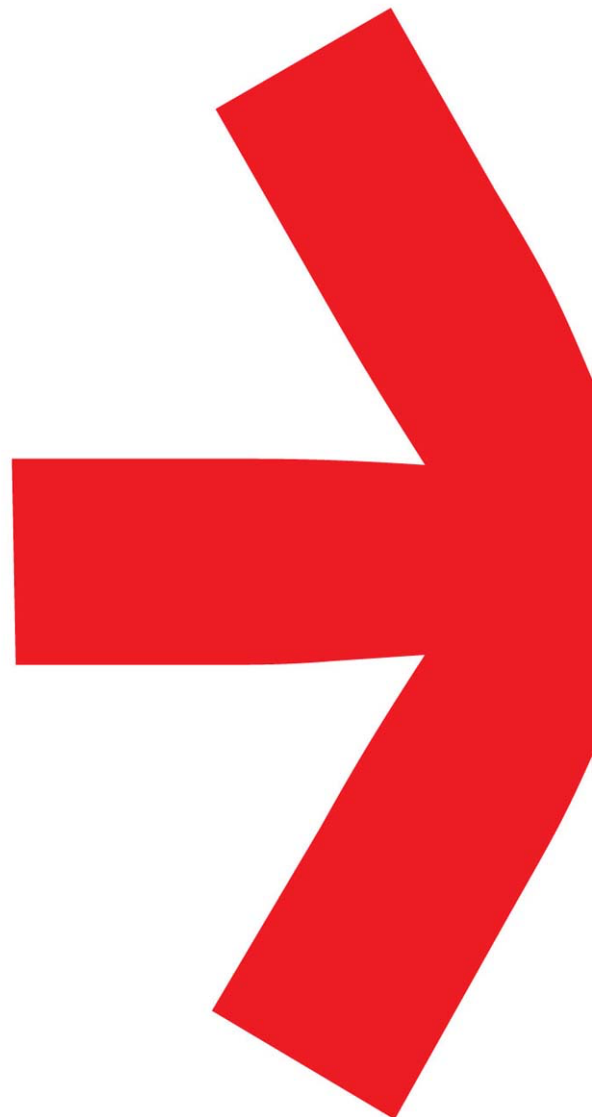


Statement of Environmental Effects

91 Cutler Road Clontarf

September 2024

Updated November 2024



Document status

Revision	Revision date	Name	Signature
A	03 September 24	NL	
B	06 September 24	NL	
C			
D			

Approval for issue

Name	Signature	Date
Nicole Lennon		20 November 24

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1 Introduction

Planik Pty Ltd has been engaged to prepare this Statement of Environmental Effects for Mr Robert Carson for the proposed alterations and additions at 91 Cutler Road, Clontarf. In summary, the proposal is for alteration to street level at garage and access stair and extension of lower ground level living area to provide choice for indoor or outdoor living.

The site is legally referred to as Lot 1 Sec A DP 2610 and has a total area of approximately 366.3 m² and a 11.93 m frontage to access road which is located 5 metres below Cutler Road.

The site is located within the Northern Beaches Council area and is subject to the controls of the Manly Local Environment Plan 2013 (MLEP 2013) and the Manly Development Control Plan 2013 (MDCP 2013). The subject site is zoned C3 – Environmental Management (previously E3) and the proposed works being ancillary to the dwelling are permissible with development consent within the zone.

1.1 Key Opportunities and Objectives

The main opportunities resulting from this proposal include:

- The proposal will rationalise the entry to the property and provide a convenient bin storage area within the minor garage extension.
- The proposal will increase amenity at the lower ground floor by lowering the floor level and enclosing part of the undercroft outdoor space with stacker doors on all three sides, allowing this space to function as either an indoor or outdoor space weather and noise conditions dependant.
- The proposal will not impact upon the amenity of adjoining dwellings or the neighbourhood with regards to overshadowing, privacy, or existing views.

The proposal will also go towards achieving a number of objectives outlined in the Manly Local Environment Plan 2013 (MLEP) as follows:

Table 1 Manly Local Environment Plan 2013 Objectives

Objectives	Response
aa) N/A (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,	aa) N/A (a) (i) The garage extension and boundary wall, stairs and landscaped front garden will present well to Cutler Road above. The proposal takes the opportunity to replace and contemporise existing windows and doors to improve the design of the dwelling. Outdoor stairs will be replaced to bring them into line with the current code. (ii) The proposal will not contravene this objective. (iii) The proposal will not have any impact upon the provision of infrastructure or services in the locality, noting it is for alterations and additions only, infrastructure is as existing. (iv) These matters are not impacted by the proposal as no trees or vegetation will be impacted.

