



**43 QUINTON ROAD  
MANLY NSW 2095**

**STATEMENT OF ENVIRONMENTAL EFFECTS  
FOR ALTERATIONS AND ADDITIONS TO  
A SEMI-DETACHED DWELLING**



Report prepared for  
ACTION PLANS  
July 2019

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## 1.0 Introduction

- 1.1 This is a statement of environmental effects for alterations and additions to a semi-detached dwelling at 43 Quinton Road Manly NSW 2095.
- 1.2 The report describes how the application addresses and satisfies the objectives and standards of the Manly Local Environmental Plan 2013, the Manly Development Control Plan 2013 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3 This statement of environmental effects has been prepared with reference to the following:
- ◆ Site visit
  - ◆ Design Plans prepared by Action Plans
  - ◆ Site survey
  - ◆ BASIX Certificate
  - ◆ Cost summary report
  - ◆ Waste management plan
- 1.3 The proposed alterations and additions are consistent with the objectives of all Council controls, considerate of neighbouring residents and results in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

## 2.0 The site and its locality

- 2.1 The site is located at 43 Quinton Road Manly and is legally described as Lot 1 DP1072958. It is located on the western side of Quinton Road in Manly, approximately 120 metres south of its intersection with Kangaroo Street.
- 2.2 The lot is generally rectangular in shape with an area of 185.2m<sup>2</sup>. It has a 6.07 metre frontage to Quinton Road, a rear boundary of 6.085 metres and a depth of 30.48metres. The site is generally level with a slight fall to the north east corner on Quinton Road.
- 2.3 The site is currently occupied by a two storey semi-detached brick dwelling with a metal roof.
- 2.4 The site is surrounded by a mix of semi-detached and single detached residential dwellings and multi dwelling strata properties in all directions.
- 2.5 The site is located approx. 480 metres west of Manly Beach and is in close proximity to shops and services on Pittwater Road.



