



**Corona Projects**

DEVELOPMENT APPLICATION  
**STATEMENT OF ENVIRONMENTAL EFFECTS**

Consent for the use of an unauthorised studio

**34 King Street, Manly Vale**

January 2025

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## PROJECT DETAILS

Client: Mr. Sam Jackson  
Subject land: 34 King Street, Manly Vale  
Lot Description: 23/-/DP7568  
Proposed development: Consent for the use of an unauthorised studio

**The report is prepared by** Pavel Zaytsev  
Bachelor of Planning (WSU)

**The report is reviewed by** Mathew Fortunato  
Bachelor of Architecture and Environment (USYD)

I certify that the contents of the Statement of Environmental Effects to the best of my knowledge, has been prepared as follows:

- In accordance with Section 4.12 of the Environmental Planning and Assessment Act 1979 and Clause 24 of the Environmental Planning and Assessment Regulation 2021;
- The statement contains all available information that is relevant to the environmental impact assessment of the proposed development;
- To the best of my knowledge the information contained in this report is neither false nor misleading.

## Quality Management

Issue	Description	Date	Written By	Reviewed By
1	Draft report issued for comment	16.01.2025	PZ	MF
2	Final Report	16.01.2025	PZ	MF

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## 1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared for Mr. Sam Jackson to accompany a Development Application (DA) to Northern Beaches Council for the consent for the use of an unauthorised studio at 34 King Street, Manly Vale.

More specifically, the proposed development proposal seeks consent for the following.

- Development consent for the use of the unauthorised studio at the rear of the property.

This Development Application is to be lodged in conjunction with a Building Information Certificate application for an unauthorised studio and timber privacy screen. A Notice of Intention to Give a Development Control Order was issued by Mr. Daniel Bekis of Northern Beaches Council. The Notice was issued on the 28<sup>th</sup> August 2024 with the reference number EPA2024/0147 requesting the demolition of an unapproved office/detached studio and the timber privacy screen.

The proposal is permissible with consent and is suitable for the site and the area. The proposal has been designed to relate to its site and to the streetscape in terms of appearance, envelope, setbacks, bulk, and scale. The proposal will operate without any significant impact to the amenity of neighbouring properties. This statement assesses any numeric non-compliance as acceptable on merit, resulting in no adverse impacts and in compliance with all relevant DCP and LEP objectives.

The purpose of this SEE is to:

- Describe the site to which the application applies and its context;
- Describe the proposed development
- Describe the legislative framework against which the application is to be assessed and determined; and
- Provide an assessment of the environmental impacts in accordance with the Section 4.15 of the EP&A Act 1979.

This Statement has been prepared in reference to the following:

Document	Author	Date
Architectural Plans	Corona Projects	October 2024
Survey Plan	Altitude Surveys	16.09.2024
Certificate of Structural Adequacy	Gilcon Structural Engineers	30.09.2024
Geotechnical Letter	Rapid Geo	09.10.2024

## 2.0 SITE ANALYSIS & CONTEXT

### 2.1 The Site

The site is located at 34 King Street, Manly Vale and is legally described Lot 23 in Deposited Plan 7568. The site is located on the northern side of King Street.



**Figure 1:** Site locality map (SIXMAPS 2024)



**Figure 2:** Site locality map (SIXMAPS 2024).



The site is rectangular with a total area of 864 square metres, with an approximate 12 metre street frontage to King Street. The eastern side boundary and western boundary approximately measures 70 metres. The rear boundary measures 12 metres. The site falls from the street from the rear.

The site features a two (2) storey dwelling house with a swimming pool at the rear. The rear of the site is landscaped with shrubs, grass and trees. Vehicular access is available from King Street.

The land is zoned R2: Low Density Residential under the provisions of Warringah Local Environmental Plan 2011 (LEP). The site is not identified as a Heritage Item, nor is it located within a Heritage Conservation Area (HCA). It is also not considered to be located within the close vicinity of any Item or HCA, or as a contributory item.



