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Statement of Environmental Effects – Proposed Development Application for Alterations and Additions to existing Dwelling at 15 Manly Road Seaforth– Lot 8 in DP 19832 - site area of 570.1m2. The site is accessed from a shared driveway off Manly Road being a heavily trafficked main road leading to and from the Spit Bridge. Proposed additions are to the ground floor and first floor, new balconies, patio, internal rearrangement, partial height increase to existing garage roof to provide a stacker and improved architecture, open parking/turning area to facilitate vehicle movements to and from Manly Road, and new swimming pool and spa.

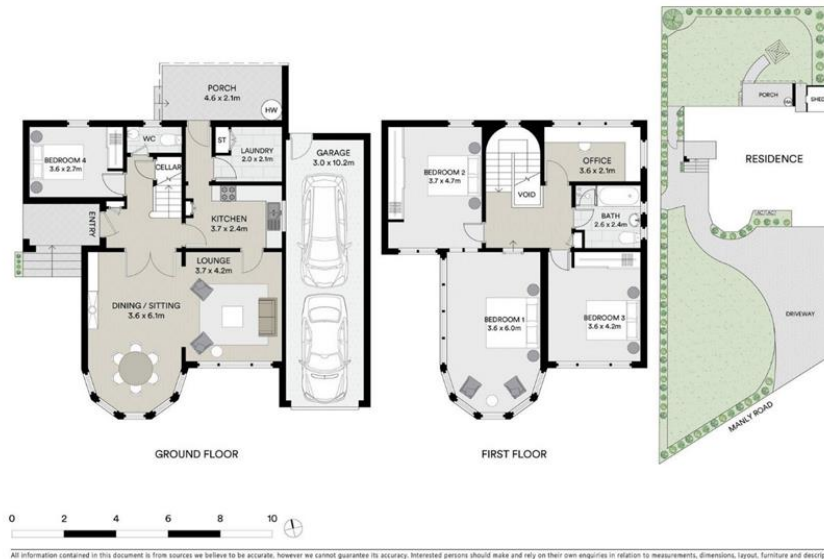
Owner Client – Tim Mayall and Chu Kim
Architect/Designer – Peter Zavaglia Design Studio

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Above – Fig. 01 – existing dwelling including garage along side boundary



Above-Fig. 02-Existing floor plan and site plan-(source realestate.com)



Above-Fig. 03 to 05 -Existing and Proposed floor plan and site plan - DA Drawings

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1.0. Introduction, History and Documents

1.1. This Statement of Environmental Effects has been prepared to accompany a Development Application for Alterations and Additions to existing Dwelling at 15 Manly Road Seaforth– Lot 8 in DP 19832. The site is accessed from a shared driveway off Manly Road being a heavily trafficked main road leading to and from the Spit Bridge. Proposed additions are to the ground floor and first floor, new balconies, patio, internal rearrangement, minor roof height increase to existing garage to provide a stacker and improved architecture, open parking/turning area to facilitate vehicle movements to and from Manly Road, and new swimming pool and spa. Refer to DA drawings and Clause 4.0 of this report.

1.2. Development History. Northern Beaches Council DA tracker records indicate one (1) previous development application and consent – Development Application DA 171/2017 for driveway.

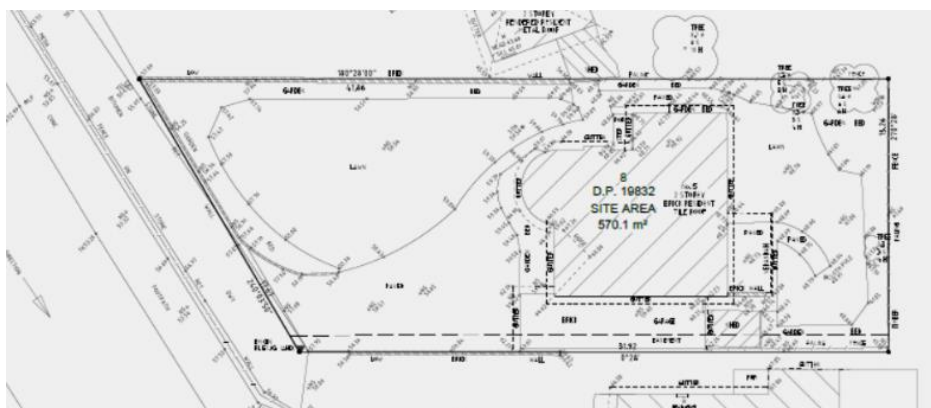
1.3. The drawings and documents assessed in relation to this proposal are as stated below.

| Document | Doc. Ref | Prepared By | Date |
|--|------------|---------------------------------|----------|
| Title Page, Calculations and Notes | DA00 | Peter Zavaglia Design Studio | 26.11.24 |
| Site Analysis Plan | DA01 | Peter Zavaglia Design Studio | 26.11.24 |
| New Ground Floor Plan | DA02 | Peter Zavaglia Design Studio | 26.11.24 |
| New First Floor Plan | DA03 | Peter Zavaglia Design Studio | 26.11.24 |
| New Roof Plan | DA04 | Peter Zavaglia Design Studio | 26.11.24 |
| Area calculations | DA05 | Peter Zavaglia Design Studio | 26.11.24 |
| Elevations North and South | DA06 | Peter Zavaglia Design Studio | 26.11.24 |
| Elevations East and West | DA07 | Peter Zavaglia Design Studio | 26.11.24 |
| Sections A-A and BASIX Notes | DA08 | Peter Zavaglia Design Studio | 26.11.24 |
| Shadow Diagrams 21 June - 9am | DA09 | Peter Zavaglia Design Studio | 26.11.24 |
| Shadow diagrams 212 June – 12 midday | DA10 | Peter Zavaglia Design Studio | 26.11.24 |
| Shadow Diagrams 21 June – 3pm and Certification | DA11 | Peter Zavaglia Design Studio | 26.11.24 |
| Windows Schedule | DA12 | Peter Zavaglia Design Studio | 26.11.24 |
| Schedule of External Finishes | DA13 | Peter Zavaglia Design Studio | 26.11.24 |
| BASIX Requirements | DA14 | Peter Zavaglia Design Studio | 26.11.24 |
| Land Survey – Level and Detail Survey | 4691 | Survey Corp | 22.08.22 |
| BASIX Certificate | A177255402 | Efficient Living Pty Ltd | 18.11.24 |
| Stormwater Assessment and Plan and Certification | 2408 | Michael Gergich Consult. Engin. | 13.12.24 |
| Bushfire Risk Assessment | 15Man-01 | Bushfire Consultancy Austral. | 20.12.24 |

1.4. This Statement of Environmental Effects (SEE) assesses the proposal in relation to planning controls and legislation applying to this property. In our opinion, the Statement provides the consent authority with a reasoned basis upon which to assess the development application.

