

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO
AN EXISTING DWELLING**

LOCATED AT

15 CLIFFORD AVENUE, FAIRLIGHT

FOR

EMMA GROSE & MICHAEL GROOM



**Prepared
March 2022**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural details prepared on behalf of Emma Grose & Michael Groom by Just Architects Pty Ltd, Job No. A-131, Drawing No. 1.01 – 1.10, 2.01, 2.02, 3.01, 3.02, 4.01 – 4.04, dated 25 March 2022, to detail the proposed construction of alterations and additions to an existing dwelling at **15 Clifford 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:

- *State Environmental Planning Policy (Resilience & Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*

2.0 Property Description

The subject allotment is described as **15 Clifford Avenue, Fairlight**, being Lot 2, within Deposited Plan 963768 and is zoned R1 General Residential under the Manly Local Environmental Plan 2013.

The land is noted as being within a Foreshore Scenic Protection Area, which will be discussed in further detail within the report.

The site is noted as being affected by Geotechnical Hazard G4. This matter will be discussed in further detail within the report.

The subject dwelling is not listed under Schedule 5 of the MLEP 2013 as a heritage item, nor is it within a heritage conservation area.

The site has not been identified as being affected by any hazards.

3.0 Site Description

The site is located on the southern side of Clifford Avenue, approximately 130m to the west of the intersection with Woods Parade.

The site is regular in shape with a width of 7.925m and a depth of 45.72m. The site has an area of 362.3m².

The site is currently developed by a one and storey weatherboard residence with a tile roof.

Currently there is no vehicular access to the site. Pedestrian access is available from Clifford Avenue.

The details of the site are included on the survey plan prepared Stutchbury Jaques Pty Limited, File No. 11369/21, dated 10 November 2021, which accompanies the DA submission.

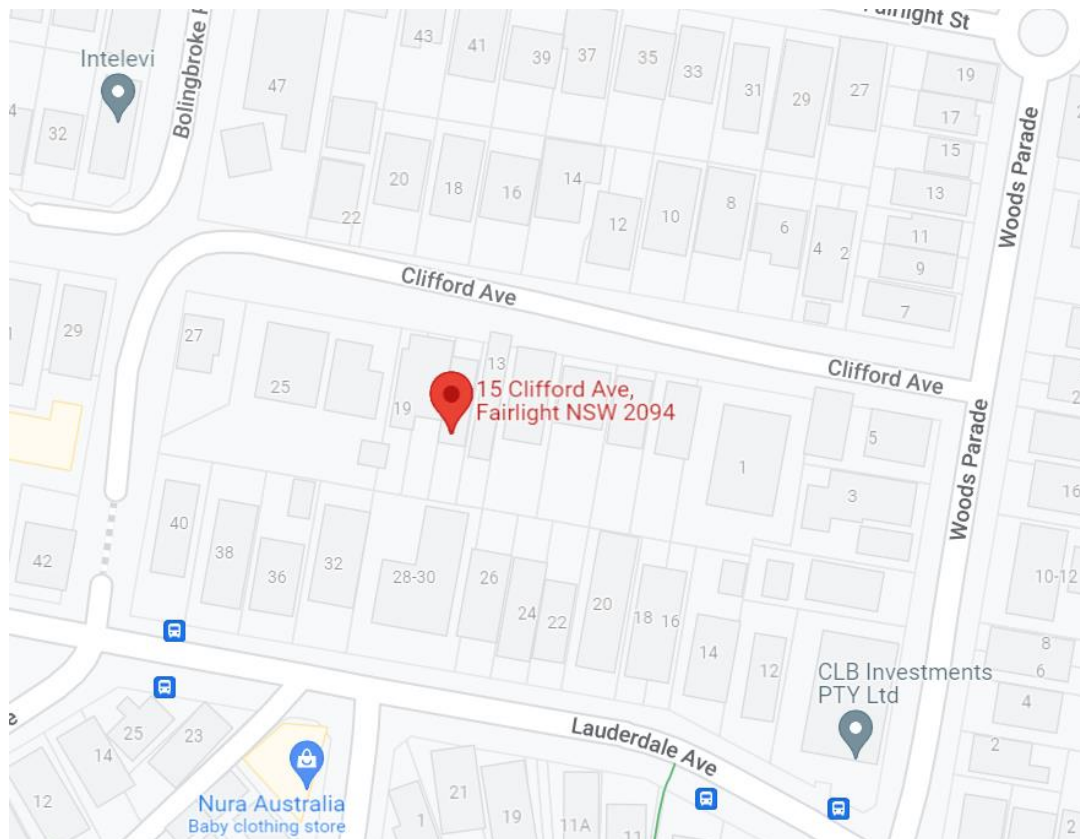


Fig 1: Location sketch
(Source: Google Maps)