**Figure 3:** Subject site as viewed from the street (Google Maps 2024)

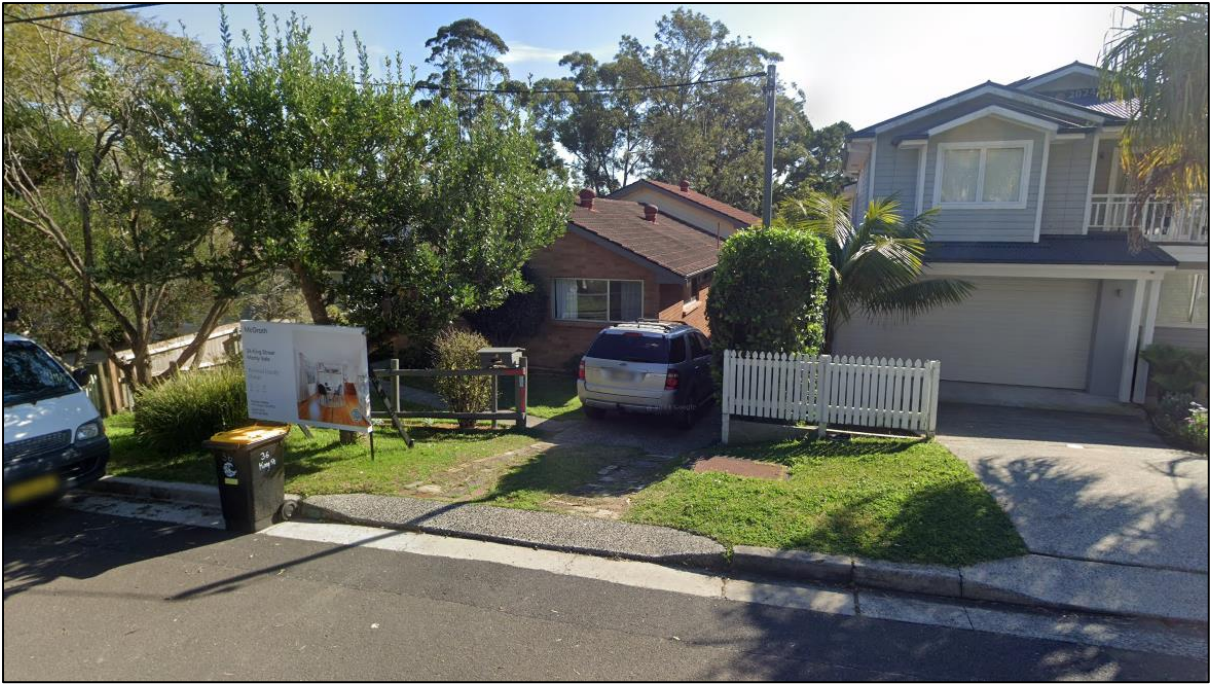


**Figure 4:** Timber studio as-built, viewed towards the north from the rear of the site (Corona Projects 2024).

## 2.2 The Locality

The site is located within the residential area Manly Vale. The locality comprises of residential dwellings typically with a height of one (1) to two (2) storeys. The site is adjacent to two (2) single storey dwelling houses at No. 32 and 36 King Street. The subject site abuts No. 91 Gordon Avenue.





**Figure 5:** 36 King Street, as viewed from the street (Google Maps 2024)



**Figure 6:** 32 King Street, as viewed from the street (Google Maps 2024)





**Figure 7:** 91 Gordon Avenue, as viewed from the street (Google Maps 2024)

### 2.3 Development History

A search on Council's DA Tracker returned the following results for development applications associated with the site.

Application Number	Description	Determination & Date
BC2024/0304	Regularisation of unauthorised works	(Submitted: 29/10/2024)
CDC2012/0049	<i>Private SEPP - External CDC XC2012-/00565 - Construction of a Swimming Pool</i>	(Submitted: 29/02/2012)
CC2012/0064	<i>Demolition works and construction of a dwelling house</i>	(Submitted: 15/02/2012)
Mod2011/0232	<i>Modification of Development Consent DA2011/0801 granted for Demolition works and construction of a dwelling house</i>	(Submitted: 18/10/2011)
DA2011/0801	<i>Demolition works and construction of a dwelling house</i>	(Submitted: 27/06/2011)

**Table 1.** Development History.

## 3.0 THE PROPOSAL

### 3.1 Overview

The Development Application seeks to apply for the consent of the use of an unauthorised studio at the rear of the property.