2.0. Property Description and Improvements

2.1. The property is No. 15 Manly Road Seaforth NSW being Lot 8 in DP 19832 with an area of 570.1m².

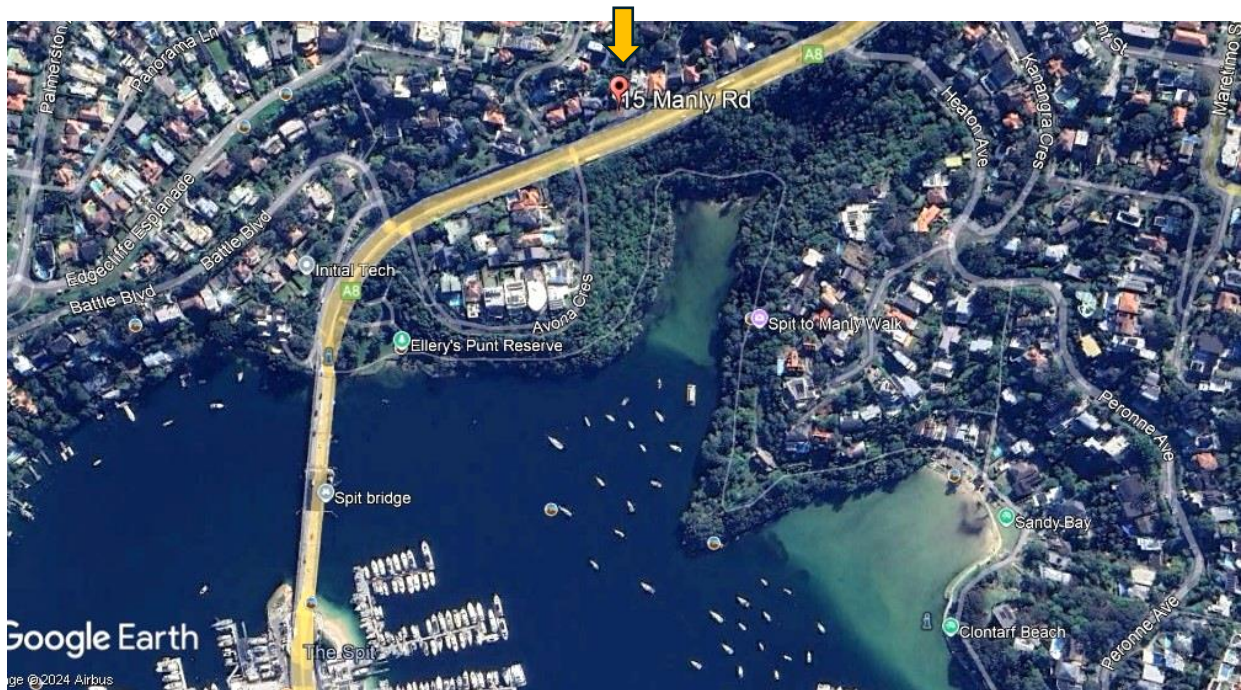


Above – Fig. 06 – Extract from survey plan.

The site is located on the northern side of Manly Road accessed from a shared driveway off Manly Road. This is a highly busy main road with consistent high traffic volume travelling at relatively high speeds up the steep hill coming from Spit Bridge. **People and vehicle access is difficult due to the speeding traffic, the absence of any on-street parking and a single access slip road shared by neighbouring properties.**

The land is a trapezium shaped allotment as shown in the extract from the detailed survey Fig. 06.

2.2. The land is zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013 with the minimum lot size being 750m². The subject site area is 570.1m² and is an existing undersized lot and deemed compliant. Manly Road is a busy main road leading down to and up from The Spit bridge, Middle Harbour as indicated in Fig. 04-05 below.



Above – Fig. 07-Site location, yellow arrow, on northern (high) side of Manly Road leading down to the Spit Bridge and Middle Harbour. The site sits on an almost north south axis with the frontage to Manly Road being south with views south to Middle Harbour and beyond.



Above – Fig. 08-Site location, yellow arrow, on northern (high) side of Manly Road leading down to the Spit Bridge and Middle Harbour. The site sits on an almost north south axis with the frontage to Manly Road being south with views south to Middle Harbour and beyond.

2.3. Existing improvements comprise a two storey red brick and tiled roof dwelling with a tandem garage for two vehicles along the eastern side boundary. The property has difficult and potentially dangerous pedestrian and vehicle access from the very high trafficked Manly Road uphill from the Spit Bridge with the access being by a shared slip road. On the positive side, the property enjoys extensive views south to Middle Harbour, as indicated in the following photos and diagram— Figs. 07 to 09 (source realestate.com). For existing floor plan – see Fig. 02.



Above – Fig. 09 – 10 - existing dwelling and rear yard. (Source realestate.com)



Above – Fig. 11 – Existing views south to Middle Harbour- (Source realestate.com). The shared access road (cream fence) is accessed directly from the northern side (uphill) part of Manly Road - a heavy trafficked main road with no street parking and access only from uphill. Manoeuvring of vehicles is difficult and the proposal includes an additional off-street parking and vehicle parking/turning area.

3.0. Site Analysis and Locality Analysis – Surrounding Development

The property description is outlined in clause 2.0 above. It is noted the property is to a large extent isolated from the surrounding locality due to the very busy multi-lane Manly Road, the natural bushland opposite and the lack of a direct connection to neighbours. Adjoining neighbours share a slip road access which provides both pedestrian access and vehicle access which may be described as relatively dangerous due to the absence of on-street parking, absence of a pedestrian footpath or footbridge, and the highly trafficked and speed of vehicles driving uphill from the Spit Bridge.

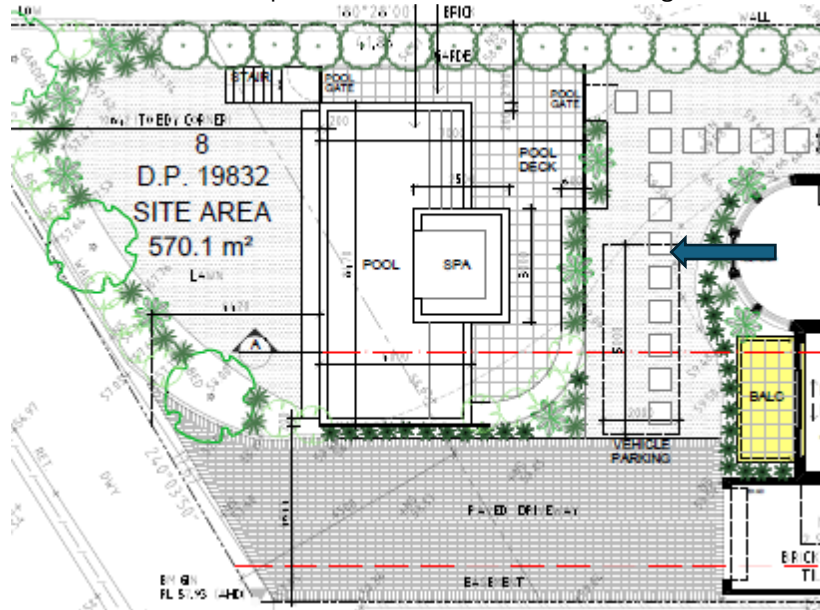
The site slopes south towards Manly Road with a fall from north (rear) to south (front) from RL61.23 to 57.03 along the western side boundary – a fall of 4.2 metres. This appears to be similar to other nearby properties fronting Manly Road being the natural slope south towards Middle Harbour. The site is within an older established residential area where the immediate nine (9) adjoining properties fronting Manly Road being of early/mid 1900s development, mostly with tiled roofs with four being set close to front boundaries. Additions have been added to some dwellings over time. Each lot contains a one- or two-storey detached and semi-detached dwelling with vehicular access via a shared slip road/driveway from Manly Road to existing garages or hardstand areas. Properties at the rear front Magarra Place and Old Sydney Road. The immediate locality represents an eclectic mix of building form, bulk, setbacks, and architectural styles.

4.0. Proposed Development

4.1. Alterations and additions are proposed to the existing two storey dwelling and garage as shown in the DA drawings and summarised below in points 1 to 3. The additions are to the ground floor and first floor, new balconies, patio, internal rearrangement, minor increase in garage roof height to provide a stacker and improved architecture, open parking/turning area to facilitate vehicle movements to and from Manly Road, and new swimming pool and spa.