Objectives	Response
<p>(b) in relation to residential development:</p> <p>(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</p> <p>(ii) to ensure high quality landscaped areas in the residential environment, and</p> <p>(iii) to encourage higher density residential development to be located close to major transport nodes, services and employment opportunities, and</p> <p>(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,</p>	<p>(b)</p> <p>(i) The proposal will improve amenity and functionality of the existing dwelling.</p> <p>(ii) All visually received landscaped areas will be improved by the proposal. The undercroft area is not readily apparent from any public or private vantage point and no soft landscaping. Is being compromised by the proposal.</p> <p>(iii) The dwelling is already over the density provisions for the site given it is an undersized lot that the zoning controls did not envisage.</p> <p>(iv) N/A</p>
<p>(c) in relation to business and the economy:</p> <p>(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</p> <p>(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,</p>	<p>(c) N/A</p>
<p>(d) in relation to transport, infrastructure and amenities:</p> <p>(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</p> <p>(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,</p>	<p>(d) The small extension to the garage allows two vehicles to continue to comfortably park while also catering for bin storage which is crucial on this steep site.</p>
<p>(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.</p>	<p>(e) The site is not identified as a heritage item, nor is it located within a conservation area.</p>
<p>(f) in relation to the natural environment:</p> <p>(i) to conserve and enhance terrestrial, aquatic and riparian habitats, biodiversity, wildlife habitat corridors,</p>	<p>(f) The proposal will not have any impact upon biodiversity, water cycle or the environment in general,</p>

Objectives	Response
<p>remnant indigenous vegetation, geodiversity and natural watercourses, and</p> <p>(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</p> <p>(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</p> <p>(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</p> <p>(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</p> <p>(vi) to give priority to retaining bushland for its own intrinsic value and as a recreational, educational and scientific resource,</p>	<p>noting the works are totally within existing built upon areas on the site.</p> <p>Refer also to Douglas Partners Geotech Report October 24</p>
<p>(g) in relation to Manly's unique harbour, coastal lagoon and ocean beach setting:</p> <p>(i) to preserve and enhance the amenity of public places and areas visible from navigable water around Manly, and</p> <p>(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.</p>	<p>(g)</p> <p>(i) the proposed works will contemporise windows and doors that may be viewed from the harbour while amenity is preserved in the locality.</p> <p>(ii) N/A</p>

Table 2 Zone C3 – Environmental Management Objectives

R1 Objectives	Response
<ul style="list-style-type: none"> To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. 	Achieved, the proposal does not extend into any unbuilt upon areas of the site.
<ul style="list-style-type: none"> To provide for a limited range of development that does not have an adverse effect on those values. 	Achieved – minor additions proposed.
<ul style="list-style-type: none"> To protect tree canopies and provide for low impact residential uses that does not dominate the natural scenic qualities of the foreshore. 	N/A
<ul style="list-style-type: none"> To ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation. 	No impact. No loss of vegetation proposed.

R1 Objectives	Response
<ul style="list-style-type: none"> 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. 	The site is not located within the immediate foreshore and there is a buffer of high conservation value land between this site and the waterway which is not impacted by the proposal.
<ul style="list-style-type: none"> To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses. 	The garage height is being raised by 200 mm, however, still below a height that was previously approved on site.

1.2 Manly Local Environment Plan 2013 Development Control Summary

Table 3 Manly LEP 2013 Planning Control Summary

Applicable LEP Control	Requirement	Proposed	Complies
Maximum Height	8.5m	No change	No
Floor Space Ratio	0.4:1 Site 366.3 m ² Current GFA 0.97:1	Proposed 1.05:1	No Refer to 4.6 variation
Minimum Lot Size	1050 m ²	366.3	Existing undersized lot
Acid Sulfate Soils	Class 5 No Landslide Risk	No impact – little Excavation proposed for lowering of lower ground level and terrace.	Yes
Terrestrial Biodiversity	Yes	Not impacted as proposal is wholly within existing built upon areas	Yes
Foreshore Scenic Protection Area	Yes	Low impact as proposal is wholly within existing built upon areas and only glazing will be visible from the south. Marginal garage extension will not be discernible from the waterway.	Yes

1.3 Applicant and Ownership

The applicant for this Development Application is Planik Pty Ltd on behalf of Mr Robert Carson.

1.4 Consent Authority

The consent authority for this development is Northern Beaches Council.

1.5 Supporting documentation

This report should be read in conjunction with the following plans and documents below:

Plan/Document Title:	Revision	Date:	Prepared by:
Architectural Plans Perspectives Shadow Plans GFA Plans Landscape Calculations	B	28 08 24	Plus Minus Design
Survey		19 08 24	CMS Surveyors Pty Ltd
Cost Estimate		04 09 24	Andrew Peter Coutts Bsc
BASIX #A1762060		29 08 24	Ella Fairbairn
WMP		28 08 24	Plus Minus Design
Bushfire Report		09 07 24	BPad Bushfire Planning and Design
Geotechnical Report		2 October 24	Douglas Partners
Statement of Environmental Effects		04 09 24	Planik Pty Ltd

1.6 Structure of the Report

This report is divided in to six sections detailing the nature of the development in the following manner:

- Section 1 Introduction.
- Section 2 Examines the existing site conditions in terms of location, context, access and relevant planning controls.
- Section 3 Describes the development proposal through development statistics, built form, materials and the site conditions.
- Section 4 Assesses the development proposal against relevant planning controls.
- Section 5 Summarises the environmental effects of the proposed development under the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, which lists matters for consideration by a consent authority in determining a development application.
- Section 6 Concludes the statement of environmental effects.

