



Planning Direction Pty. Ltd.
Town Planning & Development Services

AMENDED STATEMENT OF ENVIRONMENTAL EFFECTS

**Proposed Alterations and Addition to a two
storey Dwelling**

at

No 10 Carlton Street Manly

Prepared by: Nigel White - Bachelor of Applied Science
(Environmental Planning) - September 2024; August 2025

A.B.N 60 074 291 615

Office Address: Suite 10, 241 – 245 Pennant Hills Road, Carlingford NSW
2118 - Telephone: 0418 644 604

Email: nigel@planningdirection.com.au

TABLE OF CONTENTS

	PAGE NO
1.0 INTRODUCTION	3
2.0 THE SITE AND ITS CONTEXT	5
2.1 The Subject Site	5
2.2 Site Context	7
3.0 PROPOSED DEVELOPMENT	9
3.1 Design Approach	9
4.0 MANLY LEP 2013	12
5.0 MANLY DCP 2013	22
6.0 SECTION 4.15 CHECKLIST	32
7.0 CONCLUSION	36

1.0 INTRODUCTION

This amended statement of environmental effects has been prepared to accompany a development application which is being submitted to Northern Beaches Council. The applicant is seeking development consent to undertake at No 10 Carlton Street Manly, the following works:

Demolish part of the existing upper level and modify the upper level to:

- Create a main bedroom with walk-in robe and ensuite and an additional bedroom and a bathroom; and
- Modify the existing roof profile to achieve the required clearance on the upper level and maintain a consistent pitch.

Alterations and additions to the ground floor of the existing dwelling include:

- Create a dining room at the rear of the dwelling and retain the existing internal staircase accessing the upper level;
- Remodel the existing awning over the front entry portico; and
- Provide a hardstand area in front of the dwelling for the parking of a small car inside the property, plus create a driveway crossing.

As a matter of background, Council recently considered a prior application and raised concerns relating to heritage, parking and flooding. The proposal incorporates design amendments to the dwelling, which are more sympathetic to the heritage characteristics of the dwelling, inclusive of the deletion of the basement level.

The applicant has retained the provision of the car space in the design noting that it is undersized, however will provide the necessary space to accommodate a small car fully on-site in a secure environment.

The proposal has been prepared pursuant to the provisions of Manly Local Environmental Plan 2013 and the Manly Development Control Plan 2013. This statement of environmental effects is intended to assist Northern Beaches Council in its assessment of the development application and includes;

- A description of the site and the locality and a description of the proposed development.

- A description of the statutory framework in which the development application will be assessed inclusive of the local planning instruments and the provisions of the Environmental Planning and Assessment Act 1979; and
- Conclusions in respect of the proposed development.

This statement of environmental effects should be considered in conjunction with the development plans prepared by *bettswhite home design*.

2.0 SITE AND CONTEXT

2.1 Subject Site

The subject site is situated on the northern side of Carlton Street and is known as No 10 Carlton Street Manly.



Locality Plan

The subject site is legally identified as Lot B in Deposited Plan 330039.

The subject site is a small irregular shaped lot.

The subject site has a total area of approximately **208.7m²**. A survey plan is included with the development plans.

Existing improvements on the subject site consist of a two storey clad dwelling.



Subject Site as viewed from Carlton Street

With regards to topography the subject site has a gradual fall from the rear boundary of the site to Carlton Street enabling stormwater to flow via gravity to Council's drainage system in Carlton Street.

The applicant does not propose to alter the existing drainage arrangements given that the proposed works to the dwelling are contained within the footprint of the existing dwelling.

The building is not listed under the Manly Local Environmental Plan 2013 as having specific heritage significance, however the site fronts a heritage item – being Smith Street and is situated within a conservation precinct. The listing is as follows:

Manly	Street trees	Smith Street (from Pine Street to Carlton Street, and around the intersection with Alexander Street)	local significance	item No	I223
-------	--------------	--	--------------------	---------	------

All stone
kerbs

Manly municipal area
local significance

I2

Pittwater Road Conservation Area	Shown by red cross-hatching and marked "C1"	local significance
----------------------------------	---	--------------------

One palm tree on-site requires removal to facilitate the proposed car space.

2.2 Site Context

The subject site is situated within an established higher density residential precinct characterised by a mix of single and two storey dwellings and some residential flat buildings. The dwellings in the precinct are generally well presented.

Existing development on the immediately adjoining properties comprises the following:

- Adjoining the subject site to the west is a two storey dwelling known as No12 Carlton Street situated on the corner of Smith Street. This adjoining dwelling has a minimal side setback from the common boundary. Outlook from the adjoining dwelling appears to be oriented to the respective streets and rear yard rather than towards the subject site.