This Development Application is to be lodged in conjunction with a Building Information Certificate application for an unauthorised studio and timber privacy screen. A Notice of Intention to Give a Development Control Order was issued by Mr. Daniel Bekis of Northern Beaches Council. The Notice was issued on the 28<sup>th</sup> August 2024 with the reference number EPA2024/0147 requesting the demolition of an unapproved office/detached studio and the timber privacy screen.

Please refer to plans prepared by Corona Projects.

### 3.3 Numerical Overview

A brief numerical overview of the development parameters for the proposed development is included in Table 1 below.

Component	Proposal
Site area	864m <sup>2</sup>
Height	3400mm
Boundary setbacks	-
Western Side Boundary Setback	1005mm
Rear Boundary Setback	1006mm
Landscaped Area	41.56%

**Table 2:** Key development components

## **4.0 STATUTORY PLANNING FRAMEWORK AND ENVIRONMENTAL ASSESSMENT**

This Chapter provides an environmental assessment in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

### **4.1 Statutory and Policy Compliance**

The relevant matters for consideration under Section 4.15(a) of the EP&A Act, 1979, are identified as:

- State Environmental Planning Policy (Resilience and Hazards) 2021
- Warringah Local Environmental Plan 2011
- Warringah Development Control Plan 2011

The primary statutory document that relates to the subject site and the works is Warringah Local Environmental Plan 2011. The primary non-statutory plan relating to the subject site and the works is Warringah Development Control Plan 2011.

#### **4.1.1 State Environmental Planning Policy (Resilience and Hazards) 2021**

This Policy is to provide for a state-wide planning approach to the remediation of contaminated land. Subject to Clause 4.6, considerations should be given to the suitability of land in terms of contamination.

The subject site has a long history of being used for the residential purpose. Thus, the land is not likely to be contaminated and, given that no change of use is proposed, no further consideration is required under Clause 4.6(1)(b) and (c) of the Resilience and Hazards SEPP.

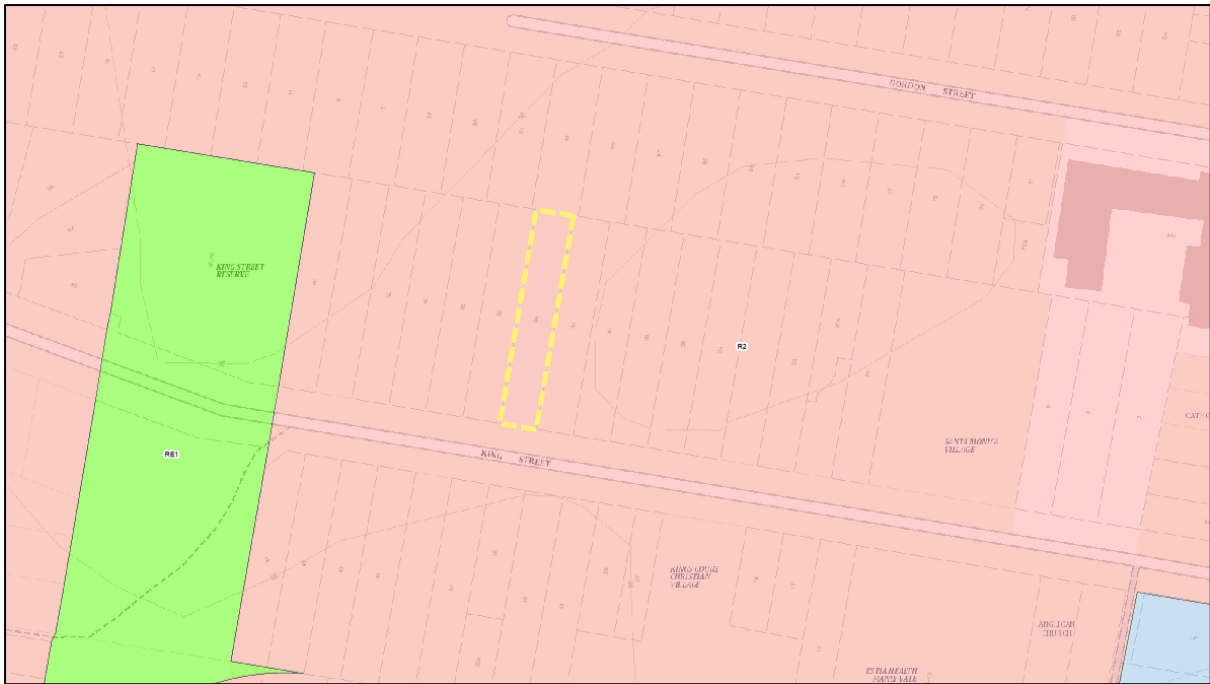
#### **4.1.2 Warringah Local Environmental Plan 2011**

