

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR THE CONSTRUCTION OF ADDITIONS & ALTERATIONS TO AN EXISTING DWELLING

LOCATED AT

39 PINE STREET, MANLY

FOR

RICHARD & PIPPA PARKES



**Prepared
November 2023**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Richard and Pippa Parkes by Studio_P Architecture & Interiors, Drawings No's A_SP_000_01 – A_SP_X01 dated 2 November 2023, to detail the alterations and additions to the existing dwelling and minor alterations to an existing studio and construction of an open style teenager's retreat/recreation area at **39 Pine 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:

- *The Environmental Planning and Assessment Act, 1979 as amended (EP&A Act)*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Manly Local Environmental Plan 2013 (MLEP 2013)*
- *Manly Development Control Plan 2013 (MDCP 2013)*

2.0 Property Description

The subject allotment is described as **39 Pine Street, Manly**, being Lot A within Deposited Plan 346467 and is zoned R1 General Residential under the provisions of MLEP 2013.

The site does not contain any heritage items, however the site is located within the within the C1 Pittwater Road Conservation Area of the MELP 2013. The street trees in Pine Street between Collingwood Street and Smith Street are listed as Heritage Item 193. There are no other listed items within the visual catchment of the subject site. This matter will be discussed further within this statement.

The site is within the Class 4 Acid Sulfate Soils area as shown on the Acid Sulfate Soils Map of MLEP 2013.

The site is not identified as Landslide Risk on the Landslide Risk map of MLEP 2013. The site is identified within Area G4 on the Map of Geotechnical Areas of MDCP 2013. This matter will be discussed further within this statement.

The site is also located within the Medium Flood Risk Precinct as identified on the Northern Beaches Council Flood Hazard Map of the MLEP. A Flood Risk Management Plan has been prepared by Broadcrest Consulting Pty Ltd, Reference No 3011-FR dated October 2023. This matter will be discussed further within this submission.

There are no other hazards identified.

3.0 Site Description

The site is located on the southern side of Pine Street.

The site is irregular in shape, with an 11.28m frontage to Pine Street. The north-western and south-eastern side boundaries measure 48.325m and 59.92m respectively. The angled rear boundary measures 16.18m and faces the public reserve located adjacent to Kangaroo Road. The land has a total site area of 610.5m².

The site is currently developed with a two-storey brick and timber dwelling with a tile and metal roof. An inground swimming pool is located at the rear together with a detached brick pool house with metal roof. Vehicular access is available to site via a paved driveway from Pine Street with parking provided within the front setback.

The details of the site are included on the survey plan prepared by G.K Wilson & Associates, Reference No. 22005, dated 16 September 2020, which accompanies the DA submission.

