

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Alterations and  
additions to the existing  
development**

**415 Sydney Road,  
Balgowlah**

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# 1 Introduction

## 1.1 Description of the proposed development

This report is a Statement of Environmental Effects (SEE), pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

The development application seeks consent for alterations and additions to the existing development at 415 Sydney Road, Balgowlah.

The application is made under State Environmental Planning Policy (Housing) 2021 Chapter 6 'Low and mid rise housing'.

The proposal is depicted in the accompanying architectural plans by Raw Process Design architects. A summary of the key aspects of the proposal are noted as follows:

### Dwelling 1

#### Ground floor plan –

- internal alterations
- rear pavilion addition containing kitchen, dining and living room
- 3 bedroom, 2 bathroom, and wardrobe
- study
- terrace to rear

### Dwelling 2

#### First floor plan –

- new stairs
- bedroom, bathroom, and wardrobe
- kitchen and dining
- living

#### Second floor plan –

- new stairs connecting to the new level
- living [second]
- second bedroom and bathroom

### Dwelling 3

#### First floor plan -

- new stairs connecting to the new level
- bedroom, bathroom, and wardrobe
- kitchen and dining

#### Second floor plan –

- new stairs connecting to the new level

- living
- second bedroom and bathroom

**External works**

- earthworks and retaining walls as shown
- driveway and vehicle turntable
- pathways
- rear terrace
- swimming pool, pool fencing
- stormwater.

## **1.2 Pre-DA submission and meeting [PLM2025/0039]**

A Pre-DA lodgement submission was made and meeting held with Council's planning officers on 15 April 2025 to discuss the proposed development of the site.

Firstly, as detailed in section 2.2 of this report, the existing development benefits from an enforceable development consent pursuant to section S4.53 of the Environmental Planning and Assessment Act. There is an existing residential flat building [manor house] containing 3 dwellings on the property. Alterations and additions are proposed to the property maintaining 3 dwellings.

There is no visitor car parking and it is not proposed to provide any. There is no basis to require visitor car parking in these circumstances, as suggested in Council's Pre-DA written response

The application has been prepared in response to the key issues identified. Of note the proposed DA:

- has deleted the 3-level car stacker adjacent the front boundary and provides 'at grade' car parking for 4 resident vehicles
- provides a 1.5m eastern and western side boundary setbacks to the rear pavilion [dwelling 1]
- provides a 1m setback to the garage for the eastern side with no utility or storeroom in the garage
- provides a bin bay adjacent the pedestrian entry within 6.5m of the road boundary
- provides 1m setback for pool pump
- provides pathway connections as practicable for access between the garage and units 2 and 3 to the front stairs
- a landscaping plan and tree planting schedule is provided as addressed within Section 4 of this report. It exceeds the tree planting provision suggested- *3 small to medium native feature trees for the site (1 front, 2 rear).*
- provides appropriate acoustic treatments are proposed in accordance with the accompanying acoustic report to protect from traffic noise from Sydney Road.

### **1.3 Statement of Environmental Effects**

This Statement of Environmental Effects (SEE) is prepared in response to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies
- Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

Overall, it is assessed that the proposed development is satisfactory, and the development application may be approved by Council.

## 2 Site Analysis

### 2.1 Site and location description

The site is located at 415 Sydney Road, Balgowlah and legally described as Lot 1 in Deposited Plan 133575.

The site is rectangular in shape with a width of 15.22m and a depth of 34.745m. The site has an area of 531.2m<sup>2</sup>[as surveyed]..

The main building on the site is a modest two storey plus attic, brick and tile, *manor house* containing 3 dwellings, paved paths, and gardens. There is a driveway along the eastern side with a turning area and car parking within a garage at the rear, behind the main building.

At approx. 2.55m wide the existing driveway is under the minimum contemporary standards [according to AS2890.1].

The land is zoned R1 General Residential under the Manly LEP. The land is not identified in the LEP as being affected by heritage conservation, flooding bushfire, biodiversity, riparian, biodiversity, scenic protection coastal risk, acid sulphate soils, or landslip.

The land is within 400m [approx. 100m] walking distance of the western edge of 'Balgowlah Stockland Shopping Centre' which is a nominated town centre identified on the Town Centres Map under State Environmental Planning Policy (Housing) 2021 Chapter 6 'Low and mid rise housing' [SEPP Housing].

Of note, there is a portion of land [approximately 84m<sup>2</sup>] at the front of the property, legally described as lot 13 DP 447517 owned by the State government. The land is zoned R1 General Residential. The applicant is in communications with Transport for NSW regarding the potential to acquire the land. The eastern adjacent property at 413 Sydney Road Balgowlah has recently acquired a similar section of land in front of that property.

The figures on the following pages depict the character of the property and its existing development.

### 2.2 Key Development and Building approval history

Council's records show that the property was approved for use as professional consulting rooms on the ground level, as reflected in the 1993 building certificate and contains 2 flats on the first floor level.

As part of the assessment of Building Certificate 19/93 the property was inspected on the 12th of February 1993. The survey report accompanying the application describes the property, in part, as follows:

*'Upon this land is a two storey building known as No. 415 Sidney Rd [sic] built of brick with roofing of tiles and containing professional rooms on the ground floor and two flats on the 1st floor. There is also a double garage at the rear'.*

Development application 48/95 was for conversion of the ground floor to a dwelling.

Building Application BA58/95 was to revert the ground floor level of the building from professional consulting rooms back to a single residence.

Council's records show that following approval in 1995 the ground floor of the building, which had been used as professional consulting rooms, the property was approved for conversion to a residence. This resulted in there being 3 dwellings on the property within a single, two storey building plus attic.

The abovementioned development consents operate in perpetuity pursuant to S4.53 of the Act. titled 'Lapsing of consent' which establishes that a consent does not lapse if physically commenced.

Key excerpts from Council's files are provided below.

Upon this land is a 2 storey building known as No. 415 Sydney Road built of brick with roofing of tiles and containing professional rooms on the ground floor and 2 flats on the first floor. There is also double garage at the rear.

