



KEY URBAN PLANNING

DEVELOPMENT APPLICATION

Statement of Environmental Effects

Northern Beaches Council

Lot 3 in DP 510062 No. 9 Linkmead Avenue CLONTARF

Construction of a deck as an addition to an existing dwelling house.

9th DECEMBER 2024

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Issue No	Amendment	Date
A	Initial draft Report	6 December 2024
B	issue to Council	9 December 2024

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Director,
KEY URBAN PLANNING

Waiver

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Unless otherwise specified in this report, information and advice received from external parties during this project was not independently verified. However, any such information was deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information contained herein or for any consequences of its use will be accepted by Key Urban Planning.

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1/ INTRODUCTION

1.1 Background

Peter Fryar of Key Urban Planning has prepared this Statement of Environmental Effects (the “SEE”).

This SEE assesses the impacts of the proposed development under the provisions of the relevant Planning Controls applicable to the subject site. This assessment has been undertaken in accordance with the provisions of Section 4.55 of the Environmental Planning & Assessment Act, 1979 (the “Act”).

In the preparation of this SEE I have:

- Undertaken an inspection of the site and surrounding locality.
- Undertaken a review of the Manly Local Environmental Plan 2013 (the “LEP”).
- Assessed the proposal against the relevant chapters of Manly Development Control Plan (the “DCP”).
- Considered the relevant provisions of the Act and EP & A Regulation 2021.
- Assessed the proposal against the relevant State Environmental Planning Policies.

This SEE has been prepared in accordance with the provisions of Section 4.12 of the Act and Section 24 of the Environmental Planning and Assessment Regulation 2021 (the “Regs”).

The development proposal complies with the relevant Planning Controls adopted by the Manly Council. The development application warrants the granting of development consent by Council.

2/ SITE ANALYSIS

2.1 Site Description & Existing Development

The property is known as **Lot 3 in DP 510062 No. 9 Linkmead Avenue CLONTARF** (the “site”).

The site is located on the western side of Linkmead Avenue and forms part of an area zoned C3 Environmental Management. The site has a frontage and vehicular access to Linkmead Avenue. The site has a cross fall to the west.

An access handle extends to the west and provides access to a waterfront reserve that provides access to Fisher Bay. The western site boundary extends across a concrete driveway on the adjacent property (Lot 1) that benefits from a ROW to enable vehicles on Lot 1 to use the driveway that is located within the subject site.

Total site area is 910.53 square metres.

The site is bushfire affected and is not mapped as affected by the probable maximum flood levels. The site is affected by Class 5 Acid Sulfate Soils. The site is mapped as being located within the Coastal Environment Area and Coastal Use Area therefore Chapter 2 of the Resilience and Hazards SEPP is applicable.

The following photographs show the site and surrounding locality:

Photograph 1 – Aerial Image *(Courtesy Manly Council)*



Photograph 2 – Existing dwelling house as viewed from street frontage



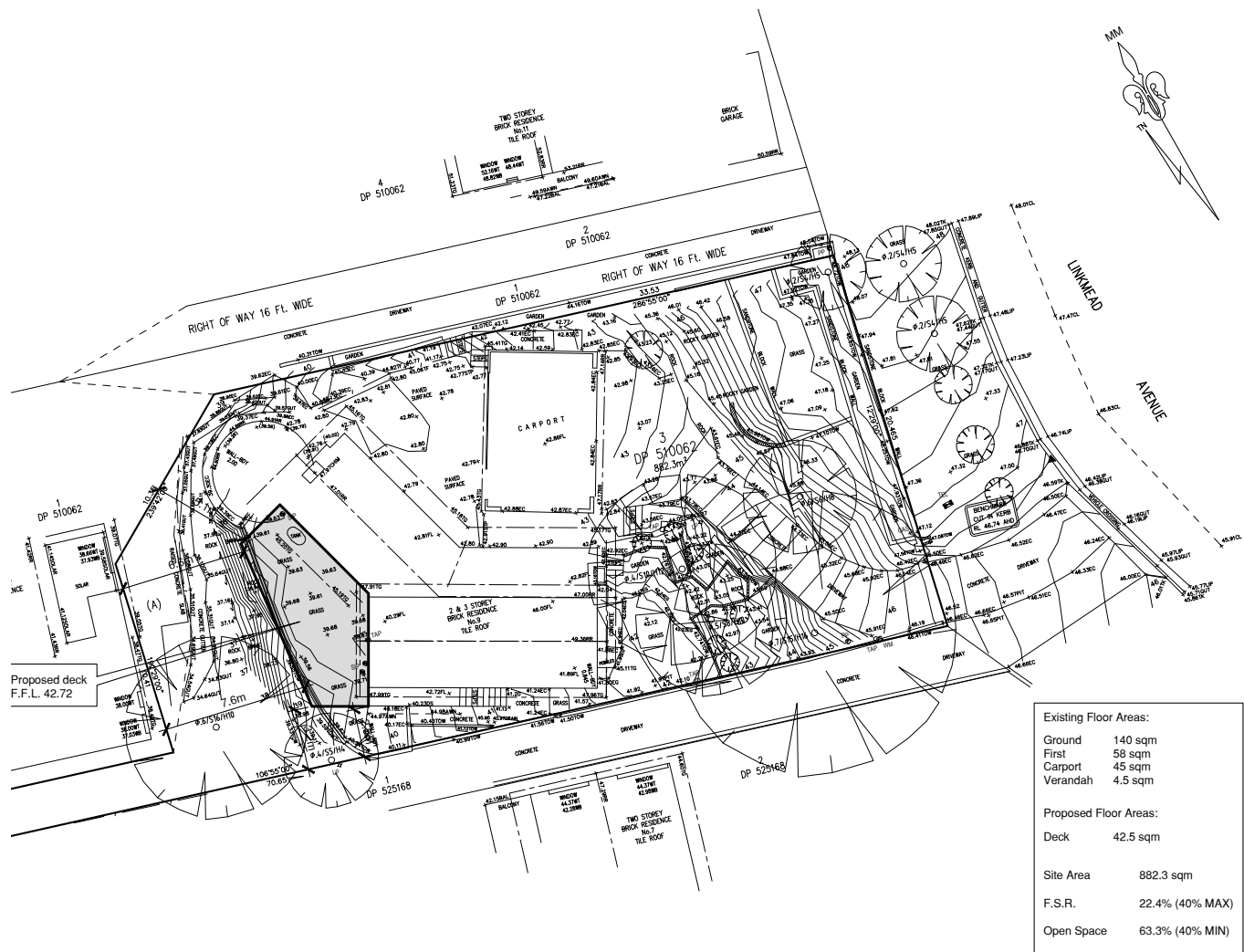
Photograph 4 –View from of adjacent property to the west



Photograph 5 – Rear yard where deck is to be constructed



Figure 1 – Site Plan



- Site is within the locality in a low density housing area.
- The character of the locality is dominated by detached single and two storey dwelling houses.
- Established street trees are located at the frontage of the site.
- An existing vehicular access crossing provides vehicle access to the existing attached garage on the site.