**Figure 1. The site and it's immediate surrounds**





Figure 2. Aerial photograph of the site

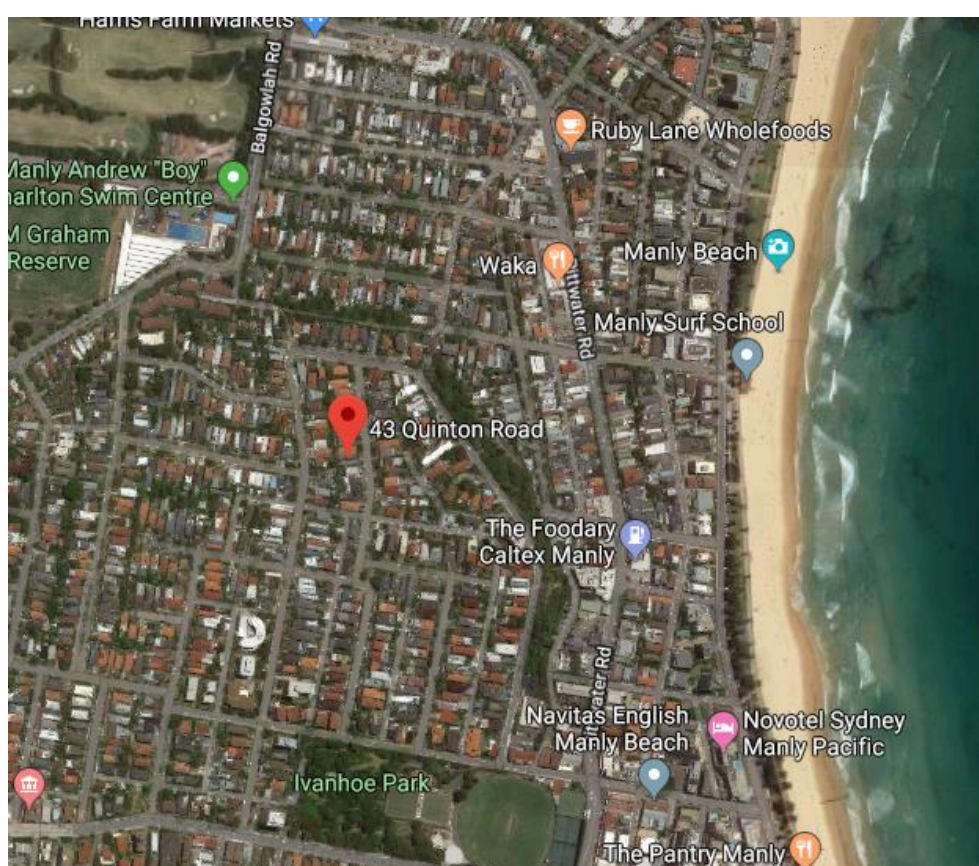


Figure 3. Aerial photograph of the site and its surrounds

### **3. Proposed Development**

- 3.1 The proposed development is for alterations and additions to the existing semi-detached dwelling, to alter the front carport, replace 3 windows and for a small rear extension to create a larger kitchen / dining room.
- 3.2 The proposed development remains consistent with the streetscape and the locality. The proposal is consistent with Council controls, ensures privacy, solar access and views are maintained for surrounding properties and the subject site.
- 3.3 The alterations and additions to the dwelling will be made up as follows:

#### **Ground Floor**

- Alteration of the existing carport to create a single, timber, A frame carport
- Replace the existing window in bedroom 2, with an openable window
- Replace the existing window in the living room, with a taller window
- Demolish the outdoor kitchen and rear bifold doors and extend the kitchen / dining room to incorporate the existing terrace.
- New landscaping and front fencing

#### **First Floor**

- Replace the existing window in the stairwell, with an openable louvered window.



#### 4. Site Photos



Figure 4. The site viewed from Quinton Road



Figure 5. The site viewed from the rear yard, looking east



Figure 6. The site viewed from the rear yard, looking east



## 5. Statutory Framework

### 5.1 State Environmental Planning Policies

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

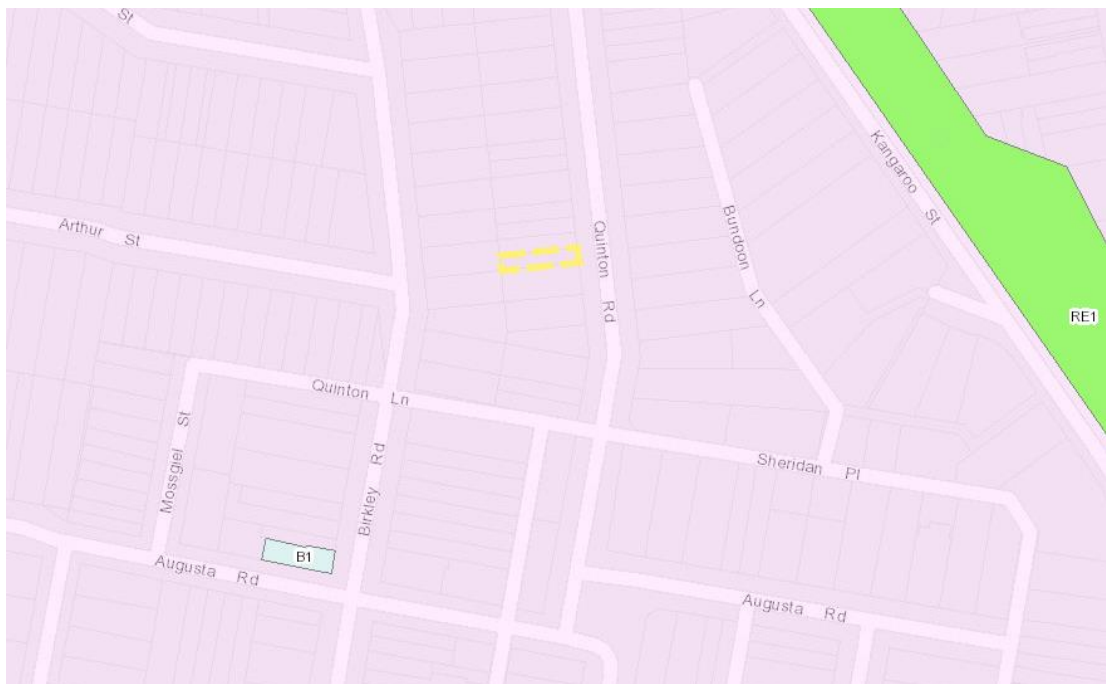
SEPP BASIX applies to the proposed development. A compliant BASIX Certificate is attached to this application.