View of No 12 Carlton Street

The proposed alterations and additions on the subject site are proposed to have only one highlight type window servicing the bathroom in its western elevation. No habitable windows are proposed in the eastern elevation of the proposed works which would give rise to viewing conflict. Overshadowing and privacy considerations are well resolved through design to minimise impacts.



View of the adjoining eastern property - No 8 Carlton Street

- Adjoining the subject site to the east is a 3 level residential flat building. There are minimal windows in the adjoining building western elevation and the proposed development includes only one new highlight type window in its western elevation servicing a bedroom. Privacy considerations are well resolved.

Shadows projected by the proposed alterations and addition will be projected in the main towards the roadway and will give rise to a nominal increase to that of the existing upper level of the subject dwelling. There will only be minimal overshadowing of the adjoining eastern property.

The locality is well serviced by public open space and public transport in the form of a regular bus service and the subject site is ideally located within walking distance of the Manly town centre.

3.0 **PROPOSED DEVELOPMENT**

The applicant seeks development consent to undertake the following at No 10 Carlton Street Manly:

Demolish part of the existing upper level and modify the upper level to:

- Create a main bedroom with walk-in robe and ensuite and an additional bedroom and a bathroom; and
- Modify the existing roof profile to achieve the required clearance on the upper level and maintain a consistent pitch.

Alterations and additions to the ground floor of the existing dwelling include:

- Create a dining room at the rear of the dwelling and retain the existing internal staircase accessing the upper level;
- Remodel the existing awning over the front entry portico; and
- Provide a hardstand area in front of the dwelling for the parking of a small car inside the property, plus create a driveway crossing.



Artist impression of the proposal

3.1 Design Approach

The proposed alterations and additions are sought to provide most needed quality internal living space to meet the needs of the growing family. The proposed works are site specifically designed with the intent of maximising floor space opportunities on-site while minimising adverse impacts to adjoining properties. The existing upper-level is cramped and inadequate.

A breach of the FSR control is proposed. It should be noted that the existing floor space exceeded the control, owing largely to the small lot size.

The amended design has reduced the extent of the decking proposed and increased the green space/landscape provision.

The proposal includes a standard roof profile consistent with that of both levels of the dwelling and that of other dwellings in the precinct. A standard floor to ceiling height is proposed. The outlook from the proposed addition is oriented towards the street frontage and rear yard away from adjoining properties.

Shadows cast by the proposed addition will generally fall in a sweeping motion towards Calton Street. There will be no concentration of shadows across adjoining dwellings. No issues arise in terms of view loss.

3.2 Numeric Summary

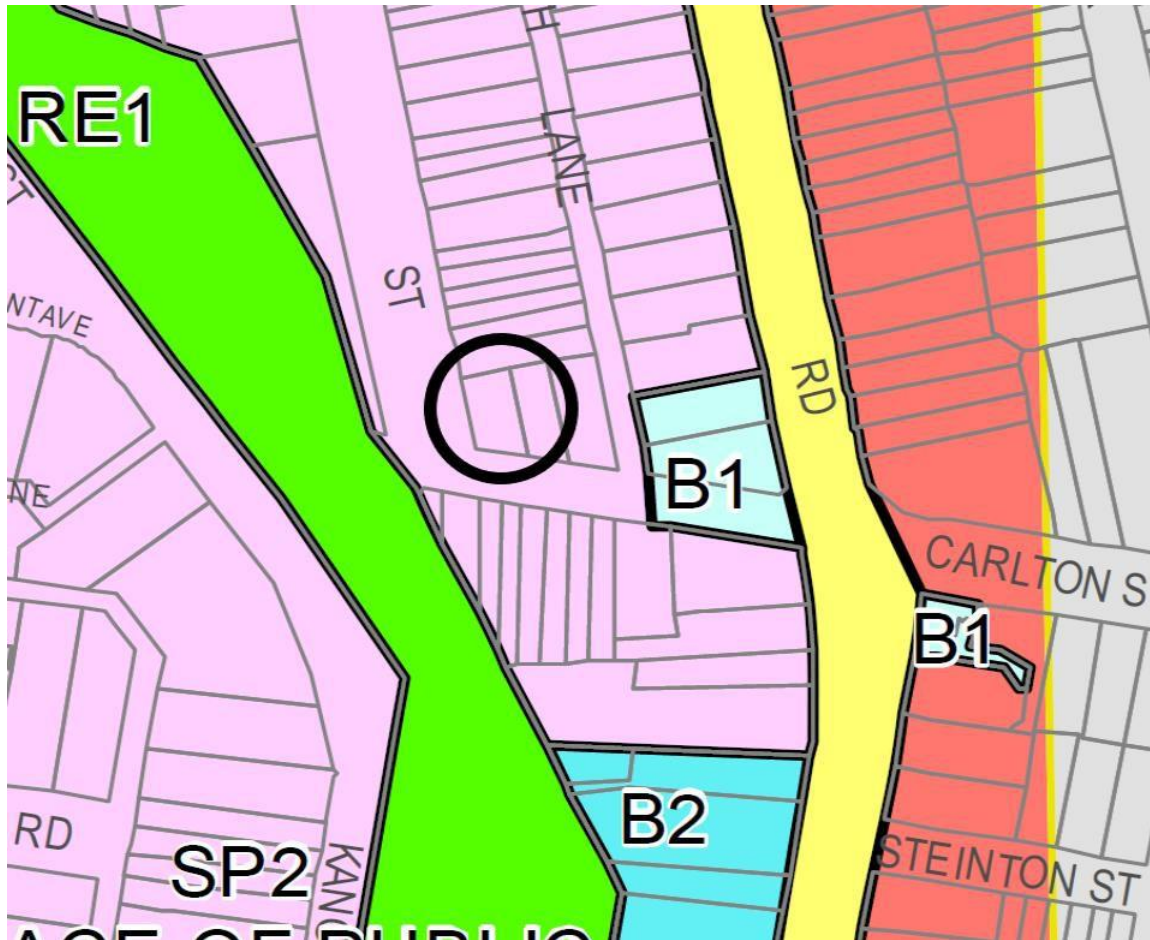
Site area	288.7sqm
Existing floor area	129.2sqm or 0.62:1
Proposed total FSR	151sqm or 0.72: 1
Existing Landscaped Area	20.5sqm or 10%
Proposed Landscaped Area	45.2sqm or 21.6%

