

STATEMENT OF ENVIRONMENTAL EFFECTS

22 STUART STREET, MANLY

PROPOSED TORRENS TITLE SUBDIVISION

**PREPARED ON BEHALF OF
Mr J. Dunnachie**

APRIL 2025

TABLE OF CONTENTS

1.	INTRODUCTION	3
2.	SITE DESCRIPTION AND LOCALITY	4
3.	THE DEVELOPMENT PROPOSAL	6
4.	ZONING & DEVELOPMENT CONTROLS	7
5.	EP&A ACT – SECTION 4.15	12
6.	CONCLUSION	13

1. INTRODUCTION

This application seeks approval for the Torrens title subdivision of one lot into two upon land identified as Lot 4 in DP 82179 which is known as **No. 22 Stuart Street, Manly**.

In preparation of this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Manly Local Environmental Plan 2013.
- Manly Development Control Plan 2013.

The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by Bee & Lethbridge Pty Ltd, Ref No. 17212, Revision 00 and dated 12/03/2025.
- Plan of Proposed Subdivision prepared by Copland C. Lethbridge, Ref No. 17212 DP and dated 12/03/2025.
- Feasibility Design prepared by All Australian Architecture, Issue B and dated 03/04/2025.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

2. SITE DESCRIPTION AND LOCALITY

The site is identified as Lot 4 in DP 82179 which is known as No. 22 Stuart Street, Manly. The site is located on the southwest side of Stuart Street with a frontage of 12.19m. The site is rectangular in shape and has an area of 494.7m² with a depth of 40.575m. The locality is depicted in the following map:



Site Location Map

The site has a fall from the rear western corner (RL 16.28) towards the front eastern corner (RL 9.95).

The site currently comprises a two storey rendered masonry single detached dwelling house with a tiled and metal roof. The dwelling is located on the front northeast portion of the site. There is one on site parking space located forward of the dwelling utilising the vehicular crossing entering the site adjacent to the southeast side boundary.

Development Consent (DA2019/0661) for the construction of a two storey boarding house comprising 13 boarding rooms and basement parking was approved by the Land & Environment Court on 25 February 2021. This consent remains valid.

The site is depicted in the following photographs:



View of Site from Stuart Street

The existing surrounding development comprises residential development including a mixture of single detached dwellings, semi-detached dwellings and residential flat buildings. The site's southeast boundary adjoins a two-storey attached dual occupancy, with the adjoining northwest property comprising a two and three storey residential flat building.

The existing surrounding development is depicted in the following aerial photograph:



Aerial Photograph of Locality

3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the Torrens title subdivision of the existing allotment into two lots. The proposed allotments are as follows:

	Site Area	Lot Width	Lot Depth
Lot 1	247.3m ²	6.095m	40.575m
Lot 2	247.3m ²	6.095m	40.575m

There are no physical works associated with the subdivision.

4. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Manly Council.

4.1 Planning for Bushfire Protection 2006



Extract of Bushfire Prone Lands Map

The subject site is not identified as bushfire prone land on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2006 do not apply.

4.2 Manly Local Environmental 2013



Extract of Zoning Map

The subject site is zoned R1 General Residential.

The objectives of the R1 Zone are as follows:

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

Subdivision is permissible under the provisions of Clause 2.6 of the Local Environmental Plan. The following numerical standards are applicable to the proposed Torrens title subdivision:

Clause	Development Standard	Proposal	Compliance
Clause 4.1 Minimum Subdivision Lot Size	250m ²	Lot 1: 247.3m ² Lot 2: 247.3m ²	No – a clause 4.6 variation has been provided.

Clause 5.10 Heritage Conservation



Extract of Heritage Map

The subject site is not heritage listed nor is it located within a Heritage Conservation Area. The site is also well separated from any nearby heritage items. The proposal does not provide for any physical works and is merely a subdivision. There is no impact on any heritage items.

No further information is required in this regard.

Clause 6.1 Acid Sulfate Soils

The site is identified as Class 5 on Council's Acid Sulfate Soils Map. The proposal does not provide for any excavation or ground works and therefore no further investigation is required in this regard.

Clause 6.9 Foreshore Scenic Protection Area

The site is identified as being within a Scenic Protection Area and therefore this clause applies. The proposal does not provide for any new built form and as such will not have any detrimental impact on the harbour or coastal foreshore, particularly in regard to overshadowing or views. The proposal complies with this clause.

There are no other specific clauses that specifically relate to the proposed development.

