

STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition, construction
of a dual occupancy
(attached) and Torrens
Title subdivision

48 Upper Clifford
Avenue, Fairlight

Statement of Environmental Effects

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48 Upper Clifford Avenue, Fairlight



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1 Introduction

This document forms a component of a development application proposing the demolition of existing site structures, the construction of a dual occupancy development (attached) and the Torrens Title subdivision of the completed development. The application also proposes the implementation of an enhanced site landscape regime.

This application is made pursuant to Chapters 6 of *State Environmental Planning Policy (Housing) 2021* (SEPP Housing).

We confirm that the whole of the land is identified on the indicative map for the Chapter 6 low mid-rise housing provisions of SEPP Housing and located no more than 800 metres walking distance measured within the public domain from the mapped Balgowlah town centre.

The architect has responded to the client brief to provide a site-specific contemporary dual occupancy design which will maintain appropriate residential amenity between adjoining development in terms of privacy, solar access and view sharing. The considered and resolved outcome provides for a highly articulated and modulated building form of exceptional design quality which provides for a complimentary and compatible building presentation to the street. The refined nature and detailing of the proposal will reinforce the desired future character of the locality and contribute to the built form quality of development within the sites visual catchment.

Particular attention has been given to ensuring that the proposed dwellings afford high levels of amenity for future occupants, whilst ensuring high levels residential amenity to adjoining properties are retained in relation to privacy and overshadowing. The proposal replaces an existing aging dwelling house with a contemporary dual occupancy development which maximises the sites development potential and provides additional housing stock on a site identified by the recently adopted LMR provisions as suitable for additional residential density.

In addition to the Statement of Environmental Effects, the following also accompanies the application:

- Boundary Survey
- Architectural Plans
- Stormwater Management Plans
- Civil Plans
- Landscape Plan
- Arborist Report
- Geotechnical Report
- BASIX Certificate
- QS Report

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979,
- Manly Local Environmental Plan 2013,
- Manly Development Control Plan 2013,
- State Environmental Planning Policy (Housing) 2021, and
- State Environmental Planning Policy (Sustainable Buildings) 2022

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the proposed use and associated works.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.
- The proposal will not have an unreasonable impact on adjoining properties with regard to overshadowing, view loss or privacy.
- The proposal is compliant with the non-discretionary development standards applying to dual occupancy (attached) development and Torrens Title subdivision pursuant to the Chapter 6 LMR provisions of SEPP Housing.
- The identified non-compliances with the MDCP 2013 side boundary setback and total open space controls have been acknowledged and appropriately justified having regard to the associated objectives. Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of the DCP standard for dealing with that aspect of the development.

2 Site Analysis

2.1 Site Description and Location

The site is identified as Lot 23, Section I in DP 3212, 48 Upper Clifford Avenue, Fairlight. The site has an area of 566.6m² and is a rectangular shaped allotment, as shown in the aerial image below.



Figure 1 - Site Location Map (Source: Six Maps)

The subject site has a frontage and address to Upper Clifford Avenue of 14.085m and depth of 40.235m. The existing development on site comprises a two storey brick residence which with pitched and tiled roof with integrated garage accommodation accessed via a driveway from Upper Clifford Avenue. A high front fence delineates the front boundary of the property. A number of trees are located towards the rear of the property as identified in the accompanying arborist report and on the survey extract over page.

The site falls at approximately 4 metres across its surface towards the street frontage.