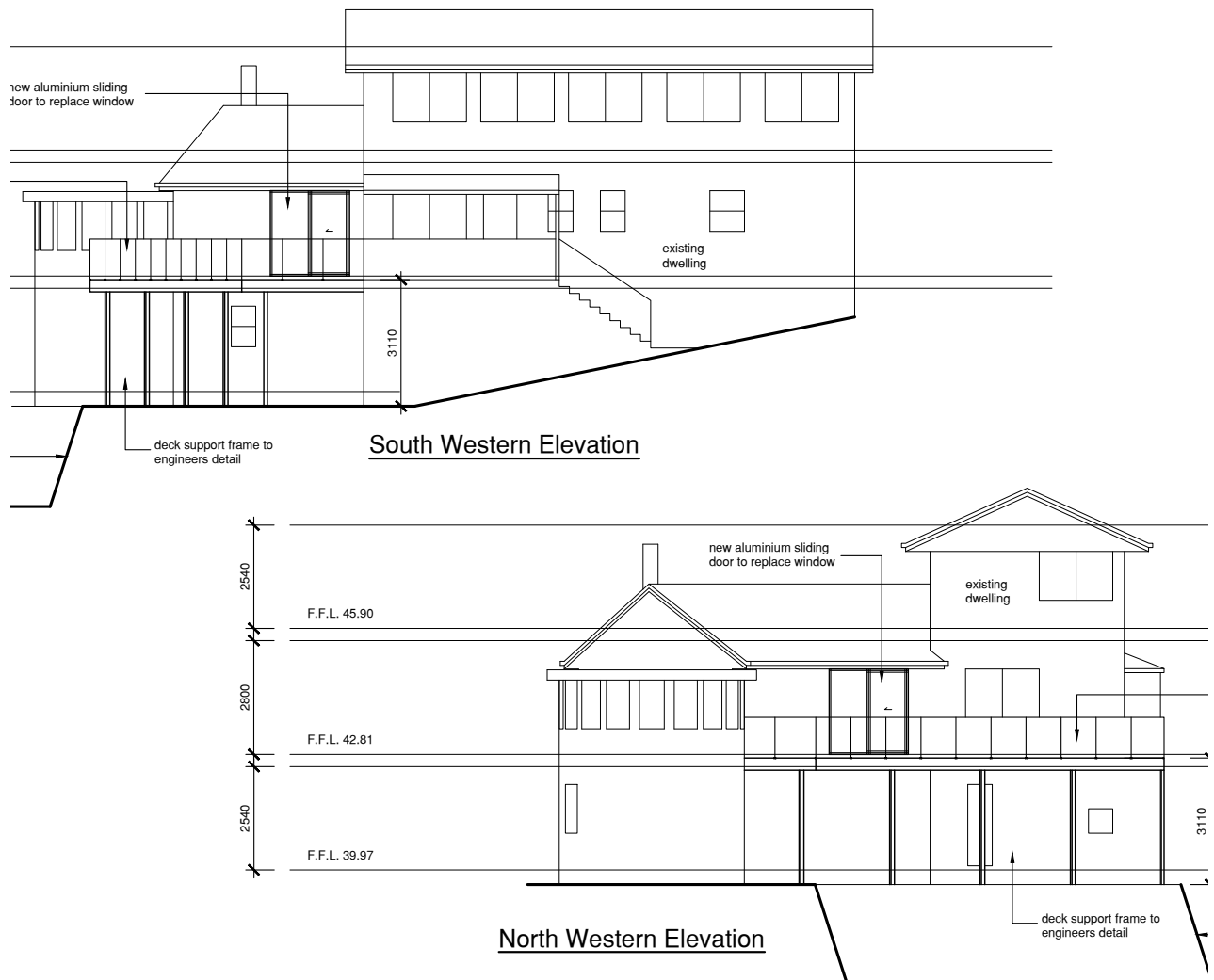
3/ DESCRIPTION OF THE DEVELOPMENT

3.1 The Proposed Development

The proposed development and locality characteristics:

- Construction of a timber deck extending from the north-western elevation of the dwelling house.
- The deck will stand 3.11m above the existing lawn area that will be retained for the purpose of landscaping.
- The deck will have an area of 42.5m².
- The deck will be accessed from the existing lounge room with a new sliding door to replace the existing window. Access to the deck will also be available from a small verandah located on the southern elevation accessed through the kitchen.
- The deck will provide an accessible outdoor living area as an extension to the existing dwelling.

Figure 2 – Elevations



4/ MANLY LOCAL ENVIRONMENTAL PLAN 2013

4.1 Aims of the Plan (Clause 1.2)

Manly LEP 2013 was gazetted on 5 April 2013. The LEP adopts the Standard Environmental Planning Instrument form pursuant to section 3.20 of the Act. The LEP prescribes certain broad aims of the plan which development within the Northern Beaches LGA should accord with where applicable.

"The aims of the plan are as follows:

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(a) in relation to all land in Manly—

(i) to promote a high standard of urban design that responds to the existing or desired future character of areas, and

(ii) to foster economic, environmental and social welfare so that Manly continues to develop as an accessible, sustainable, prosperous, and safe place to live, work or visit, and

(iii) to ensure full and efficient use of existing social and physical infrastructure and the future provision of services and facilities to meet any increase in demand, and

(iv) to ensure all development appropriately responds to environmental constraints and does not adversely affect the character, amenity or heritage of Manly or its existing permanent residential population,

(b) in relation to residential development—

(i) to provide and maintain a diverse range of housing opportunities and choices that encourages affordable housing to cater for an ageing population, changing demographics and all socio-economic groups, and

(ii) to ensure high quality landscaped areas in the residential environment, and

(iii) to encourage higher density residential development to be located close to major transport nodes, services and employment opportunities, and

(iv) to maintain active retail, business and other non-residential uses at street level while allowing for shop top housing in centres and offices at upper floors in local centres,

(c) in relation to business and the economy—

(i) to encourage, provide and consolidate business opportunities for a range of uses in appropriate locations that support local employment, community services and economic growth in business centres, and

(ii) to recognise that tourism is a major industry and employer in Manly and to encourage its growth and continuing viability while protecting the needs of the local community,

(d) in relation to transport, infrastructure and amenities—

(i) to reduce private car dependency, increase the viability of various public transport modes, minimise conflict between pedestrians and vehicular movement systems and encourage walking and cycling while concentrating intensive land uses and trip generating activities in locations most accessible to public transport and centres, and