4.3 Manly Residential Development Control Plan 2013

The Manly DCP 2013 applies to all land where the LEP applies. Therefore, the DCP applies to the subject development.

Part 4

The following numerical provisions of **Part 4** as relevant to subdivision of land are discussed below:

Clause/ Design Element	DCP Requirement	Compliance/Comments
4.1.1.1 Residential Density & Subdivision	Density Area D3 – 1 dwelling per 250m ²	The proposal results in two allotments, each with a size of 247.3m ² , representing a non-compliance of only 2.7m ² . A Clause 4.6 Variation has been submitted to address this non-compliance.
4.1.1.2 Residential Land Subdivision	A subdivision less than 500sqm must identify on the subdivision plan that a dwelling can be successfully accommodated on each allotment, in compliance with this Plan.	Yes A potential indicative building footprint has been provided for each allotment.

Clause/ Design Element	DCP Requirement	Compliance/Comments
	Each lot must have frontage to a public road being at least 1m wide, with the land held as fee simple irrespective of whether this frontage serves as part of a right of way for access or not. The provision of drainage, easements and servicing requirements must be considered and any resultant adverse impacts- environmental or otherwise are to be minimised or resolved in the design.	Yes Each proposed allotment has a frontage of 6.095m to Stuart Street. Yes Each allotment has fall towards Stuart Street and any future development will be able to discharge stormwater to the street gutter/existing infrastructure. The subdivision does not require any easements.
4.4.8.1 Subdivision – Access & Services	a. All subdivisions will provide adequate vehicular access to a public road. b. The provision of drainage, easements and servicing requirements must be considered and any resultant adverse impacts- environmental or otherwise are to be minimised or resolved in the design. In particular, sufficient details of stormwater management are to accompany DAs for subdivision.	Yes Each allotment has direct street frontage for vehicular access. Yes Any collected stormwater for future development can be directly discharged to the street gutter / existing infrastructure. Easements are not necessary.

Clause/ Design Element	DCP Requirement	Compliance/Comments
4.4.8.2 Prevailing Subdivision Pattern and Natural Features	New Subdivisions must complement the prevailing subdivision pattern respecting traditional street patterns; open space patterns and streetscape as well as both built and natural heritage. Any inconsistency in traditional patterns is to be minimised or resolved in the Statement of Environmental Effects accompanying the DA.	Yes The existing surrounding development is characterised by a mixture of allotment sizes and shapes. In particular, No. 23, 24, 27 & 29 Stuart Street, Manly.
4.4.8.3 Energy Efficiency	The orientation and design of new allotments should maximise optimum solar access and provide for energy efficiency for future development under BASIX.	Yes Both allotments are of an orientation that will allow for sufficient solar access and energy efficiency.

There are no other provisions of the Manly DCP that apply to the proposed development.

5. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013 and the Manly DCP 2013. It is considered that the provisions of these documents have been satisfactorily addressed within this report. A Clause 4.6 Variation has been submitted to address the non-compliance with the minimum allotment size development standard.

There are no other environmental planning instruments applying to the site.

The Likely Impacts of the Development

It is considered that the development will provide for an additional residential allotment of land that is a compatible size and without detrimentally impacting on the character of the area. The proposal does not provide any new building works, with any future development being assessed separately. The proposed subdivision does not require the removal of any vegetation.

The Suitability of the Site for the Development

The subject site is zoned R1 General Residential and the subdivision of land is permissible with the consent of Council. The proposal does not result in the removal of any protected vegetation. The proposed subdivision results in two allotments that are compatible with the established subdivision pattern in this locality.

For these reasons it is considered that the site is suitable for the proposed development.

The Public Interest

It is considered that the proposal is in the public interest in that it will provide for an additional allotment of land that is compatible with the established subdivision pattern in this locality.

Development Consent (DA2019/0661) for the construction of a two storey boarding house comprising 13 boarding rooms and basement parking was approved by the Land & Environment Court on 25 February 2021. This consent remains valid. It is considered that the current proposal for Torrens title subdivision is a superior outcome for the immediate locality.

6. CONCLUSION

This application seeks approval for the Torrens title subdivision of one lot into two. As demonstrated in this report the proposal is generally consistent with the aims and objectives of the Manly Local Environmental Plan 2013 and the Manly DCP 2013. A Clause 4.6 variation has been submitted to address the very minor non-compliance with the minimum allotment size development standard. The proposal does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed Torrens title subdivision of land at **No. 22 Stuart Street, Manly** is worthy of the consent of Council.

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