduction.

4. Are there sufficient environmental planning grounds to justify contravening the development standard.

It is considered that a contravention of the development standard is justified on environmental planning grounds given that the existing building currently exceeds the maximum FSR permitted under the MLEP 2013 and the proposal represents a reduction in the FSR from 0.76:1 to 0.67:1.

5. Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The proposed development is in my opinion in the public interest because it will provide for the cessation of the existing backpacker' accommodation use upon the site and will provide for the high quality conversion of the existing building to a single dwelling in a manner which will make a positive contribution to the built form character of the locality. The proposal is considered to be otherwise compliant with the requirements of the LEP, the applicable zone objectives and the objectives of the particular standard.

The objectives for the R1 - General Residential zone are:

- *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.*

The proposal seeks to provide for alterations and additions to the existing building erected upon the subject site as part of an application which includes a change of use to a dwelling house. The proposal is, therefore considered to be consistent with this objective.

In relation to the objectives of Clause 4.4 of the LEP the following assessment is provided:

(1) The objectives of this clause are as follows:

- (a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*
- (b) to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,*
- (c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*
- (d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,*

- (e) to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.*

It is considered that the proposal will be in harmony with the bulk and scale of surrounding buildings and the streetscape and results in a reduced FSR when compared with the approved backpacker's accommodation building currently erected upon the site.

Importantly the proposal seeks to reduce the existing FSR for the site from 0.76:1 to an FSR of 0.67:1.

On this basis it is my opinion that the proposal is consistent with the applicable objectives of both the zone and the standard.

6. Whether contravention of the development standard raises any matter of significance for state or regional environmental planning.

It is my opinion that contravention of the standard does not raise any matters of significance for State or Regional environmental planning.

7. What is the public benefit of maintaining the development standard.

It is my opinion that there is no public benefit in maintaining the development standard in this instance given that the proposal reduces the existing FSR. In my opinion the proposed alterations and additions will improve the built form when viewed from the Pine Street.

Conclusion

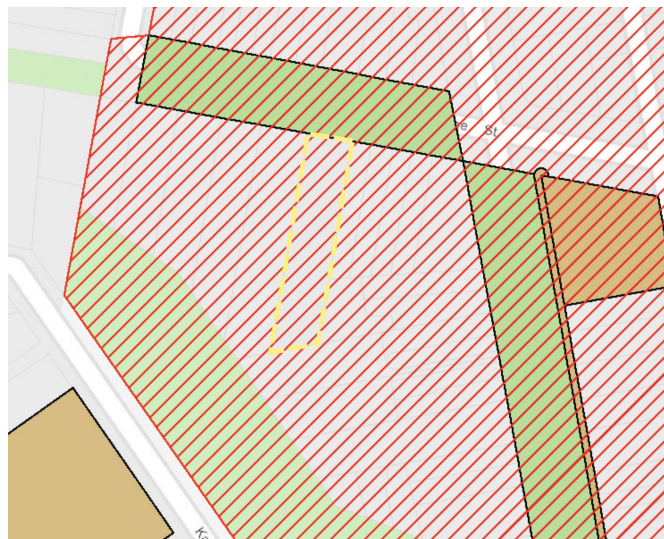
It is therefore my opinion based upon the content of this submission that a variation of the floor space ratio requirements of Clause 4.4 of the Manly LEP 2013 is appropriate in this instance.

Clause 5.10 - Heritage Conservation

The subject site is not identified as comprising a heritage item however it is located within the Pittwater Road Heritage Conservation Area. It is not considered to have any heritage significance which would prevent the subject application from proceeding and the proposal will not result in any negative impacts on the surrounding HCA. A Heritage Impact Statement has been prepared in support of the proposal by Graham Hall & Partners and forms part of the information accompanying this application. That report states that:

The proposal will have a positive impact on the heritage significance of the Pittwater Road Conservation Area and the setting of the listed street trees in Pine Street, and will enhance the visual amenity of the streetscape.

On the basis of this assessment it is my opinion that the proposal is consistent with the requirements of Clause 5.10 of the LEP.



Extract from Council Heritage Map

There are no other provisions of the Manly LEP which it is considered are relevant to the proposal.

Summary

It is therefore my opinion based upon this assessment and subject to Council's support of the accompanying Clause 4.6 Objections, that the proposal is compliant with the aims, objectives and the prescriptive requirements of the Manly LEP and is therefore permissible upon the subject site with the consent of the Council.