(ii) to provide for a range of recreational and community service opportunities to meet the needs of residents and visitors to Manly and promote the efficient and equitable provisions of public services, infrastructure and amenities,

(e) in relation to heritage—to identify, protect, sustain, manage and conserve all heritage, including archaeological relics, sites and resources, places of Aboriginal heritage significance, heritage items (and their curtilages), heritage conservation areas and the cultural (natural and built) environmental heritage of Manly,

(f) in relation to the natural environment—

(i) to conserve and enhance terrestrial, aquatic and riparian habitats, biodiversity, wildlife habitat corridors, remnant indigenous vegetation, geodiversity and natural watercourses, and

(ii) to promote energy conservation, water cycle management (incorporating water conservation, water reuse, catchment management, stormwater pollution control and flood risk management) and water sensitive urban design, and

(iii) to protect, enhance and manage environmentally sensitive land with special aesthetic, ecological, scientific, cultural or conservation values for the benefit of present and future generations, and

(iv) to protect existing landforms and natural drainage systems and minimise the risk to the community in areas subject to environmental hazards, particularly flooding, bush fires, acid sulfate soils, sea level rise, tsunami and landslip, and

(v) to provide a framework that facilitates and encourages measures to assist the adaptation of the local environment to mitigate the impacts of climate change, and

(vi) to give priority to retaining bushland for its own intrinsic value and as a recreational, educational and scientific resource,

(g) in relation to Manly's unique harbour, coastal lagoon and ocean beach setting—

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*(i) to preserve and enhance the amenity of public places and areas visible from navigable water around Manly, and
(ii) to retain open space, make more foreshore land available for public access and protect, restore and enhance riparian land along watercourses and foreshore bushland."*

The proposed development is consistent with the relevant aims detailed above for the following reasons:

- The development will assist in the provision of modern/improved housing stock to assist in maintaining the social well-being of the community.
- The proposed development will encourage a range of housing.
- The development involves the implementation of energy efficient design consistent with the principles of ecologically sustainable development.
- The proposal conforms to the existing character, amenity, and environmental quality of the locality.
- The proposal has considered local hazards.
- The proposal will promote a high standard of urban design that responds appropriately to the existing or desired future character of the C3 zoning that applies to the locality.
- The development will promote design principles to improve the safety, accessibility, health and well-being of residents.
- The deck design will preserve the amenity of public places and areas that the deck is visible from.
- The construction and design of the deck will protect existing landforms and natural drainage systems and minimise the risk to the community in areas subject to environmental hazard, bush fires, acid sulfate soils and sea level rise.

4.2 Suspension of Covenants, Agreements and Instruments. (Clause 1.9A)

The site is burdened by a right of carriageway that permits legal access the adjacent property to the west for vehicle access.

A covenant exists under the property title that states:

"(a) That no building shall be erected or Constructed to a height in excess of 16ft. above the bench mark permanently placed on rock standing on the adjacent lot 3 DP.510662, which bench mark' is 121.74 feet above standard datum.

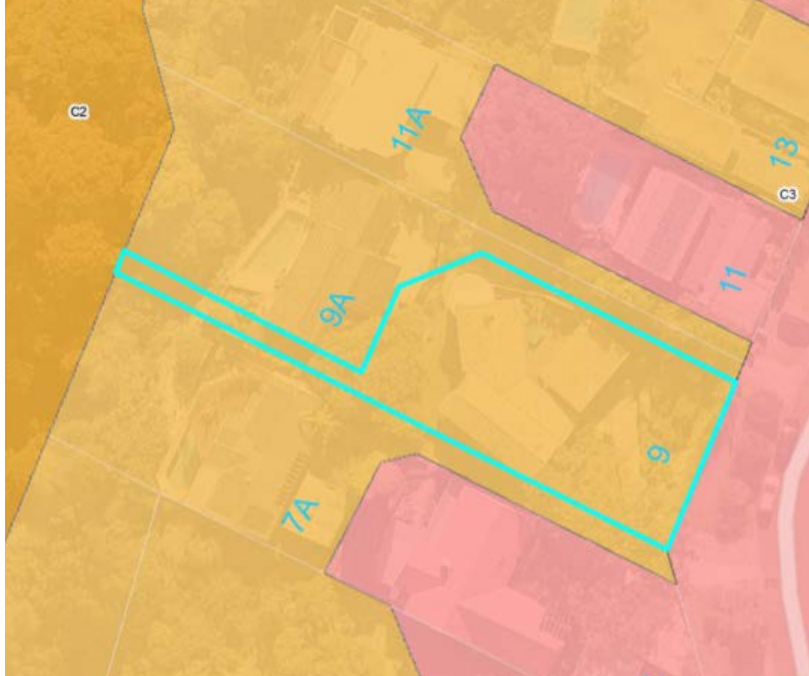
(b) That for the benefit of the adjoining lots 2 and 3 in Deposited Plan No.510062 owned by the Transferor but only during the ownership thereof by the Transferor, his successors and assigns other than Purchasers on sale no fence will be erected on the land hereby transferred to divide the same from such adjoining land without the consent of the 'Transferor but such consent shall not be withheld if fence is erected without expense to the Transferor and in favour of any person dealing with the Transferee such consent shall be deemed to have been given in respect of every such fence for the time being erected".

