

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR PROPOSED DEMOLITION OF EXISTING GARAGE AND
CONSTRUCTION OF NEW GARAGE AND STUDIO**

LOCATED AT

23 KANGAROO STREET, MANLY

FOR

JENNY BARR

**Prepared
December 2019**

Table of Contents

1.0	Introduction	3
2.0	Property Description	3
3.0	Site Description	3
4.0	Surrounding Environment	7
5.0	Proposed Development.....	8
6.0	Zoning and Development Controls.....	9
6.1	State Environmental Planning Policy No. 55 – Remediation of Land	9
6.2	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	9
6.3	State Environmental Planning Policy (Coastal Management) 2018	9
6.4	Manly Local Environmental Plan 2013	9
6.5	Manly Development Control Plan 2013	13
7.0	Matter for Consideration under the Under Section 4.15 of The Environmental Planning and Assessment Act, 1979	20
7.1	The provisions of any environmental planning instrument	20
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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	20
7.3	Any development control plan	20
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	21
7.5	Any matter prescribed by the regulations that apply to the land to which the development relates.....	21
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.	21
7.7	The suitability of the site for the development	21
7.9	Submissions made in accordance with this Act or the regulations	21
7.10	The public Interest.....	22
8.0	Conclusion	22

1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Jenny Barr by Farrugia Design & Sammy Fedele, Job No. 08/18, Drawing No. DA01 – DA11, Issue A, dated 14 February 2019, to detail the demolition of an existing garage and construction of a new garage and studio at **23 Kangaroo Street, Manly**.

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 No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*

2.0 Property Description

The subject allotment is described as **23 Kangaroo Street, Manly**, being Lot 21 within Deposited Plan 735841 and is zoned R1 General Residential under the Manly Local Environmental Plan 2013.

The site is within the Class 5 Acid Sulfate Soils area and this issue will be discussed further within this statement.

The site is identified on Council's DCP Landslip Hazard Map as Landslip Prone Land (Area G2). This matter will be discussed further within this statement.

The site does not contain any heritage items, nor is it located within a conservation zone. However, the site is within the vicinity of a number of heritage items and a conservation zone including the stone kerb and gutter along Ocean Road (Item No. I2) and the Pittwater Road Conservation Area (Area "C1"). This matter is discussed further within this submission.

3.0 Site Description

The site is located on the western side of Kangaroo Street, with a rear frontage to Augusta Lane. The site has a fall to the front, eastern boundary, with a total fall of approximately 10.5m over its length.

The site has a width of 12.19m and northern and southern boundaries of 43.04m and 43.055m respectively. The site area is 524m².

The site is currently developed with a two storey dwelling and existing detached double garage, with access from Augusta Lane.

The details of the site are included on the survey plan prepared by Total Surveying – Land & Property Surveyors, Job No 762 dated August 2007 which accompanies the DA submission.



Fig 1: Location sketch
(Source: Google Maps)



Fig 2: View of existing double garage building, looking north-east from Augusta Lane



Fig 3: View western elevation of subject site (noting area to be altered to provide for a double garage and studio, looking east from Augusta Lane



Fig 4: View of subject site and streetscape in Augusta Lane to the north of the site, looking north-east



Fig 5: View of subject site and streetscape in Augusta Lane to the south of the site, looking south-east

4.0 Surrounding Environment

The area surrounding the site is represented by a mix of development comprising one, two and in some instances, three level attached and detached dwellings. The adjoining development to the north is developed with a single dwelling having a similar scale to the existing development on the subject site, with the adjoining development to the south comprising a five storey residential flat development.

As can be seen in the previous streetscape photos and Figure 6 below, a number of properties in the immediate area have a range of detached structures within the rear setback to Augusta Lane, including carports and garages, with vehicular access from the rear laneway.

The dwellings generally have stepped floor levels, which are reflective of the sloping terrain and present opportunity to take advantage of the significant views to the east over Manly and to the beach.

The dwellings in the vicinity have been designed with living areas and associated open space that are oriented to take advantage of the extensive views.



Fig 6: Aerial view of subject site
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying architectural plans it is proposed to provide for alterations and additions to the existing dwelling, comprising:

- Demolition of existing garage
- Construction of new garage, with bin store
- New studio with store and bathroom
- External stairs

The proposed new garage will comprise weatherboard cladding with a metal roof. The proposed new works will complement the existing dwelling in terms of form, colours and finishes.