2 Site and Context

2.1 Site Location and Description

The site is legally referred to as Lot 1 Sec A DP 2610. It has a total area of 366.3 m² and a 11.93 m frontage to access road below Cutler Road, and currently contains one dwelling houses with separate garage at street level. The land slopes away from the road with a drop of ~ 5 metres from Cutler Road to the access road and a further 11 metres from the front to rear boundary over the 32 metres depth.



Figure 1 Site Location Map. Source: SIX Maps



Figure 2 Southern elevation from the waterfront reserve viewpoint



Figure 3 Access street view of site (Source: Plus and Minus)



Figure 4 View of garage from front lower courtyard.

2.2 Locality and Surrounding Context

The subject site is located on the southern side of Cutler Road in between Castle Rock Crescent and Beatrice Street, Clontarf. The locality includes a mix of regular and grand multi level dwellings of eclectic styles. The orientation of the site results in the prevailing strong southerly winds impacting the lower ground floor outdoor spaces and the harbour is a working harbour that can affect amenity by way of noise.

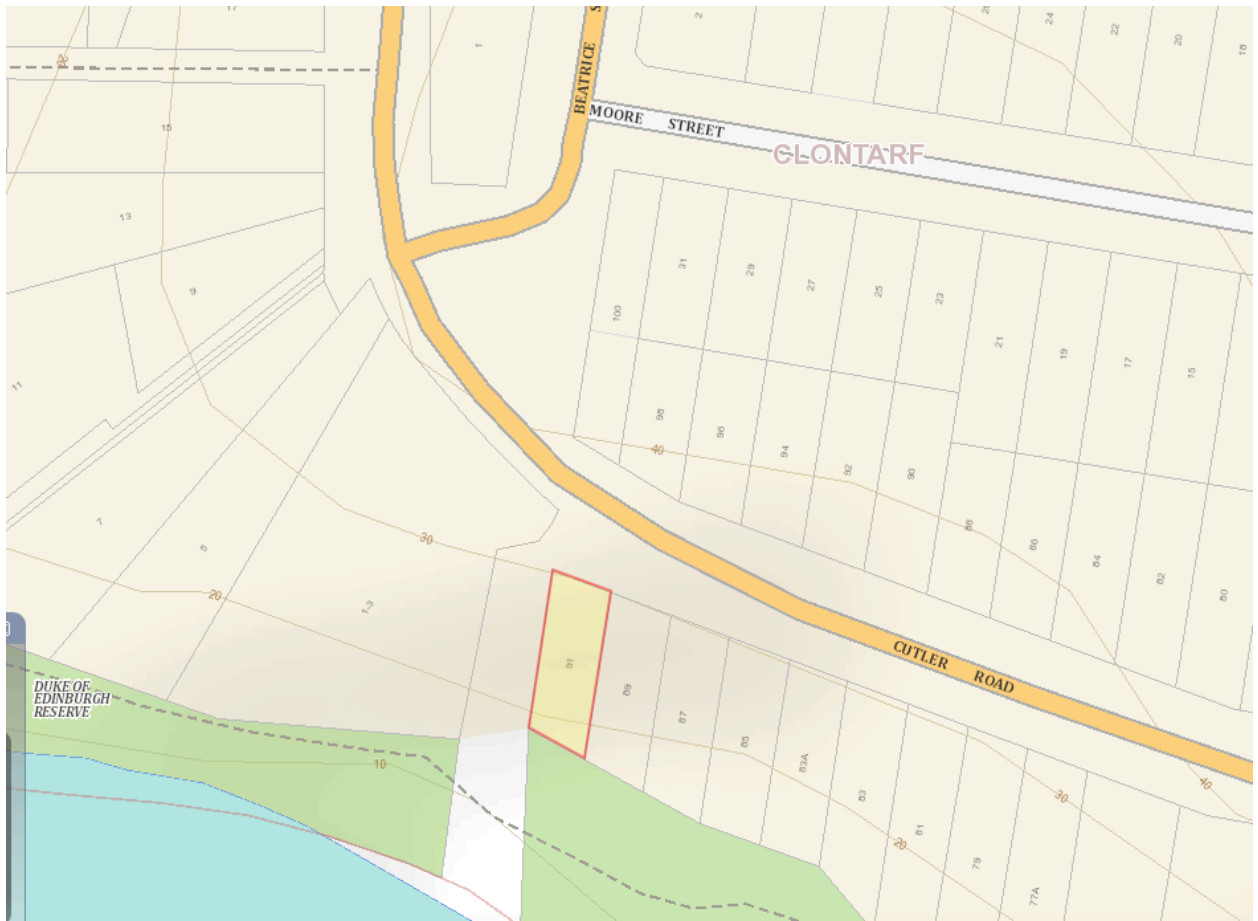


Figure 5 Site Context Map. Source: SIX Maps



Figure 6 Perspective aerial view with surrounding dwellings – Source Domain.com.au



Figure 7 View south from Cutler Road (Source: Google Street View)

2.3 Relevant Legislation

The following assessment has been structured in accordance with Section 4.15(1)(a) of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*.