The proposed development does not seek to vary the terms of the covenant that applies to the site under the property title. The deck will not impact upon the ROW that provides vehicular access to the adjacent dwelling to the west.

4.3 Permissibility of The Development (Clause 2.2)

The site is zoned C3 Environmental Management Zone under the provisions of LEP 2013.

Figure 3 – LEP Zoning Map (Northern Beaches Council)



Relevant definitions in the Dictionary to the LEP are as follows:

'Dwelling house' is defined as:

"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."*

The proposed deck forms part of the dwelling house. The proposed development is permissible within the C3 Environmental Management zone with the consent of Council.

4.4 Objectives of the C3 Environmental Management Zone (Clause 2.3)

Clause 2.3 of LEP 2013 requires the Council in granting consent to development under the plan to *"have regard to the objectives for development in a zone when determining a development application in respect of land within the zone"*.

The issue of permissibility discussed previously in this SEE. The specific objectives of the C3 Environmental Management zone are:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

Comment:

The construction and design of the deck will protect existing landforms and natural drainage systems and minimise the risk to the community in areas subject to environmental hazard, bush fires, acid sulfate soils and sea level rise.

- *To protect tree canopies and provide for low impact residential uses that does not dominate the natural scenic qualities of the foreshore.*

Comment:

No impact upon vegetation. The deck will extend across an existing lawn area and will not require the removal of any vegetation.

- *To ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation.*

Comment:

The deck design will preserve the amenity of public places and areas that the deck is visible from.

- *To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate, and minimise the impact of hard surfaces and associated pollutants in stormwater runoff on the ecological characteristics of the locality, including water quality.*

Comment:

Not applicable.

- *To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.*

Comment:

The development will provide reasonable spatial separation to nearby development. The proposed development is consistent with the development form envisaged under the land use zoning applying to the land.

The design complies with the adopted provisions for dwelling houses under DCP. The adopted design results from an analysis of the site and local character and capacity, and its suitability for the proposed development. The design for the proposed deck promotes standards of design that are both functional and aesthetically acceptable. The design and materials of construction are of high architectural quality.

4.5 Heights of Buildings (Clause 4.3)

The LEP under clause 4.3(2) requires that the maximum height of a building not to exceed the maximum height shown on the Height of Buildings Map (see figure 4).

The maximum height of building permitted under the LEP is 8.5 metres. The maximum height of the proposed new dwelling house will be 3.61m. The height of the buildings complies with the

development standard prescribed under clause 4.3 of the LEP.

Figure 4 – LEP Height Map (Northern Beaches Council)



4.6 Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) is prescribed under the FSR map contained within LEP 2013.

The maximum FSR for the site prescribed on the maps is 0.4:1.

Clause 4.5 of the LEP 2013 defines floor space ratio to mean “.....*the ratio of the gross floor area of all buildings within the site to the site area*”.

There is no increase in FSR as the deck does not constitute an increase to the GFA.

Figure 5 – LEP FSR Map (Northern Beaches Council)



4.7 Acid Sulfate Soils (Clause 6.1)

The objective of the clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The site is specified as being affected by Acid Sulfate Soils – Class 5, which refers to works within 500m of adjacent Class 1, 2, 3 or 4 land that are below 5m Australian Height Datum and by which the watertable is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

As the development proposes minimal construction (excavation) works at ground level. An ASS Management Plan is not required.

Subclause 7.1(6) states:

*“(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—
(a) the works involve the disturbance of less than 1 tonne of soil, and
(b) the works are not likely to lower the watertable.”*

A geotechnical report supports the development application.

4.8 Earthworks (Clause 6.2)

The objectives of the clause are:

*“(a) to ensure that earthworks and associated groundwater dewatering for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,
(b) to allow earthworks of a minor nature without requiring a separate development consent.”*

Earthworks are only proposed for the footings of the deck. The proposed earthworks are minimal and consistent with the objectives of the clause.