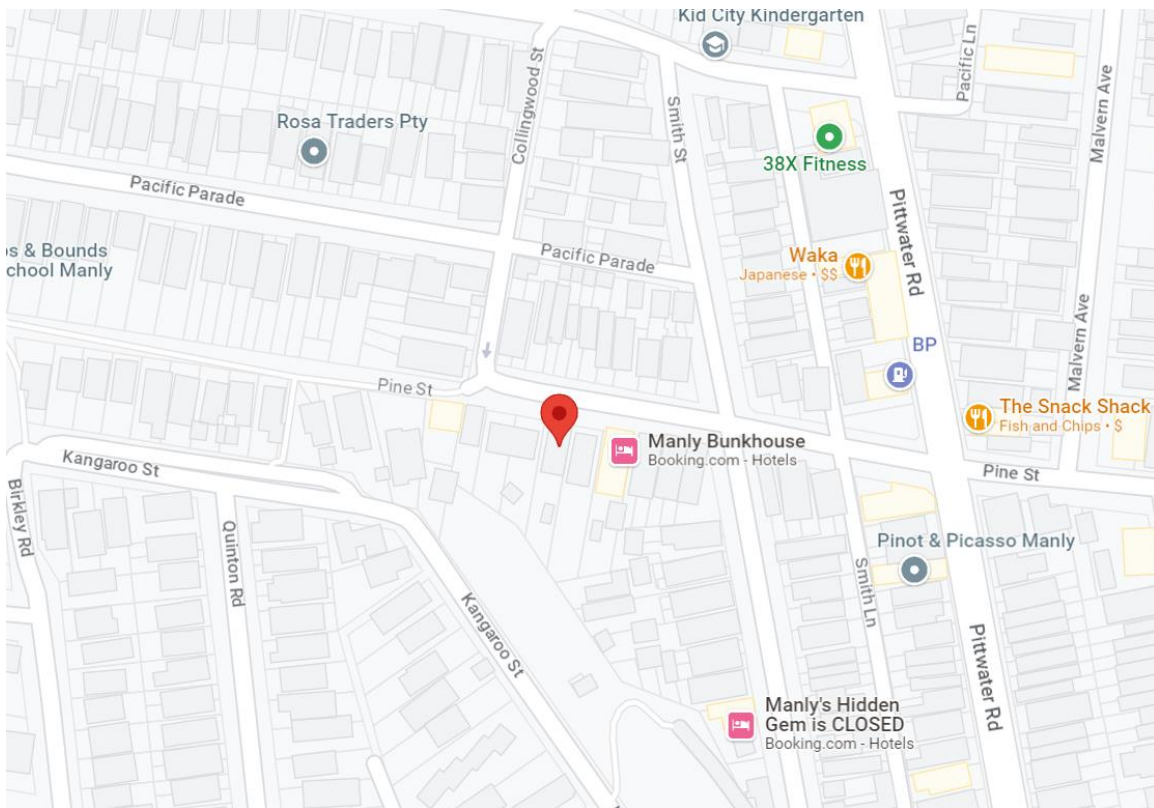


Fig 1: Location sketch
(Source: Google Maps)



Fig 2: View of subject site, looking south from Pine Street



Fig 3: View of the adjoining development to the west of the site, looking south-west from Pine Street



Fig 4: View of the adjoining development to the east of the site, looking south-east



Fig 5: View looking towards the rear of the site, looking north-west from the public reserve to the rear of the site



Fig 6: View of the rear boundary of the site, as viewed from the public reserve to the rear of the site



Fig 7: View of the rear of the site (LHS of view) and the rear yard of the neighbouring property at No 37 Pine Street

4.0 Surrounding Environment

The area surrounding the site is represented by a mix of development comprising one and two storey dwellings with studios, detached garages and secondary dwellings a common occurrence. A child care facility currently sites to the south of the subject site.

The streetscape is defined by an eclectic mix of setbacks with front yards that include landscaping, landscaping, established trees, front fences and garages and carports built to the boundary.

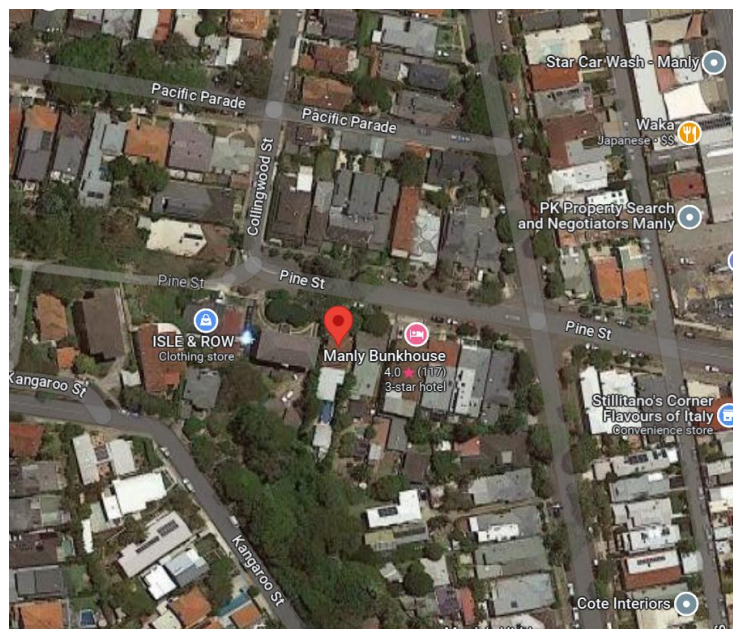
The surrounding environment is also located within the Pittwater Road Conservation area, and the streetscape of this area provides a 19th century atmosphere due to the particular scale, width and the number of existing Victorian structures.

The surrounding streetscape contains a number of significant heritage buildings which are listed separately on the heritage register. Adjacent streets to the subject site comprise a consistent pattern of one and two storey residential cottages, with the occasional terrace. There are areas that demonstrate intermittent street plantings and remnant stone kerbs.