The plans of the proposed development have been assessed in accordance with the relevant state, regional and local planning policies detailed below.

2.3.1 State

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022

2.3.2 Local

- Manly Local Environmental Plan 2013
- Manly Development Control Plan 2013

This planning report demonstrates that the proposed development is generally consistent with the relevant statutory planning policies and achieves the objectives of the relevant provisions.

3 Development Proposal

3.1 Summary of Proposal

The development proposed includes internal and external alterations to the existing dwelling and garage with the majority of works occurring at the garage and boundary and the lower floor level. The works include:

Street and Entry Level

- Demolition of site entry stairs and part demolition of garage including roof and extension of garage to the west to incorporate bin storage. Increase height of garage by 200 mm. Reconstruct roof form in the same curved profile as existing.
- New concrete front boundary fencing and steel gate. New curved entry stairs and pond element to front garden.

House General

- General rearrangement of some internal spaces.
- Most windows and doors to be replaced with new. Window 17 to be taller but narrower, opening to be bricked up and rendered to match existing.
- Western external boundary stairs to be replaced.

Lower Ground Level

- Lower ground floor level to be reduced to achieve compliant floor to ceiling heights.
- Internal recreation room extended to include undercroft alfresco area to the west and surrounded on all three sides with stacker doors to enable the room to function either as an indoor or outdoor space.
- Southern terrace and surrounding blockwork balustrade lowered accordingly to reflect new internal floor level.

The works will result in an increase to FSR as the recreation extension will count as GFA (additional 27.3 m²) although can function also as external space as it does now. Total open space area calculation will also reduce to reflect the works.



Figure 8 Lower ground Level – pictures at right ground level lowered and area proposed to be enclosed with stacker doors

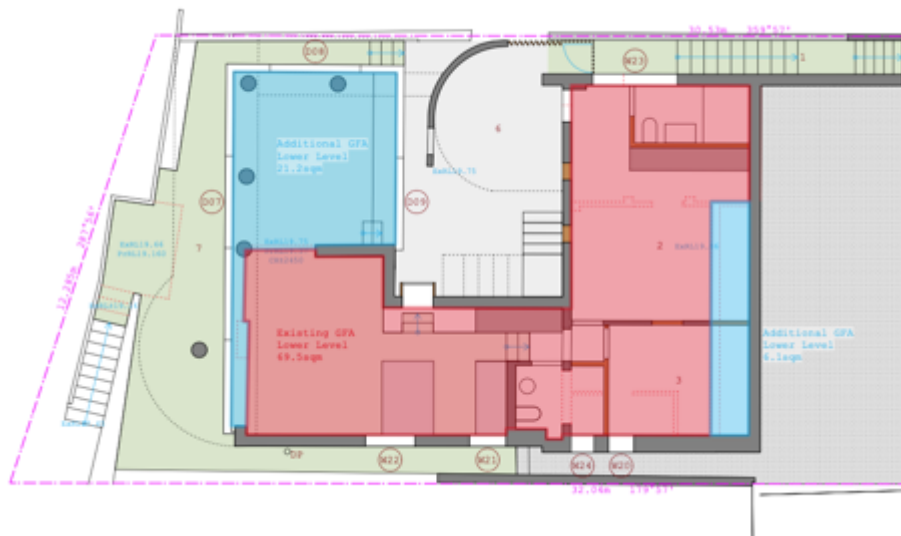


Figure 9 Extract from GFA plans showing additional floor area

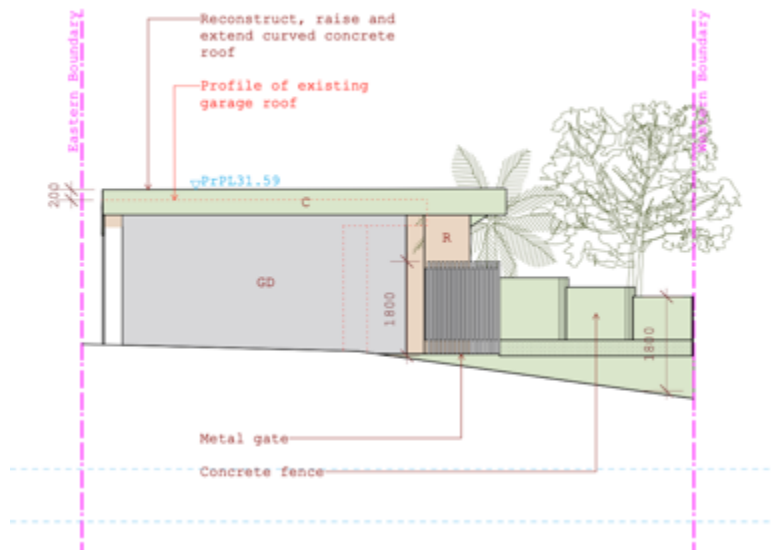


Figure 10 Street level elevation and proposed works



Figure 11 Lower Level – Note room marked 5 is the area that becomes internal space but with stacker doors surrounding.