The development complies with the provisions of Warringah Local Environmental Plan 2011 (WLEP 2011).

#### **Zoning and permissibility**

The site is located in Zone R2: Low Density Residential.





**Figure 8:** Land Zoning Map (NSW Spatial Planning Viewer 2024)

The development is identified to be ancillary to a *dwelling house*, which is permitted with consent in the R2: Low Density Residential zone.

The objectives of the zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

The development meets the needs of the residents and maintains a low-density residential environment by virtue of the structures bulk, scale and height. The use of the studio will be for the purpose of a small home office or artistic studio which is ancillary to the existing residential dwelling. The low-density residential environment is entirely maintained considering the structure is located at the rear and the landscape area requirements under the WDCP 2011 are met.

#### **Clause 4.3 Height of buildings**

The Height of Building Map stipulates that the maximum building height permitted for the site is 8.5 metres. The proposed development features a height of 3.6 metres and is therefore compliant.

#### **Clause 4.4 Floor space ratio**

The Floor Space Ratio Map does not stipulate a maximum floor space ratio for the site.

#### **Clause 6.4 Development on sloping land**

The development is located within Area A and B of the Warringah Landslip Risk Map. The objective of the clause is as follows:

- (a) to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*
- (b) to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
- (c) to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining land.*

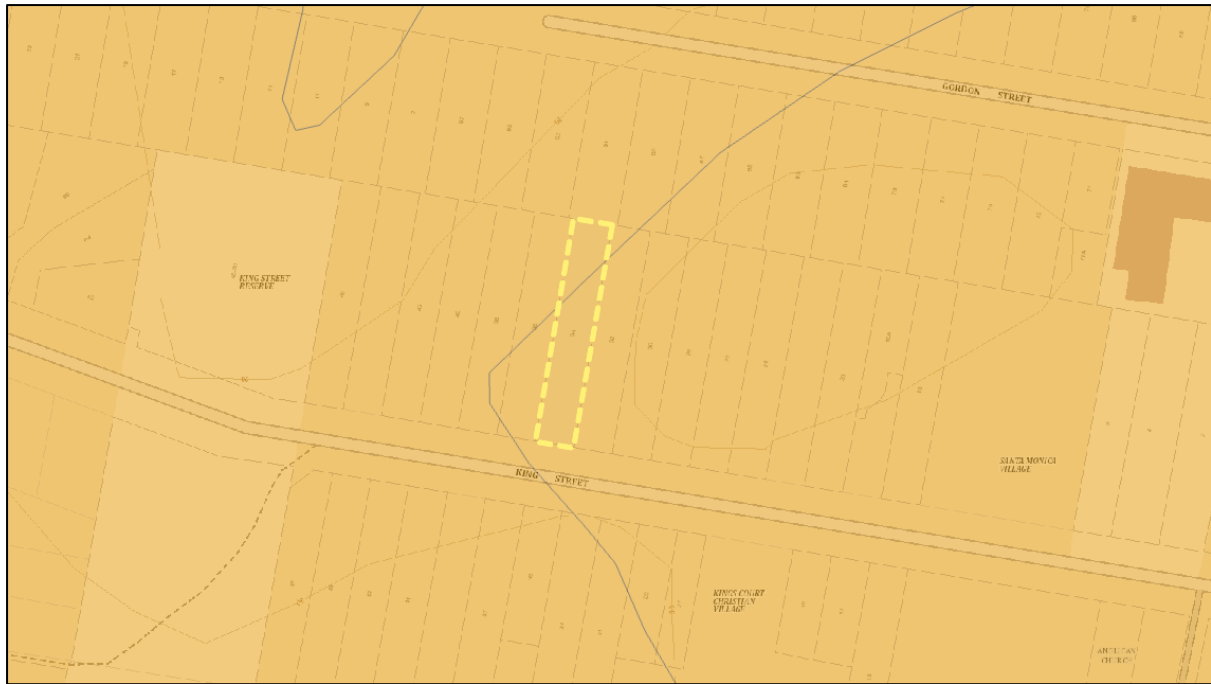
The structure is minor in scale, bulk and size and will not adversely affect subsurface flows or impact on the stability of existing or adjoining land. A Geotechnical Letter prepared by Rapid Geo on the 9 October 2024 accompanies the Development Application and states that