### 5.2 Manly Local Environmental Plan 2013

The relevant clauses of the Manly Local Environmental Plan 2013 are addressed below.

#### **Zoning**

The site is zoned R1 – General Residential pursuant to the provisions of the Manly Local Environmental Plan 2013.



**Figure 7. Extract from Manly LEP 2013 zoning map**

The proposed development is for alterations and additions to a semi-detached dwelling. Semi-detached dwellings are permissible with Development Consent in the R1 General Residential zone.

**Height**

Clause 4.3 of the LEP restricts the height of any development on the subject site to 8.5 metres. The existing dwelling and proposed alterations and additions comply with the maximum 8.5 metre height control on all elevations, as illustrated on the attached plan set. The revised carport has a maximum height of 3.599 metres.

**Heritage**

The site is not a heritage item, located within a heritage conservation area or located near any heritage items.

**Floor Space Ratio**

A maximum floor space ratio of 0.6:1 is permitted for the site. The existing development has an FSR of 0.58:1 which equates to 108.23m<sup>2</sup> for the site area of 185.2m<sup>2</sup>. The proposed FSR is 0.64:1 or 118.62m<sup>2</sup> with an increase in gross floor area of only 10.39 m<sup>2</sup>.

A departure from the FSR is justified in the attached clause 4.6 application which demonstrates the proposal is consistent with both the relevant LEP objectives and provisions of the DCP.

As the subject site is mapped as area C on the lot size map, the DCP permits calculation of the FSR based on a lot size of 250m<sup>2</sup>. This equates to a maximum floor area of 150m<sup>2</sup> for the undersized subject site. The proposed floor area is 118.62m<sup>2</sup>, well below the maximum 150m<sup>2</sup> permitted by the DCP.

**Acid Sulfate Soils**

The site is mapped as class 5 Acid Sulfate soils. The proposed development is located predominantly within the footprint of the existing building, with only minor earthworks required for footings of the proposed carport. There will be no impact on acid sulfate soils or the watertable.

**Stormwater**

Stormwater from the proposed carport will be connected to the existing drainage infrastructure in Quinton Road.

## 5.2 Manly Development Control Plan 2013

The relevant sections of the DCP are addressed below.

### **3. General Principles of Development**

#### **3.1 Streetscapes and Townscapes**

##### **3.1.1 Streetscape (Residential Areas)**

The subject site has frontage to and vehicular access from Quinton Road. The proposed development for alterations and additions to the existing semi-detached dwelling is consistent with the Manly streetscape in this locality.

The proposed development represents an improvement to the built form addressing the street, with a smaller carport proposed and reinstatement of landscaping in this location.

#### **3.3 Landscaping**

##### **3.3.1 Landscaping Design**

The proposed alterations and additions have been designed to appropriately complement the residential character of the site and the neighbouring properties.

##### **3.3.2 Landscape/Tree Preservation**

No significant trees are proposed to be removed as part of this application. Landscaping will be re-instated in the front setback, creating a softer presentation to the street.

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

##### **3.4.1.1 Overshadowing adjoining private open space**

The proposed development retains compliant solar access to the private open space of adjoining properties from 9am to 3pm on 21 June as illustrated on the attached shadow diagrams. The proposed alterations and additions result in a very minor increase to overshadowing to the front yard of the adjoining property to the south.

##### **3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties**

The proposed development retains existing solar access to the living rooms of adjoining properties on 21 June as illustrated on the attached shadow diagrams.

##### **3.4.1.3 Overshadowing Solar Collector Systems**

The proposed development maintains 6 hrs solar access for neighbouring solar collector systems.

#### **3.4.1.4 Overshadowing Clothes Drying Areas**

The proposed development will not overshadow neighbouring clothes drying areas.