Side setback	The proposed upper level is currently setback 0.56m and increasing to 0.99m from the western boundary and 1.99m from the eastern boundary for the new work.
Front setback	No change is proposed to existing front setback.
Secondary street setback -	Not applicable
Building Height	The proposed roof ridge is compliant with the 8.5m height control
Car Parking	<p>Parking for one small car on-site is proposed with a new driveway crossing from Carlton Street.</p> <p>The existing dwelling currently has no on-site car parking.</p>

4.0 MANLY LOCAL ENVIRONMENTAL PLAN 2013

The land is zoned *R1 General Residential* under Manly LEP 2013. A dwelling house is permissible within the zone with development consent.

Alterations and additions are ancillary to a dwelling and are permissible in the zone.



Zoning Extract – MANLY LEP 2013


<p>2.3 Zone objectives and Land Use Table</p> <p>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p>Zone R1 General Residential</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community. • To provide for a variety of housing types and densities. <ul style="list-style-type: none"> • To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	<p>The proposed alterations and additions to the dwelling specifically services the housing needs of the growing family and provides an improved level of construction benefitting the broader community.</p> <p>Not relevant to the circumstances of the proposal.</p>	<p>Yes</p> <p>Not compromised</p>
<p>4.3 Height of buildings</p> <p>The maximum permitted building height is 8.5m.</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,</p> <p>(b) to control the bulk and scale of buildings,</p>	<p>The applicant proposes a maximum height of less than 8.5m.</p> <p>The proposed upper level has been designed to maintain consistent roof profile with the</p>	<p>Yes</p> <p>Yes</p>

<p>(c) to minimise disruption to the following:</p> <p>(i) views to nearby residential development from public spaces (including the harbour and foreshores),</p> <p>(ii) views from nearby residential development to public spaces (including the harbour and foreshores),</p> <p>(iii) views between public spaces (including the harbour and foreshores),</p> <p>(d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,</p> <p>(e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<p>lower level. An attractive gable façade is proposed to Carlton Street.</p> <p>The proposed upper level is setback and recessed in part to reduce its visual presence from street frontage.</p> <p>There are no significant views to be gained from public places of nearby prominent residential buildings.</p> <p>There are no significant views to be gained of public places that will be disrupted.</p> <p>Views are not impeded by the proposed addition is sited within the typical building zone in the street.</p> <p>There are no specific view corridors of public places likely to be gained across the subject site.</p>	<p>Yes</p> <p>Reasonable view sharing is achieved in the context of precinct and site circumstances.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
---	---	--