*“No evidence of former land instability was observed within the site and surrounding land during the site walkover survey”*

*“Based on the site conditions, anticipated sub-surface ground conditions and the existing studio development, the risk of potential slope instability, such as landslide or soil creep, is considered to be not applicable.”*

*“A detailed slope risk assessment in accordance with the Australian Geomechanics Society’s Landslide Risk Management Guidelines (2007) is not considered necessary for this proposed development.*

The proposal is considered to meet the objectives of the clause in this regard.



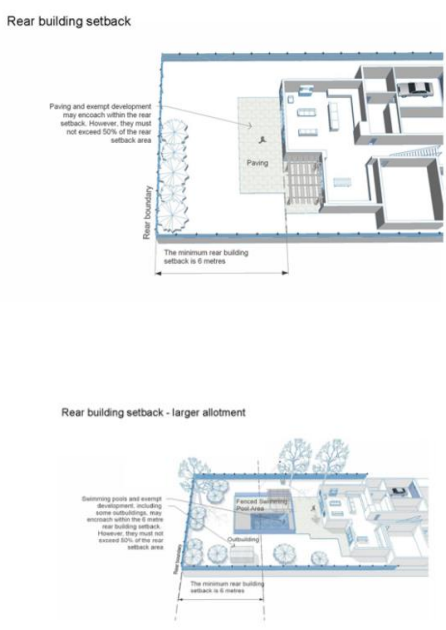
**Figure 9:** Landslide Risk Map (NSW Spatial Planning Viewer 2024)

#### 4.1.4 Warringah Development Control Plan 2011

The development achieves a high level of compliance with the provisions of Warringah Development Control Plan 2011.

Control		Comment	Compliance
<b>Part B Built Form Control</b>			
<b>B1 Wall Heights</b>			
1.	Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).	The walls of the structure do not exceed 7.2 metres in height from ground level (existing).	Compliant
<b>B4 Site Coverage</b>			
1.	Development on land shown coloured on the DCP Map Site Coverage shall not exceed the maximum site coverage shown on the map. Where shown on the map as:  33.3% - the total building footprint(s) must not cover more than 33.3% of the site area, and	The Warringah DCP 2011 does not stipulate a maximum site coverage for the site.	Compliant



Control	Comment	Compliance
<p>20% = 3,500m<sup>2</sup> or 30% &lt;3,500m<sup>2</sup> - the total building footprint(s) must not cover more than 20% of the site area except on allotments having an area of less than 3,500m<sup>2</sup> where the total building footprint/s must not cover more than 30% of the site area.</p>		
<b>B5 Side Boundary Setbacks</b>		
<p>1. Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map.</p>	<p>The DCP Setbacks Side Map stipulates a minimum side setback of 900mm. The unauthorised works feature a setback in excess of 900mm.</p>	Compliant
<p>2. Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.</p>	<p>The side boundary setback is landscaped and free of any above or below ground structures.</p>	Compliant
<b>B9 Rear Boundary Setbacks</b>		
<p>1. Development is to maintain a minimum setback to rear boundaries.</p> 	<p>The DCP Setbacks Rear Map stipulates a requirement of 6 metres for the rear setback.</p> <p>Whilst, the studio structure does not comply with the rear setback, featuring a rear setback of 1.06 metres, exceptions to the development standard apply as per the WDCP 2011.</p> <p>The WDCP stipulates that—</p> <p><i>“On land zoned R2 Low Density Residential, and land zoned RU4 Rural Small Holdings that has frontage to “The Greenway”, Duffy’s Forest, where the minimum rear building setback is 6 metres, exempt development, swimming pools and outbuildings that, in total, do not exceed 50% of the rear setback area,</i></p>	Acceptable upon Merit