4.9 Terrestrial Biodiversity (Clause 6.5)

The site is mapped under the Terrestrial biodiversity maps contained within the LEP. The development is designed, sited and will be managed to avoid any significant adverse environmental impact.

4.10 Landslip Risk (Clause 6.8)

*“Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and that—
(a) the development is designed, sited and will be managed to avoid any landslide risk or significant adverse impact on the development and the land surrounding the development, or
(b) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or
(c) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.”*

A Geotechnical assessment has been undertaken by AscentGeo dated 21 November 2024 and

concludes that “..... reference to the Australian Geomechanics Society’s definitions, the existing conditions and proposed development are considered to constitute an ‘ACCEPTABLE’ risk to life and a ‘LOW’ risk to property provided that the recommendations outlined in Table 2 are adhered to”.

4.11 Foreshore Scenic Protection (Clause 6.9)

- The deck design will preserve the amenity of public places and areas that the deck is visible from.
- The construction and design of the deck will protect existing landforms and natural drainage systems and minimise the risk to the community in areas subject to environmental hazard, bush fires, acid sulfate soils and sea level rise.

4.12 Essential Services (Clause 7.6)

Development consent must not be granted to development unless Council is satisfied that any of the following services, being the supply

Development consent must not be granted to development unless Council is satisfied that any of the following services, being the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage or on-site conservation, and suitable vehicular access, that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required. The site is adequately serviced.

Stormwater management will discharge stormwater to the council drainage system in Grandview Street. Stormwater design details has been prepared and forms part of the documentation that forms part of the development application.

5/ MANLY DEVELOPMENT CONTROL PLAN

5.1 Part 3 – General Principles of Development

3.1 Streetscape (Residential areas) – The proposed deck will be obscured from view from the street and will therefore have no impact upon the existing streetscape.

3.3 – Landscaping – The setback of the proposed deck from the rear property boundary will not compromise the landscape context as the rear yard is currently lawn and an opportunity exists for planting to be undertaken within the area beneath the deck.

Landscaped areas can support new native plant species. The undercroft area will be presented as a positive space and integrated into the design of the building by use of appropriate landscaping and/or the retention of natural features and vegetation where possible, having regard to the volume of the space and its orientation.

3.4 – Amenity, (views, overshadowing, overlooking/privacy, noise) – The proposed deck will not create any additional overshadowing to surrounding properties or adversely impact upon the solar access currently enjoyed by the adjacent sites.

Part 3.4.2.2 – Balconies and Terraces states that:

Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties. Architectural screens must be fixed in position and suitably angled to protect visual privacy.

Recessed design of balconies and terraces can also be used to limit overlooking and maintain privacy.

The orientation of the deck and spatial separation to adjacent downhill properties will not compromise privacy. Living areas of the adjacent properties are orientated to the west away from the site and will not be overlooked by the deck. In the circumstances of the case, there is not considered to be any need for the provision of privacy screens.

Part 3.4.3 – Maintenance of views – The deck will not result in any loss of views for the adjacent properties or premises on the high side of the street.

Part 3.4.4 – Other nuisance - There will be no offensive odours generated from/by users of the deck.

Part 3.5 – Sustainability – Matters relating to solar access and sustainability are discussed previously in the SEE. The deck will be constructed from the use of sustainable timbers (Schedule 8).

Part 3.6 – Accessibility – The deck will have good accessibility to the internal living areas of the dwelling.

Part 3.7 – Stormwater Management – The proposed deck will be uncovered and will not be constructed from impervious materials. Erosion and sediment controls will be implemented during the construction phase.

Part 3.8 – Waste Management -Sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD) will be used during the construction phase by the re-use and recycling of materials used.

5.2 Part 4.1 – Residential Development Controls

An assessment of the development proposal against the relevant provisions of the DCP is as follows:

Table 1 – Compliance Table

Part 4.1 Compliance Table		
Requirement	Proposal	Compliance
<p>4.1.4.1 Street Front Setbacks</p> <p>Setbacks shall maintain the prevailing building line/6.0m</p>	<ul style="list-style-type: none"> Not applicable. The proposed deck is to be located at the rear of the existing dwelling house and will not impact upon the existing streetscape. 	YES
<p>4.1.4.2 Side setbacks and secondary street frontages (based on deck height)</p> <p>South – 1.2m</p> <p>North 1.2m</p>	<ul style="list-style-type: none"> South – 5.12m North – 3.2m 	YES
<p>4.1.4.6 Setbacks for development adjacent to LEP zones RE1, RE2, C1 and C2</p> <p>8.0m rear boundary.</p>	Deck > 8.0m using access handle as measurement.	YES
<p>4.1.5.1 Minimum Residential Total Open Space Requirements</p> <p>Residential Open space area: OS4</p> <p>Open space 60% of site area</p> <p>Open space above ground 25% of total open space.</p>	<p>Total open space provided 63.6%</p> <p>Landscaped area as % of total open space > 40%</p> <p>No change to open space as the undercroft will be landscaped.</p>	YES
<p>4.1.5.2 Landscaped Area</p> <p>Landscaped area 40% of open space</p>	➤ 40% - NO CHANGE	YES
<p>4.1.5.3 Private open space – 18m sq</p>	➤ 18 sq m	YES

5.3 Part 5 – Special Character Area and Sites

These matters have been addressed under the provisions of clause 4.6 of the LEP.

The additional matters for consideration contained in the DCP are as follows:

- minimise the contrast between the built environment and the natural environment;
- maintain the visual dominance of the natural environment;
- maximise the retention of existing vegetation including [tree](#) canopies, street trees, wildlife corridors and habitat;
- cause any change, visually, structurally or other consider any effect of the proposal when viewed from the harbour / ocean to ridgelines, [tree](#) lines and other natural features; and
- use, to the existing natural rocky harbour foreshore areas; locate rooflines below the [tree](#) canopy; se building materials of a non-reflective quality and be of colours and textures that blend with the prevailing natural environment in the locality.

The proposal is consistent with the objectives above.

6/ STATE ENVIRONMENTAL PLANNING POLICIES

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

(i) Chapter 2 – Coastal Management

Chapter 2 of the Plan prescribes the Coastal Zone as being land comprised of separate coastal management areas, being:

- a) the coastal wetlands and littoral rainforests area,
- b) the coastal vulnerability area,
- c) the coastal environment area, and
- d) the coastal use area.

The site is identified as being located within a Coastal Environment Area and Coastal Use Area. The mapped Coastal Environment Area covers the entirety of the subject site, including the proposed development area.

Table 2 – Section 2.10 – Coastal Environment Area

SEPP (Resilience and Hazards) 2021 – Section 2.10 – Coastal Environment Area		
Matters for Consideration	Comment	Compliance
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:		
<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment</i>	All stormwater from impervious surfaces will be collected and discharged to council's stormwater system in Gallipoli Street. The management of stormwater runoff will not adversely impact upon the integrity of the biophysical and hydrological regime.	YES
<i>(b) coastal environmental values and natural coastal processes</i>	The site is not located adjacent or in close proximity to the coastline and as such, natural coastal processes will not impact upon the development.	YES
<i>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1</i>	The site is not located within a marine estate. The management of stormwater runoff will not adversely impact upon the integrity of the biophysical and hydrological regime.	YES
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms</i>	The proposal is unlikely to adversely impact marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms due to its distance from the lake and the moderate nature of the works proposed.	YES

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<i>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability</i>	The development will not impact on accessibility for users on the reserve adjoining the site.	YES
<i>(f) Aboriginal cultural heritage, practices and places</i>	There are no items of Aboriginal Heritage of concern. An AHIMS Web search has confirmed.	YES
<i>(g) use of the surf zone.</i>	Not applicable.	YES
(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:		YES
<i>(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1)</i>	Not applicable.	YES
<i>(b) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact</i>	Not applicable.	YES
<i>(c) if that impact cannot be minimised – the development will be managed to mitigate that impact</i>	Not applicable.	YES

Table 3 – Section 2.11 – Coastal Use Area

SEPP (Resilience and Hazards) 2021 – Section 2.11 – Coastal Use Area		
Matters for Consideration	Comment	Compliance
(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:		
a) has considered whether the proposed development is likely to cause an adverse impact on the following:		YES
<i>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i>	The development will not impact on accessibility for users on the reserve adjoining the site.	YES
<i>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</i>	Adjoining residential development will not be adversely impacted by the proposed works. Shadow diagrams accompany the DA.	YES

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<i>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</i>	No impact.	YES
<i>(iv) Aboriginal cultural heritage, practices and places,</i>	There are no items of Aboriginal Heritage of concern. An AHIMS Web search has confirmed.	YES
<i>(v) cultural and built environment heritage,</i>	See matters addressed above under in the LEP assessment.	YES
(b) is satisfied that—		YES
<i>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i>	The site is not located adjacent or in close proximity to the coastline and as such, natural coastal processes will not impact upon the development.	YES
<i>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	Not applicable.	YES
<i>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</i>	Not applicable.	YES
(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	These matters have been taken into account in the design preparation.	YES

(ii) Chapter 4 – Remediation of Land

Chapter 4 provides guidelines for the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Section 4.6 requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated Council must be satisfied that the land is suitable in a contaminated state for the proposed use.