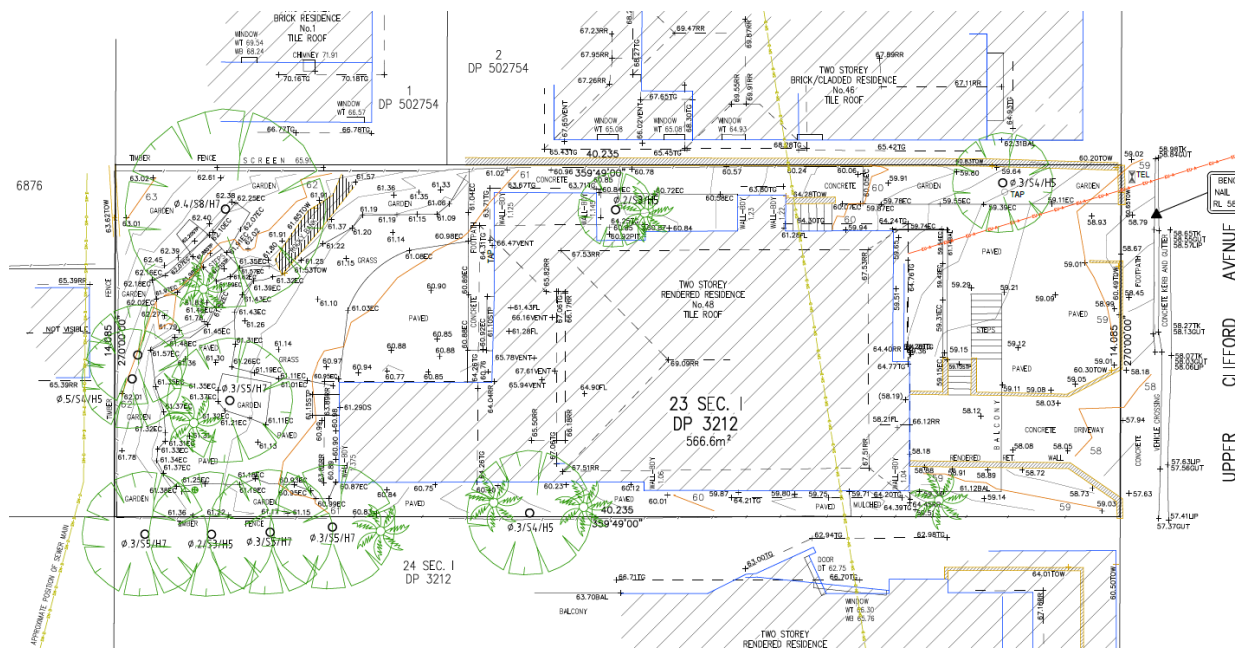


Figure 2 - Survey extract



Figure 3 - Subject property as viewed from Upper Clifford Avenue.

The established streetscape character can be described as eclectic in nature where 2 and 3 storey dwelling houses are interspersed with residential flat building forms.

There is no real consistency in relation to building height, form, front setback or density reflecting the streets R1 General Residential zoning which anticipates a range of dwelling typologies and densities including but not limited to detached dwelling houses, semi-detached dwellings, dual occupancies, multi dwelling housing and residential flat buildings.

Both immediately adjoining properties are occupied by multilevel dwelling houses with garage structures and primary façade alignments closer to the street than the existing dwelling on the subject property. The existing built form circumstance on the immediately adjoining properties is depicted in the following photographs.



Figure 4 – Adjoining property to the west 50 Upper Clifford Avenue with its 3 storey plus attic form constructed pursuant to DA2019/0190

The properties to the rear have frontage and address to Fairlight Street and are occupied by residential flat buildings, multilevel dwelling houses and semi-detached dwellings.



Figure 5 – Adjoining property to the east 46 Upper Clifford Avenue with a two storey residential flat building beyond.

3 Description of Development

3.1 Details of the Proposed Development

The development proposes the demolition of existing site structures, the construction of a dual occupancy development (attached) and the Torrens Title subdivision of the completed development. The works are shown on the following plans prepared by Action Plans:

NO.	DRAWING NAME
DA00	COVER
DA01	NOTATION /SAFTEY NOTES
DA02	PROPOSED SUB-DIVISION PLAN
DA03	SITE ANALYSIS
DA04	SITE / ROOF / SEDIMENT EROSION / WASTE MANAGEMENT / STORMWATER CONCEPT PLAN
DA05	EXISTING GROUND FLOOR PLAN
DA06	PROPOSED GARAGE FLOOR PLAN
DA07	PROPOSED GROUND FLOOR PLAN
DA08	PROPOSED FIRST FLOOR PLAN
DA09	PROPOSED ROOF PLAN
DA10	NORTH / EAST ELEVATION
DA11	SOUTH / WEST ELEVATION
DA12	LONG SECTIONS
DA13	CROSS SECTIONS
DA14	CROSS SECTIONS
DA15	AREA CALCULATIONS
DA16	STREET ELEVATION / DRIVEWAY SECTIONS / POOL PLAN
DA17	WINTER SOLSTICE 9 AM
DA18	WINTER SOLSTICE 12 PM
DA19	WINTER SOLSTICE 3 PM
DA20	SAMPLE BOARD
DA21	BASIX COMMITMENTS
DA22	WINDOWS AND DOOR SCHEDULE WESTERN SIDE
DA23	WINDOWS AND DOOR SCHEDULE EASTERN SIDE