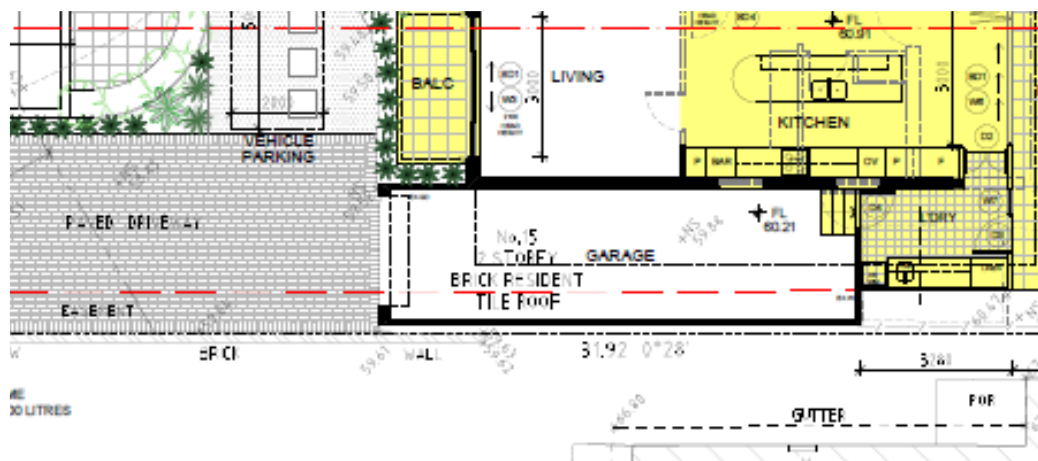
1. Ground level

- New swimming pool and spa at the front located towards the front boundary to allow for an open parking/turning area to improve safety, and partial increase in existing garage roof height to accommodate a stacker and improve architecture. See DA drawing extract below Fig. 12.



Above – Fig. 12 – Extract from DA plan – Pool and turning area (blue arrow)

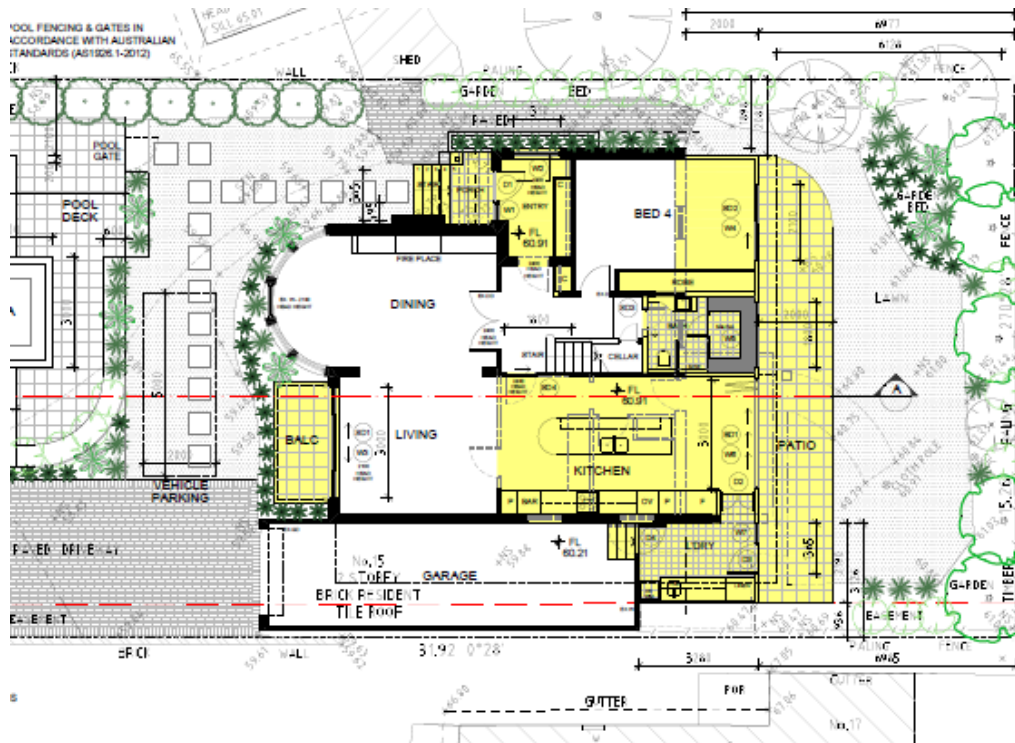
- Partial increase in roof height of existing garage to provide for two vehicles parked in tandem with a third vehicle parked in an elevated stacker at the rear of the garage and improve architecture. The setback is unchanged. Refer to extracts below from survey and DA drawings – Figs. 12 and 13.



Above – Fig. 13-Garage and proposed Kitchen and laundry.

2. Ground floor

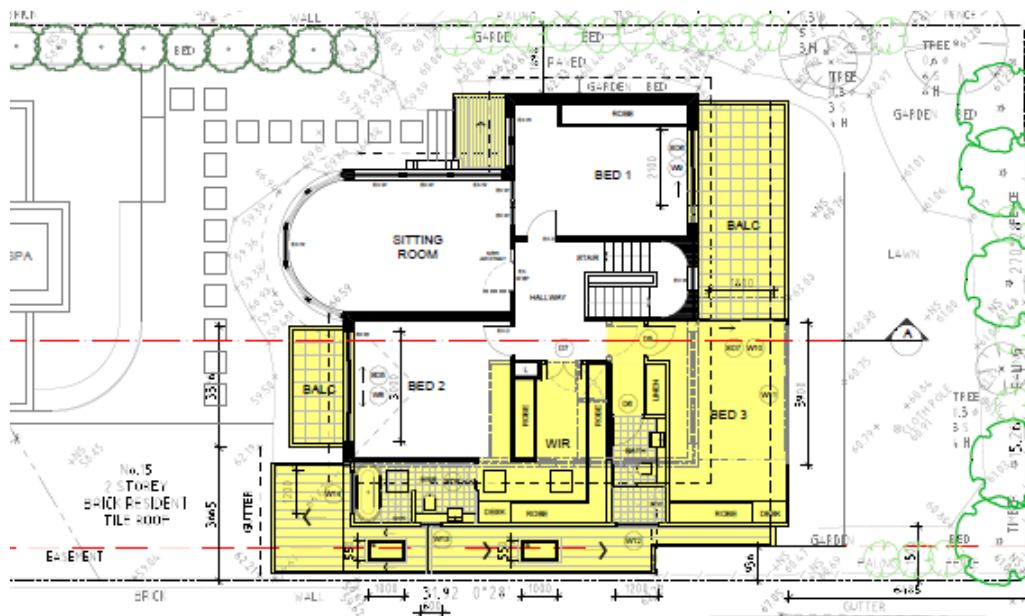
- New balcony at front of the existing Living Room.
- New entry lobby on western side of the dwelling.
- Addition across the rear of the dwelling to provide for a new kitchen, new laundry, extension of bathroom and extension of bedroom 4.
- New Patio across the rear of the dwelling.



Above – Fig. 14-Proposed Ground Floor

3. First floor

- Partial increase in garage roof height at rear to provide for a car stacker and also improve architecture.
- The existing roof ridge is retained unaltered.
- Balcony off Bedroom 2.
- Bedroom 2 extension over garage area to provide an ensuite and walk in wardrobe.
- New bedroom 3 with bathroom at the rear.
- New balcony at the rear.