The flat topography of the subject site is accentuated by the public reserve and escarpment up to Kangaroo Street which provides an important visual, and vegetated backdrop.

The listed trees are described in the State Heritage Inventory as remnant species of Norfolk Island Pine, Camphor Laurel and Norfolk Island Hibiscus, representative of early street tree planting species by the Municipal Council in the late 19th century. They can be seen in Figures 2 & 3.

The site is favourably located a short distance from the Manly and Queenscliff beachfront and Manly Lagoon and recreational parks.



**Fig 8: Aerial view of subject site
(Source: Google Maps)**

5.0 Proposed Development

As detailed within the accompanying architectural plans, the application seeks consent for the alterations and additions to the existing dwelling and construction of minor alterations to the existing cabana and an open teenage retreat/recreation area at the rear of the site.

Specifically, the works comprise:

- Demolition of part of the existing deck and BBQ area adjoining the rear of the dwelling house
- Proposed alterations and additions to existing ground floor level of the dwelling to reconfigure the existing layout to provide for an addition to the dining area
- New skylight over the new dining area
- Extended deck area adjoining the new dining area
- Construction of a new open style teenager retreat at the rear of the site with a new attached patio area and bike storage
- Timber bench seat over the existing rear retaining wall
- New rainwater tank.

There is no change to the overall building height of the dwelling house, nor the front facade of the dwelling house facing Pine Street.

Stormwater will continue to be directed to existing stormwater management system which directs stormwater to the street.

The proposed works represent a high-quality architectural design solution that will provide a significant enhancement to the amenity and usability of the existing dwelling. The resultant alterations and additions are articulated, with skillful use of shading devices, flat roof forms and materiality to break down the apparent size of the new studio/teenage retreat and reduce bulk and scale.

The side boundary setbacks maintain the rhythm of development consistent with the local area and building setbacks within the street and provide appropriately for spatial separation, deep soil landscape opportunity, privacy, solar access and view sharing.

The internal design and arrangement will afford exceptional amenity to future occupants without unreasonably compromising the amenity of surrounding residential properties or the attributes of the precinct.

The development indices for the site are noted as:

Site Area	610.5m ²
Allowable FSR	0.6:1 or 366.3m ²
Existing FSR	0.45:1 or 275m ²
Proposed FSR	0.463:1 or 283m ²

Required Open space (Area OS3) – 55% total/35% soft open space	335.8m ² (55%) / 117m ² (35%)
Proposed total open space	383m ² or 62%
Proposed soft open space	163m ² or 42.5%

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether 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.

Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

6.2 State Environmental Planning Policy (Sustainable Buildings) 2023

The proposal has been designed to respect the water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.3 Manly Local Environmental Plan 2013

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



Fig 9: Extract of Zoning Map of MLEP 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 development will be consistent with the desired future character of the surrounding locality for the following reasons:

- The external massing of the existing dwelling remains generally unchanged, with only minor amendments to the rear of the dwelling house and minor alterations to the existing cabana and the construction of the open teenage retreat/recreation area.
- There are no works presenting to Pine Street.
- The setbacks are compatible with the existing surrounding development.
- The site is utilised as low-density 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.
- 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.

