

# STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING DWELLING

AT

42 UPPER CLIFFORD AVENUE, FAIRLIGHT



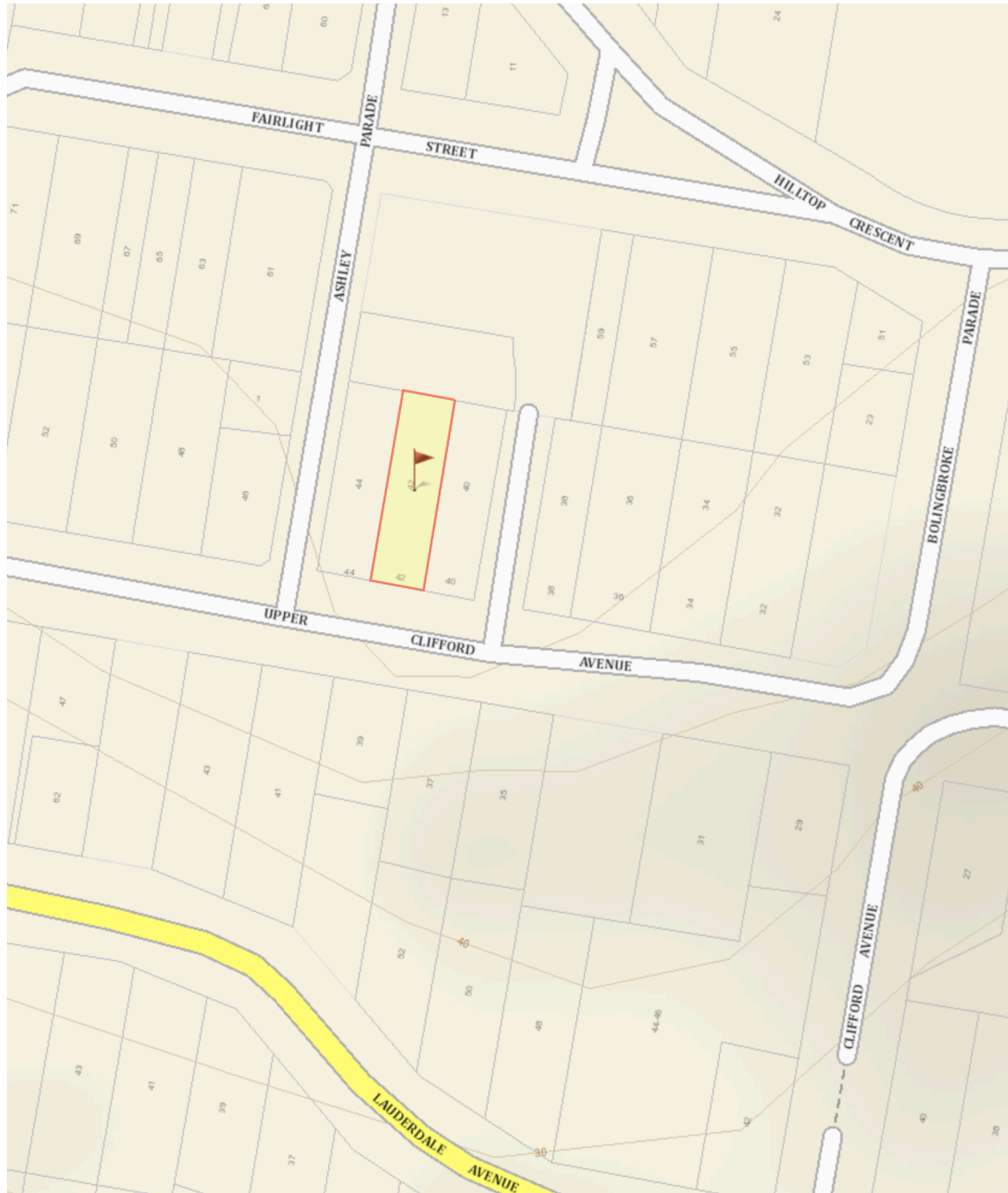
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## 1. INTRODUCTION

This statement of environmental effects supports a development application for the alterations and additions to an existing dwelling on LOT A DP 313797 at 42 Upper Clifford Avenue, Fairlight.