Above – Fig. 15-Proposed First Floor

4.2. The design has considered the difficult access and safety situation that exists for access and parking of vehicles, visitors and trades persons where the only access is by a shared slip road directly from the

uphill portion of Manly Road. This is an extremely busy main road with dense and fast travelling traffic leading up from the Spit Bridge and no on-street parking - refer to Fig. 05 and 06.

4.3. Calculations – Floor Space Ratio (FSR) and Landscaped Open Space – As shown in the Drawing No. DA00 table and in the coloured Drawing floor area breakup DA05.

- Site area = 570.1m² - existing undersized lot and deemed compliant.
- Floor Space Ratio proposed = 0.40:1 and compliant. *Note: This calculation is compliant without a need to rely on MDCP clause 4.1.3.1 for potentially allowed Increase in FSR for small lots where the consent authority may consider exceptions to the maximum FSR under LEP clause 4.6 when both the relevant LEP objectives and the provisions of this DCP are satisfied.*
- Landscaped Area proposed = 50.56% of site area and compliant.

4.4. Assessment Summary.

1. The additional on-site parking and turning area with provision for a third vehicle parked in a stacker within the garage and an open parking/turning area in the front yard area are important elements of the proposal against the difficult manly Road access, and worthy of merit consideration.
2. The location of the pool at the front cannot be viewed from the road below and does not hinder or obstruct any neighbours.
3. The FSR and landscape areas comply with the numerical planning controls.
4. The alterations and additions to the existing dwelling are reasonable, appropriate for a modern family and do not create any negative environmental impacts.
5. The proposal should be approved and appropriate consent issued.

5.0. Planning Controls and Other Legislation Relevant to the Site (Assessment tables in paragraph 6.0).

5.1. The following planning controls apply to the property:

- Environmental Planning and Assessment Act 1979 No 203 Section 4.15 Evaluation
- Sydney Regional Plan (Sydney Harbour Catchment) 2005 (SEPP)
- NSW Planning for Bushfire Protection (clause 4.14 of EP&A Act)
- Manly Local Environmental Plan 2013 (MLEP) and
- Manly Development Control Plan 2013 (MDCP)

5.2. Manly Local Environmental Plan (MLEP) - The following MLEP primary controls apply to the property (Statutory):

- Land Zoning Map – R2 Low Density Residential
- Lot size minimum – 750m² . (*) Floor Space Ratio (FSR) – 0.40:1 (40%). Refer also to MDCP clause 4.1.3.1.1 – small sites.
- Height of Buildings Map – 8.5 metres
- Foreshore Scenic Protection area
- Clause 4.3 - Height – 8.5 metres from ground levels existing
- Clause 4.4 – Floor Space Ratio (*)
- Clause 6.1 -Acid Sulfate soils – Class 5
- Clause 6.2 – Earthworks
- Clause 6.4 – Stormwater
- Clause 6.9 – Foreshore Scenic Protection
- Bushfire Prone Land – Yes

Acid sulfate soils are not typically found in Class 5 areas. Areas classified as Class 5 are located within 500 metres on adjacent class 1,2,3 or 4 land. Works in a class 5 area that are likely to lower the water table below 1 metre AHD1 on adjacent class 1, 2, 3 or 4 lands will trigger the requirement for assessment and may require management.

5.3. Manly Development Control Plan (MDCP) 2013. What is a DCP? A development control plan is not a Statutory document and is a second-tier supportive guiding document.

- Section 3.42 of the Environmental Planning and Assessment Act 1979 specifies that the provisions of a DCP “*are not statutory requirements*”, and must be applied with flexibility on merit basis.
- Section 4.15(3A)(a) and (b) and (c) state.
 - (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
 - (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
 - (c) may consider those provisions only in connection with the assessment of that development application.

The following MDCP primary controls apply as a guide to development.

- Residential density – Schedule 1 Map “A” = 1 residence per 750m²
- Open Space Area – Schedule 1 Map “B” = Open Space Area OS4 = 60% of site area
- Open Space - Landscaped area – Min. 40% of Total Open Space
- Open Space - Above ground – Max. 25% of Total Open Space
- Open Space – Private – 18m²
- Number of Endemic Trees – 3
- Foreshore Scenic Protection Area
- Maximum wall height – 7m
- Number of storeys – 2
- Max. roof height – 2.5m
- Front setback – 6m or streetscape.
- Side setback – one third wall height with minimum 900mm and some exceptions allowing structures on boundaries.
- Rear setback – 8m. (Setbacks may need to be assessed on their merit with regard to adjoining properties).
- Car Parking – 2 spaces
- Excavation – Generally 1m

MDCP General development principles - applied as relevant for all forms of development -

3.1 Streetscape and Townscapes

3.2 Heritage Considerations

3.3 Landscaping

3.4 Amenity (Views, Overshadowing, Privacy, Noise/Vibration, Odours/Fumes)

3.5 Sustainability (Energy Efficiency, Thermal Performance, Water Sensitive Design)

3.6 Accessibility

3.7 Stormwater Management

3.8 Waste Management

3.9 Mechanical Plant Equipment

MDCP Clause 4.1 provides Residential Development Controls. In addition to the development standards in the LEP referenced in this part (including paragraph 4.1.2 Height and paragraph 4.1.3 FSR), the DCP also provides development guidelines here in relation to the following:

- 4.1.1 Dwelling Density and Subdivision
- 4.1.3.1 FSR on small sites
- 4.1.4 Setbacks (front side and rear)
- 4.1.5 Open Space and Landscaping
- 4.1.6 Parking, Vehicular Access and Loading
- 4.1.7 First Floor and Roof Additions
- 4.1.8 Development on Sloping Sites
- 4.1.9 Swimming Pools, Spas and Water Features.

6.0. Environmental Assessment

6.1. Environmental Planning and Assessment Act 1979 No 203 - Section 4.15 Evaluation

Section 4.15 of the EP&A Act details the relevant matters that a consent authority is to consider in determining a development application in summary as follows:

(a) The provisions of:

1. Any environmental planning instrument, and
2. Any proposed instrument that is or has been the subject of public consultation and notified to the consent authority.
3. Any development control plan, and
4. Any planning agreement entered into under Section 7.4, or any such draft planning agreement that a developer has offered to enter into under section 7.4, and
5. The regulations (to the extent they prescribe matters etc) that apply to the land to which the development application relates.

(b) The likely impacts of that development on the natural and built environments and social and economic impacts in the locality.

(c) The suitability of the site for development.

(d) Any submission made in accordance with the Act or regulations.

(e) The public interest.

6.1.1 Environmental Planning and Assessment Act Section 4.15 – Assessment Table

| EP&A ACT 1979 SECTION 4.15 EVALUATION | | |
|--|--|--|
| Planning Control | Instrument/Control | Comment |
| Any environmental planning instrument – 4.15(1)(a)(i) | MLEP 2013 - Zone R2 Low Density Residential - Dwelling houses includes residential garaging, carports swimming pools and other structures - with consent. Zone Objectives –provide for the housing needs of the community in a low-density residential environment. | 1. Proposed development is permissible, complies with the zoning and in accord with the LEP objectives and numerical controls including floor space ratio without relying on provisions for increased FSR for small lots, which the Manly DCP clause 4.1.3.1 provides. 2. There are no apparent unsuitable site issues. Compliance with planning controls is assessed within accompanying tables. 3. Compliance with planning controls is assessed within accompanying tables. 4. The site is suitable for the development. |
| Any proposed instrument that is or has been the subject of public consultation and notified to the consent authority. 4.15(1)(a)(ii) | None identified applicable to this proposal. | None identified. |
| Any development control plan 4.15(1)(a)(iii) | Manly Residential Development Control Plan 2013 (DCP) | 1. Assessed within accompanying table. Refer also to EP&A Act clause 4.15 section. 2) Compliance with non-statutory and non-discretionary development standards. (3) Instrument or regulation contains non-discretionary development standards, (3A) Development Control Plans not to require more onerous standards with respect to a development. |
| Any planning agreement that has been entered into. 4.15(1)(a) (iiia) | None applicable | N/A |