*To revert building back to single residence*

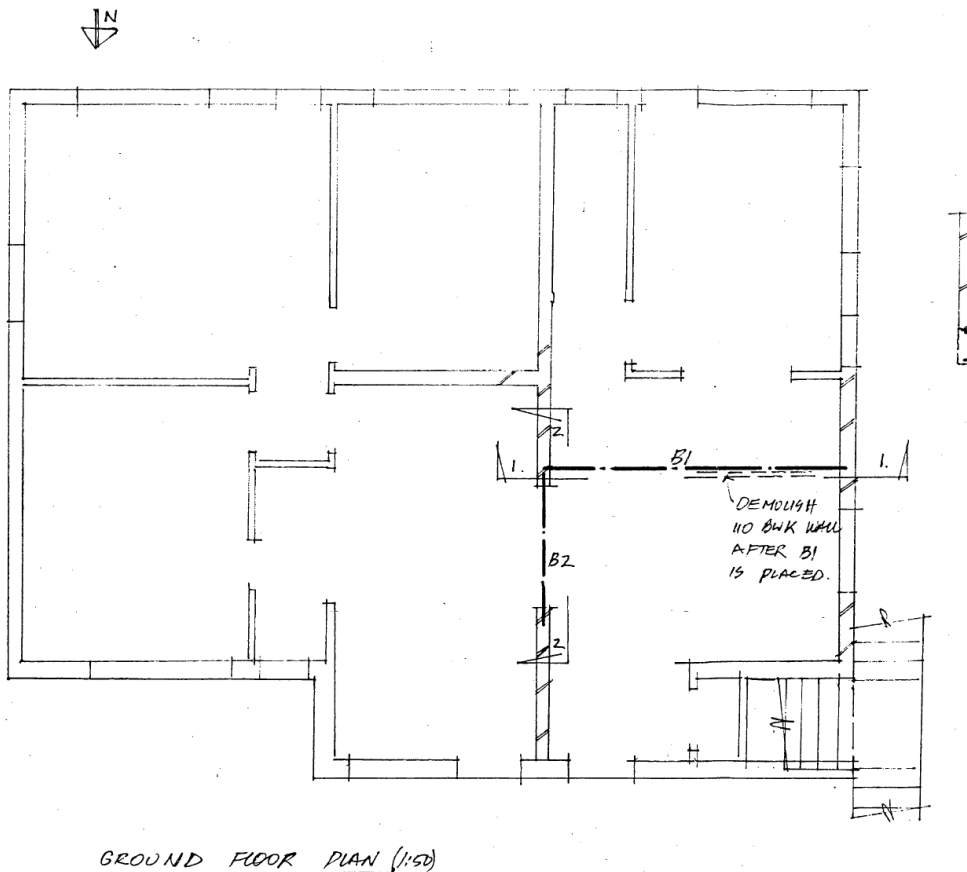


Figure 1 – excerpt from Councils files



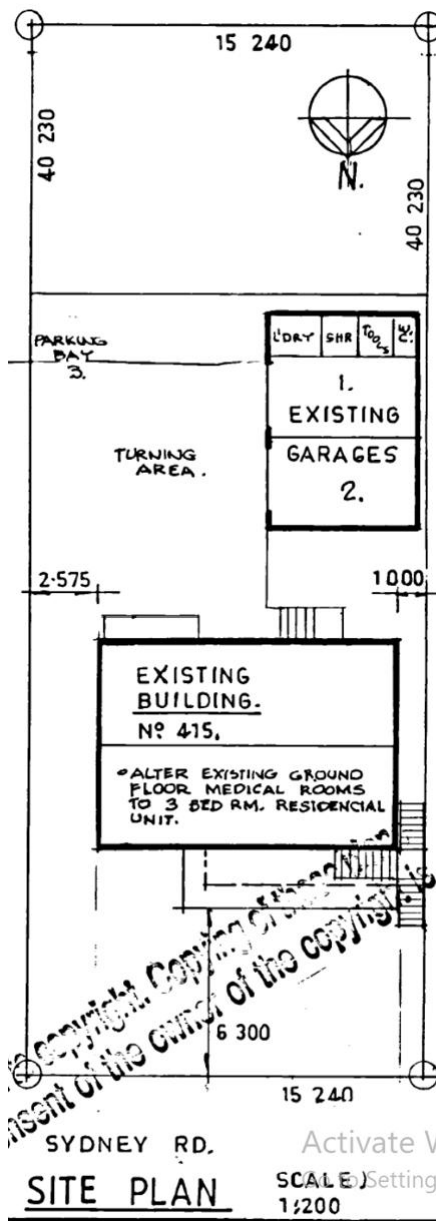
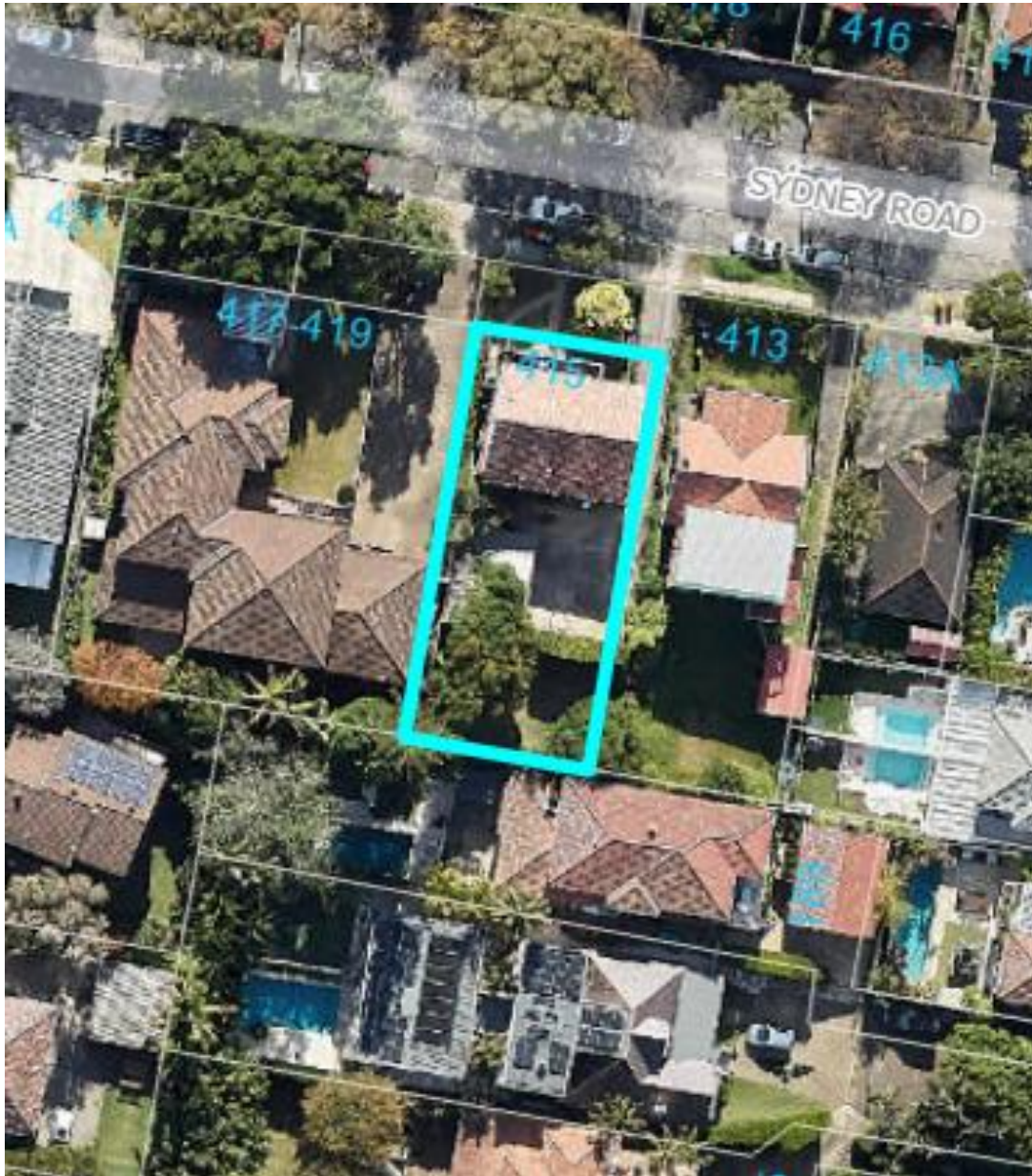


Figure 2 – excerpt from Councils files



**Figure 3 – Location of the site within its local context (source: Northern Beaches Council)**



**Figure 4 – Alignment, orientation and spatial layout of the subject site and adjoining properties (source: Northern Beaches Council)**