The two dwellings will mirror each other and specifically contain the following:

Garage Floor Plan

- Single width garage with tandem arrangement accessed via separate driveways from Upper Clifford Avenue.
- Services/ plant room
- Storage
- Bin storage
- Internal lift and stair access to levels above

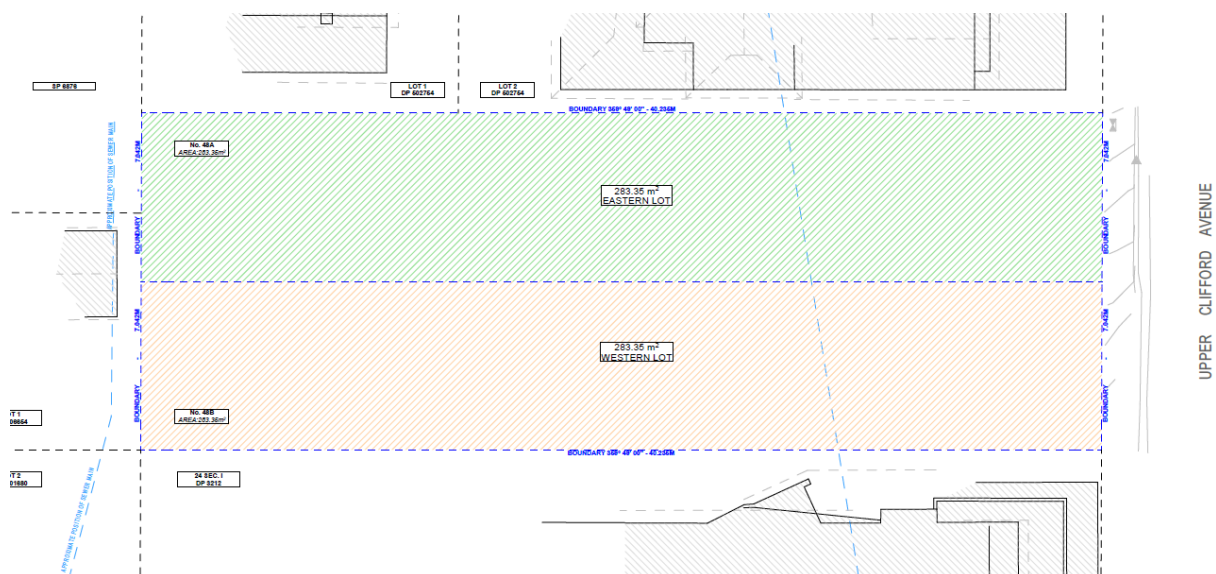
Ground Floor Plan

- Pedestrian entry
- Three bedrooms, the main with ensuite and street facing balcony.
- Second living room opening onto a rear facing deck and swimming pool
- Bathroom
- Laundry
- Storage
- Lift and stair access to the levels above and below

First Floor

- Open plan kitchen living and dining room
- Front and rear facing terraces
- Powder room

The Torrens Title subdivision of the completed development as depicted on plan DA02 and reproduced below.



Whilst the application requires the removal of a number of trees as identified in the accompanying arborist report prepared by Heartwood Tree Consulting such tree loss is appropriately compensated for as detailed on the accompanying landscape plans prepared by Space Landscape Designs which details the enhancement of landscaping across the site.

All stormwater will be gravity drained to the street drainage system as detailed on the accompanying stormwater management plans prepared by Taylor with excavation addressed in the accompanying geotechnical report prepared by AscentGeo.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential environmental impacts are discussed below.