| | | |
|---|-----------------|--|
| The regulations (to the extent that they prescribe matters for the purposes of this paragraph). 4.15(1)(a)(iv) | None applicable | <ol style="list-style-type: none"> 1. Division 8A of the Regulation 2000 will be addressed by the consent authority via conditions of consent. 2. Clause 50(1A) of the Regulation – design verification certificate, does not apply to this application. 3. Clause 54 and 109 of the Regulation – requests for additional information, will be considered by the consent authority. 4. Clause 92 of the EPA Regulations 2000 requires consideration of the AS standards for Demolition of Structures. To be considered in conditions of consent. 5. Clause 93 and/or 94 of the Regulation will be addressed by the consent authority in conditions of consent. 6. Clause 98 of the EPA Regulations 2000 requires consideration of the Building Code of Australia. To be considered in conditions of consent. |
| The likely impacts of the development including environmental impacts on both the natural and built environments and social and economic impacts in the locality. 4.15(1)(b) | | <ol style="list-style-type: none"> 1. The proposal will have a positive social, economic impact and built environment outcome, considering the character of the proposal and development in the locality, road safety on this main road, and amenity considerations. 2. The excavation proposed is minimal and can be managed with good engineering practices and will result in considerable landscaping and amenity improvements. 3. There are no apparent unsuitable site issues or negative environmental impacts. |
| Suitability of Site for the development .4.15(1)(c) | | Ditto above. |
| Any submission made in accordance with the Act or Regulations. 5.15(1)(d) | | Council will consider any submissions received following notification. |
| The public interest-4.15(1)(e) | | <ol style="list-style-type: none"> 1. The development will provide improved family space and amenity, improved vehicle and pedestrian safety appropriate to the needs of a modern family, and improve the streetscape, enhance the locality. It will not negatively impact on the environment, locality character, amenity or neighbours. It will provide a quality dwelling and facilities consistent with the objectives of the R2 Low Density Residential zone in the Land Use Table of the MLEP. 2. It is in the public interest because it achieves the planning objectives. |
| <p>ASSESSMENT CONCLUSION – EP&A ACT</p> <ol style="list-style-type: none"> 1. The proposal complies with the requirements of the Environmental Planning and Assessment Act Section 4.15 Evaluation matters for consideration,; and is considered appropriate redevelopment for the land. 2. There are no negative environmental impacts resulting from the proposed development. 3. The proposal complies with the requirements of the Environmental Planning and Assessment Act Section 4.15 Evaluation Matters for Consideration and is considered appropriate redevelopment for the land and the locality. | | |

6.2.SEPP (Resilience and Hazards) 2021 including - Chapter 2 – Coastal Management and Vulnerability, Chapter 3 – Hazardous and Offensive Development and Chapter 4 – Remediation of Land

Chapters 2 and 3 do not apply to the subject land. However, clause 4.6 of Chapter 4 does apply.

Clause 4.6 states that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is, or is likely to be contaminated, and if the land is, or is likely to be contaminated, whether the land requires remediation before the land is developed for the proposed use.

The subject site is used for residential purposes and apparent that use has existed for many years. The land has not been zoned or used for an offensive use, including industrial or defence in recent history. We are not aware of evidence that could suggest the subject land is likely to be contaminated or unsuitable for residential use.

Conclusion. The proposed development is consistent with the requirements of the SEPP.

6.3. SEPP (Biodiversity and Conservation) 2021 - Chapter 10

The subject site is located with the areas identified in the Sydney Harbour Catchment Area Map. The SEPP relates to land identified on the Sydney Harbour Catchment Map and aims to ensure the catchment, foreshores, waterways of Sydney Harbour are recognised, protected, enhanced, and maintained, ensure a healthy, sustainable environment on land and water, achieve a high quality and ecologically sustainable urban environment, ensure a prosperous working harbour and an effective transport corridor. Also, to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity.

The subject site does not have a frontage to the harbour or foreshore and the SEPP controls and objectives that must be considered are the appearance of the development from the waterway and foreshores as included in the following table along with our response:

| To be considered | Response | Comply |
|---|---|--------|
| a) the scale, form, design and siting of any building should be based on an analysis of— (i) the land on which it is to be erected, and (ii) the adjoining land, and (iii) the likely future character of the locality | 1. The proposal is minimal in nature and results in little change to the existing visual appearance from Middle Harbour or foreshores. 2. The proposal will have no negative impact on neighbouring lands or the character of the locality or when viewed from Middle Harbour. | YES |
| (b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries, | As above | YES |
| (c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores. | 1. As above. 2. The stormwater collection and disposal is addressed in the stormwater management plan. 3. Building practices need to ensure there are no adverse impacts on runoff and water quality during construction. | YES |

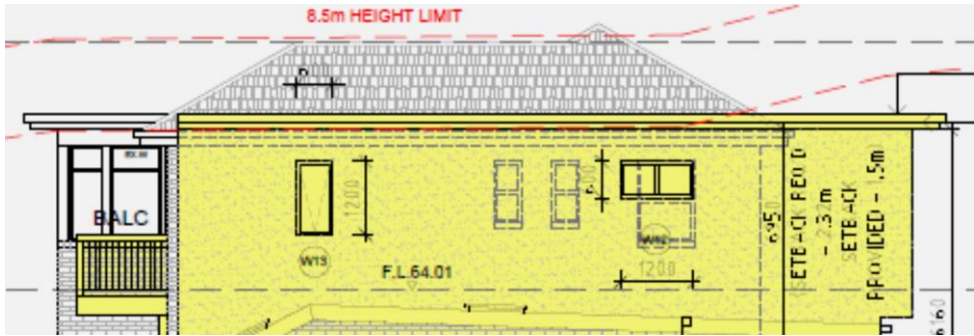
6.4. NSW Planning for Bushfire Protection (clause 4.14 of EP&A Act)

| Applicability | Response | Response | Conclusion |
|--|--|--|---|
| The site is identified as 'bush fire prone land' for the purposes of Section 146 of the Environmental Planning and Assessment Act 1979 and the legislative requirements for building on bushfire prone lands are applicable. | The proposed development is an infill development as defined within Chapter 4.3.5 of Planning for Bushfire Protection 2006 | 1. Refer to Bushfire Risk Assessment Report submitted with the DA from Planning for Bushfire Protection. We rely on that report. This report has been prepared in accordance with the requirements of Section 4.14 of the Environment Planning and Assessment Act. 2. The report assessment includes an analysis of the hazard, threat and subsequent risk to the development proposal and provides recommendations that satisfy the Objectives and Performance requirements of the Building Code of Australia, Planning for Bushfire Protection 2006 [PBP] and Australian Standard AS3959, 2009. | The proposal is consistent with and complies with requirements of the NSW Planning for Bushfire Protection. |

6.5. Sustainability – BASIX (Building and Sustainability Index) and NatHERS (Thermal Comfort Rating)

| | | |
|----------------------------------|--|---|
| Sustainability and BASIX/NATHERS | A BASIX Certificate issued by the Department of Planning and Infrastructure is to be provided for the proposal. There are 11 objectives encouraging ecological sustainability to be addressed in the design and construction of residential buildings. NatHERS assesses the degree of Thermal comfort rating achieved in the design and materials. | Requirements addressed and achieved in the architect's design; choice of building materials and in the design data and BASIX Certificate accompanying the Development Application. Refer to that Certificate and DA drawing DA14. |
|----------------------------------|--|---|

