



LogicPlan Services

Development Application Statement of Environmental Effects

Submitted to: Northern Beaches Council
On Behalf of: High Design

Date 21 March 2019

Limitations

Apart from fair dealing for the purposes of private study, research, criticism, or review as permitted under the Copyright Act, no part of this report, its attachments or appendices may be reproduced by any process without the written consent of LogicPlan Services.

We have prepared this report for the sole purposes of the Client for the specific purpose of only for which it is supplied ("Purpose"). This report is strictly limited to the purpose and the facts and a matter stated in it, and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter.

In preparing this report we have made certain assumptions. We have assumed that all information and documents provided to us by the Client or because of a specific request or enquiry were complete, accurate and up-to-date.

Where we have obtained information from a government register or database, we have assumed that the information is accurate. Where an assumption has been made, we have not made any independent investigations with respect to the matters the subject of that assumption. We are not aware of any reason why any of the assumptions are incorrect.

This report is presented without the assumption of a duty of care to any other person (other than the Client) ("Third Party"). The report may not contain sufficient information for the purposes of a Third Party or for other uses. Without the prior written consent of LogicPlan Services:

- (a) this report may not be relied on by a Third Party; and
- (b) LogicPlan Services will not be liable to a Third Party for any loss, damage, liability or claim arising out of or incidental to a Third-Party publishing, using or relying on the facts, content, opinions or subject matter contained in this report. If a Third Party uses or relies on the facts, content, opinions or subject matter contained in this report with or without the consent of LogicPlan Services, LogicPlan Services disclaims all risk and the Third Party assumes all risk and releases and indemnifies and agrees to keep indemnified LogicPlan Services from any loss, damage, claim or liability arising directly or indirectly from the use of or reliance on this report.

In this note, a reference to loss and damage includes past and prospective economic loss, loss of profits, damage to property, injury to any person (including death) costs and expenses incurred in taking measures to prevent, mitigate or rectify any harm, loss of opportunity, legal costs, compensation, interest and any other direct, indirect, consequential or financial or other loss.

TABLE OF CONTENTS

Section 1 Introduction

Section 2 Site Analysis and Context

- 2.1 The Site
- 2.2 Surrounding Environment

Section 3 Proposal

Section 4 Statutory Assessment

- 4.1 Preamble
- 4.2 SEPP No 55-Remediation of Land
- 4.3 SEPP Basix: 2004
- 4.4 SEPP Vegetation in Non-Rural Areas 2017
- 4.5 Manly Local Environmental Plan 2013

Section 5 Non-Statutory Assessment

- 5.1 Manly Development Control Plan 2013

Section 6 Section 4.15 Assessment

Section 7 Conclusion

Figures

- 1 Site Aerial
- 2 Existing dwelling as currently presented to Pittwater Road
- 3 Viewed towards the group of terraces in a north-westerly direction
- 4 Viewed towards the group of terraces in a south-westerly direction
- 5 Built form of development to the south of the site adjacent to the Denison Street interface
- 6 Built form of development to East of the site across Pittwater Road

DOCUMENT CONTROL SHEET

Title	Statement of Environmental Effects
Project	Alterations and additions to the existing dwelling at 39 Pittwater Road, Manly

Prepared by

Company	LogicPlan Services
Address	PO Box 46 Surry Hills NSW 2010
Phone	(02) 80333788
Website	www.logicplanservices.com.au

Revision History

Issued to	Revision and Date							
High Design	REV	A						
	DATE	January 2019						

SECTION 1 - INTRODUCTION

This Statement of Environmental Effects has been prepared for the applicant of the proposed development. This report is to accompany a development application to Northern Beaches Council seeking consent for the alterations and additions to the existing dwelling at 39 Pittwater Road, Manly.

