



Planning Direction Pty. Ltd.
Town Planning & Development Services

STATEMENT OF ENVIRONMENTAL EFFECTS

**Proposed Upper-Level Addition to an
Existing Dwelling**

at

No 17 Herbert Street Manly

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TABLE OF CONTENTS

	PAGE NO
1.0 INTRODUCTION	1
2.0 THE SITE AND ITS CONTEXT	2
2.1 The Subject Site	2
2.2 Site Context	4
3.0 PROPOSED DEVELOPMENT	7
3.1 Design Approach	8
4.0 MANLY LEP 2013	10
5.0 MANLY DCP 2013	19
6.0 SECTION 4.15 CHECKLIST	31
7.0 CONCLUSION	35

1.0 INTRODUCTION

This statement of environmental effects has been prepared to accompany a development application that is being submitted to Northern Beaches Council. The applicant is seeking development consent to undertake the following works at No 17 Herbert Street, Manly:

Construct an upper level addition comprising of:

- A master bedroom with a walk-in robe and ensuite;
- Two additional bedrooms;
- A bathroom;
- A wet bar/living area opening out onto a street facing deck; and
- A staircase leading to the lower level.

Alterations to the ground floor of the existing dwelling include:

- A new roof profile and balustrade to the existing front deck;
- Block up some existing skylights; and
- The installation of an internal staircase accessing the upper level.

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;

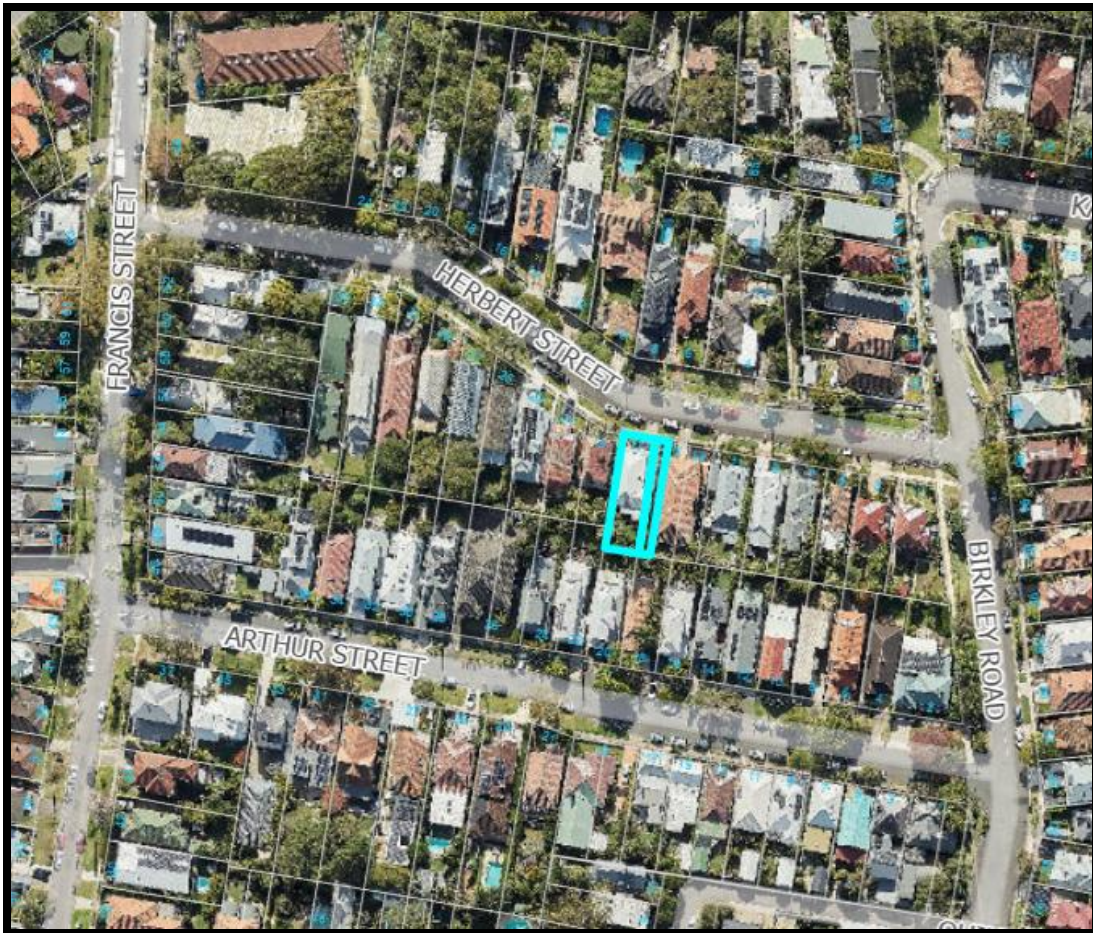
- A description of the site and the locality and a description of the proposed development.
- A description of the statutory framework in which the development application will be assessed including the provisions of the Environmental Planning and Assessment Act 1979; and
- Conclusions in respect of the proposed development.