LOCALITY MAP OF SITE AND SURROUNDING AREA (Courtesy Six Maps)



AERIAL VIEW OF SITE (Courtesy Six Maps)

## 2. LOCALITY CONTEXT AND SITE ANALYSIS

### 2.1 THE SITE

The site is located on the north side of Upper Clifford Avenue. The site is a rectangular residential block of 430.50m<sup>2</sup> in area. The site width is 11.67m along the street boundary. The length is 40.235m along the east and west boundaries. The existing development on the site is a single detached dwelling of two storeys plus a basement garage. The roof is a flat roof. The site slopes from the street up to the rear boundary. The rear boundary adjoins a small public park. Southerly harbour views are enjoyed from the subject site and the adjacent sites. The bulk and scale of the existing development is similar to surrounding development.

### 2.2 THE SURROUNDING LOCALITY

The surrounding neighbourhood is generally zoned R1 (general residential). There is a mixture of architectural styles in the immediate vicinity with no single style dominating the streetscape. Other development in the area includes single dwellings, duplexes and multi-residential buildings.

### 2.3 HERITAGE

The existing building has no significant heritage relevance or historical value. The proposal has no impact on any nearby heritage item.

## 3. THE PROPOSAL

The proposal seeks approval for the following :

- Internal alterations to the existing dwelling
- Replacement of the existing 'Mansard'-style sloping wall cladding (83° pitch) to the top storey with vertical wall cladding
- Construction of a new double garage

The objectives of the proposed work are as follows:

- To improve function of internal spaces.
- To improve the external aesthetic. The existing external façade treatment is not consistent with the existing streetscape.
- To provide secure off-street parking for two cars in a street where street parking is limited. The existing garage has a head height of only 1.97m which makes it impractical for use as a parking space.

## 4. ZONING AND DEVELOPMENT CONTROLS

4.1 In addition to the NSW state and regional planning policies, the following planning instruments are of relevance to the development :

Manly Local Environment Plan 2013 (LEP)

Manly Development Control Plan 2013 (DCP)

## **5. STATE ENVIRONMENTAL PLANNING POLICY 55 : REMEDIATION OF LAND**

Under Clause 7(1)(a) of State Environmental Planning Policy No. 55 Remediation of Land, consideration has been given as to whether the land is contaminated. The site has been used for residential purposes and there is no history to suggest that the site is contaminated. The application does not require further consideration under clause 7(1)(b) and (c) of SEPP.

## **6. STATE ENVIRONMENTAL PLANNING POLICY (BASIX 2004)**

State Environmental Planning Policy (Building Sustainability Index: Basix (compliance is achieved. A Basix Certificate for the proposed work confirms compliance.

## **7. RESPONSE TO PLANNING REQUIREMENTS OF MANLY LOCAL ENVIRONMENT PLAN 2013**

### **8.1 AIMS OF THE PLAN (Clause 1.2)**

The proposal is consistent with the applicable Aims of Manly LEP in that it

- is appropriate to its context
- is compatible with the desired future character of an area in terms of bulk, scale, density, landscaping and appearance
- does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access and view sharing
- has regard to the principles of environmentally sustainable development

### **8.2 ZONING (Clauses 2.1 – 2.3 and Land Use Table)**

The site is zoned R1 (general residential). The objectives of the 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.

Comment : It is considered that the proposed alterations and additions will be consistent with the desired future character of the surrounding locality for the following reasons :

The proposed alterations will improve the spatial arrangements within the dwelling and result in improved liveability for the occupants. The proposed change to the façade treatment will improve the aesthetic, aligning it more with other contemporary homes in the locality and provide for improved shade control and privacy with respect to existing windows. The proposed new garage in the front setback is consistent with the pattern of other development in the street and will achieve compliance in terms of parking provision for the existing dwelling on the site. The proposal is consistent with the relevant objectives of the zoning. Provision of onsite parking will address the needs of residents.

### **8.3 PRINCIPAL DEVELOPMENT STANDARDS: MIN LOT SIZE (LEP Clause 4.1)**

The minimum lot size is 250m<sup>2</sup>. The site has an area of 430.50m<sup>2</sup>.