5.2 Manly Development Control Plan

Council's Development Control Plan applies to all forms of development with Part 3, Part 4 and Part 5 being specifically applicable to the proposed development.

An assessment of the proposal against the applicable provisions of the DCP has been undertaken and the following comments are made.

Part 3 - General Principles of Development

Section 3.1 - Streetscapes and Townscapes

The proposed works are considered to complement the existing building form and compliment the streetscape and satisfies this section of the DCP.

The proposal will significantly improve the streetscape presentation of the existing building and will provide for a building appearance more consistent with adjoining and nearby properties.

Section 3.2 - Heritage Considerations

The subject site is not identified as comprising a heritage item however it is located within the Pittwater Road Heritage Conservation Area. It is not considered to have any heritage significance which would prevent the subject application from proceeding and the proposal will not result in any negative impacts on the surrounding HCA. A Heritage Impact Statement has been prepared in support of the proposal by Graham Hall & Partners and forms part of the information accompanying this application. That report states that:

The proposal will have a positive impact on the heritage significance of the Pittwater Road Conservation Area and the setting of the listed street trees in Pine Street, and will enhance the visual amenity of the streetscape.

The proposal is therefore considered to satisfy this section of Council's DCP.

Section 3.4 - Amenity

The proposal is accompanied by Shadow Diagrams prepared by All Australian Architecture. These diagrams indicate that whilst the proposal will result in a minor increase in the overshadowing from the site that the majority of overshadowing will occur upon the subject property and that the adjoining properties will not be unreasonably impacted.

In relation to the issue of visual and acoustic privacy it is considered that the proposed change of use from Backpacker's Accommodation comprising of 21 rooms and potentially 65 people to a single dwelling will result in a significant improvement in the visual and acoustic privacy enjoyed by the adjoining properties.

Section 3.7 - Stormwater Management

A detailed stormwater management plan has been prepared for the site by Peninsula Consulting Engineers and provides for the collection and drainage of all stormwater on-site via a proposed on-site detention/dispersal system located underground in the rear portion of the property. A separate re-use system will connect to an outdoor tap to satisfy BASIX requirements.

Section 3.8 - Waste Management

Refer to the Waste Management Plan submitted with this application.

Part 4.1 - Residential Development Controls

Section 4.1.1 - Dwelling Density, Dwelling Size and Subdivision

The proposal provides for an internal area that exceeds the minimum requirement of 114m² for a 5 bedroom dwelling and is therefore consistent with this section of the DCP.

Section 4.1.2 - Height of Buildings

The subject site is located within Building Height Area "I" and is therefore subject to a maximum building height control of 8.5m.

The existing building erected upon the site currently has a height of 11.61m.

The proposal does not seek to increase this height withal proposed alterations and additions either contained within the existing roof form or having a height equivalent to or lower than the existing building.

The maximum height of the proposed rear addition is 6.585m.

A Clause 4.6 submission has been prepared in support of the technical non-compliance.

Section 4.1.2.1 - Wall Height

The site is subject to a maximum wall height of 6.5m. The proposal results in a maximum wall height for the existing building of approximately 7.74m which does not comply with the requirements of this section of the DCP. The proposed rear addition results in a maximum wall height of 6.4m which does comply.

A variation of this control is considered appropriate given the non-compliance relates to an existing building with the new addition to the rear of the site complying with the control.

Section 4.1.2.2 - Number of Storeys

The existing building consists of 2 storeys. The proposal does not result in any change to the number of storeys given that an attic level is by definition not a storey and therefore complies with this section of the DCP.

Section 4.1.2.3 - Roof Height

This section of the DCP provides that roof heights are not to exceed 2.5m above the wall height. The existing building has a roof height of 4.1m above the wall height and therefore results in a technical non-compliance. The variation is considered to be justified as it relates to an existing building.

The rear addition consists of a roof height of 1.2m and which is compliant with this control.

Section 4.1.3 - Floor Space Ratio

The subject site is located within the “F” floor space area zone and as such is ordinarily subject to a maximum FSR of 0.6:1 under the LEP provisions.

The existing building has an FSR of 0.76:1 which exceeds this control and although the proposal reduces the FSR to 0.67:1 it results in a technical non-compliance.

A Clause 4.6 submission has been prepared in support of the technical non-compliance.