**Figure 5 – the existing development. The subject site is marked (source: realestate.com)**



**Figure 6 – the existing streetscape**





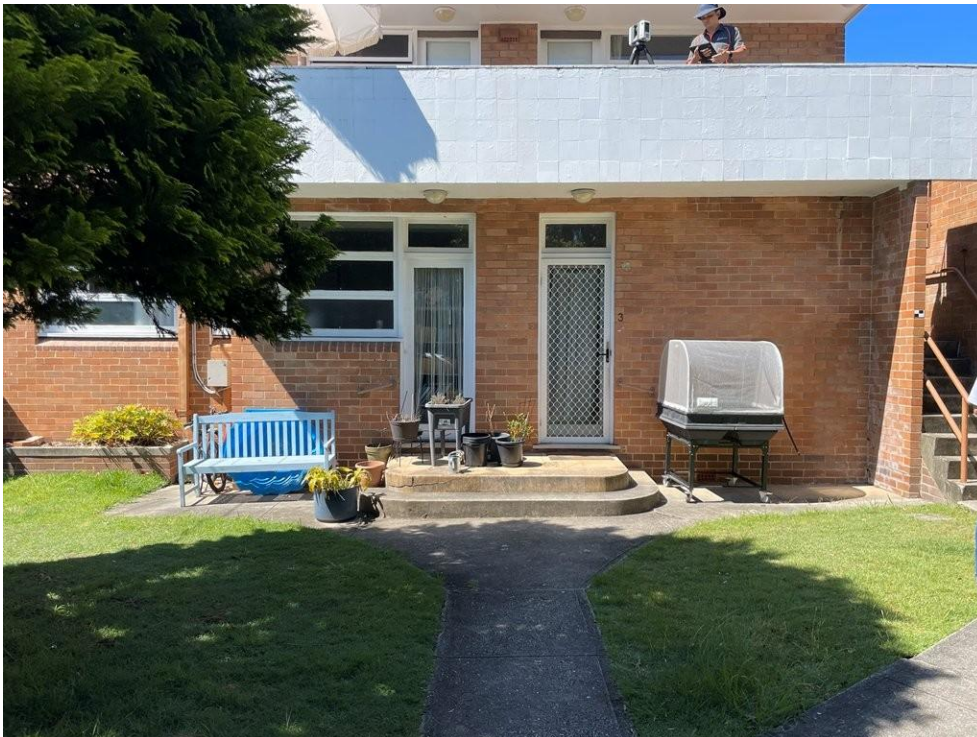
**Figure 7 – character of the existing development as viewed from the rear**



**Figure 8 – existing car parking and manoeuvring provision**



**Figure 9 – the existing acid level is established as a bedroom**



**Figure 10 – ground floor level at street frontage is established for use as a private open space**



## 3 Environmental Assessment

### 3.1 Section 4.15 of the Environmental Planning & Assessment Act, 1979

The following section of the report assesses 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.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- Manly Local Environmental Plan 2013
- State Environmental Planning Policies – as relevant
- Manly Development Control Plan

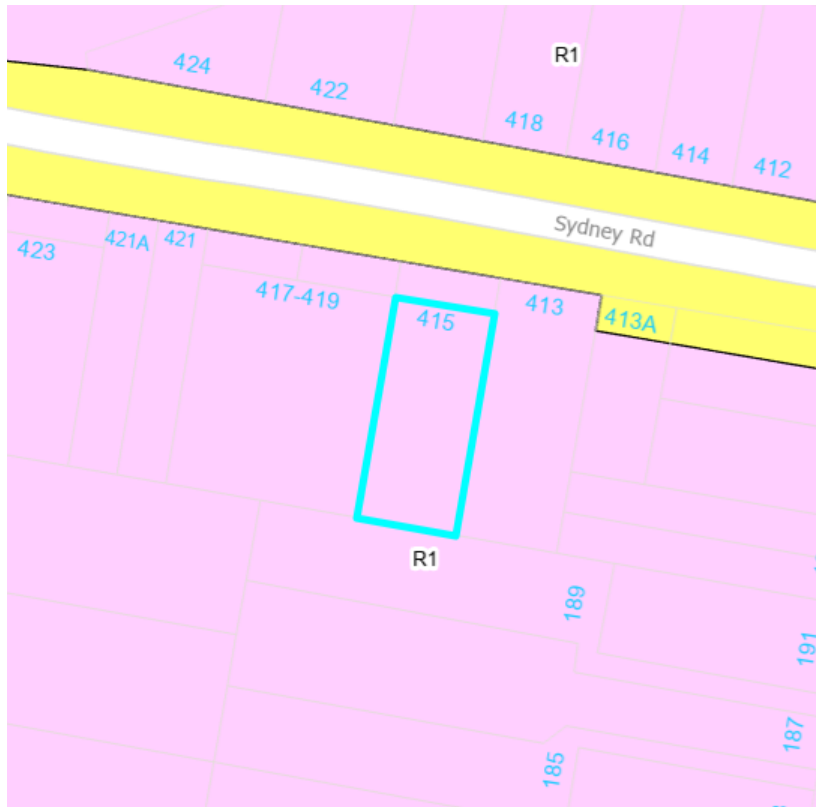
The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 7 of this report, and the town planning justifications are discussed below.

## 4 Section 4.15 (1)(i) the provisions of any environmental planning instrument

### 4.1 Manly Local Environmental Plan 2013 – zoning

The property is zoned R1 General Residential under the Manly Local Environmental Plan 2013 (LEP).



**Figure 11 – zone excerpt (Northern Beaches Council Maps)**

The proposal constitutes alterations and additions to the existing development, a residential flat buildings [manor house] being two storeys and containing 3 dwellings. The proposal is permitted within the zone with Development Consent.

Clause 2.3(2) of the LEP requires the consent authority to 'have regard to the objectives for development in a zone' in relation to the proposal. The objectives of the zone are stated as follows:

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

*To provide for a variety of housing types and densities.*

*To enable other land uses that provide facilities or services to meet the day to day needs of residents.*



It is assessed that the proposed development is consistent with the zone objectives as it will provide for the housing needs of the community within a residential environment of mixed density and housing types, compatible with the surrounding development.

Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent.

## 4.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
<b>Part 4 of LEP – Principal Development Standards</b>		
LEP Clause 4.1 Minimum subdivision lot size 300 m <sup>2</sup>	NA	NA
LEP Clause 4.3 – Height of Buildings – 8.5m	This development standard is not applicable to the proposed development. Chapter 6 of SEPP Housing is applicable to the property and establishes a 9.5m building height. Addressed below.	NA
LEP Clause 4.4 – Floor space ratio – 0.5 to 1	This development standard is not applicable to the proposed development. Chapter 6 of SEPP Housing is applicable to the property and establishes an FSR of 0.8 to 1. Addressed below.	NA
LEP Clause 4.6 – Exceptions to development standards	NA.	NA
<b>Part 5 of LEP – Miscellaneous Provisions</b>		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.10 Heritage Conservation	The site is not identified as a heritage item, within the visual catchment of a heritage item, or being within a conservation area.  Based on the above, the design is appropriate in terms of heritage considerations and clause 5.10 of the LEP is satisfied by the proposal.	NA
LEP Clause 5.21 Flood planning	Council's maps do not identify the site as being flood affected.	NA
<b>Part 6 of LEP – Additional Local Provisions</b>		
LEP Clause 6.1 Acid sulfate soils	The site is identified as being within class 5 acid sulfate soils. Modest excavation for footings is proposed below the existing site levels which are	Yes

LEP Provision	Response	Complies
	<p>at approximately RL 50.</p> <p>Based on the above the proposed development satisfies the considerations within clause 6.1 and the site is suitable for the development proposed.</p>	
LEP Clause 6.2 Earthworks	<p>Earthworks for the development are proposed below the existing site levels. The application is accompanied by a architectural plans, landscape concept plan and stormwater management plans that demonstrate that the proposal is appropriate for the site.</p> <p>Drainage patterns and soil stability are not adversely impacted by the proposal which are supported by stormwater management plans.</p> <p>The architectural plans and landscape concept plan make appropriate provision for the design and treatment of the site's external areas. Appropriate retaining walls and vegetated areas are proposed. No inappropriate amenity impacts on neighbouring properties relating to earthworks upon the site are anticipated from the proposed development.</p> <p>Heritage is not relevant to the proposed development. It is unlikely relics will be disturbed.</p> <p>There are no drinking water catchments or environmentally sensitive areas proximate to the site.</p> <p>The siting and design of the proposed development has considered the matters within clause 6.2(3) of the LEP and results in appropriate outcomes against these criteria.</p>	Yes
<p>LEP Clause 6.4 Stormwater management</p> <p><i>'(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—</i></p> <p><i>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics</i></p>	<p>In relation to stormwater the proposed development is accompanied and supported by a stormwater management plan.</p> <p>Stormwater will not be discharged onto adjoining properties in an inappropriate or uncontrolled manner and will avoid any significant adverse impacts on adjoining land.</p>	Yes