The stormwater from the new roof areas will be directed to the existing stormwater system which diverts runoff to the street gutter.

Currently, additions and alterations to the existing dwelling are being carried out under Complying Development Certificate No 2019/1107CDC, as modified by Mod2019/600 dated 21 November 2019.

The development indices for the site are noted as:

Site area	524m ²
Allowable FSR	0.6:1 or 314.4m ²
Proposed FSR	193m ² or 0.36:1
Required Open space (Area OS3) – 55% total/35% soft open space	288.2m ² (55%)/100.87m ² (35%)
Proposed total open space	293m ² or 55.9%
Proposed soft open space	223.2m ² or 76.17%

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) 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 State Environmental Planning Policy (Coastal Management) 2018

The subject site is not identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is not applicable to the proposed development.

6.4 Manly Local Environmental Plan 2013

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

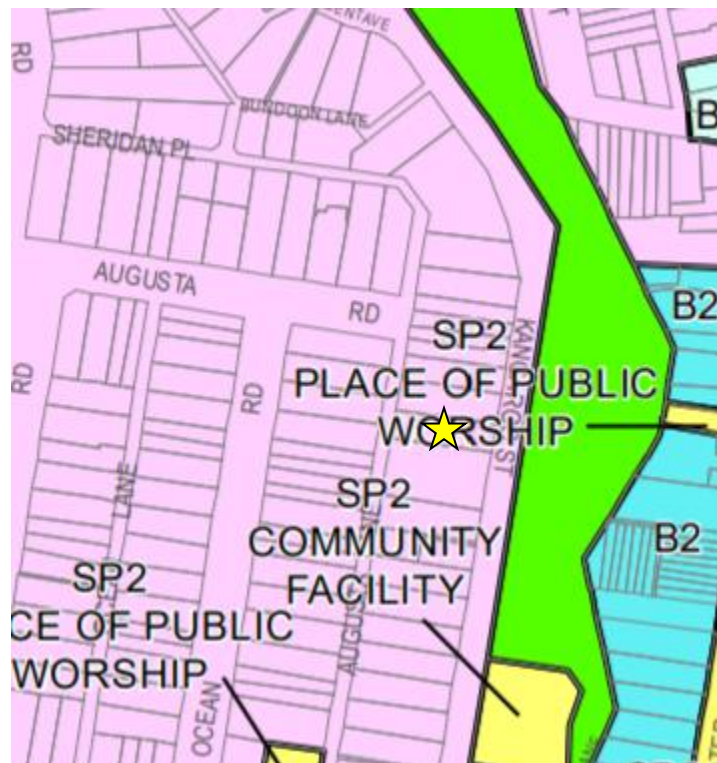


Fig 7: Extract of Manly Local Environmental Plan 2013

The development of and use of the land for residential purposes is consistent with the R1 General Residential zone objectives, which are noted as:

- *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*

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

- The proposal provides for ancillary development which will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality. The proposal provides for demolition of an existing garage and construction of a new garage and studio, which will not introduce a substantial change in the existing bulk and form of the development as viewed from the street.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any significant impact on long distance views for the neighbouring properties.
- The site is utilised as housing and will continue to maintain the residential use.
- The works will maintain the residential scale and character of the locality.
- The proposal will maintain an appropriate level of amenity to the adjoining properties.
- The proposal does not unreasonably obstruct any significant views from private property or the public domain. The neighbouring properties to the north and south and further to the west will continue to enjoy views to the east.
- As detailed in this report the proposal maintains appropriate solar access to the surrounding properties.

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 Manly is 8.5m. The proposed new works will present a maximum height of 5.1m and will comply with the maximum height control.

Clause 4.4 provides a maximum floor space ratio control of 0.6:1 for development in this locality. The proposal provides a floor space ratio of 0.36:1.

Clause 5.10 relates to Heritage Conservation.

The site does not contain any heritage items, nor is it located within a conservation zone. However, the site is within the vicinity of a number of heritage items and a conservation zone including the stone kerb and gutter along Ocean Road (Item No. I2) and the Pittwater Road Conservation Area (Area "C1").