This statement of environmental effects should be considered in conjunction with the development plans prepared by *Add Style Home Additions*.

2.0 SITE AND CONTEXT

2.1 Subject Site

The subject site is situated on the southern side of Herbert Street and is known as No 17 Herbert Street, Manly.



Locality Plan

The subject comprises of two allotment and is legally identified as Lot 1 Sec A in DP 2170 and Lot A in DP 300251.

The subject site is regular in configuration and has a total area of approximately **371.6m²**. A survey plan is included with the development plans.

Existing improvements on the subject site consist of a single storey clad dwelling with a metal roof built over an under building front garage. The

existing residence is in good condition however is relatively small particularly when compared to neighbouring dwellings.



Subject Site

With regards to topography the subject site has a notable fall from the rear of the allotment to the Herbert Street frontage as well as a cross fall from west to east. Stormwater from the dwelling can be appropriately directed via gravity flow to Council's existing drainage system in Herbert Street.

The applicant does not propose to alter the existing drainage arrangements given that the proposed upper level is effectively contained above the footprint of the existing dwelling.

The building is not listed under the Manly Local Environmental Plan 2013 as having specific heritage significance and does not fall within a conservation area. There is no heritage listed properties on adjoining lots.

No trees require removal to facilitate the proposed development. Ample green space exists at the front and rear of the dwelling to assist with natural absorption.

2.2 Site Context

The subject site is situated within a precinct containing a predominance of older one and two storey style dwelling houses. The buildings in the precinct are generally well presented with several of the older style dwellings having undergone recent renovations.

Existing development on the immediately adjoining properties comprises of the following:

- Adjoining the subject site to the west is a large older style two storey dwelling known as No 19 Herbert Street, Manly. This adjoining dwelling maintains a standard side setback from the common boundary.



View of the adjoining western property

The upper level on the subject site is recessed further into the subject site relative to the adjoining western dwelling. It is also noted that the proposed ridge RL is comparable to that of the adjoining dwelling. Only highlight type windows are proposed in the western elevation of the proposed upper level ensuring that there will be no opposing windows causing viewing conflict. The existing site circumstances between dwellings combined with the proposed design initiatives will ensure that privacy between the two properties is adequately maintained.

Shadows cast by the proposed addition will fall mainly in a sweeping motion towards the rear of the allotment and partly over adjoining properties during the winter solstice. The additional impact from overshadowing is acceptable in the context of the site and its orientation.

- Adjoining the subject site to the east is a two storey brick and tile duplex known as No's 13-15 Herbert Street Manly



View of the Adjoining Eastern Dwellings

These adjoining dwellings maintain a standard setback from the common boundary. The proposed upper level on the subject site provides reasonable setbacks from the common boundary with the adjoining eastern property.

Adequate levels of privacy will be maintained between the two properties given the design initiatives.

There will also be no adverse shadow affection of the adjoining eastern property given the orientation of the land.

The proposed upper-level addition maintains a substantial setback from the rear boundary.

The locality is well serviced by public open space and public transport in the form of a regular bus service along Balgowlah Road connecting to Manly Wharf, the city and surrounding suburbs.