4.1 State Environmental Planning Policy (Housing) 2021

4.1.1 Chapter 6 - Low and mid-rise housing

This application is made pursuant to Chapter 6 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) which came into effect on 28th February 2025.

Pursuant to clause 164(1) of the Housing SEPP, the Northern Beaches LGA is one to which Chapter 6 applies.

An assessment of the development against other applicable provisions within Chapter 6 of the Housing SEPP is contained within Table 1.

Table 1 - Assessment of relevant SEPP Housing Chapter 6 provisions

Clause	Requirement	Assessment	Compliance
167 Landscaping- - dual occupancies	<p>(1) This section applies to development for the purposes of dual occupancies in a low and mid rise housing area in the following zones—</p> <p>(a) Zone R1 General Residential,</p> <p>(2) Before granting development consent to development to which this section applies, the consent authority must consider the <i>Tree Canopy Guide for Low and Mid Rise Housing</i>, published by the</p>	This section applies.	

Clause	Requirement	Assessment	Compliance
	<p>Department in February 2025.</p> <p>For a site having an area between 300- 600m² the Tree Canopy Guide requires a minimum 20% tree canopy cover and a deep soil area of 20% of the site area.</p> <p>Further, for every 200m² a site area or part thereof at least one small trees to be planted in deep soil areas.</p>	<p>The application proposes a deep soil landscaped area of 132.46m² representing 23.4% of the site area which exceeds the minimum 20% requirement.</p> <p>The proposal retains trees T6, T7, T8 and T9 which together with the proposed landscaping achieves a tree canopy of 20% of the site area.</p>	<p>Yes</p> <p>Yes</p>
168 Non-discretionary development standards—dual occupancies	<p>(1) This section applies to development for the purposes of dual occupancies in a low and mid rise housing area in the following zones—</p> <p>(a) Zone R1 General Residential,</p> <p>(2) The following non-discretionary development standards apply—</p> <p>(a) a minimum lot size of 450m²,</p> <p>(b) a minimum lot width at the front building line of 12m,</p> <p>(c) if no environmental planning instrument or development control plan that applies to the land specifies a maximum number of car parking spaces per dwelling—a minimum of 1 car parking space per dwelling,</p> <p>(d) a maximum floor space ratio of 0.65:1,</p>	<p>This section applies.</p> <p>Lot size 566.6m².</p> <p>14.085 width at front building line.</p> <p>No maximum number of parking spaces prescribed. 2 off-street parking space provided per dwelling.</p> <p>FSR of 0.649:1 proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Clause	Requirement	Assessment	Compliance
	(e) a maximum building height of 9.5m.	Maximum building height of 8.899m proposed.	Yes
169 Non-discretionary development standards—subdivision for dual occupancies	(1) This section applies to development involving subdivision for the purposes of dual occupancies on land in a low and mid rise housing area in the following zones—		
	(a) Zone R1 General Residential,	This section applies.	
	(2) This section applies only if—		
	(a) development consent was granted for the dual occupancy on or after 28 February 2025, or	Satisfied.	Yes
	(3) The following non-discretionary development standards apply—		
	(a) each resulting lot must contain no more than 1 dwelling,	1 dwelling per Lot	Yes
	(b) each resulting lot must be at least 6m wide at the front building line,	7.042m frontages proposed.	Yes
	(c) each resulting lot must have lawful access and frontage to a public road,	Both Lots have lawful frontage to Upper Clifford Avenue.	Yes
	(d) each resulting lot must have an area of at least 225m ² ,	Both Lots have an area of 283.35m ² .	Yes
	(e) each resulting lot must not be a battle-axe lot.	Satisfied.	Yes

4.2 State Environmental Planning Policy (Sustainable Buildings) 2022.

State Environmental Planning Policy (Sustainable Buildings) 2022 applies to the development and aims to encourage sustainable residential development.

A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

4.3 Manly Local Environmental Plan 2013

4.3.1 Zoning and Permissibility

The subject site is Zoned R1 General Density Residential. The objectives of R1 general density residential zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities% of the site.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Dual occupancy development is permitted with consent in the R1 Gen Residential zone and is not an impediment to the granting of consent. The development will provide additional housing stock and variety within the local area. Acid sulfate soils

The site is identified as being within Class 5 acid sulfate soils which pose the least amount of risk. Some minor excavation is proposed to accommodate the swimming pools which will not be significant enough to risk exposing acid sulfate into the local environmental.