This statement has been prepared having regard to the following documentation:

Document	Prepared by	Date
Architectural Plans	High Design	January 2019
Heritage Impact Assessment	Colin Israel	22 May 2019

The purpose of this statement is to address the planning issues associated with this development proposal and specifically to address the likely impact of the development may have on the environment in accordance with the requirements of S.415 of the Environmental Planning & Assessment (EP&A) Act, 1979.

SECTION 2- SITE ANALYSIS AND CONTEXT

Part 2.1 THE SITE

The site is a single lot located on the western side of Pittwater Road. The site presents a narrow width comprising of an overall site area of 98.8m². The site forms one of eight adjoining terrace houses while the topography of the land is relatively level.

The sites location within the locality is identified in Figure 1 below.

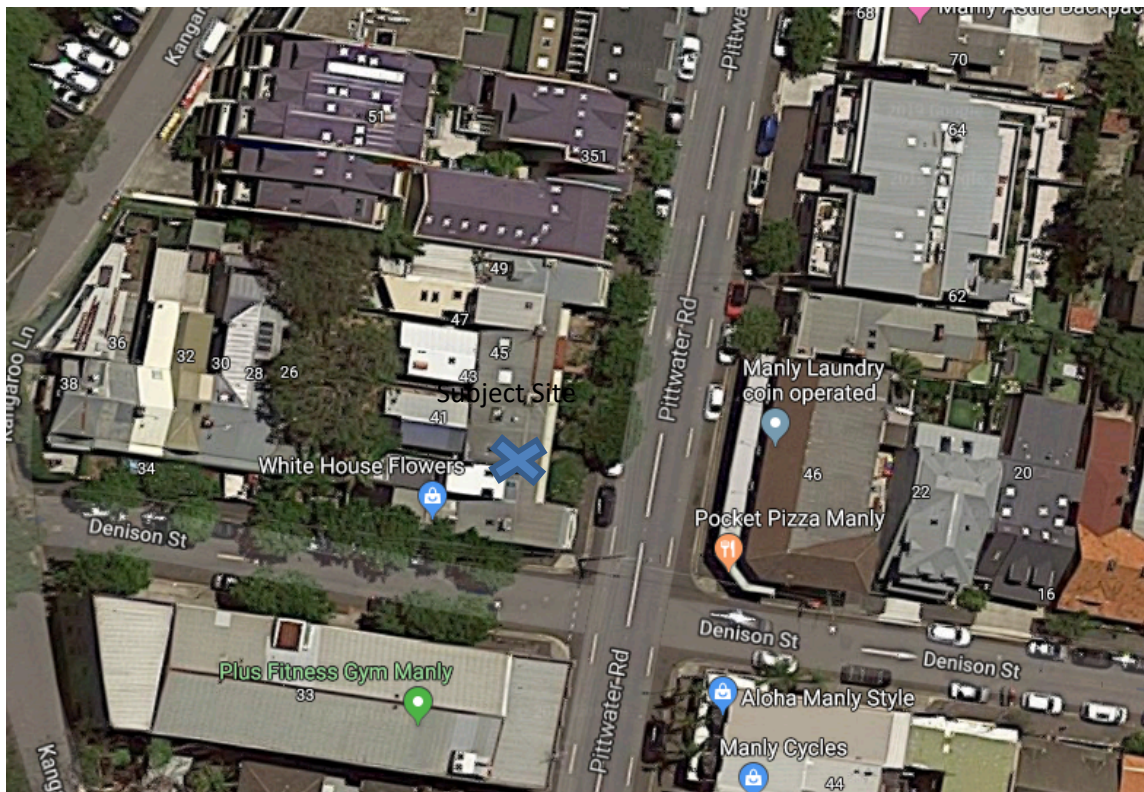


Figure 1-Site Aerial
Source: www.sixmaps.nsw.gov.

Existing on the site is a one and two storey brick, render and clad residence with metal roof. A brick shed with metal roof is located within the north-western corner of the site. The subject site is mildly vegetated along the rear with two notable trees located within the south-western corner of the site.