Control		Comment	Compliance
		<p><i>provided that the objectives of this provision are met.”</i></p> <p>The area of the minimum rear setback is 73.14 square metres. The area of the studio will not exceed 50% of the rear setback area.</p> <p>The objectives of this provision are considered met as the structure does not result in a shortfall of deep soil landscape areas, maintains a clear sense of openness in the rear yard and preserves the amenity of adjacent land by maintaining minimum setbacks and incorporating screening.</p> <p>The structure is considered acceptable upon merit and does not unreasonably deviate from the development standards.</p>	
2.	The rear setback area is to be landscaped and free of any above or below ground structures.	The rear setback area is landscaped and free of any above or below ground structures.	
<b>Part D Design Siting Factors</b>			
<b>D1 Landscaped Open Space and Bushland Setting</b>			
1.	<p>The required minimum area of landscaped open space is shown on DCP Map Landscaped Open Space and Bushland Setting. To measure the area of landscaped open space:</p> <p>a) Driveways, paved areas, roofed areas, tennis courts, car parking and stormwater structures, decks, etc, and any open space areas with a dimension of less than 2 metres are excluded from the calculation;</p>	<p>The Landscaped Open Space and Bushland Setting Map stipulates that the site requires a minimum of 40% of landscaped open space area.</p> <p>The site maintains a value in excess of 40% consisting of Landscaped Open Space. The unauthorised works do not reduce the value below the minimum.</p>	Compliant

Control	Comment	Compliance
<p>b) The water surface of swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the calculation;</p> <p>c) Landscaped open space must be at ground level (finished); and</p> <p>d) The minimum soil depth of land that can be included as landscaped open space is 1 metre.</p>		
<b>D2 Private Open Space</b>		
<p>2. The minimum area and dimensions of private open space are as follows—</p> <p><i>Dwelling houses (including dual occupancy) and attached dwellings with 3 or more bedrooms:</i></p> <p><i>A total of 60m<sup>2</sup> with minimum dimensions of 5 metres</i></p>	The minimum area and dimensions of the private open space is exceeded.	Compliant
<b>Part E The Natural Environment</b>		
<b>E10 Landslip Risk</b>		
<p>1. The applicant must demonstrate that:</p> <ul style="list-style-type: none"> <li>• The proposed development is justified in terms of geotechnical stability; and</li> <li>• The proposed development will be carried out in accordance with good engineering practice.</li> </ul>	The application is submitted in conjunction with a Geotechnical prepared by Rapid Geo on the 9 <sup>th</sup> October 2024.	Compliant
<p>4. To address Requirements 1 to 3:</p> <p>ii) For land identified as being in Area B or Area D:</p> <p>A preliminary assessment of site conditions prepared in accordance with the Checklist for Council's assessment of site conditions (see Notes) must be carried out for development. The preliminary assessment must be prepared by a suitably qualified geotechnical engineer/</p>	<p>The application is submitted in conjunction with a Geotechnical prepared by Rapid Geo on the 9<sup>th</sup> October 2024. The document states—</p> <p><i>“As per the checklist for councils’ assessment of site conditions (Section E10 of the Warringah Development Control Plan), a Geotechnical Report is not required (see appendix A).”</i></p>	Compliant