	<p>Shadows cast by the development are projected in a sweeping motion towards the street. No significant impacts are likely from the proposed development affecting adjoining properties given the site circumstances.</p> <p>The subject site is not in and does not adjoin prominent bushland or any other environmentally sensitive land.</p> <p>The height control applicable to the precinct is 8.5m. The proposed development is compliant.</p>	Yes
<p>4.4 Floor space ratio</p> <p>The maximum permitted FSR is 0.6:1.</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,</p>	<p>An FSR of 0.72:1 is proposed.</p> <p>The proposed addition will create a proportionate dwelling on-site contained within</p>	<p>Refer to the clause 4.6 justification provided under separate cover.</p> <p>Yes</p>

	the existing dwelling footprint.	
(b) to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,	The proposed upper level does not obscure viewing of important landscape and townscape features.	Yes
(c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,	The proposed upper level addition is contained within the footprint of the existing dwelling. The existing landscaped content will effectively be increased on-site.	Yes
(d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,	There is no environmental impact arising, which would reduce the enjoyment or use of adjoining land. No new driveway crossing is proposed to provide a car space on-site in a secure environment.	Yes
(e) to provide for the viability of business zones and encourage the development, expansion and diversity	Not applicable.	

<p>of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map</p>	<p>The maximum FSR applicable to the site is 0.6:1.</p> <p>The proposed FSR is 0.72:1.</p>	<p>Refer to the clause 4.6 justification provided under separate cover.</p>
<p>4.6 Exceptions to development standards</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p> <p>(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p>	<p>The applicant is relying on clause 4.6 of the LEP to vary the FSR development standard.</p>	<p>Yes, pursuant to the justification provided under clause 4.6.</p>
<p>5.10 Heritage conservation</p> <p>(1) Objectives</p> <p>The objectives of this clause are as follows:</p> <p>(a) to conserve the environmental heritage of Manly,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The subject site is not individually heritage listed. The site does, however fall within a heritage conservation area and adjoins a heritage item, being the stone kerb in Carlton Street.</p>	<p>Yes, refer to heritage statement submitted under separate cover.</p>

	<p>There are no heritage items in the vicinity of the site.</p> <p>The provision of a driveway crossing to service the dwelling is a typical requisite and is inconsequential.</p>	
<p>6.1 Acid sulfate soils</p> <p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p>Class of land Works</p> <p>5 Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p>	<p>The site is subject to an acid sulphate class 5 consideration.</p> <p>There is no significant excavation associated with the proposed development.</p> <p>There is no impact on the water table.</p> <p>Acid sulphate soils are not a constraint to the proposed development.</p>	<p>Yes</p>
<p>6.4 Stormwater management</p> <p>(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.</p>	<p>The addition is effective.</p> <p>contained with the existing</p>	<p>Yes</p>

<p>(2) This clause applies to all land in residential, business, industrial and environmental protection zones.</p>	<p>footprint/hard surfacing of the dwelling. Down pipes will connect into the existing drainage system.</p> <p>The clause applies to the subject land.</p>	<p>Yes</p>
<p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p>	<p>The proposed works are contained within the existing building footprint.</p>	<p>Yes</p>
<p>(a) is 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</p>	<p>The landscape content on-site will be increased.</p>	<p>Yes</p>
<p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p>	<p>The proposed works do not generate the need for stormwater detention on-site. A reasonable extent of landscape area will remain and be increased onsite enabling natural absorption.</p>	<p>Yes</p>
<p>(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.</p>	<p>The proposed works will not give rise to adverse stormwater impacts to adjoining properties and native bushland.</p> <p>Stormwater from</p>	

	the site can be collected and effectively disposed of via gravity to flow as per the current methods.	
6.5 Terrestrial biodiversity (1) The objective of this clause is to maintain terrestrial biodiversity by: (a) protecting native fauna and flora, and (b) protecting the ecological processes necessary for their continued existence, and (c) encouraging the conservation and recovery of native fauna and flora and their habitats. This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.	The site is not subject to biodiversity considerations.	Yes
6.6 Riparian land and watercourses (1) The objective of this clause is to protect and maintain the following: (a) water quality within watercourses, (b) the stability of the bed and banks of watercourses, (c) aquatic and riparian habitats, (d) ecological processes within watercourses and riparian areas. (2) This clause applies to all of the following: (a) land identified as “Watercourse” on the Watercourse Map,	The site is not near a watercourse.	Yes
6.8 Landslide risk (1) The objectives of this clause are to ensure that development on land susceptible to landslide: (a) matches the underlying geotechnical conditions of the land, and (b) is restricted on unsuitable land, and (c) does not endanger life or property. (2) This clause applies to land identified as “Landslide risk” on the Landslide Risk Map.	The development will be appropriately engineered to ensure structural integrity.	Yes
6.9 Foreshore scenic protection area (1) The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney	The subject site is	Yes