6.6. Manly Local Environmental Plan 2013 –Assessment Table for Applicable LEP Controls.

| Planning Control | Zoning/Control | Comply | Comment |
|--|--|--------|---|
| Manly Local Environmental Plan 2013 | Zone R2 Low Density Residential Permits dwelling houses and includes residential garaging, carports swimming pools and other structures - with consent. | YES | |
| Manly Local Environmental Plan 2013 | Zone Objectives summary: 1. Provide for housing needs of the community in a low-density residential environment. 2. Enable other land uses that provide facilities or services for day-to-day needs of residents. | YES | |
| PART 4-PRINCIPAL DEVELOPMENT STANDARDS | | | |
| 4.1. Minimum Lot Size | Minimum lot area for the locality is 750m ² other than for existing lots. | YES | 1. The existing lot area is 570.1m ² . 2. Existing allotments are excluded from the minimum area in the MLEP and deemed to comply . 3. The existing allotment area of 570.1m ² is deemed compliant and also invokes the MDCP clause 4.1.3.1 allowing increased FSR for existing undersized lots. The proposed FSR complies with the MLEP numerical control without a need to invoke clause 4.1.3.1. |
| 4.3. Height of Buildings | Maximum building height not to exceed the height control shown for the land on the height of buildings map. = 8.5m. | YES | 1. There is no change to existing roof ridge height where a very small element of the existing roof ridge breaches the 8.5 metre height control. This is unchanged and is deemed compliant by way of past consents . See extract below. 2. All roof additions are well below the numerical height control. Refer to drawing extract below. |
|  | | | |
| 4.4. Floor Space Ratio | Maximum floor space ratio not to exceed the FSR shown for the land on the Floor Space ratio map. The FSR for this site = 0.40:1. (Note below allowance (*). Objectives include: -Bulk and scale of development is consistent with existing and desired streetscape character. -Control building density and bulk in relation to site area to ensure development does not obscure important landscape and township features. -Maintain an appropriate visual relationship between new | YES | 1. Refer to clauses 4.3 and 4.4 of this statement of environmental effects. 2.FSR proposed = 0.40:1 on the Site area of 570.1m ² – being an existing undersized lot and deemed compliant. 3. The Floor Space Ratio proposed = 0.40:1 complies with numerical control without a need to invoke the provision for increased allowance for undersized lots. 4. Note: This calculation is compliant without a need to rely on MDCP clause 4.1.3.1 for potentially allowed Increase in FSR for small lots where the consent authority may consider exceptions to the maximum FSR under LEP clause 4.6 when both the relevant LEP objectives and the provisions of this |

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| | development and the existing character and landscape of the area. -Minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain. (*) Undersized lots – MDCP clause 4.1.3.1 for potentially allowed Increase in FSR for small lots where the consent authority may consider exceptions to the maximum FSR under LEP clause 4.6 when both the relevant LEP objectives and the provisions of this | | |
| 4.6. Exceptions to Development Standards | Objectives include: 1. Provide an appropriate degree of flexibility in applying certain development standards. 2. Achieve better outcomes from development by allowing flexibility circumstances. | N/A | |
| PART 5-MISCELLANEOUS PROVISIONS | | | Not applicable |
| PART 6-ADDITIONAL LOCAL PROVISIONS | | | |
| 6.1. Acid Sulfate Soils | As classified on Council's soil Map | YES | Minimal excavation proposed. |
| 6.2. Earthworks | Not to have a detrimental effect on environmental functions and processes, neighbouring uses, existing drainage patterns or soil stability, the amenity of neighbouring properties, any adverse impacts on any waterway, and any measures to mitigate the impacts of the development. | YES | Minimal excavation proposed. |
| | | | |
| 6.4. Stormwater Management | Minimise impact of urban stormwater on land to which this clause applies, adjoining properties, native bushland and receiving waters. Avoid any significant impact of runoff and if cannot be avoided, minimise and mitigate impact. | YES | Refer to Stormwater design and design certification submitted. |
| 6.5. Terrestrial Biodiversity | Applies to land identified as "Biodiversity" on the Terrestrial Biodiversity Map. | N/A | |
| 6.9. Manly Foreshore Scenic Protection Area | Protect visual aesthetic amenity and views to and from Middle Harbour, the Pacific Ocean and the foreshore in Manly. Assessment of the visual impact of any development to the waterways and foreshores. | YES | 1. The site is located in the Foreshore Scenic Protection Area. 2. The proposal will result in little visual change, if any, to the existing visual appearance from Middle Harbour or foreshores. 3. There is no loss of views to or from the foreshore. 4. The proposal will have no impact on neighbouring lands or the character of the locality. |
| 6.12. Essential Services | Be satisfied that essential services are available. | YES | No change to existing available services. |
| <p>ASSESSMENT CONCLUSION - MANLY LEP 2013</p> <p>1. The proposed development is permissible and complies with the MLEP controls and objectives. 2. The proposed development is permissible and considered to be appropriate and compatible with the MLEP; existing street pattern and locality and displays no negative environmental impacts. 4. The proposal is in the public interest because it is appropriate development for a modern family and achieves the zone objectives and planning objectives.</p> | | | |

6.7. Manly Development Control Plan 2013– Non-Statutory Guiding Document

Section 3.42 of the Environmental Planning and Assessment Act 1979 specifies that the provisions of a DCP “are not statutory requirements”.

“3.42 Purpose and status of development control plans(cf previous s 74BA)

(1) The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development—

(a) giving effect to the aims of any environmental planning instrument that applies to the development,

(b) facilitating development that is permissible under any such instrument,

(c) achieving the objectives of land zones under any such instrument.

The provisions of a development control plan made for that purpose are not statutory requirements.”

Part 3 of the Manly DCP provides General Principles of Development, and Part 4.1 provides Residential Development Controls. The relevant provisions are considered in the following assessment Table.

6.7.1. Manly Development Control Plan 2013 –Assessment Table for Applicable Controls.

| MDCP Control | Control Objective/Standard | Comply | Comment |
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| PART 3 - GENERAL PRINCIPLES OF DEVELOPMENT | | | |
| 3.1.1 Streetscape Residential Areas | Development should recognise predominant streetscape qualities, such as building form, scale, patterns, materials, colours, and vegetation which contribute to the character of the local area. | YES | The proposal has no impact on the streetscape of Manly Road or locality. |
| 3.1.1.2 Front Fences and Gates | Should reflect the character the fencing characteristics of the locality those of adjacent properties. | N/A | No change to existing other than the provision of the statutory pool fence. |
| 3.3. Landscaping 3.3.1. Landscape Design. | - Encourage appropriate tree planting and maintenance of existing vegetation. - Retain and augment important landscape features and vegetation remnant populations of native flora and fauna. | YES | Minor addition only proposed as stated in DA Drawing No. DA05. Basically, existing landscaping remains with pool and minor improvements. 2. Total landscaped area = 288.23m ² . |
| 3.3.2. Tree Preservation | 1. Protect and conserve the natural environment. 2. Protect and prevent urban bushland and clearing of remnant and or rehabilitated riparian land. | YES | No trees impacted. |
| 3.4. Amenity (views, overshadowing, overlooking privacy, noise | 1. Protect amenity of existing and future residents and minimise the impact of new development on privacy, views, solar access and general amenity of adjoining and nearby residents. 2. Maximise open space for recreation and provide privacy and shade | YES | No change to existing. |
| 3.4.1 Sunlight Access and Overshadowing. 3.4.1.1 Adjoining open space 3.4.1.2 Solar access into Living Rooms of Adjacent Properties. | Objectives – 1. Provide equitable access to light and sunshine. 2. To allow adequate sunlight to penetrate private open spaces and windows to the living spaces/habitable rooms of both the development and the adjoining properties. 3. Maximise penetration of sunlight including mid-winter sunlight to the windows, living rooms and to principal outdoor areas – <u>including</u> maximising setbacks on the southern side of developments to encourage solar penetration into properties to the south. 4. New development must not eliminate more than one third of the existing sunlight | YES | 1. Refer to architect's shadow drawing Nos. DA09 to DA11 which indicate a minor variation only and compliance with the numerical standard and objectives 2. Refer also to the BASIX Assessment, Certificate and design criteria. |