The objectives of the clause are noted as:

- (a) to conserve the environmental heritage of Manly,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.



Fig 8: Extract of Manly Local Environmental Plan 2013

The proposed works seek to provide for demolition of an existing garage and construction of a new garage and studio.

The proposal will maintain a modest single storey scale as it presents to Augusta Lane.

The proposed works have been designed to reflect the existing styling and form of the existing dwelling, and are sensitive to the nearby heritage items and conservation area.

As the works are proposed within the western portion of the site only, the primary view of the dwelling will be largely unchanged.

The proposed new garage and studio has been designed in a form which matches the style and scale of the existing building and by integrating the new works with the existing building, will maintain the scenic quality of the area.

Clause 6.1 addresses the impact of works in relation to acid sulfate soils. The area is noted as being affected by Class 5 soils. As the works are not within 500mm of a higher soil class and are not expected to disturb any acid sulfate soils, it is considered that no further investigation of the soil is warranted in this instance.

Clause 6.2 relates to earthworks. The proposal will see some excavation of the site, however all works will be carried out under the supervision and direction of a Structural Engineer and will be managed to ensure that the amenity and safety of the subject and neighbouring dwellings will be protected.

Clause 6.8 relates to landslide risk. The site is identified on Council's DCP Landslip Hazard Map as Landslip Prone Land (Area G2), however is not identified on Council's LEP Landslide Risk Map.

The proposal will not see any substantial disturbance of the existing site conditions, and no further investigation is deemed necessary.

The works will be carried out in accordance with the recommendations of the consulting Structural Engineer, and therefore satisfy the provisions of this clause.

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 WLEP.

6.5 Manly Development Control Plan 2013

Council's DCP Development Control Plan 2013 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 will see the replacement of the existing garage with a new garage and studio with a similar scale to the existing, and therefore will not have a significant impact on the view of the site from the street frontage to Kangaroo Street or Augusta Lane.

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 new works will match the style and form of the existing dwelling and by integrating the new works with the existing building, will respect Council's residential streetscape controls.

The proposed new garage facing Augusta Lane is a common feature in the existing streetscape to the rear laneway.

Clause 3.1.1.3 Roofs and Dormer Windows

The proposed low profile roof to the new double garage and studio will complement the existing building and the roof form is complementary to the style and scale of the surrounding development.

Clause 3.3 Landscaping

The proposed new works will continue to retain a substantial area of soft landscaping. The required minimum soft landscaped area under the DCP is 100.87m². The site will continue to maintain a minimum of 223.2m² of soft landscaped area which will be suitable for additional perimeter screen planting.

The works to the dwelling will maintain a modest form, which is well set back from the street, side and rear boundaries. The existing front yard area facing Kangaroo Street will retain the existing landscape planting which assists in softening the built form of the dwelling.

No substantial planting is to be removed to accommodate the new works.

Clause 3.4 Amenity (Views, Overshadowing, Overlooking/Privacy, Noise)

The objectives of the clause are noted as:

- Objective 1) 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.*
- Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.*

It is suggested that the works will achieve these objectives as:

- The proposed modest single storey works will not result in any reduction of the available views for the neighbouring properties.
- The minor changes to the dwelling will not see any significant increase in the height or the bulk of the existing development on site. The site and its neighbours enjoy an east-west aspect and will maintain good solar access.
- The modest bulk and scale of the proposed works will not see any significant loss of solar access for the subject site and adjoining properties.

Clause 3.5 Sustainability

A BASIX Certificate has been prepared to support the new works and confirm that the additions will achieve the appropriate thermal performance criteria.

Clause 3.7 Stormwater Management

It is proposed to connect all collected stormwater to the existing stormwater system which directs stormwater runoff to the street gutter in Kangaroo Street.