<p>Harbour, the Pacific Ocean and the foreshore in Manly.</p> <p>(2) This clause applies to land that is shown as “Foreshore Scenic Protection Area” on the <u>Foreshore Scenic Protection Area Map</u>.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:</p> <p>(a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,</p> <p>(b) measures to protect and improve scenic qualities of the coastline,</p> <p>(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,</p> <p>(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.</p>	<p>not located within a scenic protection area.</p>	
<p>6.12 Essential services</p> <p>(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable vehicular access.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.</p>	<p>The proposal is for alterations and additions to an existing dwelling house. All services are available and connected to the property.</p> <p>The proposed additions do not increase run off. The new roof area will be connected to the existing domestic drainage of the dwelling.</p> <p>Not applicable to the circumstances of the proposed development.</p>	<p>Yes</p> <p>NA</p>

5.0 MANLY DEVELOPMENT CONTROL PLAN 2013

The NSW Planning Circular PS 13-003 provides the following advice on recent legislative changes to the purpose, status and content of DCPs.

“When DCPs were first introduced around 30 years ago, they were intended to be flexible guidelines which complemented the controls provided by a local environmental plan (LEP). A council’s LEP is a legal document which is meant to be the primary instrument to guide local development.

Following a number of recent court cases, councils have felt obliged to treat DCPs as inflexible and rigid rule-books which must be consistently applied when considering development applications. This has caused delays and added to the complexity of the planning system.

DCPs are increasingly containing controls which are not consistent with those in the council’s LEP. This adds significantly to development assessment times and red tape in the planning system.

These provisions change the way a consent authority (in most instances the council) is to consider a DCP when assessing a development application.

The objectives of the changes are to:

-reinforce the purpose and status of DCPs as guidance documents used in local planning decision-making, and

-introduce flexibility in the way in which provisions in DCPs are applied by consent authorities when assessing development applications”

The amendments to the Act make it clear that the principal purpose of a DCP is to provide guidance to a consent authority and to people who are proposing to undertake development on land to which the DCP applies. The provisions of the DCP have been considered in the preparation of the design and the relevant criteria are outlined below.

3.1 Streetscapes and Townscapes <u>Streetscape</u> Objectives 1) To minimise any negative visual impact of walls, fences and carparking on the street frontage. Objective 2) To ensure development generally viewed from the street complements the identified streetscape. Objective 3) To encourage soft landscape	The proposed works will vastly improve the streetscape presentation of the dwelling. No significant adverse impacts arise from the proposed development when considered	Yes
---	--	-----

<p>alternatives when front fences and walls may not be appropriate. Townscape</p> <p>Objective 4) To ensure that all parking provision is designed and sited to respond to and respect the prevailing townscape.</p> <p>Objective 5) To assist in maintaining the character of the locality.</p> <p>Objective 6) To recognise the importance of pedestrian movements and townscape design in the strengthening and promotion of retail centres.</p> <p>Objective 7) To minimise negative visual impact, at the arterial road entry point into the Municipality, so as to promote the townscape qualities of Manly.</p>	<p>about the DCP objectives for 'streetscape'.</p> <p>The existing dwelling and proposed upper-level addition remain well setback from the primary street, Carlton Street.</p> <p>The applicant proposes to provide one small car space within the front setback of the on-site. Such is typical in the precinct.</p> <p>N/A</p>	
<p>3.1.1.3 Roofs and Dormer Windows</p> <p>a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.</p> <p>b) Roofs should be designed to avoid or minimise view loss and reflectivity.</p> <p>c) Dormer windows and windows in the roof must be designed and placed to compliment the roof structure and reflect the character of the building. In particular, such windows are not permitted on the street frontage of the building</p>	<p>The proposed addition has been designed to sit comfortably with the prevailing architectural style of the existing dwelling. The roof form is consistent with that of the existing dwelling on the subject site and maintains a symmetry of built form.</p> <p>There is no significant impact on view loss or reflectivity considerations.</p> <p>There is no dormer windows proposed.</p>	<p>Yes</p> <p>Yes</p> <p>NA</p>

