

Statement of Environmental Effects

alterations and additions to the dwelling consisting of an attached garage, and garden "platform" in the rear yard

5 Vista Avenue, Balgowlah Heights

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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared to support an application for alterations and additions to the dwelling consisting of an attached garage, and garden "platform" in the rear yard at 5 Vista Avenue, Balgowlah Heights.

The objective of the development proposal is to improve the amenity and functionality of established low-density housing stock by providing covered vehicle accommodation and optimising the utility of private open space areas in a manner encouraged by the zone objectives and planning controls.

Key aspects of the proposal include construction of an attached double-bay garage on the eastern side of the dwelling and delivery of a landscaped garden platform and timber sun deck over an area of sloping terrain. Substantial landscaping is proposed to ameliorate built form and maintain resident privacy.

Our assessment finds that the development proposal is entirely consistent with relevant environmental planning instruments and closely aligns with the objectives and controls contained within relevant planning guidelines, with justifiable exceptions to garage siting and front and rear setback controls.

We have provided commentary on core assessment matters including impacts on neighbour amenity and the suitability of garage siting and setback non-compliances. This report sets out the merits of the proposal in relation to these assessment matters.

Based on our evaluation of the proposal against relevant planning instruments and our detailed consideration of the environmental impacts, we conclude that the proposal is worthy of approval.

1. INTRODUCTION

This Statement of Environmental Effects has been prepared to support an application for alterations and additions to the dwelling consisting of an attached garage, and garden "platform" in the rear yard at 5 Vista Avenue, Balgowlah Heights.

The objective of the development proposal is to improve the amenity and functionality of established low-density housing stock by providing covered vehicle accommodation and optimising the utility of private open space areas in a manner encouraged by the zone objectives and planning controls.

Key aspects of the proposal include construction of an attached double-bay garage on the eastern side of the dwelling and delivery of a landscaped garden platform and timber sun deck over an area of sloping terrain. Substantial landscaping is proposed to ameliorate built form and maintain resident privacy.

The purpose of this document is to evaluate the proposal against relevant planning instruments and to provide a planning assessment of its environmental impacts, as required by section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act)

2. SITE AND CONTEXT

This section describes the characteristics of the land and evaluates the constraints and opportunities presented by the site which have informed and influenced the proposal. Here we also describe the characteristics of the locality which have been considered in developing the proposal.

2.1. SITE DESCRIPTION

The site is located at 5 Vista Avenue, Balgowlah Heights and the land is legally described as Lot 101 in DP 555865. An aerial photograph identifying the site in yellow is provided at Figure 1.



Figure 1 | Aerial image
(Source: NSW Govt.)

2.1.1. Site Characteristics

The site is a rectangular lot with a ~20.3m frontage to Vista Avenue and a depth of ~63.3m. The site area is 1,282sqm. The land has a north-south cross-fall and falls ~11m from the Vista Avenue to the rear (western) boundary.

A Survey Plan illustrating site dimensions and contours is included at **Appendix A**.

The well-maintained gardens consist of low shrubbery and lawns in the front setback zone, screen planting along each side boundary behind the building line, and dense shrubbery and screen planting near the rear (western boundary).

The site contains a two-storey brick dwelling with a pitched roof. The dwelling presents to the Vista Avenue as a single storey building. Vehicle access is from Vista Avenue. The parking area on the driveway is uncovered. There is a swimming pool in the rear yard.

Stormwater runoff is currently collected and discharged to a drainage easement on the downslope property.

Images of the development area supplied at Figures 2 to 7.



Figure 2 | Site from Vista Avenue



Figure 3 | Swimming pool and lower lawn area



Figure 4 | Vegetation on rear boundary

2.2. LOCALITY DESCRIPTION

The site is situated within Northern Beaches Local Government Area in the suburb of Balgowlah Heights.

2.2.1. Land Use

Land use in the immediate locality is almost exclusively low-density residential. Balgowlah Bowling Club is ~250m north of the site. Tania Park and Dobroyd Head is are ~350m to the east.

2.2.2. Building Form

Building form is characterised by single to two-storey dwellings.

There is little uniformity to building arrangement and setbacks in the streetscape because development responds to irregular cadastral pattern and site terrain. Sites generally have a higher proportion of pervious surfaces relative to developed area and, consequently, the street has a garden character.

Parking structures consisting of garages, carports, and hardstand areas forward of the building line are common in the locality. Most are successfully integrated with, and do not detract from, the streetscape.

Architectural styles and building design are diverse. In-fill development has evidently occurred over the decades and older housing stock has made way to contemporary dwellings.

There is little consistency in the use of external materials. Contemporary dwellings incorporate rendered masonry and f/c clad external walls. Older housing stock more typically comprises of face-brick walls and tiled roofs.

2.2.3. Adjacent Development

Adjacent development is described as follows:

- **3 Vista Avenue**

To the south with a frontage to Vista Avenue is a property consisting of two rectangular lots. The property contains a multi-storey dwelling, various ancillary structures, and a swimming pool.