Fig 2: View of the subject dwelling (centre of view), looking south from Clifford Avenue



Fig 3: View of the subject dwelling and the location of the proposed roof cover to the outdoor courtyard, looking south from Clifford Avenue



Fig 4: View looking south towards the subject dwelling (RHS of pair)



Fig 5: View of the existing dwelling (centre of group) looking south-west from Clifford Avenue



Fig 6: View of the adjoining dwelling to the west, looking south-west from Clifford Avenue

4.0 Surrounding Environment

The area surrounding the site is represented by a mix of development comprising single dwellings and multi-storey residential flat buildings.

The immediate neighbour to the east comprises a one and two storey rendered brick residence with metal roof. The adjoining property to the west is developed with a two-storey brick semi-detached residence.

The area displays a mix of low and medium density development, with the proposed new works to complement the scale and form of other residential development in the immediate locality.



Fig 7: Aerial view of subject site
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying architectural plans, the proposed works comprise alterations and additions to the existing dwelling.

The new works will comprise:

Ground Floor

- General internal alterations to provide for an open plan living, dining and kitchen area, bathroom and laundry.

External Works

- Demolition of existing pergola to the entry area of the dwelling
- New covered outdoor area with new metal roof, including operable louvres.
- New extension of existing roofline

The proposed works have been designed with a form and external colours and finishes which complement the existing streetscape and nearby heritage items. The proposed external finishes and materials have been detailed on Sheet DA 1.01.

The majority of the new works are sited to the rear of the existing primary roof form and will not be visually dominant within the Clifford Avenue streetscape. The development maintains a modest one and two storey scale which will be compatible with the adjacent dwellings and the general scale of the surrounding development.

The development indices for the site are noted as:

Site Area	362.3m ²
Allowable Floor Space Ratio	0.6:1 or 217.38m ²
Proposed Floor Space Ratio	0.6:1 or 217.38m ² (unchanged)
Required Open Space (Area OS3) – 55% total/35% soft open space	55% or 199.265m ² /35% or 69.742m ²
Proposed Total Open Space	As existing
Proposed Soft Open Space	As existing

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Resilience & Hazards) 2021

SEPP 55 – Remediation of Land and in particular Clause 4.6 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 has been submitted with the development application.

6.3 Manly Local Environmental Plan 2013

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



Fig 8: 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 within a low density residential environment*
- *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 alterations and additions to the existing dwelling are minor in nature and will be consistent with the desired future character of the surrounding locality

for the following reasons:

- The proposal largely maintains a modest one and two storey form and therefore maintains consistency with the existing varied residential development within the locality.
- The proposed new works will provide for increased residential amenity, together with improved functionality to the entry way of the dwelling.
- The proposal does not have any significant impact on views, solar access or amenity for the neighbouring properties.
- The site is utilised as housing and will continue to maintain the residential use.
- The proposed alterations and additions is not considered to detract from the significance of nearby heritage items.
- The proposal will continue to present as a single storey dwelling to Wood Street which is compatible with the existing surrounding development.

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 present an overall height of approximately 8.3m which will readily comply with the statutory height limit.

Clause 4.4 provides a maximum floor space ratio control of 0.6:1 for development in this locality. The proposal does not seek to alter the existing floor space ratio and provides a floor space ratio of 0.45:1, therefore readily complying with this control.

Clause 5.21 relates to flood planning. The site has been identified as being Low & Medium Flood Prone Land. The flood affectation for the site extends up to the southern boundary, with the works are located wholly at the northern frontage, therefore no further site investigation is considered to be necessary in this instance.

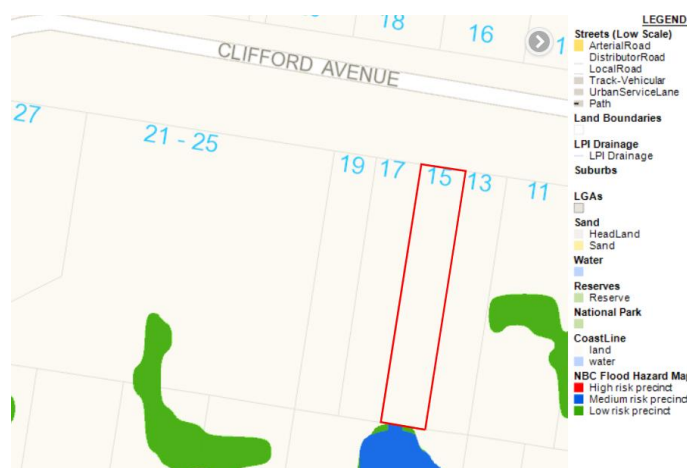


Fig 9: Extract of NBC Flood mapping

Clause 6.9 relates to foreshore scenic protection areas. The site has been identified as being within Council's Foreshore Scenic Protection zone. The proposal provides for minor alterations and additions to the existing dwelling, which provide a modest bulk and scale which is in keeping with the extent of development in the locality. The works are located entirely within the ground floor level.