4.3.2 Earthworks

Pursuant to clause 6.2 of the LEP the objectives of the control are as follows:

- (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 acceptability of the proposed excavation is addressed in the accompanying geotechnical report prepared by AscentGeo. The consent authority can be satisfied that the 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.

These provisions are satisfied.

4.3.3 Stormwater management

All stormwater will be gravity drained to the street drainage system as detailed on the accompanying stormwater management plans prepared by Taylor. The consent authority can be satisfied that the proposed development–

- (a) has been designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
- (b) includes on-site stormwater retention for use as an alternative supply to mains water, and
- (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters.

As such, the consent authority can be satisfied that the proposal is consistent with the provisions of clause 6.4 of MLEP 2013.

4.3.4 Scenic protection

Pursuant to clause 6.9 of the MLEP 2013 the subject site is located within the foreshore scenic protection area. The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly.

It is considered that the proposed development is consistent with the bulk and scale of development within the visual catchment of the site and the foreshore area. Development is characterised by multi storey residential dwellings that step down the sloping topography. The proposed dwelling will integrate with existing development along the streetscape and will not result in an unreasonable visual impact when viewed from public places or the foreshore.

4.3.5 Essential Services

Pursuant to clause 6.12 of MLEP 2013, development consent must not be granted to development unless the consent authority is satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available when required. As the subject property is currently occupied by dwelling house, the consent authority can be satisfied that all essential services will be available to the resultant development prior to the issuance of the occupation certificate.

4.4 Manly Development Control Plan 2013

The relevant provisions of the Manly Development Control Plan 2013 in relation the proposed works are detailed as follows:

Control	Requirement	Proposed	Compliance
Streetscape (Residential Areas) 3.1	<p>Streetscape is defined and represents the inter-relationship between buildings, landscape and open spaces in the street scene. Local amenity and identity are closely linked to streetscape character.</p> <p>Development should recognise predominant streetscape qualities, such as building form, scale, patterns, materials and colours and vegetation which contributes to the character of the local area.</p>	<p>The proposed dual occupancy development will contribute positively to the streetscape which includes a range of building typologies and scale. The design has ensured the development meets numerical controls for height, front and rear setbacks, open space and landscape area. The minor variations to the side boundary setback control are considered reasonable in this instance given a high level of compliance across the site and the spatial arrangement established by existing development.</p> <p>No predominant architectural style dominates the area with a mix of older and newer styles of development present in the streetscape.</p> <p>The dwellings utilise a range of materials and finishes which are identified on the architectural drawings.</p>	Yes
Landscape Design 3.3.1	<p>To encourage appropriate tree planting and maintenance of existing vegetation.</p> <p>To retain and augment important landscape</p>	<p>A landscape plan has been prepared and accompanies this application.</p> <p>A range of plantings are proposed which complement</p>	Yes

Control	Requirement	Proposed	Compliance
	features and vegetation remnant populations of native flora and fauna.	the development and will provide increased amenity to the private open space areas. The plantings will provide additional screening and softening of the built form and ensure the development sits within an enhanced landscaped setting. Native species have been utilised to contribute to the biodiversity value of the local environment. New native plantings will contribute to increased canopy coverage.	
Preservation of Trees 3.3.2 Footpath Tree Planting 3.3.3	<p>To protect and enhance the urban forest of the Northern Beaches.</p> <p>To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.</p>	An arborist report has been prepared and accompanies this application. No unacceptable tree removal is proposed.	Yes
Sunlight Access and Overshadowing 3.4.1	New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June); or	<p>Shadow diagrams have been provided and are included in the architectural set.</p> <p>The development will see some additional overshadowing to both immediately adjoining properties however compliant levels of solar access will be maintained to the north facing rear yards and adjacent living room glazing.</p>	Yes