LEP Provision	Response	Complies
<p><i>affecting on-site infiltration of water, and</i></p> <p><i>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</i></p> <p><i>(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’.</i></p>	<p>The proposed development does not seek a significant change to the extent of impervious surfaces on the property.</p> <p>Based on the above the consent authority may be satisfied that the development satisfies clause 6.4 of the LEP.</p>	
LEP Clause 6.5 Terrestrial Biodiversity	NA	NA
LEP Clause 6.8 Development on sloping land	NA	NA
LEP Clause 6.9 Foreshore scenic protection area	The site is not within the Foreshore Scenic Protection Area.	NA

## 4.3 State Environmental Planning Policy

### 4.3.1 State Environmental Planning Policy (Housing) 2021

State Environmental Planning Policy (Housing) 2021 is applicable to the land and the proposed development. Chapter 6 ‘Low and mid rise housing’, Part 4 ‘Residential flat buildings and shop top housing’ is applicable to the land. The relevant provisions are addressed below. The land is not listed or excluded from Chapter 6 under Section 164 ‘Land to which chapter applies’.

#### Division 2 Non-discretionary development standards

The non-discretionary development standards applicable to the land and the proposed residential flat building development are repeated and addressed below.

<b>179 Non-discretionary development standards—residential flat buildings and shop top housing in Zone R1 or R2</b>		
<i>(1) This section applies to development for the purposes of residential flat buildings or shop top housing on land in a low and mid rise housing area in Zone R1 General Residential or R2 Low Density Residential.</i>		
<i>(2) The following non-discretionary development standards apply—</i>		
PROVISION	RESPONSE	Complies
<i>(a) a minimum lot size of 500m<sup>2</sup>,</i>	The has an area of 531.2m <sup>2</sup> . Survey accompanying.	Yes
<i>(b) a minimum lot width at the front building</i>	The has a width of 15.22m – at the	Yes

<i>line of 12m,</i>	front building line	
<i>(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 0.5 car parking spaces per dwelling,</i>	<p>The DCP car parking control does not specify a maximum number of car parking spaces per dwelling.</p> <p>3 dwellings existing and maintained, requiring 1.5 car spaces.</p> <p>4 resident car parking spaces are proposed in a tandem arrangement, 2 separately accessible.</p>	Yes
<i>(d) a maximum floor space ratio of 0.8:1,</i>	The architectural plans show the proposed GFA is 420m <sup>2</sup> translating to an FSR is: 0.79 to 1, which complies with the development standard.	Yes
<i>(e) a maximum building height of 9.5m.</i>	The architectural plans show a compliant building height.	Yes

### Response

The proposed development is appropriately characterised as a *residential flat building* which is defined in the LEP dictionary as ‘a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing’.

The proposal is not a manor house because it includes 3 storeys. Manor house is defined under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as

*‘manor house means a residential flat building containing 3 or 4 dwellings, where—*

*(a) each dwelling is attached to another dwelling by a common wall or floor, and*

*(b) at least 1 dwelling is partially or wholly located above another dwelling, and*

*(c) the building contains no more than 2 storeys (excluding any basement)’.*

The site is within 400m walking distance of the Town Centre – ‘Balgowlah Stockland Shopping Centre’ meaning it is within a ‘low and mid rise housing inner area’, see figure 13 below.

Therefore, the Housing SEPP 2021 permits the proposed form of development, with development consent, on the land.

### 4.3.2 Landscaping and tree canopy

Section 171(2) ‘Landscaping—multi dwelling housing ...’ states:

*‘(2) Before granting development consent to development to which this section applies, the consent authority must consider the Tree Canopy Guide for Low and Mid Rise Housing, published by the Department in February 2025’.*

In response, consideration has been given to the tree canopy guide, specifically Table 7 'Tree canopy and deep soil – residential flat buildings'.

The objectives of the guide are to:

*Maintain and enhance canopy cover to mitigate urban heat, increase local amenity, reduce air pollution, support biodiversity and improve community health and wellbeing.*

*Provide sufficient deep soil to support healthy root system development and ensure canopy trees reach maturity.*

The guide states-

*To satisfy the guidance objectives, residential flat buildings and shop-top housing should:*

*Where the Apartment Design Guide does not apply:*

*–provide deep soil in line with Table 7*

*–provide tree planting in line with the tree canopy percentage target or the tree planting rates in Table 7*

*–locate contiguous deep soil areas to maximise the number of trees that can be planted.*

Table 7. Tree canopy and deep soil (residential flat buildings and shop-top housing – enhanced)

Site area	Tree canopy (min % site area)	Deep soil (min % site area)	Tree planting rate
<650 m <sup>2</sup>	15%	7%	For every 350 m <sup>2</sup> of site area or part thereof, plant at least one small tree in the deep soil area.

The Guide requires the following provision of trees, based on the site's area of 531.2m<sup>2</sup>:

- The tree canopy shall cover a minimum 15% of the site area, or in this case 79.68m<sup>2</sup>.
- 7% of the site area shall be deep soil, or in this case 37.2m<sup>2</sup>.
- For every 350m<sup>2</sup> of site area or part thereof, plant at least one small tree in the deep soil area; 2 small trees in this instance.

In response:

The Apartment Design Guide does not apply because the development comprises 3 dwellings.

It is assessed that the proposed development satisfies the provisions of the *Tree Canopy Guide for Low and Mid Rise Housing*. As demonstrated on the landscape plans and architectural plan DA51, the proposed development

- provides a landscape setting to the site that will be visible from the street and adjoining properties.
- provides 127m<sup>2</sup> of deep soil area within the site.
- provides sufficient landscaped area and appropriate types and extent of planting to enhance the landscape character of the property including:
  - the planting of 47 medium to large trees with mature heights of 5-6 m and 1 water gum with a mature height of 8 m, 48 trees in total;

## SECTION 4.15 (1)(I) THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

- Various other plantings as documenting within the proposed planting schedule, repeated below, meeting and exceeding the Tree Canopy Guideline.
- the proposed plantings are appropriately distributed within the front, rear, and along the sides of the allotment as shown on the landscape plan [repeated at Figure 12] .