Figures 2 though to 4 below give a clear appreciation of the location of the site within its context.



Figure 2-Existing dwelling as currently presented to Pittwater Road



Figure 3-Viewed towards the group of terraces in a north-westerly direction



Figure 4-Viewed towards the group of terraces in a south-westerly direction

Part 2.2 SURROUNDING ENVIRONMENT

The immediate area predominately comprises of a mixture of single detached/attached dwellings of varying scales, forms and architectural themes interspersed by both commercial and retail development.



Figure 5-Built form of development to the south of the site adjacent to the Denison Street interface



Figure 6-Built form of development to east of the site across Pittwater Road

SECTION 3- PROPOSAL

The proposal involves the alterations and additions to the existing dwelling. In summary, the works involve:

Ground floor

The removal of existing stairs and replacement with new internal stair. The extension of the covered outdoor area located off the dining room.

First Floor Plan

The removal of existing stairs and replacement with new internal stair. The reconfiguration of the existing bedroom and the subsequent provision of two bedrooms and bath area.

SECTION 4- STATUTORY ASSESSMENT

Part 4.1 PREAMBLE

This section of the Statement of Environmental Effects provides a planning assessment of the proposed development under Section 4.15 of the EP&A Act, 1979.

Part 4.2 SEPP No 55-REMEDIATION OF LAND

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) contains planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.

The history of land uses for the site has been considered as an indicator for potential contamination of the site. In this regard, the use of the site was also of a residential nature.

Therefore, there is no reason to suspect that the site may be contaminated and accordingly, further investigation of the site's potential contamination is not required and the application can be processed in the usual manner.

Part 4.3 SEPP BASIX 2004

SEPP (Building Sustainability Index: BASIX) 2004 commenced on 1 July 2004. A Basix certificate is submitted with the application that appropriately responds to the provisions of this SEPP.

Part 4.4 SEPP VEGETATION IN NON-RURAL AREAS

The Vegetation SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.

The Vegetation SEPP applies to clearing of:

1. Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the *Local Land Services Amendment Act 2016*; and
2. Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).

The Vegetation SEPP repeals clause 5.9 and 5.9AA of the *Standard Instrument - Principal Local Environmental Plan* with regulation of the clearing of vegetation (including native vegetation) below the BOS threshold through any applicable DCP.

There are references in the applicable DCP to maximising tree retention in any development proposal. In this regard, the proposed development does not involve the removal of any trees.

Part 4.5 MANLY LOCAL ENVIRONMENTAL PLAN 2013

The site is subject to the provisions of the Manly Local Environmental Plan 2013. Under the LEP the subject site is zoned B2-Local Centre. While the proposed works to the dwelling house do not constitute work that are permitted with consent in the zone. Notwithstanding, the existing dwelling does benefit from existing use rights and therefore, minor alterations to the dwelling do constitute works that are permissible.

The objectives of the B2 Zone are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To minimise conflict between land uses in the zone and adjoining zones and ensure amenity for the people who live in the local centre in relation to noise, odour, delivery of materials and use of machinery.

The proposal while inconsistent with the zone objectives, maintains the existing use of the building on site for the purpose of a dwelling house which serves to maintain the heritage significance of the eight intact federation terrace houses this dwelling forms part of.