Control	Requirement	Proposed	Compliance
	Where there is no winter sunlight available to open space of adjacent properties from 9am to 3pm, the calculations for the purposes of sunlight will relate to the equinox in March and September from 9am to 3pm.		
Privacy and Security 3.4.2	<p>To minimise loss of privacy to adjacent and nearby development by:</p> <ul style="list-style-type: none"> • appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings; • mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings. <p>To increase privacy without compromising access to light and air. To balance outlook and views from</p>	<p>The design has incorporated privacy screens to the first floor balconies to mitigate any potential overlooking concerns. First floor level side boundary facing fenestration has been minimised and where provided either highlight in detail or covered with louvred privacy screens.</p> <p>The orientation of the upper level balconies to the front and rear of the site, the maintenance of a compliant 8 metre rear setback and the retention of existing boundary fence treatments as augmented by the proposed perimeter landscaping will ensure the maintenance of appropriate levels of privacy to surrounding development.</p> <p>The design allows for excellent security with clearly defined entries and provides opportunities for casual surveillance of the street.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>habitable rooms and private open space.</p> <p>To encourage awareness of neighbourhood security.</p>		
<p>Maintenance of Views</p> <p>3.4.3</p>	<p>To provide for view sharing for both existing and proposed development and existing and future Manly residents.</p> <p>To 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 from both private property and public places (including roads and footpaths).</p> <p>To minimise loss of views, including accumulated view loss 'view creep' whilst recognising development may take place in accordance with the other provisions of this Plan.</p>	<p>Having inspected the site and its immediate surrounds to establish available view lines from surrounding properties in a southerly direction towards Middle Harbour and its land water interfaces we are satisfied that a view sharing outcome is achieved.</p> <p>Informing this opinion, we note that the development maintains a complimentary and compatible front setback consistent with that established by both immediately adjoining properties 46 and 50 Upper Clifford Avenue. To the extent that the building will be visible as viewed from these adjoining properties as viewed across the frontage of the subject site such front setback alignment and built form outcome is anticipated by the DCP with views available directly across the front boundary of the adjoining properties towards available views preserved.</p>	Yes

Control	Requirement	Proposed	Compliance
		<p>Consideration has also been given to views across the site from the properties to the north and in this regard we are satisfied that as the proposal sits well below the 9.5m building height standard with the upper-level stepped in from both side boundaries to maintain view corridors down each flank of the development that a view sharing outcome is maintained.</p> <p>With regard to the planning principal <i>tenacity vs Warringah Council</i>, we consider the proposed development to be consistent with the principals of view sharing and that no unreasonable or unanticipated impacts to established views will occur with the proposed development.</p>	
Stormwater Management 3.7	<p>To manage urban stormwater within its natural catchments and within the development site without degrading water quality of the catchments or cause erosion and sedimentation.</p> <p>To manage construction sites to prevent environmental impacts from stormwater and protect</p>	Stormwater Management Plans have been provided.	Yes

Control	Requirement	Proposed	Compliance
	downstream properties from flooding and stormwater inundation.		
Waste Management 3.8	<p>To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).</p> <p>Encourage environmentally protective waste management practices on construction and demolition sites</p> <p>Encourage the ongoing minimisation and management of waste handling in the future use of premises.</p> <p>To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.</p> <p>To minimise risks to health and safety associated with handling and disposal of waste and recycled</p>	<p>The development will require the demolition of the existing dwelling on the site. A waste management plan has been provided with this application.</p> <p>The existing dwelling will be recycled and reused where appropriate. Commercial waste contractors will be utilised to dispose of the waste materials.</p> <p>Bin storage can be accommodated within the garages of each dwelling.</p>	Yes

Control	Requirement	Proposed	Compliance
	material, and ensure optimum hygiene.		
Safety and Security 3.10	<p>To ensure all development are safe and secure for all residents, occupants and visitors of various ages and abilities.</p> <p>To ensure that the design process for all development integrate principles of 'Safety in Design' to eliminate or minimise risk to safety and security.</p> <p>To contribute to the safety and security of the public domain.</p>	<p>The design of the dwellings allow for the casual surveillance of the street with front facing windows and street facing balconies.</p> <p>The vehicle crossings will have a clear line of sight for the protection of pedestrians.</p>	Yes
Residential Dwelling and Dwelling Size 4.1.1.1	1 dwelling per 250m ²	Achieved	Yes
Residential Land Subdivision 4.1.1.2	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;	N/A. LMR compliant.	Yes