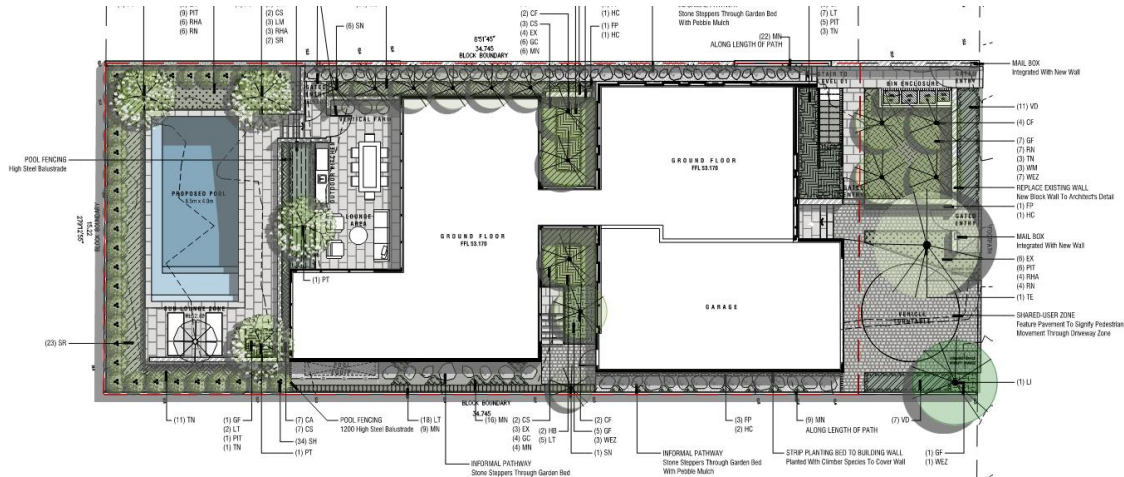


Figure 12 – excerpt of landscape plan

CODE	QTY	BOTANICAL NAME	COMMON NAME	POT SIZE	HEIGHT	WIDTH
<b>1.1 - TREES</b>						
CF	8	Cercis canadensis 'Forest Pansy'	Forest Pansy Eastern Redbud	30L	5.0m	5.0m
LI	1	Lagerstroemia indica	Crepe Myrtle	30L	6.0m	4.0m
PT	4	Plumeria rubra tricolor	Frangipani	30L	5.0m	3.0m
SN	7	Strelitzia reginae	Giant Bird of Paradise	50L	3.0m	2.0m
SH	34	Syzygium australe 'Straight and Narrow'	Straight and Narrow™ Lilly Pilly	30L	6.0m	1.2m
TE	1	Tristanopsis laurina 'Elegant'	Elegant Water Gum	100L	8.0m	8.0m
CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	WIDTH
<b>2.1 - HEDGES</b>						
VD	18	Viburnum odoratissimum 'VOC1'	Dense Fence™ Sweet Viburnum	200mm	3.0m	1.5m
<b>2.2 - SHRUBS &gt;1M</b>						
GF	17	Gardenia augusta 'Florida'	Gardenia	140mm	1.0m	1.0m
HB	5	Hydrangea macrophylla 'Bridal Bouquet'	Bridal Bouquet Hydrangea	140mm	1.2m	1.2m
WEZ	11	Westringia fruticosa 'Zena'	Zena Coast Rosemary	140mm	0.8m	1.1m
<b>2.3 - SHRUBS &lt;1M</b>						
EX	22	Escallonia x 'Pink Pixie'	Pink Pixie Escallonia	140mm	0.8m	0.8m
GC	10	Gardenia augusta 'Grandiflora Star'	Grandiflora Star Gardenia	140mm	0.6m	0.6m
LM	3	Lavandula angustifolia 'Munstead'	Munstead English Lavender	140mm	0.6m	0.6m
LT	39	Ligularia reniformis 'Designer Verde'	Tractor Seat	140mm	0.8m	0.8m
PIT	21	Pittosporum tobira 'Miss Muffet'	Miss Muffet Japanese Pittosporum	200mm	1.0m	1.0m
RHA	13	Rhaphiolepis indica 'Cosmic Pink'	Cosmic Pink™ Indian Hawthorn	140mm	0.8m	0.8m
RN	17	Rhaphiolepis indica 'Oriental Pearl'	Oriental Pearl Indian Hawthorn	140mm	0.8m	0.8m
SR	25	Strelitzia reginae	Bird Of Paradise	140mm	1.1m	1.1m
<b>4.1 - GROUNDCOVERS</b>						
CA	12	Chryscephalum apiculatum 'Desert Flame'	Desert Flame Everlasting	140mm	0.3m	0.5m
CS	14	Convolvulus sabatius	Ground Morning Glory	140mm	0.2m	1.0m
MN	46	Muehlenbeckia axillaris 'Nana'	Creeping Wire Vine	70mm	0.2m	1.0m
TN	32	Trachelospermum asiaticum 'FT01'	Flat Mat Asiatic Jasmine	140mm	0.2m	1.2m
WM	3	Westringia fruticosa 'NFL25'	Mundi™ Coast Rosemary	140mm	0.2m	1.5m
<b>5.1 - CLIMBERS</b>						
FP	6	Ficus pumila	Creeping Fig	140mm	0.1m	2.0m
HC	5	Hedera canariensis	Canary Island Ivy	140mm	0.3m	5.0m

### 4.3.3 Key definitions

SEPP Housing 2021 defines **landscaped area** as:

*"landscaped area means the part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank,*

*swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area."* SEPP Housing 2021 / S10 Dictionary

The above differs from the LEP dictionary which states:

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

**Deep soil** is defined in the Tree Canopy Guide as follows:

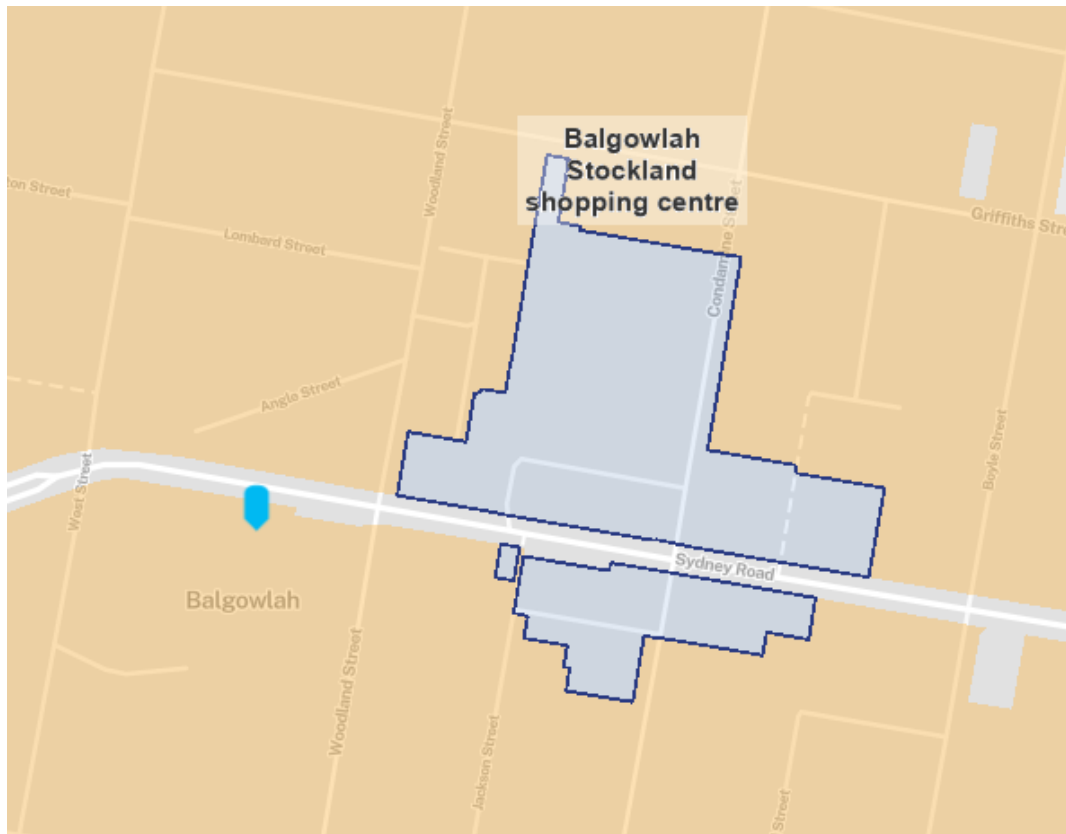
*A landscaped area connected horizontally to the soil system and local ground water system beyond and is unimpeded by any building or structure above or below ground with the exception of minor structures\*.*

*Deep soil zones with a minimum dimension of 3m allows sufficient space for the planting and healthy growth of new trees that provide canopy cover and assist with urban cooling and infiltration of rainwater to the water table. Deep soil also allows for the retention of existing trees.*

*\* Minor structures are defined as:*

- a. path, access ramp or area of paving with a maximum width up to 1.2m*
- b. essential services infrastructure (such as stormwater pipes) with a maximum diameter up to 300mm*
- c. landscape structures (such as lightweight fences, light poles or seating) requiring a footing with a maximum size of up to 300mm x 300mm in cross section.*

*The 3 m dimension in deep soil refers to 3 m in every horizontal direction (length and width). This means deep soil is a minimum 9 m<sup>2</sup> (3 m x 3 m).*



**Figure 13 – Location of the site marked by blue arrow on the LMR Indicative Map – 100m to the west of the town centre**



#### **4.3.4 State Environmental Planning Policy Transport and Infrastructure 2021**

The proposed development has frontage to a classified road pursuant to S.2.119 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. Key provisions of the policy are repeated and responded to below.