4 Statutory Planning Assessment

4.1 Zoning and Permissibility

The site is subject to the controls of the Manly Local Environmental Plan 2013 and is zoned C3 Environmental Management under the MLEP 2013. The proposed works are permissible with consent.

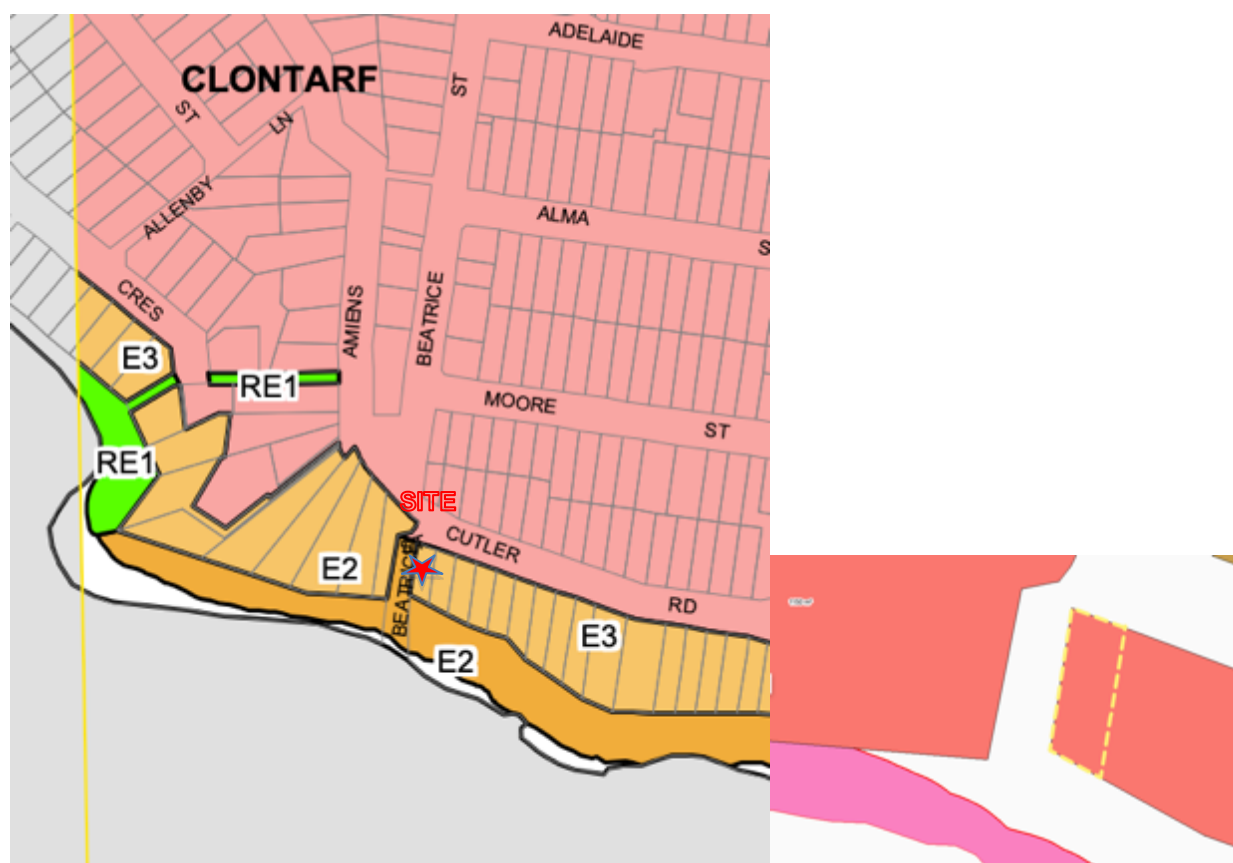


Figure 12 Manly Environmental Plan 2013 Zone C3 (was E3) & Minimum Lot Size 1150 m2

Table 4 Zone C3 Environmental Management Land Use Table

C3 – Environmental Management Land Use Table	
<u>2 Permitted without consent</u>	Home-based child care; Home occupations
<u>3 Permitted with consent</u>	Bed and breakfast accommodation; Dwelling houses ; Environmental protection works; Flood mitigation works; Health consulting rooms; Home businesses; Oyster aquaculture; Pond-based aquaculture; Roads; Secondary dwellings; Tank-based aquaculture; Water supply systems
<u>4 Prohibited</u>	Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

4.2 Environmental Planning and Assessment Act 1979

4.2.1 Section 1.3 – Objects

The Environmental Planning and Assessment Act, 1979 (the Act) is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act are:

1.3 Objects of Act

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

For the reasons set out below, it is considered that the proposed development satisfies the above stated objects of the Act:

- The proposed works will support sustainability principals in reinvigorating and contemporising an existing dwelling without demolition.
- The proposal will result in the orderly and economic use and development of the site.
- There will be no unreasonable adverse impacts on the environment.