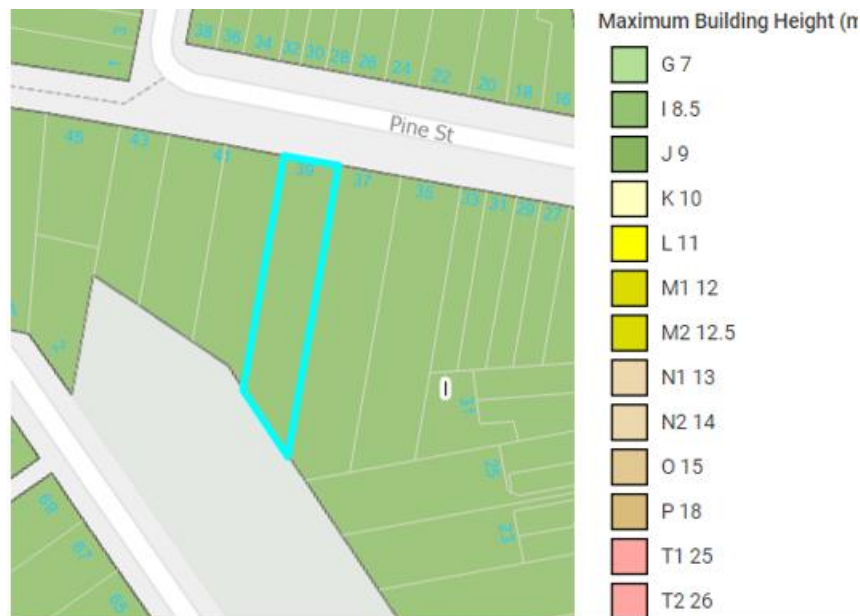


Fig 10: Extract of Height of Buildings Map of MLEP 2013

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 maximum building height for the subject site is 8.5m. The proposed new works will present a maximum height of 3.33m to the new dining room area and 2.65m to the studio/teenage retreat and therefore comply with the maximum height control.

Clause 4.4 provides a maximum floor space ratio control of 0.46:1 or 283m² for development at the subject site and therefore complies with this control.

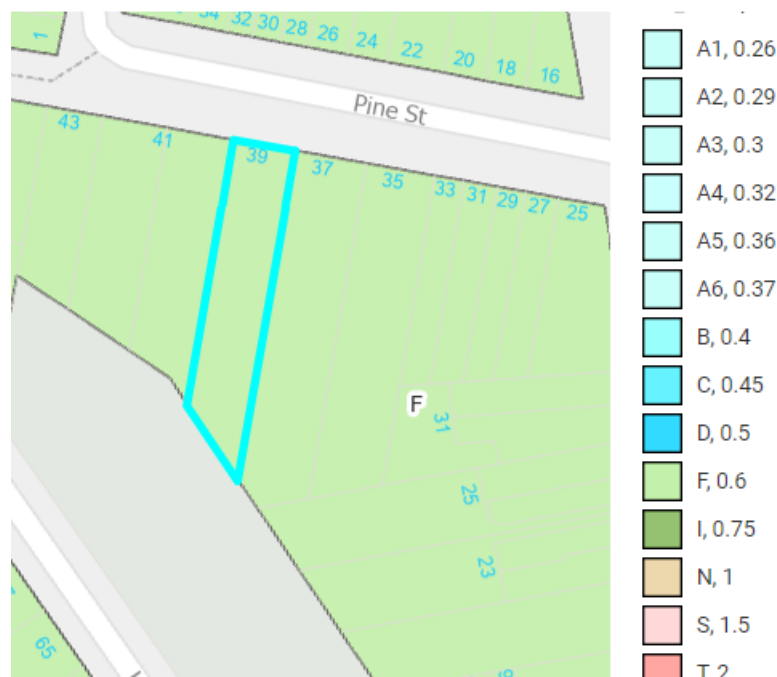


Fig 11: Extract of Floor Space Ratio Map

Clause 5.10 relates to heritage conservation. The proposal is in close proximity to the heritage listed trees Item I193 -Street trees -Pine Street (from Collingwood Street to Smith Street) and it is located within the C1 Pittwater Road Conservation Area.

The listed trees are described in the State Heritage Inventory as remnant species of Norfolk Island Pine, Camphor Laurel and Norfolk Island Hibiscus, representative of early street tree planting species by the Municipal Council in the late 19th century.

The proposed works are minor works, located at the rear of the site and which do not change the bulk and scale of the existing building from the streetscape. The proposal is not visually prominent from the Pine Street public areas and being sympathetic to the style of the period buildings, the impact of the proposal upon the significance of the conservation area is considered negligible and therefore complies with this control.



Fig 12: Extract of Heritage Map

Clause 5.21 relates to flood affected lands. The site is identified on the Northern Beaches Flood Hazard map as a 'Medium Risk' precinct. In response to this classification a Flood Management Report has been prepared by Broadcrest Consulting Pty Ltd, Reference No 3011-R dated October 2023 and their report forms part of the information accompanying this application.

The report noted within its conclusion:

"This report has determined the proposed development will comply with the flood risk management controls (excl. C1 & C3) per Manly 2013DCP 5.4.3 and Manly 2013 LEP 5.21 where all recommendations of Section 4 & 6 are implemented. It is understood that the development meets the one-off concession of criteria C4 to allow non-compliance to controls C1 & C3.