Section 4.1.4 - Setbacks

The proposal is provided with setbacks as outlined in the table below:

Setback	Requirement	Existing	Proposed	Complies
Front	Average of adjoining properties - 4.49m	4.55m	4.55m - no change	Yes
Eastern side	1/3m of wall height	1.376m	1.376m - no change	Yes
Western side	1/3m of wall height	.641m	1.113m	Yes
Rear	8m	14m (to dwelling) 10.6m (to outbuilding)	19.6m (to rear addition of the dwelling) 15.6m to outdoor area	Yes

The DCP requires that all new windows from habitable rooms of dwellings that face the side boundary are to be set back at least 3m from side boundaries. The proposal results in a non-compliance with this control as there is one new window to first floor (bedroom 5) that faces the eastern side boundary that is not provided with a 3m setback. A variation is sought to this control on the following grounds:

- The subject window is located within an existing wall and which is provided with a compliant setback.
- It is not possible to provide for an increased setback.
- It is not considered that the addition of one (1) new window in this location will impact on the privacy or amenity of the adjoining property to the east.
- The building is provided with compliant side setbacks.

In addition to the above it is considered that the proposed change of use from Backpacker's Accommodation comprising of 21 rooms and potentially 65 people to a single dwelling will result in a significant improvement in the visual and acoustic privacy enjoyed by the adjoining properties.

It is therefore considered that the variation of this control is worthy of Council's support.

Section 4.1.5.1 - Minimum Residential Total Open Space Requirements

This section of the DCP requires that the subject site is to be provided with a minimum of 55% Total Open Space. The proposal provides for 40.8% or 293.15m² which results in a non-compliance. It is considered that a variation to this control is justifiable on the basis that the development in its existing form only provides 34.7% Total Open Space. It is my opinion that the increased total open space as a result of the proposal will allow for greater amenity for the future occupants and adjoining neighbours.

It is also considered that the demand for open space will be less for a family than the existing Backpacker Accommodation use.

Section 4.1.5.2 - Landscaped Area

The subject site is located in Residential Open Spaces Area OS3 and is therefore required to provide a minimum of 35% landscaped area. The proposal provides 149.3m² or 51% and is therefore compliant with DCP numerical control.

The subject site area is 717.7m² and therefore a minimum of 3 native trees are required. A detailed landscape plan accompanies this application and provides for tree planting in accordance with this requirement of the DCP.

Section 4.1.5.3 - Private Open Space

A minimum of 18m² of principal private open space for a dwelling is required under this section of the DCP. The proposal is provided with 69m² of principal private open space and satisfies this section of the DCP.

Section 4.1.6 - Parking, Vehicular Access and Loading

Vehicular parking will be provided by a new double stacker garage providing off-street parking for four vehicles. The width of the garage opening is 4.8m. A new paved driveway is to be provided which will connect to the existing driveway crossover and provide access to the proposed garage. The proposed considered to be compliant with this section of the DCP.

Section 4.1.7 - First Floor and Roof Additions

The proposed works require partial demolition and reconstruction of the existing roof areas. Additional space will be provided within the roof form via an attic addition and which includes a gable dormer at the front and a pair of skillion dormers on the eastern and western roof planes.

The proposal also provides for construction of a new linked pavilion addition to the rear of the existing building.

The new dormers and additions as illustrated on the Architectural Plans will be of a similar scale and character to the existing roof and will not degrade the amenity of the surrounding residence or the aesthetic quality of the streetscape or surrounding HCA.

Section 4.1.9 - Swimming Pools, Spas and Water Features

The proposal provides for construction of a new swimming pool in the rear portion of the site and which is provided with a minimum setback of 1.5m from the western side boundary.

Swimming pools and associated concourse areas must not comprise more than 30 percent of the total open space. The proposal provides for a swimming pool area of 65m² or 22% and is therefore compliant with this numerical DCP control.

The pool filtration equipment will be contained in an acoustic soundproof enclosure with all overflow and backwash from the pool to be disposed of in accordance with the requirements of Sydney Water and Council.

A separate 3000 litre rainwater tank is proposed to be installed to recharge the pool as required.

It is therefore considered that the requirements of this section of the DCP have been satisfied.

Section 4.1.10 - Fencing

The proposal consists of the construction of a front fence with pickets set between brick piers consistent with the recommended fencing types illustrated in the DCP. The height of the fence is considered to be consistent with the average of the adjoining properties and does not exceed 1.5m where at least 30% of the fence is open.