3.0 PROPOSED DEVELOPMENT

The applicant seeks development consent to undertake the following at No 17 Herbert Street, Manly:

Construct an upper level addition comprising of:

- A master bedroom with a walk-in robe, ensuite and street facing deck;
- Two additional bedrooms;
- A bathroom;
- A wet bar/living area opening out onto a rear deck; and
- A staircase leading to the lower level.

Alterations to the ground floor of the existing dwelling include:

- A new roof profile and balustrade to the existing rear deck;
- Block up some existing skylights; and
- The installation of an internal staircase accessing the upper level.



Artistic impression of the proposal as viewed from the Herbert Street frontage

3.1 Design Approach

The proposed upper floor addition is sought to provide most needed quality internal living and bedroom space to meet the needs of the existing residents. The proposed upper-level addition has been site specifically designed with the intent of maximising floor space opportunities on-site while minimising adverse impacts to adjoining properties.

A technical breach from the building height control arises and the proposed FSR exceeds the maximum prescribed FSR for the site. Notwithstanding, a justification for the variation proposed in this instance has been prepared under separate cover.

The proposal includes a pitched roof profile to match the lower level.

Standard floor to ceiling height is proposed on both levels. The outlook from the proposed addition is oriented towards the street frontage and should capture district views across Manly Golf Club to the north.

Shadows cast by the proposed addition will generally fall in a sweeping motion towards the rear of the site. Reasonable design measures have been incorporated to ensure that there will be no concentration of shadows across the adjoining dwellings. There will be some unavoidable overshadowing of the adjoining eastern and western properties. The extent of additional overshadowing is reasonable in the context of the precinct which consists mainly of small allotments and some tall dwellings.

No issues arise in terms of view loss to any nearby or adjoining properties given the recessing of the upper level and the inclusion of highlight type windows in both side elevations.

No change is proposed to the landscape provision on-site.

3.2 Numeric Summary

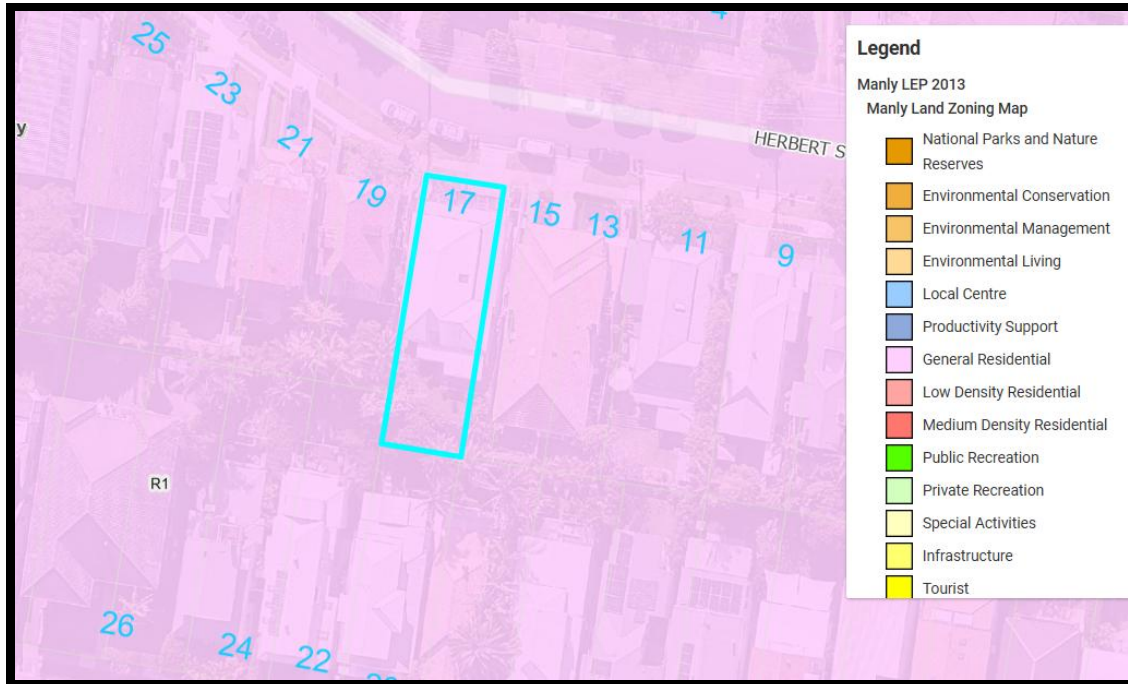
Site area	371.6sqm
Existing floor area	149sqm or 0.4:1
Proposed total FSR	244,1sqm or 0.65:1.