Control	Requirement	Proposed	Compliance
	The future development of new lots is to be considered in DAs for subdivision. A subdivision involving a new lot for residential development less than 500sqm must identify on the subdivision plan that a dwelling can be successfully accommodated on each allotment, in compliance with this Plan. Concept plans of likely future redevelopment may be required in this regard.		
Wall Height 4.1.2.1	the maximum external wall height is calculated based on the slope of the land under the proposed wall Approx. 7.3m	Maximum 7.3m wall heights achieved.	Yes
Number of Storeys 4.1.2.2	2 storeys – where specific physical site constraints warrant an exception to this requirement. In these circumstances the development must still fully comply with other numeric height controls and development standards	2 storeys achieved	Yes

Control	Requirement	Proposed	Compliance
Roof Height 4.1.2.3	Max 2.5m	<2m pitched roof proposed	Yes
FSR 4.1.3	0.6:1	N/A. LMR compliant FSR proposed.	N/A
Front Setback 4.1.4.1	Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.	<p>The front setback is consistent with the prevailing building line of the neighbouring properties as depicted on the architectural plans.</p> <p>Accordingly, the front setbacks of the proposal will not be perceived as inappropriate or jarring in a streetscape context.</p>	Yes
Side Setbacks 4.1.4.2	1/3 of wall height 2.1m	<p>Varying side setbacks are proposed to the ground and first floor levels. While elements are not in strict accordance with the control, varying setbacks achieve a high level of building articulation which minimises its visual bulk.</p> <p>The setbacks are considered appropriate in this context and do not give rise to any unreasonable amenity impacts. The upper level of the development is setback 2.117m from the side boundaries reflecting a compliant setback for a wall element of 6.351m in height.</p>	No Acceptable on merit.

Control	Requirement	Proposed	Compliance
		<p>Given the sloping nature of the site the setbacks are considered to be contextually appropriate and reflective of the topographical characteristics of the area.</p> <p>The setbacks maintain appropriate spatial separation to adjoining development, view corridors down both sides of the property and are consistent with the objectives of the setback control.</p> <p>Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of the DCP standard for dealing with that aspect of the development.</p>	
Rear Setback 4.1.4.4	8m	>8m proposed.	Yes
Open Space and Landscaping 4.1.5	55% Open Space 35% Soft Landscaping	Total open space = 54.54% Soft Landscaping = 132.45m² or 71.54%	No Minor variation acceptable on merit Yes

Control	Requirement	Proposed	Compliance
		<p>While it is acknowledged that the total open space is non-compliant on balance the level of soft landscaping on site achieves a high level of amenity for the occupants and contributes positively to the area generally.</p> <p>The private open space areas as proposed will provide a high level of amenity for the occupants and includes recreational opportunities via rear swimming pools.</p>	Yes
Parking Design 4.1.6.1	<p>The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain the desired character of the locality.</p>	<p>The tandem garage arrangement is considered a good design outcome which achieves 2 parking spaces for each dwelling in an area where demand for on-street parking is high.</p>	Yes

4.5 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as Amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(i) The provision of any planning instrument

The proposal is permissible and generally in conformity with the General, Development Type and Locality Specific Controls contained within Manly Development Control Plan.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

N/A

(iii) Any development control plan

Manly DCP applies.

(iiia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,

Context and Setting

- i. What is the relationship to the region and local context in terms of:*

The scenic qualities and features of the landscape

The character and amenity of the locality and streetscape

The scale, bulk, height, mass, form, character, density and design of development in the locality

The previous and existing land uses and activities in the locality

The proposed dwellings are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

ii. *What are the potential impacts on adjacent properties in terms of:*

Relationship and compatibility of adjacent land uses?

sunlight access (overshadowing)

visual and acoustic privacy

views and vistas

edge conditions such as boundary treatments and fencing

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

Travel Demand

dependency on motor vehicles

traffic generation and the capacity of the local and arterial road network

public transport availability and use (including freight rail where relevant)

conflicts within and between transport modes

Traffic management schemes

Vehicular parking spaces

Compliant off-street car parking is provided.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

Existing utility services will continue to service the dwelling house.