The proposed dwelling is anticipated to have limited impact upon 1% AEP flood behaviour, depths, hazard, or flood storage capacity within the site; with this being mitigated by the compensatory cut works nominated. A flood emergency response plan has been developed, with reference material for occupant information.

The flood emergency response, and contacts should be readily visible and be made known to occupants of the building before and during a flood event. It is recommended that the details of this flood risk management plan be reviewed within a minimum of 5 years; or following a major flood event".

On this basis the proposal is therefore considered to provide for an outcome which is consistent with the requirements of this clause.

Clause 6.1 relates to acid sulfate soils. The area is identified with the Class 4 Area. As the works 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 not see any significant alteration to the existing site conditions as no excavation or significant earthworks are proposed. As the works will be carried out in accordance with the recommendations of the consulting Structural Engineer, the proposal will therefore satisfy the provisions of this clause.

Clause 6.8 relates to landslide risk. The site is not identified on Council's Landslip Hazard Map of MLEP 2013.

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 this policy.

6.4 Manly Development Control Plan 2013

MDCP 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 application involves alterations and additions to the existing dwelling, which are predominantly to the rear of the dwelling and not readily visible from the public domain.

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 design quality and visual aesthetic of development on this site is significantly enhanced as a consequence of the contemporary alterations, additions and facade treatments proposed at the rear of the site.

The height, form and massing of the proposed dining room addition and open style teenage retreat is complimentary and compatible with that established by existing dwelling and adjoining ancillary rear structures within the site's visual catchment. The height, bulk and scale of the development will not give rise to any adverse streetscape impacts and will enhance the amenity/built form quality of the area when viewed from private land.

The proposed development will result in the maintenance of the existing landscaping forward of the dwelling, to assist in retaining the landscape character of the area.

Therefore, new works will make no change to the Pine Street streetscape, with a contemporary development that is consistent with and complements recent development approved and constructed in the vicinity of the site.

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 development is not considered to result in any new or intensified impacts upon the amenity of adjoining properties.
- Shadows cast by the proposed new dining room addition and minor changes to the existing studio and the open teenage retreat/recreation area will not adversely impact upon the private open space or living room windows of any adjacent properties.
- The massing of the proposed changes to the studio building are not dissimilar to that of nearby similar structures.
- Privacy will be maintained between properties as a result of the existing boundary fencing and landscaping.
- The proposal has been designed to ensure no unreasonable loss of privacy to adjacent and nearby development by the use of design responses, including window size and placement, with suitable windows to suit the styling and maintain privacy.
- Window opening to the dining room will be screened by ground level fencing along the side boundary to ensure suitable privacy along the side passages and rear yard area.
- Windows and door openings associated with the studio retreat are unchanged.
- The design of the proposed dwelling house as reconfigured, and the minor changes to the studio and the open teenage retreat/recreation area provides a balanced outlook and reasonable privacy with regard to habitable rooms and private open space with appropriate security.

Clause 3.5 Sustainability

A BASIX Certificate has been prepared to support the new works and confirm that the proposed development will achieve the appropriate thermal, energy and water performance criteria.

Clause 3.7 Stormwater Management

Stormwater will continue to be connect to the existing stormwater management system. A Stormwater Management Plan has been prepared by Partridge Hydraulic Pty Ltd which collects

the roofwater to the street gutter.

Part 4 – Residential Development Controls

Compliance Table

Control	Required	Proposed	Compliance
Clause 4.1.2 Height of Buildings	Maximum height – 8.5m	Maximum height of 3.33m to the new dining room area and 2.65m to the teenage retreat	Yes
	Wall height – 6.5m	Maximum wall height of the dining room and teenage retreat well under 6.5m	Yes
	Max two storeys	Two storeys maintained as existing	Yes
	Roof height – 2.5m above wall height	Roof height as existing	Yes
Clause 4.1.13 Floor Space Ratio (FSR)	0.6:1	0.46:1 or 283m ²	Yes
Clause 4.1.4 Setbacks (front, side and rear)	<u>Front</u> Relate to neighbouring sites and the prevailing building lines or 6m.	<u>Front</u> Pine Street: No change	Yes
Side Boundary setback – 1/3 of wall height	<u>Side</u> 1/3 of wall height Dining room wall height approx. 3m/1m setback required	<u>Side</u> No change to the side setbacks of the primary dwelling. The southern setback of the dining room addition is 1.0m	Yes