### **8.4 PRINCIPAL DEVELOPMENT STANDARDS: HEIGHT OF BUILDINGS (LEP 4.3)**

In terms of Clause 4.3(2), the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. A maximum



building height of 8.5m applies to this site in accordance with the Height of Buildings Map. The following definitions in the dictionary of Manly LEP are relevant: *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; *ground level (existing)* means the existing level of a site at any point. The proposed work does not exceed the allowable building height of 8.5m at any point.

#### 8.5 PRINCIPAL DEVELOPMENT STANDARDS: FLOOR SPACE RATIO (LEP 4.4)

According to Manly LEP 4.5 *floor space ratio* is defined as “the ratio of the gross floor area of all buildings within the site to the site area” (where *gross floor area* is “the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor ...”). Part (g) of the definition notes that “car parking to meet any requirements of the consent authority (including access to that car parking)” is excluded from the calculation of gross floor area.

##### Comment :

The site has an allowable floor space ratio of 0.60:1. The site area is 430.50m<sup>2</sup> and therefore the maximum allowable gross floor area is 259.50m<sup>2</sup>. A small increase of 4.20m<sup>2</sup> is proposed to the existing floor space ratio - the increase is the result of a partial enclosure of the existing first floor south deck. The proposed new gross floor area will be 230.13m<sup>2</sup> which is compliant in terms of the allowable FSR. The floor area of the proposed garage is not included in the FSR calculations as per the Manly LEP definition. The basement storage (with head height of 1.9m maximum) has also been excluded from the FSR calculation in alignment with the Manly LEP.

#### 8.6 ACID SULPHATE SOILS (LEP 6.1)

The site has no classification on the Acid Sulphate Soils Map.

#### 8.7 EARTHWORKS (LEP 6.2) AND LANDSLIDE RISK (6.8)

The site is not noted on the LEP Landslide Risk Map. There will be minimal excavation associated with the proposed work. The only proposed excavation is associated with the construction of the new garage in the front setback. The excavation includes the removal of some existing garden retaining walls, garden bed and garden paths/steps. The proposed excavation will not impact any surrounding development.

#### 8.8 FLOOD PLANNING (LEP 6.3)

The site is not in a flood risk zone.

#### 8.9 STORMWATER MANAGEMENT (LEP 6.4)

The proposed new work will drain into the existing stormwater management system which is compliant with the council's policy for Manly Stormwater Management. There is minimal additional impervious area (14.09m<sup>2</sup>) proposed on the site. The existing stormwater drains directly to the street.

#### 8.10 TERRESTRIAL BIODIVERSITY (LEP 6.5)

The site is not noted on the Terrestrial Biodiversity Map .

#### 8.11 FORESHORE SCENIC PROTECTION AREA (LEP 6.9)

The site is noted on the Foreshore Scenic Protection Area Map. The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour,

the Pacific Ocean and the foreshore in Manly. Matters for consideration under this clause are :

- (a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,
- (b) measures to protect and improve scenic qualities of the coastline,
- (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,
- (d) measures to reduce the potential for conflict between land-based and water-based coastal activities.

Comment :

The part of the existing elevated south deck that is proposed to be enclosed is located under the existing roofline. The proposed change to the exterior envelope will have minimal impact to surrounding development in terms of bulk but will enormously improve the aesthetic presentation of the dwelling to the street. The existing first floor facades are pitched with a slope to the cladding of 83°. The proposal includes replacement of the existing sloping cladding with a vertical cladding. The increase in width at the parapet level on the north, east and west sides of the building is 470mm. The height and bulk of the altered development will remain consistent with surrounding development. Shadow projections illustrate that the proposed alterations will not adversely impact any adjacent development in terms of overshadowing. The development remains compliant in terms of requirements (in the DCP) for solar access to adjacent development. The proposed alterations will not result in any overshadowing of the foreshore. There will be no impact to any views of the foreshore from the public domain or from surrounding development.