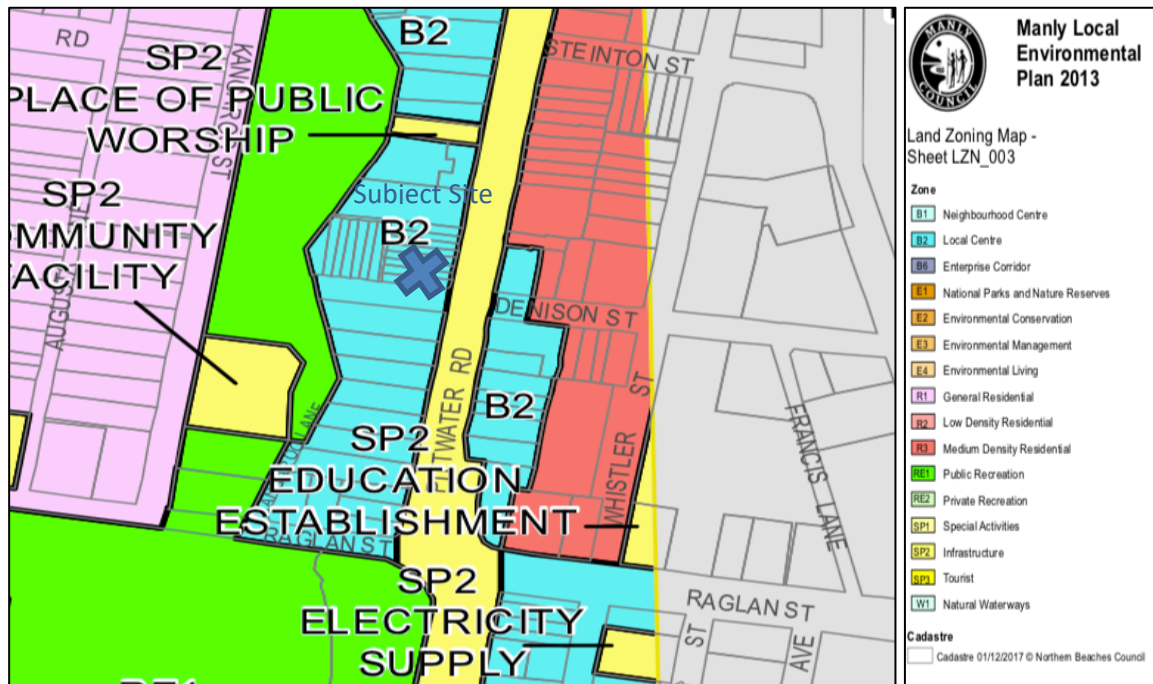


Figure 7- Zoning Map
Source: Manly LEP 2013

CLAUSE 4.3 HEIGHT OF BUILDINGS

The objectives of this clause are as follows:

- to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,
- to ensure that buildings are compatible with the height and scale of surrounding and nearby development,
- to minimise any overshadowing of neighbouring properties,
- to allow for the reasonable sharing of views,
- to encourage buildings that are designed to respond sensitively to the natural topography,
- to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.

Controls

The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#) which in this case is 15m.

Response

The alterations and additions to the existing dwelling will present a maximum height of 6.1m above the natural ground line of the site at any point.

CLAUSE 4.4 FLOOR SPACE RATIO

The objectives of this clause are as follows:

- *to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*
- *to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,*
- *to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*
- *to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,*
- *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.*

Controls

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#) which in this case is 2:1.

Response

The proposal generates a floor space ratio of 0.64:1 or 63.5m² complying with this standard.

CLAUSE 5.10 HERITAGE CONSERVATION

The objectives of this clause are as follows:

- *to conserve the environmental heritage of Manly,*
- *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- *to conserve archaeological sites,*
- *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The subject site is one of eight intact Federation Terrace Houses aesthetically significant as a coherent group framed at either end by projecting shop terraces set to the alignment of the road. They are listed as a group heritage item in Schedule 5 of Manly LEP 2013.

Accompanying this application is a Statement of Heritage Impact prepared by Colin Israel. This report submitted under separate cover concludes the following:

“Additions are proposed to No. 39 comprising mainly to the rear of the existing first floor attic and include a new bathroom and bedroom with access via a new stair. The additions do not alter the existing main roof form or façade as viewed from Pittwater Road. The proposal is similar in form, character and materials to the recent additions carried out to No 37 and would form a consistent pair within the group of Terraces.