- (1) The objectives of this section are—*
  - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
  - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
  - (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
  - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
    - (i) the design of the vehicular access to the land, or*
    - (ii) the emission of smoke or dust from the development, or*
    - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
  - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Furthermore, the proposed development needs to consider the potential impacts from the roadway of noise or vibration on the proposed development. In this regard S.2.119 of the SEPP is a matter for consideration and the relevant sections are copied below:

*‘2.120 Impact of road noise or vibration on non-road development*

- (2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.*
- (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*
  - (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
  - (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time”.*

In response to the provisions of Sections 2.119 and 2.120 of the SEPP, the proposed land use is residential accommodation as defined. As such, the proposal is accompanied and supported by an acoustic assessment report and a traffic and parking assessment report which concludes that the proposal is supportable on traffic and parking grounds.

In response to the provisions of Sections 2.119 and 2.120 of the SEPP, the proposed land use is residential accommodation as defined. As such, the proposal is accompanied and supported by an acoustic assessment report and a traffic and parking assessment report which concludes that the proposal is supportable on traffic and parking grounds.

In summary, the proposal satisfies the SEPP noting that:

- A traffic assessment accompanies the application. The proposal will not inappropriately increase traffic generation and satisfies relevant statutory planning and design criteria with regards to the adjacent roadway.
- An acoustic assessment accompanies the application. The report concludes that the proposed development is capable of compliance, subject to the recommendations contained in the report. The report recommendations may reasonably form conditions of development consent.
- The proposal makes appropriate allowance for waste management and collection.

Based on the above, the proposal is assessed as satisfying (Transport and Infrastructure) 2021 as it relates to the site.

#### **4.3.5 State Environmental Planning Policy - BASIX**

The proposed development is BASIX affected development as prescribed. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

#### **4.3.6 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The following aspect of State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable are applicable to the land and the proposed development:

- Chapter 2 - Vegetation in Non-Rural Areas

This matter is addressed below.

##### **Chapter 2 - Vegetation in Non-Rural Areas**

Vegetation is prescribed under Manly DCP for the purposes of the SEPP. The proposal does not involve the removal or impact on any trees and the provisions of this policy are satisfied by the proposal.

#### **4.3.7 State Environmental Planning Policy (Resilience and Hazards) 2021**

The following aspect of State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable to the land and the proposed development:

- Chapter 4 - Remediation of Land

This matter is addressed below.

#### **Chapter 4 – Remediation of Land**

Chapter 4 – Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Council is required to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of the SEPP, Council can consent to the carrying out of development on the land.

## 5 Development Control Plan

In response to Section 4.15 (1)(iii) of the Act, the Manly Development Control Plan (DCP) is applicable to the property. Relevant provisions to the DCP are addressed below.

### 5.1 Overview and applicable sections of the DCP

In response to Section 4.15 (1)(iii) of the Act, the Manly Development Control Plan (DCP) is applicable to development on the land. However, in the circumstances of the DA, Chapter 6 of State Environmental Planning Policy (Housing) 2021 is the principal consideration in assessing the suitability of the proposed built form.

Section 8 of SEPP Housing states:

*“8 Relationship with other environmental planning instruments*

*(1) Unless otherwise specified in this Policy, if there is an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency”.*

Furthermore, a DCP cannot derogate from an environmental planning instrument. The following provisions of the Act are noted. The purpose and status of development control plans is set out in 3.42 *Purpose and status of development control plans* and s3.43(5) and relevantly states:

*“(5) A provision of a development control plan (whenever made) has no effect to the extent that—*

*(a) it is the same or substantially the same as a provision of an environmental planning instrument applying to the same land, or*

*(b) it is inconsistent or incompatible with a provision of any such instrument”.*

Therefore, the development standards within SEPP Housing, are the key determinants of the building envelope for multi dwelling housing on the site and prevail over the built form controls in the DCP.

Standard	Requirement	Proposed	Complies?
<b>Max Wall Height (m) Part 4.1.2</b>	6.5m	Not applicable. S179(2)(e) of SEPP Housing sets the building height control for the site [addressed above] and which is greater than 6.5m.  Previously addressed in relation to SEPP Housing 2021.	NA
<b>Front Setback Part 4.1.4.1</b>	6m	6.4m from the dwellings [new entry stair dwellings 2 and 3] to the street boundary of lot 13 DP 447517. 6.2m from the garage to the street boundary of lot 13 DP 447517.	Yes  Yes

Standard	Requirement	Proposed	Complies?
<b>Side Setbacks Part 4.1.4</b>	1/3 Wall Height:	<ul style="list-style-type: none"> <li>Existing development side setbacks maintained.</li> <li>side setbacks to second storey addition ['Loft' level];. <ul style="list-style-type: none"> <li>East: 3.15m</li> <li>West: 1.42m</li> </ul> </li> <li>1.5m on both the eastern and the western sides for the rear pavilion of dwelling 1</li> <li>1m eastern side setback to the garage.</li> </ul>	NA  Appropriate on merit  Yes  Yes
Setback objectives  1. To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street. 2. To ensure and enhance local amenity by: <ul style="list-style-type: none"> <li>providing privacy;</li> <li>providing equitable access to light, sunshine and air movement; and</li> <li>facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.</li> <li>defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and</li> <li>facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.</li> <li>See also objectives at paragraph 3.4 Amenity.</li> </ul> 3. To promote flexibility in the siting of buildings. 4. To enhance and maintain natural features by: <ul style="list-style-type: none"> <li>accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;</li> <li>ensuring the nature of development does not unduly detract from the</li> </ul>		Side setbacks to second storey addition <ul style="list-style-type: none"> <li>The existing building, containing 3 dwellings, side setback alignments are established. As alterations and additions, the existing development upon the site limits the extent to which numerical compliance with the control can be it achieved.</li> <li>Extension of a second storey and appropriate utilisation of the side setbacks are proposed without inappropriate adverse impacts noting: <ul style="list-style-type: none"> <li>The addition includes a Mansard roof to minimise visual bulk and scale.</li> <li>The addition is not adjacent to any sensitive areas; within the adjacent properties, noting there is a wide driveway to the west and a 3.15m setback to the eastern side boundary.</li> <li>The proposal provides characteristic setbacks that will maintain the rhythm and pattern of spaces between buildings when viewed from the street.</li> <li>The proposed building setbacks do not relate to or diminish any natural features located within the visual context of the site.</li> </ul> </li> <li>The second storey addition is positioned over the existing RFB and therefore will not impact on trees or diminish the landscape area within the side setback.</li> <li>As per the proposed landscape plan and planting schedule the proposal will result in reduced driveway area and improved landscaped area and planting.</li> <li>As noted separately below, the proposed</li> </ul>	