#### 8.12 NUMERIC COMPLIANCE TABLE

	STANDARD	EXISTING	PROPOSED
ZONING	R1	1 dwelling	No change
SITE AREA	Min 250m <sup>2</sup>	430.50m <sup>2</sup>	No change
HEIGHT OF BUILDING	8.5m	11.30m	Max ht of proposed new work = 8.3m
FLOOR SPACE RATIO	0.60 : 1	0.52 : 1 (existing GFA = 225.84m <sup>2</sup> )	Minor change to existing 0.53:1 (proposed GFA = 230.13m <sup>2</sup> )
ACID SULPHATE SOILS	No classification		
LANDSLIP RISK	No risk classification		

### 8. RESPONSE TO RELEVANT PLANNING REQUIREMENTS OF MANLY DEVELOPMENT CONTROL PLAN 2013

#### 9.1 AIMS AND OBJECTIVES OF MDCP (DCP 1.7)

The proposal meets the aims described in Clause 1.7 of the Manly DCP and the objectives noted in each relevant clause of the DCP. The aims are to:

- (a) Ensure that development contributes to the quality of the natural and built environments

- (b) Encourage development that contributes to the quality of our streetscapes and townscape.
- (c) Ensure that development is economically, socially and environmentally sustainable and to require the principles of ecologically sustainable development to be taken into consideration when determining DAs.
- (d) Ensure future development has consideration for the needs of all members of the community.
- (e) Ensure development positively responds to the qualities of the site and its context.
- (f) Ensure development positively responds to the heritage and character of the surrounding area.

**8.2 GENERAL PRINCIPLES OF DEVELOPMENT : STREETSCAPE (DCP 3.1)**

The proposed change to the street façade of the development will improve the aesthetic of the building as viewed from the street. The existing facades with 83° pitched metal sheet cladding to the top storey of the dwelling and to the street-facing south balcony are an unusual interpretation of a 'Mansard' style roof form. This roof form is misplaced in the Sydney climate – it was developed as a response to snow conditions. In this case, it has been combined with a flat roof with parapet. The alteration to change the façade treatment to vertical cladding will align the style of the dwelling with other contemporary homes in the locality. The change will provide for good modulation around first floor windows and the southern deck. This modulation results in better shading of existing windows. The addition of vertical louvred privacy screens will further enhance development as viewed from the street.

**8.3 GENERAL PRINCIPLES OF DEVELOPMENT : HERITAGE (DCP 3.2)**

There are no heritage considerations relevant to this property.

**8.4 GENERAL PRINCIPLES OF DEVELOPMENT : LANDSCAPING (DCP 3.3)**

No change is proposed to the existing established landscaping in the rear garden. The proposed cladding changes are elevated above ground level. In alignment with the desired landscape character of the area, the proposed alterations and additions will not impact any significant mature trees.

**8.5 GENERAL PRINCIPLES OF DEVELOPMENT : AMENITY - VIEWS, OVERSHADOWING, PRIVACY, NOISE (DCP 3.4)**

The proposal achieves the objectives of this clause. The proposed development will cause no additional overshadowing impacts to private open space or the living spaces of adjacent properties. The north-south orientation of the site ensures compliant solar access to adjacent development to the east and west. The proposed garage will have no new impacts on the adjacent properties in respect of views, privacy, noise or overshadowing.

**8.6 GENERAL PRINCIPLES OF DEVELOPMENT : SUSTAINABILITY (DCP 3.5)**

The proposal achieves the applicable objectives of this clause. Waste is to be minimized in the new construction. Solar access to the dwellings within the development on the subject site and to the dwellings on surrounding sites will not be significantly impacted by the proposed changes. The alterations are all compliant in respect of BASIX requirements. No significant changes are proposed to existing mature landscaping in the rear garden.

**8.7 GENERAL PRINCIPLES OF DEVELOPMENT : ACCESSIBILITY (DCP 3.6)**

The existing main pedestrian entry to the dwelling remains unchanged. The stairs and pathway from the street are to be re-aligned to provide for easier access to the dwelling from the street. The proposed garage provides for easier and safer vehicle

access to and from the site and provides for easier access from the parking area to the main pedestrian entrance.

**8.8 GENERAL PRINCIPLES OF DEVELOPMENT : STORMWATER MANAGEMENT (DCP 3.7)**

As noted above, the proposed new work will drain into the existing stormwater management system which is compliant with the council's policy for Manly Stormwater Management. There is a minimal increase of 14.09m<sup>2</sup> to impervious area proposed on the site.