#### **3.4.1.5 Excessive Glare or Reflectivity Nuisance**

All external material and finishes will be constructed of non-reflective materials in keeping with this clause.

#### **3.4.2 Privacy and Security**

Privacy will be retained for neighbours with ample setbacks and no direct overlooking into any key living areas of adjoining properties. The proposed alterations and additions do not increase overlooking to neighbouring properties.

##### **3.4.2.3 Acoustical Privacy (Noise Nuisance)**

The development is appropriate and will not result in noise levels inappropriate to a residential area.

#### **3.4.3 Maintenance of Views**

The proposed alterations and additions will not impact on any views.

#### **3.5 Sustainability**

A compliant BASIX Certificate is provided with the attached plan set and all rooms provide compliant light and ventilation.

#### **3.7 Stormwater Management**

Stormwater from the proposed carport will be connected to the existing drainage network in Quinton Road.

#### **3.8 Waste Management**

Appropriate waste management will be undertaken during the demolition and construction process.

All demolished materials will be recycled where possible which is detailed in the accompanying Waste Management Plan.

The existing residence has appropriate waste storage areas, with waste to be collected by Councils regular service.

### **Part 4 Development Controls and Development Types**

#### **4.1 Residential Development Controls**

##### **4.1 Residential Development Controls**

No change is proposed to the existing residential density which comprises of a semi-detached dwelling.



#### **4.1.2 Height of Buildings (incorporating wall height, number of storeys and roof height)**

Clause 4.3 of the LEP restricts the height of any development on the subject site to 8.5 metres. The proposed works are easily compliant with the maximum 8.5 metre height control as illustrated on the attached plan set.

A maximum wall height of 6.5 metres is required by the DCP. No change is proposed to the existing wall heights of the building.

The proposed additions do not increase the existing 2 storeys of the building and the proposed roof pitch of the carport is 25 degrees.

#### **4.1.3 Floor Space Ratio (FSR)**

A maximum floor space ratio of 0.6:1 is permitted for the site. The existing development has an FSR of 0.58:1 which equates to 108.23m<sup>2</sup> for the site area of 185.2m<sup>2</sup>. The proposed FSR is 0.64:1 or 118.62m<sup>2</sup>.

A small departure from the FSR is justified in the attached clause 4.6 application which demonstrates the proposal is consistent with both the relevant LEP objectives and provisions of the DCP.

As the subject site is mapped as area C on the lot size map, the DCP permits calculation of the FSR based on a lot size of 250m<sup>2</sup>. This equates to a maximum floor area of 150m<sup>2</sup> for the undersized subject site. The proposed floor area is 118.62m<sup>2</sup>, well below the maximum 150m<sup>2</sup> permitted by this clause.

#### **4.1.4 Setback (front, side and rear) and Building Separation**

##### **4.1.4.1 Street Front setbacks**

A front setback consistent with the prevailing setback is required on the site, the prevailing setback in the locality is 5.225 metres. The existing front setback to the dwelling is 5.945 metres and no change is proposed. The existing carport has a 0 metre front setback and the new carport proposes to retain this setback, although it will be lesser in width.

##### **4.1.4.2 Side setbacks and secondary street frontages**

A side boundary setback equivalent of 1/3 of the wall height is required on the site. As the property is a semi-detached dwelling the northern boundary side setback does not apply. The site has an existing side boundary setback of 1.08 metres on the southern boundary and no change is proposed.

##### **4.1.4.4 Rear Setback**

A minimum rear setback of 8 metres is required on the site. The existing rear setback is 3.951 metres to the terrace and no change is proposed. The rear terrace has existing side boundary walls and the proposed development simply seeks to incorporate the terrace into the internal floor area.

#### **4.1.5 Open Space and Landscaping**

##### **4.1.5.1 Minimum Residential Total Open Space Requirements**

The DCP requires a total of 55% of the site to be open space with a minimum 35% of that open space to be landscaped area. This equates to 101.86m<sup>2</sup> of open space for the site area of 185.2m<sup>2</sup> and 35.65m<sup>2</sup> landscaped area.