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| | <p>accessing the private open space of adjacent properties.</p> <p>5. Solar access- sunlight to the windows or glazed doors to living rooms of adjacent properties. Must maintain sunlight to buildings on an east/west access of minimum 2 hours from 9am to 3pm on 21 June.</p> <p>6. Adjacent buildings with an east-west orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors for a period of at least 2 hours from 9am to 3pm on 21 June.</p> | | |
| 3.4.2 Privacy and Security | <p>Minimise loss of privacy (both visual and acoustical) to adjacent development.</p> <p>1. Mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.2. Use narrow and translucent or obscure glass windows.3. When close to boundaries, windows must be off-set from those in adjacent buildings to restrict direct viewing and to mitigate impacts on privacy.</p> <p>4. Provide screens to balconies and terraces.</p> | YES | No change to existing. Privacy and security maintained. |
| 3.4.3 Maintenance of views – View Sharing. | <p>1. Provide for view sharing for both existing and proposed development and existing and future Manly residents.</p> <p>2. Minimise disruption to views from adjacent and nearby development and views to and from public spaces including views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings</p> <p>3. Minimise loss of views, including accumulated view loss “view creep” whilst recognising development may take place in accordance with the other provisions of the DCP.</p> <p>Assessment from standing position 1.6 metres above floor level from within the main living room areas and associated terraces/balconies.</p> | YES | No change to existing. |
| 3.5. Sustainability | There are 11 objectives encouraging ecological sustainability. | YES | Compliance standards achieved. Refer to BASIX Certificate –BASIX-submitted, also to clause 6.5. |
| 3.7. Stormwater management | <p>Manage urban stormwater within the developed site without degrading water quality of the catchment or cause erosion and sedimentation.</p> <p>Manage construction sites.</p> <p>Promote ground infiltration of stormwater and encourage stormwater detention, collecting and recycling.</p> | YES | <p>1. The additional roofed area is small with minimal increase in water collection.</p> <p>2. Refer to Stormwater design submitted, and engineer’s stormwater certification submitted.</p> |
| 3.8. Waste Management | Encourage minimization and management of waste and storage of waste bins. | YES | |
| PART 4 - DEVELOPMENT CONTROLS AND TYPES | | | |
| 4.1.1 Dwelling Density and Subdivision | Schedule 1 Map A Density Area/Minimum lot size = 750m2 per dwelling. | N/A | Existing undersized allotment and deemed compliant - No changes proposed. Refer to clause 4.1.3.1 in the MDCP for increased FSR applicable to Undersized Allotments. |
| 4.1.2 Height of Buildings | Maximum building height not to exceed the height control shown for the land on the height of buildings map. The maximum height for this land is 8.5m. | YES | |

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| 4.1.2.1 Wall Height | The MLEP basic wall height is a numerical control and the MDCP sets as a guide variation on wall heights relative to the slope of the land and shown in DCP Figure 28 – Maximum Wall height Determined by the Slope = 7metres. | YES | The maximum wall height for the subject site is 7 metres |
| 4.1.3. Floor Space Ratio (FSR) and 4.1.3.1 – Increased FSR for Undersized Lots allowable. | The applicable FSR is determined in the MLEP at 0.4:1. Also see provisions in LEP clause 4.6 for exceptions. DCP – Objectives: 1. Ensure scale of development does not obscure important landscape features. 2. Minimise disruption to views to adjacent and nearby development. 3. Allow adequate sunlight to penetrate both private open spaces within the development site and private open spaces and windows to the living spaces of adjacent residential development. However, Clause 4.1.3.1 provides for increased FSR for existing undersized lots on a defined scale. | YES | 1. Refer to clauses 4.3 and 4.4 of this statement of environmental effects and MLEP comments. 2. FSR proposed = 0.40:1 on the Site area of 570.1m ² – being an existing undersized lot and deemed compliant. 3. The Floor Space Ratio proposed = 0.40:1 complies with numerical control without a need to invoke the provision for increased allowance for undersized lots. 4. Note: This calculation is compliant without a need to rely on MDCP clause 4.1.3.1 for potentially allowed Increase in FSR for small lots where the consent authority may consider exceptions to the maximum FSR under LEP clause 4.6 when both the relevant LEP objectives and the provisions of this |
| 4.1.4. Setbacks (front, side and rear) | Objectives- Provide privacy, equitable access to light, sunshine and air movement; and maintain adequate space between buildings. | YES – and on Merit | Refer to assessment comments following in 4.1.4.1, 4.1.4.2 and 4.1.4.4. |
| 4.1.4.1 Front setback | Ther MDCP numerical control for front setback is 6.4 metres. | YES – and on Merit | 1. The existing dwelling extends forward by relatively small amount and the setbacks of the proposed additions are minimal and comply by significant front setback dimensions. 2. The proposed Pool setbacks vary from 10.642 metres to 4.42 metres which breaches the control but should be accepted for reasons- <ul style="list-style-type: none"> • The average of 10.642 and 4.42 metres which are close to compliance. • The pool is not visible from the street, Manly Road due to the significant differences in heights. • The pool location does not impact on neighbours. • The location of the pool allows for a vehicle parking/manoeuvring area for vehicles. |
| 4.1.4.2 Side Setbacks | 1. One-third wall height with minimum side setback 900 mm with exceptions to allow for some structures – including garages. 2. Exceptions may apply for some structures permitted as existing and if demonstrated that there will be no adverse impact on adjoining properties including loss of privacy. | YES and on Merit | 1. The existing western side setback is 1898 mm and is unaltered. Complies. 2. The existing eastern side setbacks varies from 936 mm and 150 mm and remains unaltered. The existing eastern side garage setback complies by way of previous consents. 3. The existing garage roof height is partially increased to provide for a stacker parker and improve architecture. There are no negative issues, and should be accepted on merit – <ul style="list-style-type: none"> • There are no negative impacts to the adjoining property or streetscape. • Provides increased onsite parking where no parking is allowed on the Manly Road being the only access to the property. |