Section 4.4.5 - Earthworks (Excavation and Filing)

The proposed rear addition includes a basement level consisting of a cellar. The excavation is contained within the footprint of the proposed building addition. The basement level is compliant with the required side boundary setbacks and will be provided with a depth of 2.38m. It is considered that the proposal satisfies this section of the DCP.

Part 5.2 - Pittwater Road Conservation Area

The subject site is located within the Pittwater Road Heritage Conservation Area.

A Heritage Impact Statement has been prepared by Graham Hall and Partners and accompanies this application. That report states that:

The proposal will have a positive impact on the heritage significance of the Pittwater Road Conservation Area and the setting of the listed street trees in Pine Street, and will enhance the visual amenity of the streetscape.

In my opinion the change to the appearance of the exterior of the building is in keeping with the preservation of the heritage streetscape and satisfies this section of the DCP.

Conclusion

The proposal is considered to achieve appropriate compliance with the aims and objectives together with the prescriptive requirements of the Manly Development Control Plan and is therefore worthy of the support of the Council.

6. SECTION 4.15(1) ASSESSMENT

Environmental Planning Instruments - Section 4.15(1)(a)

The subject site is zoned R1 - General Residential under the provisions of the Manly Local Environmental Plan 2013. The proposed carrying out of alterations and additions to the existing backpacker's accommodation building together with a change of use to permit a dwelling house and construction of new swimming pool is permissible with the consent of Council.

The proposal has been assessed against the objectives and provisions of both the Manly LEP 2013 and the Manly Development Control Plan as detailed within this report. It is considered that subject to Council's support of the accompanying Clause 4.6 submissions in relation to building height and FSR that the proposal complies with the requirements of these documents.

There are no draft environmental planning instruments applicable to the subject site.

Impacts of the Development - Section 4.15(1)(b)

The proposed development has been designed so as to have minimal impact upon the amenity of adjoining properties, particularly with regard to a loss of privacy and overshadowing as has been demonstrated by this report.

In relation to the issue of visual and acoustic privacy it is considered that the proposed change of use from Backpacker's Accommodation comprising of 21 rooms and potentially 65 people to a single dwelling will result in a significant improvement in the visual and acoustic privacy enjoyed by the adjoining properties.

The proposal is considered to provide for high-quality additions to the existing building and which have been designed so as to complement the existing architecture, materials and finishes of both the existing building and the surrounding locality. The proposal is considered to provide for an outcome which is in keeping with the character of the surrounding HCA and the characteristics identified for this locality.

Suitability of the Site - Section 4.15(1)(c)

The subject site is zoned R1 - General Residential under the Manly Local Environmental Plan 2013. The construction of the proposed building alterations and additions are permissible with the consent of Council subject to Council's support of the accompanying Clause 4.6 submissions in relation to the building height and FSR.

The proposal also includes the change of use of the existing backpacker's accommodation to a single dwelling. It is considered that the proposed dwelling use is more sympathetic to the adjoining residential uses and in the absence of any unreasonable detrimental impact the site is thus considered suitable for the proposed development.

Public Interest - Section 4.15(1)(e)

The proposed development is in my opinion in the public interest because it will provide for the cessation of the existing backpacker' accommodation use upon the site and will provide for the high quality conversion of the existing building to a single dwelling in a manner which will make a positive contribution to the built form character of the locality. The proposal is considered to be otherwise compliant with the requirements of the LEP, the applicable zone objectives and the objectives of the particular standard.

7. CONCLUSION

The proposed development is development permissible with the consent of the Council under the terms of the Environmental Planning and Assessment Act 1979 and has been assessed against the requirements of Section 4.15(1) of the Act, the Manly Local Environmental Plan and Council's Development Control Plan.

It is considered that this Statement of Environmental Effects has demonstrated that the proposal satisfies the aims and objectives and subject to Council's support of the accompanying Clause 4.6 submissions, the prescriptive requirements of the above planning controls. It is considered that the proposal will not impact upon the amenity of adjoining properties or upon the character of the surrounding HCA.

It is therefore considered that the proposed carrying out of alterations and additions to the existing backpacker's accommodation building together with a change of use to permit a dwelling house and construction of a swimming pool upon land at 35 Pine Street, Manly is worthy of the support of Council.

Andrew Minto
Graduate Diploma (Urban & Regional Planning), Associate Diploma (Health & Building Surveying). MPIA.
MINTO PLANNING SERVICES PTY LTD
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