The existing open space area on the site is 48.22m<sup>2</sup> or 26%. The proposed total open space is 40.95m<sup>2</sup> or 22%, which represents a minor decrease after the rear terrace is enclosed. A minor departure is considered appropriate in this case, as the existing rear terrace is very narrow and sits higher than the rear courtyard beyond. It is not a particularly useable space and is better utilised to extend the internal living area. Additionally, the design of the rear doors allows for the whole rear façade to be open, which creates a highly usable connection between the indoor and outdoor spaces.

The rear courtyard and new landscaped front yard provide ample open space for the property and the proposal remains compliant with the required principal private open space.

The existing landscaped area on the site is just 3.55m<sup>2</sup> or 1.9%. The proposed landscaped area is 8.22m<sup>2</sup> or 4.4%, which although non-compliant, represents an improvement to the existing landscaped area.

##### **4.1.5.3 Private Open Space**

A minimum area of 18m<sup>2</sup> principal private open space is required by the DCP for a dwelling house. The development proposes 18.85m<sup>2</sup> of principal private open space in the rear yard, compliant with this clause.

#### **4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)**

The subject property has an existing driveway crossover to Quinton Road. The proposed carport is less visually dominant than the existing carport and retains a single onsite parking space.

##### **4.1.10 Fencing**

The new front fencing is a combination of horizontal timber slats and rendered brick to match the dwelling. With a maximum height of 1.41 metres, the fencing is consistent with the streetscape and a positive addition for the site.

## 6. Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

### **The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations**

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed land use is complimentary and compatible with adjoining development. The proposal achieves the aims of the Manly LEP and DCP.

The development is permissible in the zone.

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

#### 6.1. Context and Setting

*What is the relationship to the region and local context in terms of:*

- the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement.

*What are the potential impacts on adjacent properties in terms of:*

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed alterations and additions have been designed to complement the site and its surrounds. The proposal is appropriate and will have negligible impact on adjacent properties.

## **6.2. Access, transport and traffic**

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

No conflict or issues will arise as a result of the proposed development.

## **6.3. Public domain**

There will be no impact on the public domain.

## **6.4. Utilities**

There will be no impact on the site, which is already serviced.

## **6.5. Flora and fauna**

There will be no impact.

## **6.6. Waste**

There will be no impact.

## **6.7. Natural hazards**

The site contains class 5 acid sulfate soils. The proposed development is minor in nature and will have no impact on acid sulfate soils or the watertable.

## **6.8. Economic impact in the locality**

There will be no impact, other than the possibility of a small amount of employment during construction.



## 6.9. **Site design and internal design**

*Is the development design sensitive to environmental conditions and site attributes including:*

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed development is highly appropriate to the site with regard to all of the above factors. The alterations and additions fit well within the context of the surrounds and is an appropriate scale for the site.

*How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will comply with the provisions of the Building Code of Australia and all relevant Council controls.

## 6.10. **Construction**

*What would be the impacts of construction activities in terms of:*

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

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

*Does the proposal fit in the locality?*

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*

- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints.

*Are the site attributes conducive to development?*

The site is appropriate for the proposed development.

#### **Any submissions received in accordance with this Act or the regulations**

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

#### **The public interest**

It is considered that the proposal is in the public interest as it allows for appropriate use of the residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

## **7. Conclusions**

- 7.1 The proposed development to alter the front carport, replace 3 windows and for a small rear extension to create a larger kitchen / dining room is appropriate considering all State and Council controls.
- 7.2 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 7.3 Considering all the issues, the fully compliant development is considered worthy of Council's consent.

## APPENDIX ONE

### ***Clause 4.6 – Exceptions to Development Standards***

Variation of development standards may be considered under the provisions of this clause. The **floor space ratio** of the proposed development exceeds the 0.6:1 ratio permitted and accordingly an assessment is provided below using the question and answer format recommended by the Department of Planning and Infrastructure.

***1. What is the name of the environmental planning instrument that applies to the land?***

Manly Local Environmental Plan 2013

***2. What is the zoning of the land?***

R1 General Residential

***3. What are the objectives of the zone?***

The objectives of the zone are fulfilled as is addressed below.