4.3 Environmental Planning and Assessment Regulation 2000

4.3.1 Clause 92 – Demolition

Only minor demolition works proposed to existing garage roof and side wall and external stairs.

4.3.2 Clause 98 – Compliance with the BCA

All building work will comply with the BCA.

4.4 State Environmental Planning Controls

4.4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of the Resilience and Hazards SEPP have been considered in the assessment of the development application. The site does not have a history of a previous land use that may have caused contamination and there is no evidence that indicates the site is contaminated. Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under this SEPP.

4.4.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

The application is not subject to clause 2.48 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure that trigger a written referral to the energy authority.

The application is not subject to clause 2.119 of the SEPP as the site does not have frontage to a state classified road.

The application is not subject to clause 2.120 of the SEPP as the proposed use will not be adversely affected by road noise or vibration.

The proposal is not adjacent to a rail corridor and therefore Clause 2.100 of the SEPP does not apply.

4.4.3 State Environmental Planning Policy (Sustainable Buildings) 2022

The works are supported by a BASIX certificate to meet the requirements of this SEPP for energy efficiency sustainability.

4.5 Manly Local Environmental Plan 2013

Manly Local Environmental Plan 2013 (MLEP2013) is the primary planning instrument applicable to the subject site. The following table provides applicable clauses from the MLEP 2013.

Table 5 Manly Local Environmental Plan 2013 Applicable Controls.


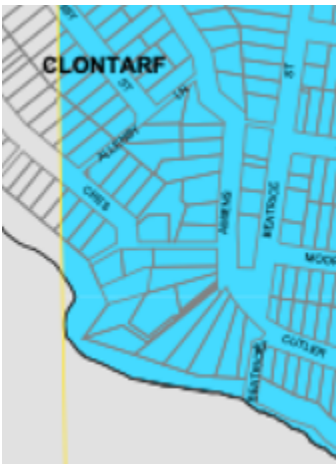
MLEP2013 Relevant Controls	Response	Compliant
Clause 1.2 Aims of Plan (2) The particular aims of this Plan are as follows— (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts, (a) in relation to all land in Manly— (i) 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	Please refer to responses in Table 1.	Yes

MLEP2013 Relevant Controls	Response	Compliant
<p>accessible, sustainable, prosperous, and safe place to live, work or visit, and</p> <p>(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</p> <p>(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,</p> <p>(b) in relation to residential development—</p> <p>(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</p> <p>(ii) to ensure high quality landscaped areas in the residential environment, and</p> <p>(iii) to encourage higher density residential development to be located close to major transport nodes, services and employment opportunities, and</p> <p>(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,</p> <p>(c) in relation to business and the economy—</p> <p>(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</p> <p>(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,</p> <p>(d) in relation to transport, infrastructure and amenities—</p> <p>(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</p> <p>(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,</p> <p>(e) in relation to heritage—to identify, protect, sustain, manage and conserve all heritage,</p>		

MLEP2013 Relevant Controls	Response	Compliant
<p>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,</p> <p>(f) in relation to the natural environment—</p> <p>(i) to conserve and enhance terrestrial, aquatic and riparian habitats, biodiversity, wildlife habitat corridors, remnant indigenous vegetation, geodiversity and natural watercourses, and</p> <p>(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</p> <p>(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</p> <p>(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, tsunamis and landslip, and</p> <p>(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</p> <p>(vi) to give priority to retaining bushland for its own intrinsic value and as a recreational, educational and scientific resource,</p> <p>(g) in relation to Manly's unique harbour, coastal lagoon and ocean beach setting—</p> <p>(i) to preserve and enhance the amenity of public places and areas visible from navigable water around Manly, and</p> <p>(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.</p>		
C3 Environmental Management Zone objectives	Please refer to responses in Table 2.	Yes
4.3 Height of buildings (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 .	No Change	N/A