<p>where there is no precedent in the streetscape, especially on adjoining dwellings.</p>		
<p>3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)</p> <p>Objective 1) To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties.</p> <p>Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.</p> <p>Designing for Amenity</p> <p>a) Careful design consideration should be given to minimise loss of sunlight, privacy and views of neighbouring properties. This is especially relevant in higher density areas and in relation to development adjacent to smaller developments.</p> <p>b) Development should not detract from the scenic amenity of the area. In particular, the apparent bulk and design of a development should be considered and assessed from surrounding public and private view points.</p> <p>c) The use of material and finishes is to protect amenity for neighbours in terms of reflectivity. The reflectivity of roofs and glass used on external walls will be minimal in accordance with industry standards.</p> <p>3.4.1 Sunlight Access and Overshadowing</p> <p>Objective 1) To provide equitable access to light and sunshine.</p> <p>Objective 2) To allow adequate sunlight to penetrate:</p> <ul style="list-style-type: none"> <input type="checkbox"/> private open spaces within the development site; and <input type="checkbox"/> private open spaces and windows to the living spaces/ habitable rooms of both the development and the adjoining properties. 	<p>The proposed upper-level addition has been site specifically prepared to address matters relating to privacy, view loss, solar access and general amenity. Windows in the proposed upper level are located to capture sunlight and outlook towards the street and rear yard.</p> <p>The concept of view sharing is maintained with the proposed design, as the proposed upper level remains well setback from the street frontage of the property.</p> <p>No significant adverse impacts arise from the proposed development when considered in reference to the DCP objectives.</p> <p>The proposed upper-level addition does not given rise to adverse overshadowing impacts given the orientation of the site. The shadow diagrams demonstrate that shadows will be cast in a sweeping motion towards the street with no concentration of shadow</p>	<p>Yes</p> <p>Yes</p>

<p>Objective 3) To maximise the penetration of sunlight including mid-winter sunlight to the windows, living rooms and to principal outdoor areas by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> encouraging modulation of building bulk to facilitate sunlight penetration into the development site and adjacent properties; and <input type="checkbox"/> maximising setbacks on the southern side of developments to encourage solar penetration into properties to the south. <p>3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties</p> <p>In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties:</p> <p>a) for adjacent buildings with an east-west orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at least 2 hours from 9am to 3pm on 21 June;</p> <p>b) for adjacent buildings with a north-south orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 4 hours from 9am to 3pm on 21 June;</p> <p>c) for all adjacent buildings (with either orientation) no reduction in solar access is permitted to any window where existing windows enjoy less than the minimum number of sunlight hours specified above.</p>	<p>affectation over one property.</p> <p>No significant adverse impacts arise from the proposed development when considered in reference to the DCP objectives. The proposed upper level is well modulated and contained within the existing footprint of the dwelling.</p> <p>There are no significant additional shadow impacts given the topographical circumstances of the site, site orientation and the siting/design of adjoining buildings.</p> <p>No significant adverse impacts arise from the proposed development when considered in reference to the DCP objectives.</p>	<p>Yes</p>
<p>3.4.2 Privacy and Security</p> <p>Objective 1) To minimise loss of privacy to adjacent and nearby development by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings; <input type="checkbox"/> mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings. 	<p>The proposed upper-level addition will not result in significant loss of privacy to any adjoining property.</p> <p>No significant adverse impacts arise given the careful placement of windows and</p>	<p>Yes</p>

<p>Objective 2) To encourage awareness of neighbourhood security. See also paragraph 4.1.5.3 Principal Private Open Space.</p> <p>3.4.2.1 Window Design and Orientation a) Use narrow, translucent or obscured glass windows to maximise privacy where necessary. b) When building close to boundaries, windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy.</p> <p>3.4.2.3 Casual Surveillance In order to provide for the casual surveillance of the street and to provide a sense of security: a) some rooms should be oriented to the street; b) sight lines to the street frontage from a window of at least one habitable room should not be obscured by trees or any other object;</p> <p>c) fences, walls and landscaping should minimise opportunities for concealment and encourage social interaction; and d) in areas of high street noise, double glazing on windows is preferred, rather than the construction of high fences or walls as a sound attenuation measure.</p> <p>3.4.2.4 Acoustical Privacy (Noise Nuisance) a) Consideration must be given to the protection of acoustical privacy in the design and management of development.</p> <p>b) Proposed development likely to generate noise including outdoor open space, driveways, plant equipment including pool pumps and the like should be located in a manner which considers the acoustical privacy of neighbours including neighbouring bedrooms and living areas.</p>	<p>concentration of outlook towards the street and rear yard.</p> <p>Windows are generally oriented towards the street and to the north. There will be no viewing conflict from opposing windows between adjoining dwellings.</p> <p>The proposed upper level addition will provide better casual surveillance of the street.</p> <p>Noted.</p> <p>There are no noise sources near the dwelling. There is no significant traffic/street noise.</p> <p>The proposed upper-level addition relates to a single dwelling. No significant acoustic impacts arise from the proposal given the residential nature of the use.</p> <p>There is minimal change to any of the dwelling elements - open space, driveways, parking etc.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>NA</p> <p>Yes</p>
--	---	--