These proposed additions to No. 39 Pittwater Road Manly are sympathetic to the heritage character of the historic terrace row and retain its original detailing and presentation to the street. The Roof Attic

extensions are sympathetic, closely following the example and detail of the successful modifications to No 37 and compatible with other terraces in the row. The additions involve minimal loss of original fabric and would provide a favourable outcome in heritage terms as well as providing an enhanced level of accommodation for the occupants.

Our recommendation based on our inspection and the DA drawings would be for Council to approve this development application”.

In this regard, the proposal is considered to satisfy Clause 5.10 of MLEP 2013

CLAUSE 6.1 ACID SULFATE SOILS

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Controls

Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the [Acid Sulfate Soils Map](#) as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the *Acid Sulfate Soils Manual* and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
 - (a) *a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and*
 - (b) *the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.*
- (5) *Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):*

- (a) *emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,*
 - (b) *routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),*
 - (c) *minor work, being work that costs less than \$20,000 (other than drainage work).*
- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
- (a) *the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or*
 - (b) *the works are not likely to lower the watertable.*

Response

The site is located in an area identified as being affected by Class 4 Acid Sulfate Soils. Notwithstanding, the proposal does not necessitate the need for any extensive ground works in which the watertable will be lowered by more than 2m. In this regard, the provision of an Acid Sulfate Soils preliminary assessment is not warranted in the circumstance of this case.

CLAUSE 6.2 - EARTHWORKS

Pursuant to clause 6.2 of the MLEP, earthworks which objectives state:

- (a) *to ensure that earthworks and associated groundwater dewatering for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
- (b) *to allow earthworks of a minor nature without requiring a separate development consent.*

The proposal does not necessitate the need for any extensive excavation works which are limited to that required for the provision of small footings enabling the extension of the existing outdoor area.

Appropriate measures will be put in place to ensure there are no adverse impacts to the environment.

CLAUSE 6.4 STORMWATER MANAGEMENT

Pursuant to clause 6.4 of the MLEP, stormwater management, its objective aims to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters. In this regard, all stormwater will be connected to the existing stormwater system disposed of in a Council approved manner.

CLAUSE 6.11 ACTIVE STREET FRONTAGES

Pursuant to clause 6.11 of the MLEP, the site is identified on the Active street frontages Map. The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B2 Local Centre. In this instance, the heritage significance of the subject and directly adjoining dwellings precludes the ability for the achievement of this outcome.

CLAUSE 6.12 ESSENTIAL SERVICES

Pursuant to clause 6.12 development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.*

Essential services are already made available to the land.

SECTION 5- NON-STATUTORY ASSESSMENT

PART 5.1 MANLY DEVELOPMENT CONTROL PLAN

This policy document contains development controls for the design and construction of buildings and the subdivision of land in Manly. The proposed development has been assessed against the relevant provisions of the DCP as outlined in the following sections of this report

General Principles for Development

3.1.3 Townscape (Local and Neighbourhood Centres)

The proposed development responds to topography and maintains a complimentary and compatible streetscape alignment. The minor additions by virtue of their siting, scale and form will not be perceived as inappropriate or jarring in a streetscape context with the design, height and location of the works being compatible with the unity of form and presentation currently observed by the remaining group of terraces.

3.2 Heritage Considerations

Refer to the discussion in Clause 5.10 of this SEE.

3.3 Landscaping

The application proposes the retention of the existing landscaped treatments which are of a density capable of softening and screening the development.

3.4 Amenity (Views, Overshadowing, Overlooking/Privacy, Noise.

3.4.1 Sunlight Access and Overshadowing

Detailed shadow diagrams, including elevational shadow diagrams, show that the north facing living rooms and adjacent private open space areas of both neighbouring properties will continue to receive compliant levels of solar access between 9am and 3pm on 21 June.