**8.9 GENERAL PRINCIPLES OF DEVELOPMENT : WASTE MANAGEMENT (DCP 3.8)**

In the existing circumstance, the waste bins are stored in the driveway with no screening. The proposal provides for the waste bins to be stored in the space currently designated as a garage. That space will be directly linked to the proposed garage.

**8.10 GENERAL PRINCIPLES OF DEVELOPMENT : MECHANICAL PLANT EQUIPMENT (DCP 3.9)**

No change is proposed to the existing mechanical plant and equipment in the current development. No new mechanical plant and equipment is proposed.

**8.11 GENERAL PRINCIPLES OF DEVELOPMENT : SAFETY AND SECURITY (DCP 3.10)**

The proposal was partly initiated to address the dated styling of the existing external entry stairs and the existing verandah/deck balustrades which are not compliant with current fall protection safety requirements. The proposed replacement balustrades are fully compliant in terms of safety. The proposed new entry stairs will achieve safety compliance in respect of BCA requirements.

**9.12 RESIDENTIAL DEVELOPMENT CONTROLS : FLOOR SPACE RATIO (DCP 4.1.3)**

The existing and proposed FSR complies with the current development standard.

**9.13 RESIDENTIAL DEVELOPMENT CONTROLS : SETBACKS (front, side, rear) (DCP 4.1.4)**

The objectives to be met in relation to this part include:

- Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.
- Objective 2) To ensure and enhance local amenity by:
  - providing privacy;
  - providing equitable access to light, sunshine and air movement; and
  - facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and
  - facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.See also objectives at paragraph 3.4 Amenity.
- Objective 3) To promote flexibility in the siting of buildings.
- Objective 4) To enhance and maintain natural features by:
  - accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;
  - ensuring the nature of development does not unduly detract from the

context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and ensuring the provisions of State Environmental Planning Policy No 19 – Urban Bushland are satisfied.

Objective 5) To assist in appropriate bush fire asset protection zones.

Comment :

The existing rear setback is 14.8m to the north façade of the dwelling and 9.6m to the north edge of the rear ground level deck. This is significantly greater than the numeric requirement. No change is proposed to the rear setback.

The existing setbacks on the west and east sides of the dwelling are not numerically compliant in terms of the current DCP. The proposed alteration to the to the façade treatment – to change the sloped 83° pitched cladding to a vertically-fixed cladding – will have the effect of a further triangulated encroachment into the side setbacks with a maximum dimension of 470mm at the existing parapet height on each side of the dwelling. The ground floor level of the upslope development to the north is above the ridge height of the existing dwelling on the subject site. The dense foliage of the tall, mature, street trees in the central landscaped public space directly to the south of 42 Upper Clifford Avenue prevent any corridor views from the upslope development down the side setbacks – even if these were numerically compliant – of 42 Upper Clifford Avenue.

There is no proposed change to the front setback to the existing dwelling. The existing setback is consistent with the street pattern. The proposed nil setback for the new garage is also consistent with development in the street. The difficult topography has resulted in most developments in the street having a double garage on a nil setback to the primary road frontage.

#### 9.14 RESIDENTIAL DEVELOPMENT CONTROLS : OPEN SPACE AND LANDSCAPING (DCP 4.1.5)

The site is categorized as OS3 for calculation of 'Open Space'. The development control calls for at least 55% of the site area to be 'Open Space' and at least 35% of the minimum area for open space to be 'Landscaped Area'. 40% of Total Open Space can be located 'above ground' (ie more than 1.0m above ground level). Required total open space = 55% of 430.50m<sup>2</sup> = 236.78m<sup>2</sup>. The existing open space area = 159.75m<sup>2</sup> (ground floor north covered deck + rear garden) + 13.30m<sup>2</sup> (first floor south deck) = 173.05m<sup>2</sup>. No change is proposed to the provision of ground level open space. The enclosure of part of the south deck on the first floor renders that currently designated open space as non-calculable open space (minimum dimension has to be 3m in any direction for space to be included in calculation). Despite the reduction in open space provision, the proposal will improve the amenity of surrounding development as the elevated deck is effectively being made smaller. Minimum required landscaped area = 82.87m<sup>2</sup> (35% of 236.78m<sup>2</sup>). No change is proposed to the landscaped area provision as there is no proposed change at ground level. The existing landscaped area provision = 111.21m<sup>2</sup>. This exceeds the minimum requirement. The proposed partial deck enclosure on the first floor will result in a slight decrease in respect of provision of 'open space'. The landscaped area will not change but is and will remain numerically compliant.