Existing Landscaped Area	119sqm or 32%
Proposed Landscaped Area	119sqm or 32% - No change proposed
Side setback	The proposed upper-level addition is indented from the lower level maintaining compliant side setbacks.
Front setback	No change is proposed to the front setback to Herbert Street. The proposed upper level is recessed from the existing lower level.
Building Height	An encroachment into the maximum building height of 8.5m occurs primarily due to the raised front level of the existing dwelling and the slope of the allotment. The maximum building height proposed is 10.2m.
Car Parking	Two cars parking spaces are to be retained on-site within the existing garage.

4.0 MANLY LOCAL ENVIRONMENTAL PLAN 2013

The land is zoned *R1 General Residential* under Manly LEP 2013.

Alterations and an upper-level addition are ancillary to a dwelling, which is permissible in the zone.



Zoning Extract – MANLY LEP 2013

A dwelling is defined to mean:

a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

Note—

*Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.*

<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. • To enable other land uses that provide facilities or services to meet the day-to-day needs of residents. 	<p>The proposed upper-level addition to the dwelling specifically services the housing needs of the residents and provides an improved level of construction benefitting the streetscape and broader community.</p> <p>The proposal relates to a residential dwelling only. The use is encouraged and permissible in the zone.</p> <p>No other land uses are proposed</p>	<p>Yes</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</p>	<p>The applicant proposes a maximum height of 10.2m.</p> <p>The proposed upper level has been designed to maintain a consistent roof profile with the lower</p>	<p>Variation Proposed</p> <p>Yes</p>

character in the locality,	level. The proposed upper level is recessed to minimise its visual presence when viewed from Herbert Street. A tiered and articulated façade is proposed.	Yes
(b) to control the bulk and scale of buildings,	The proposed upper level is setback and recessed in to reduce its visual presence from side boundaries and the street.	
(c) to minimise disruption to the following:		Yes
(i) views to nearby residential development from public spaces (including the harbour and foreshores),	Some additional district views should be attained to the front of the dwelling because of the proposed addition.	Yes
(ii) views from nearby residential development to public spaces (including the harbour and foreshores),	There are no significant views to be gained of public places that will be disrupted.	Yes
(iii) views between public spaces (including the harbour and foreshores),	Views are not impeded by the proposed addition which is sited within the typical building zone in the street.	
(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,	There are no specific view corridors of public places likely to be gained across the subject site.	
(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.	Shadows cast by the development are projected in a sweeping motion towards the south (within the allotment). No significant impacts are likely from the proposed	Yes

<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>development affecting the adjoining properties given the site circumstances, orientation and design initiatives.</p> <p>The subject site is not in and does not adjoin prominent bushland or any other environmentally sensitive land.</p> <p>The proposal exceeds the maximum building height. The encroachment occurs primarily due to the existing underbuilding garage and storage area coupled with the cross slope of the land.</p>	<p>Variation Sought Pursuant to Clause 4.6</p>
<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>(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,</p> <p>(c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,</p> <p>(d) to minimise adverse environmental impacts on the use or enjoyment of adjoining</p>	<p>An FSR of 0.65:1 is proposed.</p> <p>The proposed addition will create a proportionate dwelling on-site contained within the existing dwelling footprint. The proposed upper-level addition can sit comfortably within the streetscape.</p> <p>There are no important landscape or townscape features which will be obscured by the proposal.</p> <p>The proposed upper-level addition is contained</p>	<p>Variation Sought Pursuant to Clause 4.6</p> <p>Yes</p>