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| 4.1.4.4 Rear Setbacks | <p>1. Rear setback = 8 metres</p> <p>2. Minor projections permitted if demonstrated that there will be no adverse impact on adjoining properties including loss of privacy.</p> | YES on Merit | <p>The proposal provides a rear setback of 6.977 metres and breaches the numerical 8 metre control by 1.023 metres.</p> <p>2. The breach is relatively minor and should be accepted on merit –</p> <ul style="list-style-type: none"> The front setback of the dwelling is significantly greater than the numerical control and provides an increased and beneficial distribution of the dwelling footprint to the site and to neighbours. The rear setback of 6.977 metres provides for adequate rear landscaping and does not lead to any negative impacts to adjoining properties – noting that the rear of the adjoining dwelling at Lot. 6 Manly Road sits significantly further towards the rear. The proposed rear setback has no adverse impact on adjoining properties including loss of privacy and is not visible from the street or from Middle harbour. |
| 4.1.5. Open Space and Landscaping | <p>1. Open Space Area (OSA) – 50% of site area.</p> <p>2. Landscape area required = 40% of OSA</p> | YES | Refer to calculations in DA drawing DA00 and DA05 and clauses 4.3 and 4.4 of this Statement. |
| 4.1.6 Parking, Vehicular Access | <p>Objectives.</p> <p>1. Provide assessable parking on site; and provision for bicycles.</p> <p>2. Reduce demand for on-street parking. Ensure that location and design of driveways, parking spaces are safe and integrated into the design of the development to minimise visual impact in the streetscape.</p> | YES | <p>1. The subject site suffers access difficulty for vehicles and people accessing off Manly Road being the only access to the subject property.</p> <ul style="list-style-type: none"> This is an extremely busy main road with dense and fast travelling traffic leading up from the Spit Bridge 24 hours daily - refer to Fig. 05 and 06. There are no parking provisions along Manly Road nor any footpaths along the northern side. <p>2. This proposal considers the difficult access and safety situation for access and parking of owner vehicles, visitors and trades persons vehicles where the only access is by a shared slip road directly from the uphill portion of Manly Road. And no on-street parking allowed.</p> <p>3. We consider the proposed additional parking and turning area are essential element of the proposed alterations and additions and worthy of merit consideration.</p> <p>4. One additional parking space is proposed and located on a stacker. The additional parking and turning area is justified for this property due to the difficult and dangerous access off the uphill portion of Manly Road.</p> |
| 4.1.6.1 Parking Design and Location of garages | <p>1. Minimise visual impact on streetscape and neighbouring properties and maintain desired character of the locality.</p> <p>2. Provide safe access.</p> | YES | <p>1. As above – and the proposal has no negative impact on neighbours, or streetscape or when viewed from Middle Harbour.</p> <p>2. The parking proposed is a sensible reuse of the existing garage structure with a minor increase in height to accommodate a stacker.. This change to the garage roof also results in an improved architecture with no adverse impacts.</p> <p>3. This a sensible and practical approach to providing on-site parking in this difficult and potentially dangerous situation for the following reasons:</p> <ul style="list-style-type: none"> Manly Road is an extremely heavy trafficked main road leading down to and up from the |

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| | | | <p>Spit Bridge . with no street parking along Manly Road.</p> <ul style="list-style-type: none"> Access to 15 Manly Road is only by way of a shared access road directly from the northern side (uphill part) of Manly Road being a heavy trafficked main road with no street parking and access only from uphill. Due to the access road being shared with neighbours, it is not permissible for visitors to park on the access road. The proposal is strongly supported. |
| 4.1.8 Development on Sloping Sites. | <p>Development on sloping sites may require geological assessment to consider the stability of the slope and the suitability of the proposed design. Requirements</p> <p>a) The design must respond to the slope of the site, to minimise loss of views and amenity from public and private spaces. b) Developments on sloping sites must be designed to: i) generally step with the topography of the site; and ii) avoid large undercroft spaces and minimise supporting undercroft structures by integrating the building into the slope whether to the foreshore or a street.</p> | YES | |
| 4.1.9 Swimming Pools, Spas and Water Features | <p>Objectives:</p> <ol style="list-style-type: none"> 1. Located and designed to maintain privacy of neighbouring properties and minimise impact on neighbours. 2. Located so as not to adversely impact on the streetscape or established character of the area. 3. To integrate landscaping. 4. To be emergency water resource in bush fire prone areas. | YES | |
| 4.1.10. Fencing and Free-Standing Walls | <p>DCP clause 4.1.10 starts from the premise that freestanding walls and fences between the front street boundary and the building are to be no more than 1 metre in height. Clause 4.1.10.1 provides for a number of exceptions;</p> | N/A | No change to existing other than the statutory required pool fencing. |
| PART 5-SPECIAL CHARACTER AREAS AND SITES ENVIRONMENTALLY SENSITIVE LANDS | | | |
| 5.4.1. Foreshore Scenic Protection Area | <p>Refer to LEP Table clause 6.9. Protect visual aesthetic amenity and views both to and from Middle Harbour.</p> | YES | <ol style="list-style-type: none"> 1. Addressed in the MLEP assessment Table: 2. The proposal will not have any impact on visual aesthetic amenity or views to and from the foreshore. The outcome will be a positive. |
| Building, materials and Colours | <p>Selected materials and Colours relevant to the locality.</p> | YES | <p>Refer to the Architect's External Finishes Schedule submitted – Drawing DA13.</p> |
| <p>ASSESSMENT CONCLUSION - MANLY DEVELOPMENT CONTROL PLAN 2013</p> <ol style="list-style-type: none"> 1. The proposal complies with relevant Manly DCP numerical planning controls and objectives applicable to the site other than minor breaches of Front, Side and Rear setbacks which are recommended for acceptance on merit as stated. 2. The proposal is considered an acceptable design standard applicable to the existing dwelling, neighbouring dwellings and appropriate to modern family needs. It display no negative environmental impacts and will provide a modern architecturally improved entrance and living facilities appropriate to the occupants, locality and respectful of neighbours. | | | |

7.0. Conclusion

7.1 The application has been assessed having regard to the provisions of Section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979, the Manly LEP 2013 and Manly DCP 2013 controls, applicable legislation and advice of expert consultants and we rely on those documents.

7.2. The proposal presents as a modern and architecturally integrated addition to the existing dwelling – displaying architecture integrity. The dwelling and facilities respond to the site, respect, and maintain existing ground levels with no variation in ground levels required. The proposed addition is small, and the scale of development is appropriate for the site, the locality and streetscape

7.3. The proposed development is permissible and complies with the MLEP controls and objectives and complies with the Manly DCP guiding controls other than minor variations outlined in this Statement which should be accepted on merit for the reasons stated.

7.4. The proposed development:

1. Is permissible in the zone; displays good architectural design and scale consistent with the locality, neighbours, the streetscape, and enhances the character and amenity of the existing dwelling, the local neighbourhood and meets the planning outcome objectives applicable to the land.
2. Has no unreasonable or unacceptable environmental impacts on the natural and built environment or the amenity of the neighbourhood.
3. Achieves the Zone objectives and planning objectives.
4. Succeeds when assessed against the Heads of Consideration pursuant to Section 4.15 Evaluation of the Environmental Planning and Assessment Act, 1979 and applicable planning controls and objectives.
5. Is in the public interest because it achieves the zone objectives and MDCP guiding objectives.
6. Consent should be granted subject to normal appropriate conditions.

Colco Consulting Pty Ltd



Wayne Collins
Director

31 December 2024

Qualification/Disclaimer

This report, Statement of Environmental Effects (SEE), is based on information provided by the instructing party and relates only to the information provided at the date of issue of this report and planning legislation applicable at that date. Colco has made what it considers reasonable enquiries in preparing this report; however, it cannot confirm the accuracy of architectural drawings or supporting consultant's specialist reports. Colco accepts these documents in good faith. The Statement of Environmental Effects is for the benefit of the client in regard to a development application for development on the subject site and not for any other purpose. Colco cannot forecast an outcome of a consent authority.

Colco, officers, and staff were required to make judgements on matters which are or may be incapable of precise assessment – being subjective in which others may reach a different conclusion. The statements, opinion and conclusions expressed in this report are made in good faith, reasonable belief they are correct and not misleading; and always subject to the limitation of accuracy of instructions and documents provided. Colco disclaims all liability to the extent permitted by law.

Attachments

Attachment 1 – Detailed Survey