MLEP2013 Relevant Controls	Response	Compliant
<p>4.4 Floor space ratio</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>2 A) N/A</p> <p>gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—</p> <p>(a) the area of a mezzanine, and</p> <p>(b) habitable rooms in a basement or an attic, and</p> <p>(c) any shop, auditorium, cinema, and the like, in a basement or attic,</p> <p>but excludes—</p> <p>(d) any area for common vertical circulation, such as lifts and stairs, and</p> <p>(e) any basement—</p> <p>(i) storage, and</p> <p>(ii) vehicular access, loading areas, garbage and services, and</p> <p>(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and</p> <p>(g) car parking to meet any requirements of the consent authority (including access to that car parking), and</p> <p>(h) any space used for the loading or unloading of goods (including access to it), and</p> <p>(i) terraces and balconies with outer walls less than 1.4 metres high, and</p> <p>(j) voids above a floor at the level of a storey or storey above.</p>	<p>The FSR map lists the maximum FSR for the site as 0.4:1.</p> <p>Site Area 365.5 = 146.2 m2 Permitted</p> <p>Current GFA = 354.9 m2 and FSR 0.97:1</p> <p>Proposed additional at lower ground 27.3 m2</p> <p>Total proposed GFA 382.2 m2</p> <p>FSR 1.05:1</p>	<p>No</p> <p>Refer to 4.6 variation</p>
<p>6.1 Acid Sulfate Soils</p> <p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p>	<p>The site is identified as containing Class 5 ASS. No excavation proposed.</p> <p>The site contains class 5 acid sulfate soils pursuant to Council's mapping.</p> <p>Only minor excavation is proposed at the lower level and will not likely lower the water table.</p>	<p>Yes</p>

MLEP2013 Relevant Controls	Response	Compliant
<p>6.2 Earthworks</p> <p>(1) The objectives of this clause are as follows—</p> <p>(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,</p> <p>(b) to allow earthworks of a minor nature without requiring a separate development consent.</p> <p>(2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>Note—</p> <p>The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.</p>	<p>Minor earthworks are required at the lower ground floor by 370 mm to increase floor to ceiling heights to meet BCA requirements.</p> <p>Refer also to Douglas Partners Geotech Report October 24</p>	<p>Yes</p>

MLEP2013 Relevant Controls	Response	Compliant
6.4 Stormwater Management	<p>The minor works will be connected to existing stormwater system on the site.</p>	<p>Yes</p>
6.5 Terrestrial Biodiversity (2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map . (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	<p>The site is categorised as containing terrestrial biodiversity. No significant vegetation is being removed as part of this proposal.</p> 	<p>Yes</p>
6.9 Foreshore Scenic Protection Area (2) This clause applies to land that is shown as “Foreshore Scenic Protection Area” on the Foreshore Scenic Protection Area Map. (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters— (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, (b) measures to protect and improve scenic qualities of the coastline, (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore, (d) measures to reduce the potential for conflict between land-based and water-based coastal activities.	<p>The site is located within the foreshore scenic protection area. The minor increase to height and width of garage and the lower floor area will not be visible from the waterway or from Cutler Road. They will not be readily discernible from any vantage point given the heavy vegetation and trees to the south and west of the site.</p>  <p>Refer to the perspective aerial below:</p>	<p>N/A</p>

MLEP2013 Relevant Controls	Response	Compliant
		


4.6 Manly Development Control Plan 2013

The Manly Development Control Plan (MDCP 2013) is used to provide comprehensive planning and design guidelines for development in the council area. Relevant clauses for the proposal are outlined in the table below. Clauses relating to physical built forms on the sites have been examined to measure how the buildings will perform on the proposed lots.

Table 6 Manly Development Control Plan 2013 Applicable Controls

MDCP2013 Relevant Controls	Response	Compliant
Part 4 –		
4.1.6 Parking		
4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas		
<p>a) The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain the desired character of the locality.</p> <p>b) Garage and carport structures forward of the building line designed and sited so as not to dominate the street <u>frontage</u> In particular:</p>	<p>Achieved, garage only extended in a minor way to achieve storage for garbage bins.</p>	Yes

MDCP2013 Relevant Controls	Response	Compliant
<p>i) garages and carports adjacent to the front property boundary may not be permitted if there is a reasonably alternative onsite location;</p> <p>ii) carports must be open on both sides and at the front; and</p> <p>c) the maximum width of any garage, carport or hardstand area is not to exceed a width equal to 50 percent of the <u>frontage</u>, up to a maximum width of 6.2m.</p>	<p>The garage door width is 5510 mm with minor structural wall returns on each side.</p>	
4.1.4 Setbacks <p>Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.</p> <p>Objective 2) To ensure and enhance local amenity by:</p> <ul style="list-style-type: none"> • providing privacy; • providing equitable access to light, sunshine and air movement; and • facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces. • defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and • facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection. <p>See also objectives at paragraph 3.4 Amenity.</p> <p>Objective 3) To promote flexibility in the siting of buildings.</p> <p>Objective 4) To enhance and maintain natural features by:</p> <ul style="list-style-type: none"> • accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees; • ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space or National Parks; and • ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied. <p>Objective 5) To assist in appropriate bush fire asset protection zones.</p>		
4.1.4.1 Street Front Setbacks <p>a) Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.</p>	<p>As existing and relative to neighbouring properties</p>	<p>Yes</p>
4.1.4.2 Side Setbacks <p>a) Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building.</p>	<p>Minimum side setbacks are as existing. Lower level setback is 740mm from side boundary and 1975 mm from southern boundary</p>	<p>As existing. Lower level side setback acceptable on merit – no impact to neighbours given reserve.</p>
4.1.4.3 Variations to Side Setbacks in Residential Density Areas including D3		