Standard	Requirement	Proposed	Complies?
	<p><i>context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and</i></p> <p><i>ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.</i></p>	<p>development outcome is assessed as satisfying the DCP's privacy, view sharing and solar access requirements. There will be no unreasonable amenity impacts arising from the extent of the proposed side setback exceedance.</p> <p>Based on the above this aspect of the proposal satisfies the objectives of the DCP control; flexibility in the application of the numerical aspect of the control is assessed as appropriate in the circumstances.</p>	
<b>Rear Setback Part 4.1.4</b>	<p>8 metres</p> <p>Not including swimming pools and spas</p>	<p>9.7 metres to rear terrace.</p> <p>1.88 metres to pool terrace</p>	<p>Yes</p> <p>No</p>
<p>Setback objectives</p> <ol style="list-style-type: none"> <li><i>To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.</i></li> <li><i>To ensure and enhance local amenity by:</i> <ul style="list-style-type: none"> <li><i>providing privacy;</i></li> <li><i>providing equitable access to light, sunshine and air movement; and</i></li> <li><i>facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.</i></li> <li><i>defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and</i></li> <li><i>facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.</i></li> <li><i>See also objectives at paragraph 3.4 Amenity.</i></li> </ul> </li> <li><i>To promote flexibility in the siting of buildings.</i></li> <li><i>To enhance and maintain natural features by:</i> <ul style="list-style-type: none"> <li><i>accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;</i></li> </ul> </li> </ol>		<p>They rear terrace adjacent to the proposed swimming pool is assessed as satisfying the objectives of the setback control, noting the following key aspects:</p> <ul style="list-style-type: none"> <li>As per the proposed landscape plan and planting schedule the proposal will result in landscaped and planting within the pool terrace's boundary setbacks.</li> <li>As noted separately below, the proposed development outcome is assessed as satisfying the DCP's privacy, view sharing and solar access requirements. There will be no unreasonable amenity impacts arising from the proposed side setback exceedance.</li> <li>The proposal provides characteristic built-form and setbacks that will maintain the mixed form, rhythm and pattern of spaces between buildings when viewed from the street.</li> <li>The encroachment is an open recreational element of inconsequential bulk that will not be visually intrusive when viewed from adjoining land.</li> </ul> <p>In accordance with 4.1.4.4 (b) the proposed rear setback allows space for planting of vegetation, including trees, other landscape works and private and/or common open space.</p> <p>In accordance with 4.1.4.4 (d) the proposed rear setback relates to the prevailing pattern of setbacks in the immediate vicinity and will not result in inappropriate overshadowing, visual privacy and view loss.</p>	

Standard	Requirement	Proposed	Complies?
	<ul style="list-style-type: none"> <li>ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and</li> </ul> <p>ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.</p>	<p>Being within a nominated LMR area, the site is deemed to be within in higher density area. Where there is a more diverse mix of housing and where the character of the area is anticipated to change.</p> <p>In accordance with paragraph '3.3 Landscaping' the proposal:</p> <ul style="list-style-type: none"> <li>improves the provision of private open space for each of the three dwellings including to swimming pool terrace which is a communal open space that is partly within the rear setback</li> <li>improves the provision of planting and landscaped area within the property and which designed to enhance the residential amenity within the site and when viewed from surrounding properties.</li> <li>The proposed site works do not impact any significant natural features</li> </ul>	
<b>Total Open Space Part 4.1.5</b>	Density Area 3 Site area: 532m <sup>2</sup> 55% or 292.6m <sup>2</sup>	315m <sup>2</sup> or 59%.	Yes
<b>Soft Open Space Part 4.1.5</b>	35% (of the Total Open Space area) or 102.6m <sup>2</sup>	127m <sup>2</sup> or 43%.	Yes
<b>Private Open Space (PoS) Part 4.1.5.3</b>	18 m <sup>2</sup> (minimum per dwelling)	<p>38m<sup>2</sup> for dwelling 1 14m<sup>2</sup> for dwelling 2 20m<sup>2</sup> for dwelling 3</p> <p>Communal space proposed at rear including swimming pool, 131 m<sup>2</sup></p> <p>The current PoS for the existing development [3 units] is undefined and deficient. The proposal will significantly improve the provision of PoS for each dwelling. This is addressed further within section 6 of this report.</p>	Yes
<b>Above Ground Open Space Part 4.1.5.3</b>	Max 25% of the Total Open Space or 73.1 m <sup>2</sup>	Front balcony 34 m <sup>2</sup> . Rear terrace 40 m <sup>2</sup> .	Yes
<b>Car Parking Spaces Part 4.1.6</b>	2 spaces	Previously addressed in relation to SEPP Housing 2021.	Yes

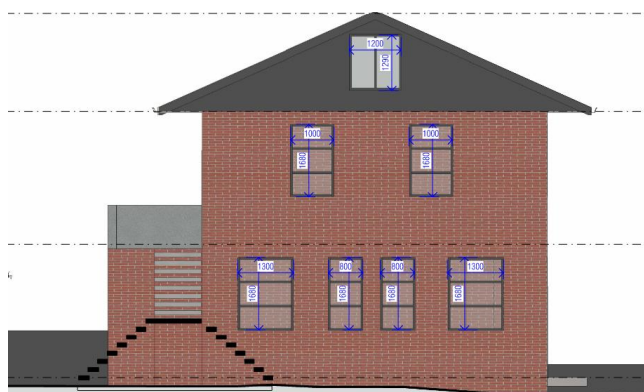


Standard	Requirement	Proposed	Complies?
		2 spaces existing. 4 spaces proposed.  Existing parking provision improved.	
<b>Swimming pools and spas. Part 4.1.9</b>  <b>4.1.9.2 (c) states:</b>  <i>'The setback of the outer edge of the pool/spa concourse from the side and rear boundaries must be at least 1m, with the water line being at least 1.5m from the boundary'.</i>	Side or rear boundary setback: <ul style="list-style-type: none"> <li>outer edge 1m</li> <li>water line 1.5m</li> </ul> May occupy 30% of the total open space (88m <sup>2</sup> )	To the water line: West (side) – 2.34m South (rear) – 2.07m East (side) – 4.07m Area: approx. 34 m <sup>2</sup> of the total open space.	Yes  Yes  Yes  Yes
<b>Solar Access CI 3.4.1</b>	Min 3 hours to neighbouring dwellings PoS areas and windows to the principal living areas of the adjoining dwellings.	Shadow diagrams showing the existing and proposed shadows accompany and support the proposal.  Whilst the proposed development will result in minor additional overshadowing of adjoining properties at certain times of the day, the impact is appropriate, noting: <ul style="list-style-type: none"> <li>Overshadowing of the adjoining property at 419 Sydney Road is limited to the rear yard during the morning but unaffected during the afternoon.</li> <li>Overshadowing of the adjoining property at 413 Sydney Road is limited to modest areas of the property at 3pm.</li> </ul> Therefore, the sunlight available to the adjoining the dwellings will not be impacted by more than 3 hours, between 9am and 12pm on 21 June and the control is satisfied.	Yes
<b>Views CI 3.4</b>	New development is	Given the siting of the existing	Yes



Standard	Requirement	Proposed	Complies?
	to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	<p>buildings and the neighbourhood context, no impacts on views are anticipated from the proposed development from surrounding residential properties or public vantage points.</p> <p>Access has not been gained to nearby properties in assessing this aspect; this may be undertaken when the DA is publicly exhibited to neighbouring properties during the assessment of the DA.</p>	
<b>Privacy CI 3.4.2</b>	Privacy DCP's objectives.	<p>Privacy has been considered in the proposed design and satisfies the DCP provisions. The following site circumstances, the ways in which the design addresses privacy, and its relationship with adjoining land are noted:</p> <ul style="list-style-type: none"> <li>▪ Modest expansion of the existing balconies at the front of the development are proposed. They will not overlook sensitive private open space or living areas of the adjoining properties.</li> <li>▪ The existing and proposed glazing within the side elevations is shown within figures 14 to 17 below. Modest changes are proposed to the openings within the side elevations and are assessed as appropriate. The side boundary facing window openings are limited and appropriate in terms of their function (the rooms that they serve), location, sill height, and extent.</li> <li>▪ In relation to the rear pool terrace, as previously addressed, privacy is addressed by the ground level position, dividing fencing and perimeter planting that will limit sightlines to the adjoining properties.</li> </ul> <p>In summary the proposed alterations and additions will achieve an</p>	Yes





**Figure 16 – existing western side elevation**



**Figure 17 – proposed western side elevation**

### 5.1.1 Other aspects of the DCP

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing – previously addressed.	Yes	Yes
3.4.2 Privacy and Security – previously addressed.	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.1 Solar Access – previously addressed.	Yes	Yes
3.5.3 Ventilation	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.5.5 Landscaping	Yes	Yes
3.5.7 Building Construction and Design	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	NA	NA
4.1.1.1 Residential Density and Dwelling Size	NA	NA
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	NA	NA
4.1.3 Floor Space Ratio (FSR)	NA	NA
4.1.4 Setbacks (front, side and rear) and Building Separation	Some exceptions	Yes
4.1.5 Open Space and Landscaping	Yes	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	NA	NA
4.1.8 Development on Sloping Sites	Yes	Yes
4.1.9 Swimming Pools, Spas and Water Features	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes

### 5.1.2 Conclusion - variations to numerical aspects of the DCP

Based on the above, it is concluded that the proposed variations are modest and contextually reasonable, satisfying the objectives of the planning controls.