		The studio side setback remain unchanged The minor changes to the existing studio do not alter the height and setback of the existing studio. The modest extent of the changes to the existing studio, combined with the open style design can be sufficiently screened by boundary fencing. The location of the studio changes and open teenage retreat in the far south eastern corner of the site is a logical placement in order to maximise the private open space (POS) and improve the recreational amenity of the site, while minimising the visual and amenity impacts the eastern adjoining site The open style design of the teenage retreat area will provide improved light and air movement, while continuing to maintain appropriate levels of visual and acoustic privacy to eastern adjoining site. The setbacks are also not entirely dissimilar to those of the existing building, and do not result in any adverse impacts upon the landscaping or natural environment existing onsite. Therefore, proposal is in keeping with the desired	
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Rear setback	Rear setback 8m	outcomes of this clause and is considered acceptable on merit. While the teenage retreat is located within the 8m rear setback area of the site (rear setback of 0.929m), it is noted that the site adjoins a vegetated reserve/escarpment at the rear of the site, with the properties to the rear sited significantly higher up the escarpment minimizing any visual or amenity impact to adjoining sites to the rear. The location of the teenage retreat and paved area maximises the landscape area of the site, while providing greater recreational amenity to the occupants and their guests. The rear setback provision for the proposed development generally maintains complimentary and compatible rear setbacks having regard to the setbacks established by development generally along Pine Street. The rear setbacks of the dwelling house will not be perceived as inappropriate or jarring in a streetscape setback context Therefore, proposal is in keeping with the desired outcomes of this clause and is considered acceptable on merit.	Yes – on merit
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Clause 4.1.5 Open space and Landscaping	Total open space: 55% minimum (335.8m ²) Landscaped area: 35% of <u>actual</u> open space (117m ²)	Total open space: 383m ² or 62% 163m ² or 42.5% The total open space continues to be concentrated at the rear yard area and The existing landscape elements will continue to be provided to complement the proposed works.	Yes
Clause 4.1.5.3 Private Open Space	18 sqm per dwelling	The proposal continues to provide a private open space area greater than the required 18m ² .	Yes
Clause 4.1.6 Parking	2 spaces for the dwelling house and 2 spaces for the secondary dwelling. The maximum width of any garage, carport or hardstand area is not to exceed a width equal to 50 percent of the frontage, up to a maximum width of 6.2m.	No change to the current parking provision.	N/A N/A
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	No change to the existing car parking arrangement.	N/A

	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.		
Clause 4.1.9 Swimming Pools, Spas and Water Features	N/A	Existing pool unchanged	N/A
Clause 4.1.8 Development on Sloping Sites	Landslip Hazard Map Area G4	The site is identified on Council's DCP Landslip Hazard Map as Landslip Hazard (Area G4). The proposal will not result in 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	Yes

		recommendations of the consulting Structural Engineer, and therefore satisfy the provisions of this clause.	
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

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 MLEP 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.

The proposal has also considered all relevant SEPPs, and Council can be satisfied that the proposal is consistent with these policies.

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 appropriately respond to the requirements and outcomes of MDCP 2013.

In accordance with the provisions of section 4.15(3A) of the EP&A Act, 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 side and rear setback to be reasonable alternative solutions, noting that the proposal is otherwise consistent with the outcomes of these clauses.

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

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 the alterations and additions to the existing dwelling and studio, together with the and construction of an open teenage retreat/recreation area 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 provisions of MLEP 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 provide for alterations and additions to the existing dwelling and studio and the construction of a new open teenage retreat/recreation area, which satisfies the stated objectives of Council's Development Controls.

The proposal is a site-specific design response which takes advantage of the properties superior locational attributes whilst respecting the environmental characteristics of the site and the amenity of adjoining development.

The outcome is a modernised rear recreational area of exceptional design quality which displays a highly articulated building form which appropriately responds to the sites existing dwelling, geometry and the constraints imposed by the siting and design of adjoining development in relation to privacy, solar access and views.

The proposal is fully compliant with the building height standard with compliant floor space continuing to be appropriately distributed across the site. The building displays a complimentary and compatible building form when compared to other development located along this section of Pine Street and within the site's heritage visual catchment generally.

The articulated side boundary setbacks maintain the rhythm of development and the setbacks within the rear of the site provide appropriately for spatial separation, deep soil landscape opportunity, privacy, solar access and view sharing.

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