MDCP2013 Relevant Controls	Response	Compliant
<p>a) N/A</p> <p>b) Walls located within 0.9m of any one of the side boundaries may be considered but must:</p> <p>contain no windows; *</p> <p>be constructed to one side boundary only;</p> <p>limit height to 3m; *</p> <p>iv) limit length to 35 percent of the adjoining site boundary; **</p> <p>Note other requirements exist but are not applicable.</p> <p>D9 Density</p> 	<p>740 mm to western boundary. Dictated by column supports for existing dwelling. No impact as no neighbour.</p> <p>The variation extends to less than 35% the length of the boundary.</p> <p>Although all glazing is proposed, the stacker doors are to enable the space to function as an indoor and outdoor area – weather conditions permitting.</p>	<p>No but acceptable on merit</p>
<p>4.1.4.4 Rear Setbacks</p> <p>a) The distance between any part of a building and the rear boundary must not be less than 8m.</p> <p>b) Rear setbacks must allow space for planting of vegetation including trees, other landscape works and private and/or common open space. The character of existing natural vegetated settings is to be maintained.</p> <p>c) On sloping sites, particularly where new development is uphill and in sensitive foreshore locations, consideration must be given to the likely impacts of overshadowing, visual privacy and view loss.</p> <p>d) Rear setbacks must relate to the prevailing pattern of setbacks in the immediate vicinity to minimise overshadowing, visual privacy and view loss.</p>	<p>Due to the angle of the block the rear setback at ground level will reduce to 1975 mm at its south - western end.</p> <p>This is considered acceptable as this is a lot that is less than a third the size of the minimum lot size for the precinct.</p> <p>It is noted that there is built form already above to the same and further southern extent than that proposed.</p> <p>The variation is well screened by the trees and vegetation in the reserve to the south and west of the site.</p> <p>No overshadowing or privacy impacts result from the variation.</p> <p>The rear setback conforms to the built form pattern along the waterfront side of blocks to the east and west of the subject site.</p>	<p>Acceptable on merit.</p>

5 Environmental Effects

Under the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), 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 subject of the development application.

Table 7 Section 4.15(1) Provisions to consider

EPA Act 1979 - Section 4.15(1)	
a) The Provisions of	
	Response
i) any environmental planning instrument	The key relevant planning instrument is the Manly Local Environmental Plan 2013. The proposal supports the aims of the LEP and is in accordance with all other relevant provisions of the documents, as discussed in section 4. The proposal has been assessed against all the relevant planning instruments and complies.
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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	N/A
iii) any development control plan	The proposal has been assessed against the Manly Development Control Plan 2013 and complies or where variations are required they are justified as outlined in section 4.
(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	There is no planning agreement
iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	There are no relevant matters prescribed by the regulations
v) (Repealed)	N/A

The environmental impacts of the proposal have been considered throughout this SEE. The table below provides further assessment of all potential impacts considered within Section 4.15(1)(b) of the EPA Act 1979.

Table 8 Response to Potential Environmental Impacts

Potential Impacts	Response
<i>Context and Setting</i>	The proposal is suitable within the physical context of the site.
<i>Access, Transport and Traffic</i>	The proposal accommodates two cars as existing.
<i>Public Domain</i>	Public Domain is Unaltered
<i>Utilities</i>	Utilities will serve the site as prior to development and will be upgraded where necessary.
<i>Heritage</i>	The proposal would not impact heritage items.
<i>Other Land Resources</i>	No other land resources will be impacted by the proposal.
<i>Water Quality</i>	Not impacted
<i>Air and Microclimate</i>	The air and microclimate will be maintained as a result of this proposal.
<i>Ecological</i>	Not impacted
<i>Waste</i>	Waste from any demolition or excavation will be removed by a licensed contractor
<i>Energy</i>	N/A
<i>Noise and Vibration</i>	N/A
<i>Natural Hazards</i>	A bushfire report supports the application. Refer also to Douglas Partners Geotech Report October 24
<i>Technological Hazards</i>	N/A
<i>Safety, Security and Crime Prevention</i>	The proposal is not expected to result in any security issues.
<i>Social Impact in Locality</i>	The proposal will not have a negative social impact in the locality.
<i>Economic Impact in Locality</i>	No negative impacts.

Potential Impacts	Response
<i>Site Design and Internal Design</i>	The proposal respects the existing built forms on the site.
<i>Construction</i>	No off-site impacts will result from the works.
<i>Cumulative Impacts</i>	No negative cumulative impacts are expected to be created by this development.

6 Conclusion

The proposed development has been assessed against the provisions of the Manly LEP 2013 and Manly DCP 2013 and is consistent with the overall aims and objectives of the plans. The development represents a sustainable design solution for the subject site that caters for the residents needs while resulting in minimal site disturbance. The enclosure of the lower ground floor will provide options for the residents to increase comfort and amenity when using their recreation space. The works respond to the orientation of the site with prevailing strong southerly winds and the fact that the harbour is a working harbour that can be noisy.