<p>land and the public domain,</p> <p>(e) to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.</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>within the footprint of the existing dwelling. The existing landscaped content at the front of the site will be embellished. There is no detrimental impact on landscaping on-site or within the precinct because of the proposal.</p> <p>Not applicable.</p> <p>The maximum FSR applicable to the site is 0.6:1.</p> <p>The proposed FSR is 0.65:1.</p> <p>The combined floor space of the dwelling inclusive of the addition is not excessive. The variation to the FSR control occurs directly because of the small allotment size</p>	<p>Yes</p> <p>Variation Sought Pursuant to Clause 4.6</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</p>	<p>The applicant is relying on clause 4.6 of the LEP to vary a development standard.</p>	<p>Variations to the building height and FSR standards are sought.</p>

<p>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>5.10 Heritage conservation (1) Objectives The objectives of this clause are as follows: (a) to conserve the environmental heritage of Manly, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The subject site is not individually heritage listed and does not fall within a heritage conservation area.</p>	<p>Yes</p>
<p>6.1 Acid sulfate soils (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. (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. Class of land Works 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 in a Class 5 zoned for acid sulphate soils.</p> <p>There is no significant excavation associated with the proposed development. There is no impact on the water table.</p> <p>Acid sulphate soils is not a constraint to the proposed development.</p>	<p>Yes</p>
<p>6.4 Stormwater management (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 proposed addition is effectively contained with the existing footprint/hard surfacing of the dwelling. Down pipes will connect</p>	<p>Yes</p>

<p>(2) This clause applies to all land in residential, business, industrial and environmental protection zones.</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>(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>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</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>into the existing drainage system.</p> <p>The clause applies to the subject land.</p> <p>The proposed works are contained within the existing building footprint. The landscape content on-site will be embellished as part of the proposal.</p> <p>The proposed works do not generate the need for stormwater detention on-site. A reasonable extent of landscape area will remain on-site enabling natural absorption.</p> <p>The proposed works will not give rise to adverse stormwater impacts to adjoining properties and native bushland.</p> <p>Stormwater from the site can be collected and effectively disposed of via gravity flow as per the current methods.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>6.5 Terrestrial biodiversity</p> <p>(1) The objective of this clause is to maintain terrestrial biodiversity by:</p> <p>(a) protecting native fauna and flora, and</p>	<p>The site is not subject to biodiversity considerations.</p>	<p>Yes</p>

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

<p>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>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 upper-level addition will 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.	The proposed works will vastly improve the streetscape presentation of the dwelling by introducing articulation and recessing the built form.	Yes
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<p>Objective 3) To encourage soft landscape 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, in particular at the arterial road entry point into the Municipality, so as to promote the townscape qualities of Manly.</p>	<p>No significant adverse impacts arise from the proposed development when considered in reference to the DCP objectives for 'streetscape'.</p> <p>The existing dwelling and proposed upper-level addition remain well setback from the primary street – Herbert Street.</p> <p>No change is proposed to the existing parking arrangement on-site.</p> <p>A residential character is reinforced with the proposed works.</p> <p>N/A</p> <p>Noted.</p>	
<p>3.2 Heritage Considerations</p> <p>Relevant DCP objectives in relation to heritage in this plan include the following:</p> <p>Objective 1) To retain and conserve environmental heritage and cultural significance of Manly including:</p> <ul style="list-style-type: none"> • significant fabric, setting, • relics and view associated • with heritage items and • conservation areas; • the foreshore, including its • setting and associated 	<p>The subject site is not heritage listed, does not adjoin a heritage listed property and is located within a conservation zone.</p>	<p>Yes</p>

<ul style="list-style-type: none">• views; and• potential archaeological• sites, places of Aboriginal• significance and places of• natural significance. <p>Objective 2) To ensure any modification to heritage items, potential heritage items or buildings within conservation areas is of an appropriate design that does not adversely impact on the significance of the item or the locality.</p> <p>Objective 3) To ensure that development in the vicinity of heritage items, potential heritage item and/ or conservation areas, is of an appropriate form and design so as not to detract from the significance of those items.</p> <p>Objective 4) To provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons.</p> <p>Objective 5) To integrate heritage management and conservation into the planning development process including incentives for good heritage management, adaptive reuse, sustainability and innovative approaches to heritage conservation.</p>		
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3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)

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.

Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.

Designing for Amenity

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.

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.

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.

3.4.1 Sunlight Access and Overshadowing

Objective 1) To provide equitable access to light and sunshine.

Objective 2) To allow adequate sunlight to penetrate:

☐ private open spaces within the development

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 is directed towards the street and rear.

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.

No significant adverse impacts arise from the proposed development when considered in reference to the DCP objectives.

The proposed scale of the dwelling is consistent with that of nearby dwellings.

The proposed upper-level addition will be constructed to appropriate engineering standards.

The proposed upper-level addition does not given rise to adverse overshadowing impacts given the orientation of the site and incorporated design initiatives. The shadow

Yes

Yes

<p>site; and</p> <ul style="list-style-type: none"> □ private open spaces and windows to the living spaces/ habitable rooms of both the development and the adjoining properties. <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"> □ encouraging modulation of building bulk to facilitate sunlight penetration into the development site and adjacent properties; and □ 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>diagrams demonstrate that shadows will be cast in a sweeping motion towards the rear of the allotment with minimal affectation of the adjoining properties.</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 setback from the common side boundaries and the upper level is contained over the footprint of the existing dwelling.</p> <p>There are no significant additional shadow impacts given the topographical circumstances of the site, site orientation and the siting/design of the adjoining building.</p> <p>No significant adverse impacts arise from the proposed development when considered in reference to the DCP objectives.</p>	<p>Yes</p>
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<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>Objective 2) To increase privacy without compromising access to light and air. To balance outlook and views from habitable rooms and private open space.</p> <p>Objective 3) To encourage awareness of neighbourhood security.</p> <p>See also paragraph 4.1.5.3 Principal Private Open Space.</p>	<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 concentration of outlook towards the street.</p> <p>Windows are oriented generally towards the street and rear. There will be no viewing conflict from opposing windows between dwellings.</p>	<p>Yes</p> <p>Yes</p>
<p>3.4.2.1 Window Design and Orientation</p> <p>a) Use narrow, translucent or obscured glass windows to maximise privacy where necessary.</p> <p>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 Acoustical Privacy (Noise Nuisance)</p> <p>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>The proposed upper-level addition inclusive of a street facing balcony will provide better casual surveillance of the street.</p> <p>Noted</p> <p>There are no noise generating elements such as a pool pump proposed on-site.</p> <p>The subject site is sufficiently distant from any arterial road not to be affected by the noise source. The dwelling will be appropriately insulated and glazed.</p>	<p>Yes</p> <p>Yes</p>

	<p>The proposed upper-level addition relates to a single dwelling. Acoustic measures such as appropriate glazing will be incorporated if required.</p> <p>There is minimal change to the use of private open space driveways, parking etc. No additional noise will be generated on-site.</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>Some addition district views should be available to the north. The outlook is directed towards the street and the rear yard and there are no side views that would be impacted by the proposal.</p> <p>Landscape planting is proposed on-site. Such will not obstruct views.</p> <p>A standard roof pitch is proposed coupled with standard floor to ceiling heights to assist with achieving view sharing.</p> <p>Views across the subject site from the western adjoining property will be reasonably maintained due to the differences in floor levels between the two dwellings.</p>	<p>Yes</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</p>	<p>The proposal is for an upper-level addition. The BASIX</p>	<p>Yes</p>

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.	certificate confirms compliance with relevant water saving and design requirements.	
4.1 Residential Development Controls Where Residential Development Controls apply 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.	Noted	Yes
Objective 1) To delineate by means of development control the nature and intended future of the residential areas of Manly.	Noted. An attractive integrated design and façade is proposed.	Yes
Objective 2) To provide for a variety of housing types and densities while maintaining the exiting character of residential areas of Manly.	The proposal is for a quality addition to an existing dwelling, which is well setback from the street.	Yes
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.	No significant adverse amenity impacts arise.	Yes
Objective 4) To improve the quality of the residential areas by encouraging landscaping and greater flexibility of design in both new development and renovations.	The landscaping content on-site will be embellished. No trees are required to be removed. The addition sits comfortably with the footprint of the dwelling.	Yes
Objective 5) To enable population growth without having adverse effects on the character, amenity and natural environment of the residential areas.	There are no significant adverse effects to the character, amenity and natural environment.	
Objective 6) To enable other land uses that are compatible with the character and amenity of the locality.	NA. The proposal continues the residential use of the property.	Yes
Objective 7) To ensure full and efficient use of existing social and physical infrastructure and	N/A	