Section 4.6(1) of the SEPP states:

“(1) A consent authority must not consent to the carrying out of any development on land unless:
(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”

Sections 4.7, 4.8 and 4.9 of the SEPP are not relevant to the proposed works as the site is not considered to be contaminated.

Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP Resilience and Hazards.

6.2 State Environmental Planning Policy (Biodiversity and Conservation)

2021

The site is located within the designated hydrological catchment of Sydney Harbour Catchment and is subject to the provisions of the above SEPP.

The general planning considerations relevant are:

"6.6 Water quality and quantity

(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—

(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,

(b) whether the development will have an adverse impact on water flow in a natural waterbody,

(c) whether the development will increase the amount of stormwater run-off from a site,

(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,

(e) the impact of the development on the level and quality of the water table,

(f) the cumulative environmental impact of the development on the regulated catchment,

(g) whether the development makes adequate provision to protect the quality and quantity of ground water.'

The development is consistent with the above general planning considerations. The development is consistent with the Sydney Harbour Catchment Environmental Planning Strategy.

The site is not located on the foreshore or adjacent to a waterway and therefore, except for the objective of improved water quality, the objectives of Chapter 9 of the SEPP are not applicable to the proposed development.

6.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

SEPP (Transport and Infrastructure) 2021 has no specific matters relevant to the proposed development. The proposed development is not a traffic generating development for the purposes of Schedule 3 of the SEPP. Accordingly, the development application will not be referred to Transport for NSW (tfNSW) due to the site not having direct frontage to the classified road.

6.4 State Environmental Planning Policy (Sustainable Buildings) 2022

Provisions to enable the operation of BASIX are contained in the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (Sustainable Buildings) 2022.

The Regs specify matters such as the types of development BASIX applies to, the purpose and content of BASIX certificates, the circumstances in which the lodgement of a BASIX certificate is required and how those certificates are issued, who must check compliance with commitments made in BASIX certificates and the relationship of BASIX to SEPP 65 – Design Quality of Residential Flat Development.

A BASIX Certificate for the proposal is provided as part of the development application and submitted to Council under separate cover.

7/ SECTION 4.15 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

7.1 Environmental Planning Instruments (s. 4.15(1)(a))

These matters have been addressed above.

7.2 The Likely Impacts of the Development (s. 4.15(1)(b))

These matters have been detailed above in the SEE.

7.3 The Suitability of the Site (s. 4.15(1)(c))

The site is located within an area that is developed as a low-density locality. The proposed development is consistent with the relevant objectives of the zone. This is discussed in detail under section 4.3 of the SEE. The proposed development is permissible with the consent of Council.

The site is identified as Bushfire Prone Land. A Bushfire Risk assessment has been undertaken as part of the preparation of the development application.

The summary contained within the report states:

Bushfire Planning Services has been requested to supply a bushfire compliance report on lot 3, DP 510062, 9 Linkmead Avenue, Clontarf.

The works proposed for the subject lot are for the alterations and additions to an existing building, see attached plans for details.

The subject lot is on the western side of Linkmead Avenue and at its closest point to the hazard the proposed new work has a separation distance to the north-west of approximately 27.6m. The vegetation that is considered to be the hazard to this proposal is situated on land that slopes down slope away from the property at an angle of approximately 4.86°.

For the purposes of this assessment this vegetation is considered to be remnant (rainforest equivalent).

The remaining vegetation within the study area is contained within the boundaries of established allotments and is managed land and of low threat to this proposal.

The calculations and assumptions outlined in this report show that the development will be required to comply with the construction requirements of AS 3959-2018 BAL-19 and any additional construction requirements contained within section 7.5, 7.5.1, 7.5.2, 7.5.3, 7.5.4 (where applicable) of the Rural Fire Services document Planning for Bushfire Protection 2019.

8/ CONCLUSION

The merits of the application have been considered in this assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979, Manly Local Environmental Plan 2013, and Manly Development Control Plan.

The proposal satisfies the relevant planning controls for the locality.

The proposal achieves the objectives of Council's planning controls and is suitable for approval.

Peter Fryar

BTP(UNSW), CERT T&CP(Ord4), MPIA



Director,
KEY URBAN PLANNING