Flora and Fauna

The application is accompanied by an arborist report. No unacceptable flora and fauna impacts.

Waste Collection

Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

N/A

Economic Impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

Is the development design sensitive to environmental considerations and site attributes including:

size, shape and design of allotments

The proportion of site covered by buildings

the position of buildings

the size (bulk, height, mass), form, appearance and design of buildings

the amount, location, design, use and management of private and communal open space

Landscaping

These matters have been discussed in detail earlier in this report. The potential impacts are minimal and within the scope of the general principles, desired future character and built form controls.

How would the development affect the health and safety of the occupants in terms of:

lighting, ventilation and insulation

building fire risk – prevention and suppression

building materials and finishes

a common wall structure and design

access and facilities for the disabled

likely compliance with the Building Code of Australia

The proposed development will comply with the provisions of the Building Code of Australia as required by Clause 98 of the Environmental Planning and Assessment Regulation 2021. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

What would be the impacts of construction activities in terms of:

The environmental planning issues listed above

Site safety

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

Does the proposal fit in the locality

Are the constraints posed by adjacent development prohibitive

Would development lead to unmanageable transport demands and are there adequate transport facilities in the area

Are utilities and services available to the site adequate for the development

Are the site attributes conducive to development

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

This application is made pursuant to Chapters 6 of *State Environmental Planning Policy (Housing) 2021* (SEPP Housing).

We confirm that the whole of the land is identified on the indicative map for the Chapter 6 low mid-rise housing provisions of SEPP Housing and located no more than 800 metres walking distance measured within the public domain from the mapped Balgowlah town centre.

The architect has responded to the client brief to provide a site-specific contemporary dual occupancy design which will maintain appropriate residential amenity between adjoining development in terms of privacy, solar access and view sharing. The considered and resolved outcome provides for a highly articulated and modulated building form of exceptional design quality which provides for a complimentary and compatible building presentation to the street. The refined nature and detailing of the proposal will reinforce the desired future character of the locality and contribute to the built form quality of development within the sites visual catchment.

Particular attention has been given to ensuring that the proposed dwellings afford high levels of amenity for future occupants, whilst ensuring high levels residential amenity to adjoining properties are retained in relation to privacy and overshadowing. The proposal replaces an existing aging dwelling house with a contemporary dual occupancy development which maximises the sites development potential and provides additional housing stock on a site identified by the recently adopted LMR provisions as suitable for additional residential density.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly, approval of the development would be in the public interest.

5 Conclusion

This document forms a component of a development application proposing the demolition of existing site structures, the construction of a dual occupancy development (attached) and the Torrens Title subdivision of the completed development. The application also proposes the implementation of an enhanced site landscape regime.

This application is made pursuant to Chapters 6 of *State Environmental Planning Policy (Housing) 2021* (SEPP Housing).

We confirm that the whole of the land is identified on the indicative map for the Chapter 6 low mid-rise housing provisions of SEPP Housing and located no more than 800 metres walking distance measured within the public domain from the mapped Balgowlah town centre.

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Particular attention has been given to ensuring that the proposed dwellings afford high levels of amenity for future occupants, whilst ensuring high levels residential amenity to adjoining properties are retained in relation to privacy and overshadowing. The proposal replaces an existing aging dwelling house with a contemporary dual occupancy development which maximises the sites development potential and provides additional housing stock on a site identified by the recently adopted LMR provisions as suitable for additional residential density.

It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the proposed use and associated works.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.
- The proposal will not have an unreasonable impact on adjoining properties with regard to overshadowing, view loss or privacy.
- The proposal is compliant with the non-discretionary development standards applying to dual occupancy (attached) development and Torrens Title subdivision pursuant to the Chapter 6 LMR provisions of SEPP Housing.

- The identified non-compliances with the MDCP 2013 side boundary setback and total open space controls have been acknowledged and appropriately justified having regard to the associated objectives. Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of the DCP standard for dealing with that aspect of the development.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of exceptional design merit, that satisfies the outcomes and controls contained within the adopted legislative framework.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.



Greg Boston

Director