Given the limited site disturbance suggested by the proposal, together with the inclusion of suitable access through the front fence for bandicoots, it is considered that further investigation is not warranted in this instance

The proposed new works will not be visually prominent within the locality.

The proposal will not see the removal of any significant vegetation and a suitable area of soft landscaping is maintained. The proposal is therefore considered appropriate in the foreshore scenic protection area.

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 14

Council's DCP Development Control Plan 2013 – Amendment 14 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 proposal provides for alterations and additions to the existing dwelling.

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*

The proposal complies with Council's primary built form controls, the statutory building height and floor space ratio controls. Notwithstanding the works to the front façade, the proposal will largely maintain a consistent appearance to the existing primary façade of the dwelling, and the proposal is therefore not considered to result in a significant impact on the site as viewed from Clifford Avenue.

The proposed works are minor and are respectful and sympathetic to the site, with the works being minor in scale and within the context of the wider dwelling and are not overbearing within the Clifford Avenue streetscape.

Clause 3.1.1.3 – Roofs and Dormer Windows

The proposal seeks to maintain the roof form by extending to the front of the dwelling, while a flat roof is incorporated into the outdoor covered area. The proposed new rear roof form is

modest and sympathetic in bulk and scale, with a low profile which assists with minimising the visual bulk of the development.

No dormer windows are proposed.

Clause 3.3 – Landscaping

The proposed works are sited within the existing building footprint with no substantial indigenous planting to be removed to accommodate the new works. The existing vegetation on site is to be retained and protected.

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 proposal provides for the construction of alterations and additions to the existing dwelling, which will not result in any unreasonable impacts on the views, solar access, privacy or amenity currently received by neighbouring properties.

The proposal including a covered outdoor room and roof extension are located within the prescribed building height and within the existing footprint, therefore not contributing to any overshadowing or impact on views. The works are modest in scale and maintain the single storey character.

The proposed covered outdoor area is sited at ground level which is considered to retain the existing privacy levels enjoyed by residents of the subject dwelling and neighbouring properties.

The proposal is accompanied by Shadow Diagrams (DA 4.02) which demonstrate that the subject and adjoining properties will retain suitable solar access in accordance with Council's controls.

Clause 3.5 – Sustainability

A BASIX Certificate has been prepared and accompanies this submission.

Clause 3.7 – Stormwater Management

The proposal is supported by a stormwater concept plan, drawing no 1.10, dated 11 March 2022 which directs the collected stormwater to the rear of the site.

Part 4 – Residential Development Controls

Site Area 362.30m² - Density Sub Zone D3 (250m² per lot)

Compliance Table

Control	Required	Proposed	Compliance
Clause 4.1.1 Residential Density & Subdivision	Density Area D3 – 1 dwelling per 250m ²	Site area is 362.30m ²	Yes – existing site and dimensions are unchanged
Clause 4.1.2 Height of Buildings	Maximum height – 8.5m	Maximum height of new works 8.3m	Yes
	Wall height – 2.7m	The wall height of the existing dwelling remains unchanged with no works proposed to the walls of the existing dwelling.	Yes
	Max two storeys	The proposed additions will maintain the existing storey structure and provide a modest single storey form, as viewed from Clifford Avenue.	Yes
	Roof height – 2.5m above wall height	<2.5m	Yes
Clause 4.1.13 Floor Space Ratio (FSR)	0.6:1	Unchanged FSR	Yes

<p>Clause 4.1.4 Setbacks (front, side and rear)</p>	<p>Relate to neighbouring sites or 6m</p>	<p>The proposed roof over the outdoor area will be situated 956mm from the front boundary. This aligns with other development along Clifford Avenue with structures, including parking structures located to the front boundary.</p>	<p>Yes</p>
<p>Side Boundary setback – 1/3 of wall height</p> <p>Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, and the like, if it can demonstrate there will be no adverse impact on adjoining properties including loss of privacy from a deck or balcony.</p>	<p>1/3 wall height = 0.9m</p>	<p>The proposal provides a roof structure over an existing paved area, while providing a new roof to the existing dwelling. The development maintains the existing setbacks with sufficient separation to adjacent dwellings.</p>	<p>Yes</p>
<p>Clause 4.1.5 Open space and Landscaping</p>	<p>Area OS 3 Min 55%/35%</p>	<p>The proposed works are located entirely within the existing footprint, therefore not altering the existing open space and landscaping arrangements.</p>	<p>Yes</p>