Under clause (3A)(b) of Section 4.15 of the Act, it is appropriate for the consent authority to be flexible in applying the controls where the objectives of those controls have been satisfied.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of DCP. Accordingly, our assessment finds that these aspects of the proposal are worthy of support, in this particular circumstance.

### 5.1.3 DCP Definitions

**deep soil zone** means an area (within the landscaped area) within a development that is unimpeded by building or structures above or below ground and have a minimum dimension of 6m. Deep soil zones exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and rood areas.

**open space** see meanings for total open space, landscaped area (LEP), private open space (LEP) and principal private open space

**open space above ground** means that part of the total open space that is above ground being (including a veranda, balcony, terrace) and has a finished floor level that is more than 1m above existing ground level.

**principal private open space** means private open space located adjacent to living rooms, excluding bedrooms of a single area and dimension sufficient to enable it to usefully serve domestic outdoor functions for the exclusive use of the occupants of the dwelling.

**total open space** means that part of a site which is designed or designated to be used for active or passive recreation and includes:

Landscaped area (see LEP meaning);

Open Space Above Ground as defined in this DCP;

Hard paved areas (un-enclosed pedestrian walkways and access paths, pergolas, clothes drying and barbeque areas);

Swimming pools occupying less than 30 percent of total open space; and

Private open space (including principal private open space) as defined in this DCP but excludes:

any area for parking (including garages; carports; hardstands and vehicular access to that parking);

out buildings (including sheds, cabanas, cubby houses and the like).

**wall height** means that part of the building height measured vertically from the ground level (existing) at any point to the top most part of the external wall and exclusive of the height of any pitched roof or parapet. The top most part of the wall height is measured to the underside of the eaves associated with the topmost floor and where a deck or terrace is located at the top of the wall, the wall height is measured to the top of any balustrade, planter box or privacy screen.

#### **5.1.4 LEP definitions**

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

## 6 Low Rise Housing Diversity Design Guide

In the absence of specific, detailed, development controls [DCP provisions] relating to LMR development, the following gives consideration to the key provisions of the Low Rise Housing Diversity Design Guide for development applications [the Guide]<sup>1</sup>.

The following aspects of the guideline have been discounted: Building height, storeys, site size, FSR, deep soil, landscaped area, car parking as these are all requirements of the planning instrument and have previously been addressed in Section 4 of this report.

It is noted that as alterations and additions to an existing residential flat building [Manor House], which benefits from an enforceable development consent, the existing development upon the site limits the extent to which numerical compliance with the contemporary controls can be achieved.

### 6.1 Section 2.2 - Manor house and dual occupancies (one above the other)

The dwellings orientate to the street or rear garden, not to the side boundaries.

Each dwelling's front door is visible from the street.

Habitable rooms face the street.

Safe and BCA compliant pedestrian pathways are proposed.

The dwellings providing appropriate pedestrian access.

All dwellings receive a 3 hours direct sunlight between 9am and 3pm on the winter solstice (June 21) to a living room and private open space, noting that:

- Dwelling 1 – DA63 shows the internal sunlight available to the main living area of the dwelling with sunlight to the room between 2pm and 4pm complimented by the rear communal pool terrace that will receive sunlight in the morning and afternoon time periods [not midday].
- Dwellings 2 and 3 contain north facing windows to living rooms and north facing balconies [their principal private open spaces]
- The communal open space at the rear incorporating swimming pool and adjoining terrace is shown on plan DA62 to achieve very good solar access.
- The proposed development will significantly improve the extent of solar access to living room and private open spaces.

The ground floor is not more than 1.3 metres above ground level (existing).

The plans show that all dwellings provide appropriate storage provision within dwelling.

Tree planting is previously addressed in section 4 of this report.

Windows in side walls articulate the facade and meet visual and acoustic privacy requirements previously addressed in section 5 of this report.

No part of a habitable room is more than 8m from a window.

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<sup>1</sup> Department of Planning Industry and Environment, July 2020. Section 2.2 Manor house and dual occupancies (one above the other)

No part of a kitchen work surface is more than 6m from a window or skylight.

The minimum floor to ceiling height in all living areas is approx. 2.4 metres [upper level].

Dwelling sizes meet the minimum internal floor areas requirements, noting:

- Dwelling 1 contains 3-bedrooms and is 244 m<sup>2</sup>.
- Dwellings 2 and 3 contain 2-bedrooms and are approx. 89m<sup>2</sup> and 87m<sup>2</sup> respectively exceeding the minimum 70 m<sup>2</sup>].

Combined living and dining rooms are to have a minimum area of:

- Dwelling 1 - 48 m<sup>2</sup> [exceeding the min 28 m<sup>2</sup>]
- Dwellings 2 and 3 – 17 m<sup>2</sup> and 14 m<sup>2</sup> totalling 31 m<sup>2</sup> [exceeding the min 24 m<sup>2</sup>]

***Principal private open space***

The existing private open space provision for the three dwellings on the property is deficient in terms of area location and dimensions. The proposed development will significantly improve the private open space provision noting:

- Dwelling 1 - 38 m<sup>2</sup>
- Dwelling 2 - 14 m<sup>2</sup>
- Dwelling 3 - 20 m<sup>2</sup>
- Communal open space [131m<sup>2</sup>] at the rear, incorporating swimming pool and adjoining terrace.

The private open spaces are shown within the architectural plan set and this is previously addressed in response to DCP control 4.1.5.3.

Vehicle access is integrated with the building design. The design includes concealed car parking within a garage.

The width of the garage entry is approx. 5.6m and does not to exceed 50% of the lot frontage or 7 metres.

Covered space is provided for the secure storage of at least 1 bicycle per dwelling within

## **7 Section 4.15 the Environmental Planning and Assessment Act 1979 – Summary**

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
  - Employment during the construction phase of the works;
  - Economic benefits, arising from the investment in improvements to the land;
  - Social (and environmental) benefits arising from the renewal of existing housing stock to meet contemporary living needs and achieve BASIX compliance.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the provisions of the relevant provisions of the council's DCP.
- It is compatible with the current and likely future character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
- The public interest is best served through the approval of the application.



## 8 Conclusion

Raw Process Design Architects have responded to the client's brief with an exceptional design that is responsive to the mixed housing and building character, property context and the prevailing planning objectives for the site.

The proposal has been assessed under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act and should be approved because:

- The proposed development is permissible with consent.
- The application has considered and satisfies the various applicable SEPP, LEP and DCP built form controls as they are reasonably applied to the site.
- The proposed development will not give rise to any unacceptable residential amenity or streetscape consequences.
- Subject to the recommendations of various expert reports, the proposed development can mitigate the environmental conditions identified and satisfy the relevant statutory controls.
- The site is suitable for the proposed development, having regard to its size and capacity to accommodate the proposed design.
- The proposal will result in various positive social and economic impacts in the locality including the provision of increased housing in a highly accessible location.
- The development is in the public interest.

In view of the above, we conclude that the proposed development will provide a significantly positive impact and should be approved.

**BBF Town Planners**

**Michael Haynes - Director**