<p>3.4.3 Maintenance of Views</p> <p>Relevant DCP objectives to be satisfied in relation to this paragraph include the following:</p> <p>Objective 1) To provide for view sharing for both existing and proposed development and existing and future Manly residents.</p> <p>Objective 2) 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>Objective 3) 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>District views are not available.</p> <p>No additional landscape planting is proposed on-site which would obstruct views.</p> <p>A standard roof pitch is proposed coupled with standard floor to ceiling heights aimed at achieving view sharing.</p> <p>Adjoining properties do not benefit from specific views across the subject site.</p>	<p>Yes, in the context of the site, established trees and scale of adjoining dwellings.</p>
<p>3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)</p> <p>Section 5(a)(vii) of the Environmental Planning and Assessment Act 1979 encourages ecologically sustainable development. Council require that the principles of ecologically sustainable development be taken into consideration when determining development applications under section 79C of the Environmental Planning and Assessment Act 1979 and under this plan.</p>	<p>The proposal is for an upper level addition. The BASIX certificate confirms compliance with relevant water saving and design requirements.</p>	<p>Yes</p>
<p>4.1 Residential Development Controls</p> <p>Where Residential Development Controls apply</p> <p>a) This section of the plan provides controls for development generally in LEP Zones R1, R2, R3, E3 and E4. These paragraphs may also apply to residential development elsewhere in Manly and are to be read in conjunction with development standards in the LEP.</p> <p>Objective 1) To delineate by means of development control the nature and intended</p>	<p>Noted</p>	<p>Yes</p>

<p>future of the residential areas of Manly.</p> <p>Objective 2) To provide for a variety of housing types and densities while maintaining the exiting character of residential areas of Manly.</p> <p>Objective 3) To ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residences, the existing environmental quality of the environment or the aesthetic quality of Manly.</p> <p>Objective 4) To improve the quality of the residential areas by encouraging landscaping and greater flexibility of design in both new development and renovations.</p> <p>Objective 5) To enable population growth without having adverse effects on the character, amenity and natural environment of the residential areas.</p> <p>Objective 6) To enable other land uses that are compatible with the character and amenity of the locality.</p> <p>Objective 7) To ensure full and efficient use of existing social and physical infrastructure and the future provision of services and facilities to meet any increased demand.</p>	<p>Noted</p> <p>The proposal is for a quality addition to an existing dwelling, which is well-setback from the street.</p> <p>No significant adverse amenity impacts arise.</p> <p>One palm tree requires removal to make way for the on-site car space. Other established vegetation exists across the site to compensate for the tree removal.</p> <p>There are no significant adverse effects on the character, amenity and natural environment.</p> <p>NA. The proposal continues the residential use of the property.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4.1.1 Dwelling Density and Subdivision</p> <p>Objective 1) To promote a variety of dwelling types and residential environments in the LGA.</p> <p>Objective 2) To limit the impact of residential development on existing vegetation, waterways, riparian land and the topography.</p> <p>Objective 3) To promote a variety of allotment sizes, residential environments and housing diversity.</p> <p>Objective 4) To maintain the character of the locality and streetscape.</p>	<p>The proposal is for a typical addition to an existing detached dwelling.</p> <p>There are no impacts on existing waterways, riparian land and the topography.</p> <p>NA. There is no subdivision.</p> <p>No significant adverse</p>	<p>Yes</p> <p>Yes</p> <p>NA</p> <p>Yes</p>

Objective 5) To maximise the use of existing infrastructure	streetscape or neighbourhood character issues arise. Existing site services are available.	Yes
4.1.2.1 Wall Height a) Within the LEP Height of Buildings development standard, the maximum external wall height is calculated based on the slope of the land under the proposed wall. Figures 26, 27 and 28 provide guidelines for determining the maximum height of external walls based on the particular slope of the land along the length of these proposed walls. The maximum wall height control will also vary from one building, elevation or part elevation to another depending on the slope of land on which the wall is sited. Within the range of maximum wall heights at Figures 26 and 28, the permitted wall height increases as the slope of the land increases up to a gradient of 1 in 4, at which point the permitted maximum wall height is capped according to Figure 26.	The permitted wall height in the vicinity is 6.5m. The proposal is compliant. The proposal includes a standard floor to ceiling height over both levels and a continuous wall height is negated through articulation. The proposed wall height is acceptable in this instance.	Yes
4.1.2.2 Number of Storeys a) Buildings must not exceed 2 storeys, except on land in areas 'L' and 'N1' on the LEP Height of Building Map and notwithstanding the wall and roof height controls in this plan.	The proposal provides for a two storey dwelling.	Yes
4.1.2.3 Roof Height a) Pitched roof structures must be no higher than 2.5m above the actual wall height *, calculated in accordance with Figure 29.	The proposal includes a standard pitched roof profile with a maximum height to the ridge of 2.0m. The roof profile assists in meeting the architectural objectives for the site.	Meets the intent of the control
Roof Pitch c) The maximum roof pitch must be generally no steeper than 35 degrees. A roof with a steeper pitch will be calculated as part of the	The roof slope is consistent with an approximate 24 degree profile.	Yes