<p>Clause 4.1.6 Parking</p>	<p>2 spaces</p> <p>In relation to the provision of parking for dwelling houses, Council may consider the provision of only 1 space where adherence to the requirement for 2 spaces would adversely impact on the streetscape or on any heritage significance identified on the land or in the vicinity.</p>	<p>The proposal will not alter existing parking arrangements.</p>	<p>Yes</p>
<p>Clause 4.1.8 Development on Sloping Sites</p>	<p><u>Area G4 – Potential Hazards and Requirements</u></p> <p>Geotechnical assessment may be required depending on location and nature of development and man-made cut and fill.</p> <p>Residential footings are to be in accordance with AS2870.</p> <p>Potential hazards for this land include rock falls & minor slumping of soil and fill materials from top of unsupported cuts onto public and private pathways, roadways and building platforms. There is little to moderate typical consequences of failure involving damage of some or part of structures (for example, to a dwelling or roadway), with part of site requiring some stabilisation works. Large scale stabilisation works are unlikely to be required in Area G4.</p>	<p>The proposal will see minimal excavation of the site in order to accommodate the new works. The works will be carried out under the guidance of a qualified Structural Engineer, and the proposal therefore satisfies the provisions of this clause.</p>	<p>Yes</p>
<p>Clause 4.4.5 Earthworks</p>	<p>To retain the existing landscape character and limit change to topography and vegetation within the MLEP area by:</p> <p>Limiting excavation 'cut and fill' and other earthworks</p>	<p>The proposal will see minimal excavation to accommodate the new works. Appropriate erosion and</p>	<p>Yes</p>

	<p>Discouraging the alteration of the natural flow of ground and surface water</p> <p>Ensuring that development not cause sedimentation to enter drainage lines and waterways</p> <p>Limiting the height of retaining walls and encouraging the planting of native plant species to limit their impact</p>	<p>sediment controls will be carried out to ensure minimal site disturbance. The works will be carried out under the guidance of a qualified Structural Engineer. The proposal therefore satisfies the provisions of this clause.</p>	
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Part 5 – Special Character Precincts Areas and Sites

Compliance Table

Control	Required	Proposed	Compliance
Clause 5.4.1 Foreshore Scenic Protection Area	<p>Further to matters prescribed in the LEP, the development in the Foreshore Scenic Protection Area must also:</p> <ul style="list-style-type: none"> i) minimise the contrast between the built environment and the natural environment ii) maintain the visual dominance of the natural environment; iii) maximise the retention of existing vegetation including tree canopies, street trees, wildlife corridors and habitat; iv) not cause any change, visually, structurally or otherwise, to the existing natural rocky harbour foreshore areas; v) locate rooflines below the tree canopy; vi) consider any effect of the proposal when viewed from the harbour / ocean to ridgelines, tree lines and other natural features; and vii) use building materials of a non-reflective quality and be of colours and textures that blend with the prevailing natural environment in the locality 	<p>The relevant provisions of the LEP are addressed within Clause 6.9 of the LEP above.</p> <p>The proposal provides for alterations and additions to the existing dwelling, which maintains a modest height and scale.</p> <p>The proposal will not see the removal of any significant vegetation and the existing vegetation will be retained and protected. The proposal is therefore considered appropriate in the foreshore scenic protection area.</p>	Yes

7.0 Matter for Consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979

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

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to comply with the requirements of Manly Development Control Plan 2013 – Amendment 14.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to the numerical development controls in the DCP as justified in this report.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

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

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 approval for the construction of alterations and additions to the existing dwelling, is reasonable. The development will maintain a favourable bulk and scale relationship with other development in the vicinity. It is considered that the resultant development is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's LEP and Council's Codes and Policies.

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.

The subject site does not exhibit any significant constraint to the construction of the proposed new works.

7.8 Submissions made in accordance with this Act or the regulations

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

7.10 The public interest

The proposal will not unreasonably 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 support the design of alterations and additions to the existing dwelling which satisfy the stated objectives of Council's Development Controls.

By maintaining our neighbour's amenity and by complimenting the scale and form of other development in the immediate 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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