Control	Comment	Compliance
<p>engineering geologist and must be submitted with the development application.</p> <p>If the preliminary assessment determines that a geotechnical report is required a report must be prepared by a suitably qualified geotechnical engineer / engineering geologist and must be submitted with the development application.</p> <p>Also, if the preliminary assessment determines that a geotechnical report is required a hydrological assessment of stormwater discharge and subsurface flow conditions, prepared by a suitably qualified geotechnical/hydrological engineer, must be submitted with the development application.</p>	<p>The letter provides an assessment of the site conditions and was prepared by a suitably qualified geotechnical engineer.</p>	

#### 4.1.5 Draft Planning Instruments

Northern Beaches Council does not have any current Draft Planning Instruments that apply to the proposed development, thus as demonstrated, the development achieves a high level of compliance with the applicable Environmental Planning Instruments.

### 4.2 Impacts of the Development

As noted in the above assessment against the provisions of the relevant Environmental Planning Instruments and Development Control Plan, the development is of a minor scale and nature, and does not present unreasonable environmental, social, and economic impacts.

#### 4.2.1 Impacts on Natural and Built Environment

The development does not impact upon native vegetation, soil conditions, foreshore environment or air quality. The built form allows the neighbouring sites to retain their access to privacy, solar access, pleasant outlook, and overall residential amenity.

#### **4.2.2 Social and Economic Impacts**

The development increases the amenity of the property with the addition of an studio for private use. The short-term economic impacts were positive, with the generation of employment opportunity through the physical construction stages. The use of high-quality materials ensured a durable final built outcome, reducing the need to rebuild in the near future, resulting in a positive long term financial and sustainability outcome. The proposal does not engender any negative social or economic outputs.

#### **4.3 Suitability of the Site**

The subject site is considered suitable in size and shape to accommodate the development. The proposal does not introduce any incompatible uses to the site. The works are permissible under the R2: Low Density Residential zone.

##### **4.3.1 Access to Services**

The site is located within an established residential area with excellent access to services and public transport. As the site is within an established urban area, electricity, sewer, telephone, and water services are readily available to the subject site.

##### **4.3.2 Parking and Access**

The works do not impact parking and or access to the site. The parking rate and access are entirely preserved.

##### **4.3.3 Hazards**

The site is in an area recognised by Council as being subject to landslip. The building works are not likely to increase the likelihood of such hazards occurring and is considered appropriate in this instance. a letter has been prepared by Rapid Geo dated 9 October which concludes that;

*“No evidence of former land instability was observed within the site and surrounding land during the site walkover survey. Based on the site conditions, anticipated sub-surface ground conditions and the existing studio development, the risk of potential slope instability, such as landslide or soil creep, is considered to be not applicable. A detailed slope risk assessment in accordance with the Australian Geomechanics Society’s Landslide Risk Management Guidelines (2007) is not considered necessary for this proposed development.*”

*As per the checklist for councils' assessment of site conditions (Section E10 of the Warringah Development Control Plan), a Geotechnical Report is not required (see appendix A)."*

The proposal is considered satisfactory in this regard.

#### **4.4 The Public Interest**

The proposal is considered to be in the public interest as it does not have any negative environmental, social, or economic impacts. The works have been designed to relate to the size, shape and context of the site and has been designed in accordance with the desired future character for development in the area.

The proposal seeks to provide an ancillary development that makes efficient use of space on the site in a prime location that is in high demand for residential accommodation. In addition, the proposal has been designed to minimise as far as practical any adverse effects on existing and future neighbouring properties. The proposal is consistent with the applicable LEP and DCP provisions except where identified and justified in this Statement of Environmental Effects. Accordingly, the works are considered to be in the public interest.

## 5.0 CONCLUSION

The Statement of Environmental Effects (SEE) has been prepared to consider the environmental, social, and economic impacts of the development at 34 King Street, Manly Vale. The report has addressed the applicable policies and plans, and has provided an environmental assessment in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

The application proposes a permissible development within the subject site locality. The proposal incorporates appropriate design considerations to minimise any adverse impacts on the natural and built environment, and the amenity of the surrounding neighbourhood.

Given the benefits of the development and compliance with the relevant policies and plans, we conclude that the works at 34 King Street, Manly Vale as described in this application is reasonable and supportable, and worthy of approval by Northern Beaches Council.

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