the future provision of services and facilities to meet any increased demand.		
4.1.1 Dwelling Density and Subdivision Objective 1) To promote a variety of dwelling types and residential environments in the LGA. Objective 2) To limit the impact of residential development on existing vegetation, waterways, riparian land and the topography. Objective 3) To promote a variety of allotment sizes, residential environments and housing diversity. Objective 4) To maintain the character of the locality and streetscape. Objective 5) To maximise the use of existing infrastructure	The proposal is for a typical addition to an existing detached dwelling. There are no impacts arising to existing vegetation, waterways, riparian land and the topography. NA. There is no subdivision. No significant adverse streetscape or neighbourhood character issues arise. Existing site services are available.	Yes Yes NA Yes 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 dictated by the slope of the land. The proposal gives rise to a non-compliance with the wall height control along the side elevations towards the site frontage due to an excavated lower level. The proposal includes a standard floor to ceiling heights over both levels and a continuous wall height is negated through articulation. The proposed wall height is acceptable in this instance given that no direct impacts eventuate to the adjoining properties due to the differences in floor levels	Reasonable Meets the intent of the control

<p>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.</p> <p>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.</p> <p>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 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>as a result of the cross fall of the properties along the road alignment.</p> <p>The proposal provides for a two storey dwelling however includes an exposed third level for parking purposes.</p> <p>The proposal includes a standard low profile roof form. The roof profile assists in meeting the architectural objectives for the site.</p> <p>The roof pitch cannot be decreased any further.</p>	<p>Yes</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 equates to 244.1sqm or 0.65: 1. The proposed FSR does not contribute to obscuring any important landscape features.</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 considered in reference to the DCP</p>	<p>Variation Sought</p>

	objectives.	
<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 given the design initiatives proposed.</p> <p>The subject dwelling retains a domestic scale noting that there is 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.</p>	Yes
<p>4.1.4 Setbacks (front, side and rear) and Building Separation</p> <p>4.1.4.1 Street Front setbacks See also paragraph 3.2.4 in relation to Heritage and paragraph 4.2 in relation to controls in LEP Business Zones.</p> <p>a) Street Front setbacks must relate to the front building line of neighbouring</p>	<p>N/A</p> <p>The proposed upper level is well compliant and distant from the</p>	Yes

<p>properties and the prevailing building lines in the immediate vicinity.</p> <p>b) Where the street front building lines of neighbouring properties are variable and there is no prevailing building line in the immediate vicinity i.e. where building lines are neither consistent nor established, a minimum 6m front setback generally applies. This street setback may also need to be set further back for all or part of the front building <u>façade</u> to retain significant trees and to maintain and enhance the streetscape.</p> <p>c) Where the streetscape character is predominantly single storey building at the street <u>frontage</u>, the street setback is to be increased for any proposed upper floor level. See also paragraph 4.1.7.1.</p> <p>d) Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, chimneys, meter boxes and the like, where no adverse impact on the streetscape or adjoining properties is demonstrated to Council's satisfaction.</p>	<p>street.</p>
<p>Side and rear setbacks</p>	<p>The proposed side rear setbacks are compliant with the BCA and have been established after undertaking a site analysis.</p> <p>Reasonable design measures have been implemented to minimise impacts to adjoining properties.</p>

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

The proposal is appropriate with the zone objectives of MLEP 2013. A variation is sought from the FSR and height development standards in this instance which occurs because of the small allotment size, the slope of the land and the existing elevated ground floor level of the dwelling.

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 taken by the designer to minimise privacy loss and there will be no significant overshadowing of adjoining properties in the context of the site, orientation of the land and topographical circumstances. Retention of the existing setbacks also ensures that the concept of view sharing is maintained.

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