- ***To provide for the housing needs of the community.***

The improvements to the existing semi-detached dwelling are consistent with this aim.

- ***To provide for a variety of housing types and densities.***

This is not applicable as no change is proposed to the housing type or density.

- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents.***

This is not applicable as no change to the existing residential use is proposed.

***4. What is the development standard being varied?***

The floor space ratio control under clause 4.4 of the Manly LEP 2013 requires a maximum FSR of 0.6:1 for the subject site.

***5. Under what clause is the development standard listed in the environmental planning instrument?***

Clause 4.4 – Floor Space Ratio



**6. What are the objectives of the development standard?**

The objectives of the control are fulfilled as is demonstrated below.

***a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,***

The proposed alterations and additions are appropriate to the site and will fit with the bulk and scale of both the site and the streetscape in the locality. The proposed carport reduces the bulk currently presenting to Quinton Road and the overall built form is softened by the re-instatement of landscaping to the front setback. There are similar A frame carports in the locality and the proposal remains compliant with building height controls.

***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,***

The proposed density remains consistent with the maximum FSR permitted in the DCP for undersized lots. As the subject site is mapped as area C on the lot size map, the DCP permits calculation of the FSR based on a lot size of 250m<sup>2</sup>. This equates to a maximum floor area of 150m<sup>2</sup> for the undersized subject site. The proposed floor area is 118.62m<sup>2</sup>, well below the maximum 150m<sup>2</sup> permitted by the DCP.

The proposal is appropriate to the site and will fit with the density and bulk of both the site and the immediate locality. The proposed development will not obscure any important landscape or town features.

***c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,***

The proposed additions are consistent with the existing built form on the site and will have improve the visual relationship between the new development and the existing character, by reducing the scale of the carport and re-instating landscaping in the front setback.

***d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,***

The proposed development will have no impact 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.***

This objective is not relevant as the site is zoned residential.

***7. What is proposed numeric value of the development standard in the environmental planning instrument?***

0.6:1

***8. What is the numeric value of the development standard in your development application?***

0.64:1

***9. What is the percentage variation (between your proposal and the environmental planning instrument)?***

6.3%

***10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?***

Strict compliance is unreasonable and unnecessary as the subject site is mapped as area C on the lot size map, the DCP permits calculation of the FSR based on a lot size of 250m<sup>2</sup>. This equates to a maximum floor area of 150m<sup>2</sup> for the undersized subject site. The proposed floor area is 118.62m<sup>2</sup>, well below the maximum 150m<sup>2</sup> permitted by the DCP.

In addition, the proposed development is consistent with development in the locality, complies with the building height control for this location and improves the built form presenting to Quinton Road.

***11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act?***

Section 5(a) (i) and (ii) of the Act states:

*(a) to encourage:*

*(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water,*

*cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*  
(ii) *the promotion and co-ordination of the orderly and economic use and development of land,*

Strict compliance with the 0.6:1 FSR development standard would hinder the achievement of the objects specified above and it would prevent an appropriate use of a site, which is to the benefit of the residents and the site. Approval of the variation is consistent with that permitted by the DCP, will not be at odds with any of the above objectives and will for the most part have a nil impact.

**12. Is the development standard a performance based control? Give details.**

No, the standard is numeric.

**13. Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?**

Strict compliance would be unreasonable and unnecessary as the proposed additions are minimal in scale, not easily visible and will provide an improved built form to presenting to Quinton Road. Strict compliance would not allow the variation to FSR for existing undersized lots permitted by the DCP.

**14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.**

There are sufficient grounds to permit the variation of the development standard. In particular:

- The DCP permits calculation of the FSR based on a lot size of 250m<sup>2</sup>. This equates to a maximum floor area of 150m<sup>2</sup> for the undersized subject site. The proposed floor area is 118.62m<sup>2</sup>, well below the maximum 150m<sup>2</sup> permitted by the DCP.
- The bulk of the building is appropriate for the site and complies with current height controls
- It has no impact on solar access or privacy of neighbouring sites
- It is compatible with the existing building and improves the usability of the site and link between the internal and external living spaces.