3.4.2 Privacy and Security

The proposal includes the provision of a window to the western perimeter wall of bedroom 2 on the upper level. This window is located off a low frequency bedroom orientated towards the rear of the site. The proposed bathroom window on the first floor will be of opaque glazing. In this regard, no adverse privacy impacts will result from the proposed development to neighbouring properties. Noise sensitive rooms will not result in any unreasonable impact to the acoustic privacy of adjoining properties and will in turn afford acoustic privacy to the occupants of the dwelling.

3.4.3 Maintenance of Views

Having inspected the site and surrounds to determine available view lines, it is unlikely that the proposed development will give rise to any public or private view affectation.

3.5 Sustainability

A BASIX Certificate accompanies this application which confirms that the development will exceed the NSW Government's requirements for sustainability.

3.7 Stormwater Management

All stormwater will be connected to the existing stormwater system discharged in a Council approved manner.

3.8 Waste Management

The minor nature of the proposed works will not result in any notable increase to the extent of waste being generated by the dwelling. Bin storage areas remain as existing.

Development in Business Centres

4.2.1 FSR

This matter was discussed as part of the MLEP discussions located earlier in this SEE.

4.2.2 Height of Buildings

This matter was discussed as part of the MLEP discussions located earlier in this SEE.

4.2.3 Setbacks

The proposed additions maintain setbacks that are commensurate with both the retained dwelling and that observed by adjoining development. The proposed setbacks are consistent with the underlying intent of the objectives which aim to maintain the existing streetscape of building boundary to boundary.

4.2.4 Car parking, Vehicular Access and Loading Controls for all LEP Business Zones including B6 Enterprise Corridor

The proposal does not have the opportunity to provide any carparking on the site.

4.2.5 Manly Town Centre and Surrounds

Given the nature of the proposed development, the objectives and controls detailed within this part of the DCP are not relevant to the proposed development.

SECTION 6- 4.15 CONSIDERATIONS

In considering this development application, Council must consider the relevant planning criteria in Section 4.15 of the Environmental Planning and Assessment Act, 1979. This assessment has taken into account the following provisions:

STATUTORY POLICY AND COMPLIANCE – s.4.15 (1) (a)

The proposed development has been assessed in relation to all relevant SEPPs, LEPs and DCPs above in the *Statement of Environmental Effects*.

The LEP which is relevant to the proposal is the Manly Local Environmental Plan 2013

Comment

The subject site is located within the B2- Local Centre. Whilst the proposal is inconsistent with the form of development anticipated in this zoning, the nature of the development being an existing terrace house with heritage significance, will continue to add to the character and diversity of development within this zone.

The relevant development control plan is the Manly Development Control Plan 2013.

Comment

The proposal appropriately responds to the relevant objectives and controls as noted in the DCP.

NATURAL ENVIRONMENT IMPACTS s.4.15 (1)(b)

The proposed development will not result in the loss of views or outlook from any surrounding public or private spaces and provides a built form consistent with Council's desired character for the area.

SOCIAL AND ECONOMIC IMPACTS s.4.15 (1)(b)

The proposed development will not be detrimental to the social and economic environment in the locality.

BUILT ENVIRONMENTAL IMPACTS s.4.15 (1)(b)

The proposed development is considered appropriate and will not be responsible for any adverse environmental impacts in relation to loss of privacy, loss of view, noise, or traffic and parking impacts.

SUITABILITY OF THE SITE FOR DEVELOPMENT s.4.15 (1)(c)

The proposed development will not result in any loss of amenity to neighbouring properties, above and beyond that anticipated by the applicable planning controls.

THE PUBLIC INTEREST s.4.15 (1)(e)

The proposal is considered to be a positive contribution to the built and natural environment.

SECTION 7 - CONCLUSION

The proposed development has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policies and Council's planning instruments.

The site is suitable for the development proposal where it will have acceptable impacts on both the environment and the amenity of the locality. Accordingly, in the circumstances of this case, the proposal is considered to be in the public interest and worthy of Council's support.