Comment : In terms of amenity considerations under this clause, it should be noted that the existing open space and landscaped open space for this development is all at the rear of the existing dwelling. There is no proposal to increase the footprint of the dwelling, with the exception of the proposed garage which is located in the front

setback. Since the landscaped area provision exceeds the minimum requirement and the calculable open space provision is consolidated in the rear part of the site, the objectives of the control are considered to be achieved.

**9.15 RESIDENTIAL DEVELOPMENT CONTROLS : PARKING, VEHICULAR ACCESS AND LOADING (DCP 4.1.6)**

The requirement is for two onsite parkings per dwelling. Technically there is no existing parking on the site.

**Comment :**

The existing basement garage has a head height of only 1.9m. It is not practical to use this space for car parking. The only parking available on site is the driveway in the front setback and the available length of the driveway is only 5.2m (less than the required minimum length of 5.4m for a parking space as per Australian Standard). Street parking is difficult in the street due to the topography of the street. The street is split between the north and south side with a wide sloping landscaped area between the two parts of the street. The street has four 'dead ends' – there is no through traffic. There is very little street parking. Many homes in the street have double garages with a nil setback to the street boundary. Many of these garages respond to the sloping road boundary and have sloping lower edges to the garage doors. The proposed double garage will have a nil setback to the street boundary and will have a sloped entrance to accommodate the existing grade of the paved pedestrian pathway between the boundary and the kerb. To accommodate the length required for compliant parking space dimensions, part of the existing ground floor south verandah is to be demolished. The garage will be built to suit the existing RL's along the street boundary. The garage will have a flat roof and at the connection to the ground floor verandah, a planter will be built on top of the northern end of the garage roof to form the balustrade for the remaining verandah.

## **9. MATTERS FOR CONSIDERATION UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

### **THE LIKELY IMPACTS OF THE DEVELOPMENT**

These have been addressed above.

### **THE SUITABILITY OF THE SITE FOR DEVELOPMENT**

The site is considered suitable for the proposed development. The existing development on the site is a residential apartment building and the site is considered to be suitable for residential development. The zoning and all planning controls provide for such development as is proposed. All requisite services for residential development are available with existing connections to the site. The site has no history of contamination and there are no known hazards evident on the land.

### **THE PUBLIC INTEREST**

The public interest is served by improving the functionality and aesthetics of the existing development on the site whilst ensuring that the additions do not result in an unreasonable loss of residential amenity to adjoining and nearby properties and public spaces.

## **10. CONCLUSION**

The proposed development represents a reasonable response to the constraints and opportunities of the site and to the relevant planning controls, in accordance with the objectives of the *Environmental Planning and Assessment Act 1979*. The proposal achieves the aims and objectives of all relevant development standards and planning controls. The proposal will improve the amenity of the site and the street with respect to provision of onsite parking. There will be an improvement to privacy between the existing dwelling and surrounding development due to the proposed privacy screens on the south verandahs at both ground floor and first floor level. The proposal will result in improved aesthetic presentation of the existing building as viewed from the street and surrounding developments. The change is achieved with respect for solar access, visual privacy and acoustic privacy to adjacent development. It is therefore considered that the proposal will increase the amenity for the occupants of this development, elevating the quality of the dwelling to align with the current trends in the local area, without adversely impacting surrounding properties and public spaces. The proposed upgrading of the development through the internal alterations, changes to external cladding and the proposed new garage will be consistent with the existing character of the local area.





## APPENDIX 1 : PHOTOGRAPHIC RECORD



STREET BOUNDARY VIEW OF EXISTING DEVELOPMENT AT UPPER CLIFFORD AVENUE, FAIRLIGHT  
(shows extremely low head height of existing garage and 83° 'Mansard' style first floor cladding)



VIEW OF REAR GARDEN FROM EXISTING REAR VERANDAH