<p>wall height. In this regard the wall height controls at paragraph 4.1.2.1 of this plan will apply to the combined wall height and the height of the roof steeper than 35 degrees.</p>		
<p>4.1.3 Floor Space Ratio (FSR)</p> <p>Objective 1) To ensure the scale of development does not obscure important landscape features.</p> <p>Objective 2) To minimise disruption to views to adjacent and nearby development.</p> <p>Objective 3) To allow adequate sunlight to penetrate both the private open spaces within the development site and private open spaces and windows to the living spaces of adjacent residential development.</p>	<p>The proposed total FSR of 151sqm 0.72: 1</p> <p>The dwelling retains a domestic scale and form. No significant impacts arise in respect of views or overshadowing.</p> <p>No significant adverse impacts arise from the proposed development when considering the DCP objectives.</p>	<p>Yes, pursuant to clause 4.6 of the MLEP 2013.</p> <p>Yes</p>
<p>Adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.</p>	<p>The proposed upper-level addition reinforces the existing architectural form (including roof form) of the existing dwelling. The proposed works represent architectural improvements to the dwelling and will positively contribute to the architectural diversity of dwelling design in the immediate precinct.</p> <p>Adjoining properties are not adversely affected by overshadowing, view loss or privacy issues with the amended design.</p> <p>The dwelling retains a domestic scale noting that there is</p>	

	considerable diversity in building bulk and scale in the immediate vicinity of the site. The proposal is consistent with the established streetscape character in terms of street setback and will not have a significant adverse impact on the amenity of adjoining properties.	
4.4.2 Alterations and Additions Manly Council promotes the retention and adaptation of existing buildings rather than their replacement with new structures.	The proposal retains the existing dwelling and provides new external finishes and building articulation across the street frontage to enhance the dwelling's streetscape presentation and appeal.	Yes

6.0 SECTION 4.15 CHECKLIST

The following provides an assessment of the proposal against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(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

(iii) any development control plan, and

(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

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

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

Comment:

The proposal is permissible and satisfies the objectives of Manly Local Environmental Plan 2013 and prescriptive and performance controls of the DCP pursuant to clause 4.6 of the MLEP 2013.

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.

Comment:

A detailed site analysis was undertaken to determine the appropriate form of development having regard to Council's planning controls, the circumstances of the site and neighbouring properties and the desired future character of the locality.

The proposed development provides for a high degree of amenity for future occupants, while being respectful of the amenity of neighbouring properties.

In view of the above, the development will have acceptable social and environmental implications given the nature of the zone.

c. the suitability of the site for the development.

Comment:

The subject site has an ideal area, configuration and topography to accommodate the proposed development. The design solution is based on sound site analysis and responds positively to the characteristics of the site and adjoining development.

d. any submissions made in accordance with the Act or the regulations.

Comment: Nil

e. the public interest

Note.

See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.

Comment:

The proposed development is purely domestic in nature and provides for the attainment of additional quality floor space within a well serviced locality therefore satisfying urban consolidation initiatives and furthering the public interest.

(2) Compliance with non-discretionary development standards—development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

(a) is not entitled to take those standards into further consideration in determining the development application, and

(b) must not refuse the application on the ground that the development does not comply with those standards, and

(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:

(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and

(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

Comment:

The application has merit and is consistent with the intent of the controls given the site context.

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(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.

In this subsection, standards include performance criteria.

Comment:

The provisions of the development control plan have been considered as part of the application. The proposal is reasonable in this regard

(4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.

(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) Definitions In this section:

(a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and

(b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

Comment: Not applicable.

7.0 CONCLUSION

The proposal works for an upper-level addition and ground level alterations and additions to an existing dwelling. The proposal represents an improvement to the built form, function and aesthetics of the dwelling.

The proposal is appropriate relative to the MLEP 2013, pursuant to clause 4.6 of the MLEP 2013. The minor departure from the FSR development standard is negligible and justified in this instance.

The proposed upper-level addition will contribute to the presentation of the dwelling when viewed from the street.

No significant adverse impacts arise from the proposal.

Reasonable measures have been undertaken by the designer to minimise privacy loss and there will be no significant overshadowing of adjoining properties because of the proposed addition in the context of the site. Compliance with setbacks also ensures that view sharing is maintained.

Given the above and the assessment undertaken in this SEE, the proposed development is appropriate and Council approval is recommended.