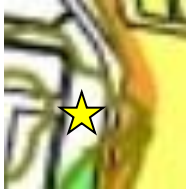
Part 4 – Residential Development Controls**Site Area 524m² – Density Sub Zone D3 (250m² per lot)****Compliance Table**

Control	Required	Proposed	Compliance
Clause 4.1.1 Residential Density & Subdivision	Density Area D3 – 1 dwelling per 250m ²	Site area is 524m ²	Yes - existing site and dimensions are unchanged
Clause 4.1.2 Height of Buildings	Maximum height – 8.5m Wall height – 6.5m Max two storeys Roof height – 2.5m above wall height	Maximum height – 5.1m Wall height 4.5m One storey proposed Only a modest skillion roof addition proposed to new outbuilding <2.5m	Yes N/A Yes Yes
Clause 4.1.13 Floor Space Ratio (FSR)	0.6:1	0.36:1	Complies
Clause 4.1.4 Setbacks (front, side and rear)	a) Relate to neighbouring sites and the prevailing building lines or 6m c) Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, chimneys, meter boxes and the like, where no adverse impact on	New works maintain existing front setback to Kangaroo Street.	Yes

Side Boundary setback – 1/3 of wall height	the streetscape or adjoining properties is demonstrated to Council's satisfaction. b) 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.	The proposed studio will stand to 903mm to northern boundary. The setback control suggests a minimum of 1.5m (4.5m wall height/3) to the northern side boundary. It is common for detached structures to be at a lesser setback to the side boundary. In this instance, as the low level structure will not adversely affect the privacy, solar access or amenity of the northern neighbour, the slight reduction in the northern side setback is considered to be reasonable.	Yes
Rear setback – 8m	Rear laneway frontage	The proposed garage is similarly built to the northern side boundary. As the garage and studio replace an existing garage, it is not considered to have any adverse impacts on adjoining properties. The proposal seeks to replace the existing garage, and the new garage and studio	Yes

		will present a nil setback to the Augusta Lane frontage, which matches the existing setback of the neighbouring garages within Augusta Lane. Garages and ancillary uses are a common feature within the Augusta Lane streetscape, and the proposed new garage and studio are considered to complement and enhance the streetscape. The proposed garage is modest in bulk and scale, and is designed in a manner that is sensitive to the subject group of heritage items. Accordingly, the proposed rear setback of the garage is considered acceptable on merit.	
Clause 4.1.5 Open space and Landscaping	Area OS 3 Min 55%/35%	Proposed open space area 55.9%, with 76.17% of the available open space area to be available as soft landscaping.	Yes
Clause 4.1.6 Parking	2 spaces	2 spaces provided within the proposed garage	Yes

Clause 4.1.6.4 Vehicular Access	a) All vehicles should enter and leave the site in a forward direction. b) Vehicular access and parking for buildings with more than 1 dwelling is to be consolidated within one location, unless an alternative layout/design would better reflect the streetscape or the building form. c) Vision of vehicles entering and leaving the site must not be impaired by structures or landscaping. d) Particular attention should be given to separating pedestrian entries and vehicular crossings for safety.	The proposal sees the replacement of the existing garage. The existing driveway and kerb crossing will be modified to provide access to the new garage.	Yes
Clause 4.1.9 Swimming Pools, Spas and Water Features	N/A	N/A	N/A
Clause 4.1.10 Fencing	Freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point.	N/A	N/A

Clause 4.1.8 Development on Sloping Sites	Extract of Map of Geotechnical Areas:  Legend Area G1 Area G2 Area G3 Area G4	The site is identified on Council's DCP Landslip Hazard Map as Landslip Prone Land (Area G2). The proposal will not see any substantial disturbance of the existing site conditions, and no further investigation is deemed necessary. The works will be carried out in accordance with the recommendations of the consulting Structural Engineer, and therefore satisfy the provisions of this clause.	Yes
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7.0 Matter for Consideration under the Under Section 4.15 of The Environmental Planning and Assessment Act, 1979

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

There are no draft instruments applying to the land.

7.3 Any development control plan

The development has been designed to comply with the requirements of Council's Manly 21 Development Control Plan 2013.

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

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 numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the building envelope control and side setback landscaped area control is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects the setback control, and particularly if the works do not adversely affect the amenity of the neighbouring properties.

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.

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 Any matter prescribed by the regulations that apply to the land to which the development relates.

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 demolition of an existing garage and construction of a new garage and studio 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 development, which seeks to improve the site's parking arrangements.

7.9 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 proposed demolition of an existing garage and construction of a new garage and studio, which satisfies the stated objectives of Council's Development Controls.

By maintaining our neighbour's amenity and by complementing 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.

VAUGHAN MILLIGAN

Town Planner