The dwelling has an unconventional form and is offset a variable distance (~1.4-7.9m) from the common boundary. The principal living room is situated at the western end of the dwelling to take advantage of southern outlook.

There is a formalised parking hardstand / platform on the eastern side of the dwelling in the front setback zone. The parking area is accessed from Vista Avenue.

The principal private open space areas include the terrace / deck on the south-western side of the residence, and the swimming pool and lawn area on the southern lot.

- **7 Vista Avenue**

To the north and upslope of the subject site is a rectangular lot with a frontage to Vista Avenue. The lot contains a multi storey dwelling, detached carport, and a swimming pool.

On 20 September 2012, the council approved an application for alterations and additions to the dwelling including a first-floor addition, rear extension, and double carport in the front setback zone (DA131/2012). We understand the approved works were delivered in stages. The upper-level addition was constructed mid-2021.

The dwelling is skewed relative to property boundaries to optimise outlook. The setback distance from the common boundary is variable (~2.3-9m +).

The principal private open space areas consist of a terrace space on the western side of the dwelling and the swimming pool, also on the western side of the dwelling.

- **8 Adrian Place**

Downslope and to the west is a shallow rectangular lot with a frontage to Adrian Place. The lot contains a multi storey residence with swimming pool.

The rear (eastern) wall of the residence is ~6.6m from the eastern boundary. The principal private open space consists of a terrace and swimming pool on the southern side of the dwelling. There is a lawn area on the eastern side of the dwelling.

There is tall boundary planting along the eastern (rear) boundary of the site.

The siting and design of the proposed garden platform and sun deck responds to the arrangement of neighbouring development and is designed to mitigate overshadowing impacts and limit cross-viewing thereby preserving the amenity of neighbours.

3. PROPOSED DEVELOPMENT

This section provides a description of the proposal and should be read in conjunction with accompanying architectural drawings. Here we endeavour to explain how the proposal has been designed to work with site constraints and optimise site opportunities.

3.1. SITE PREPARATION

3.1.1. Demolition

A planter box on the southern side of the dwelling will be removed and a new opening will be created on the southern elevation of the dwelling. The extent of demolition work is detailed on the Architectural Plans.

3.1.2. Tree Removal

No trees are proposed to be removed.

3.1.3. Land Modification

The proposal involves minor excavation works associated with footings for the garage and garden platform. Areas of site disturbance are illustrated on the Architectural Plans.

3.2. BUILDING WORKS

3.2.1. Garage

The application proposes an attached double-bay garage situated on the eastern side of the dwelling. The garage opening is oriented perpendicular to the front boundary. Internal pedestrian access between the garage and dwelling is proposed.

The existing vehicular cross-over will be retained and utilised. A compressed granite driveway will facilitate forward access to / egress from the garage.

The external walls of the garage are to be clad in vertical timber battens. The battens will be applied to disguise the garage opening. The screen composed of the same timber battens will extend along part of the northern elevation of the dwelling to visually unify the existing and proposed building elements.

A green roof is proposed over the garage. Plantings will consist of shrubs and groundcovers and cascading species intended to grow over the edges of the garage roof.

A concrete awning is proposed at the perimeter of the garage. The awning will extend along the northern elevation of the dwelling and, like the timber battens, will serve to visually unify the existing and proposed building elements.

3.2.2. Garden platform and sun deck

A garden platform is proposed over an unlevel portion of the rear yard. The platform is intended to improve the utility of the rear yard by creating a levelled garden area that can be enjoyed by the owner's and their young family.

The platform will consist of a suspended engineered slab on piers with sufficient soil depth (600mm) to sustain groundcovers, shrubs, and a small feature tree. Existing rock outcrops will be retained beneath the platform.

The trafficable area of the platform is ~4m from the rear boundary. The platform position allows for existing planting along the western and northern boundaries of the site to be retained and/or supplemented with additional plantings.

A 1m high stone-clad balustrade with integrated bench seating demarcates the edge of the trafficable area of the garden platform. The western edge of the platform is to be densely landscaped.

A timber sun deck is proposed at the western edge of the existing swimming pool. The deck depth is 2.9m. The southern edge of the deck is offset ~3.2m from the southern side boundary.

3.2.3. Fence

A front boundary fence consisting of painted face brick to match the external walls of the dwelling is proposed. The fence height is variable owing to cross-fall. The top of the fence is at a uniform RL. The uniform fence level mimics that of the proposed concrete awning and is important to the architectural expression of the proposal.

3.3. ANCILLARY WORKS

3.3.1. Landscaping

The space between the garage and the front boundary is proposed to be densely landscaped. The garage roof itself will also be densely landscaped. Landscaping will disguise / soften the appearance of the garage structure when viewed from the public realm.

Dense landscaping is proposed in the rear yard on the western, southern, and northern sides of the garden platform and deck. Proposed landscaping will supplement retained landscaping and will disguise undercroft areas and moderate potential for overlooking from the garden platform and deck spaces.

A landscape plan is supplied at Sheet DA070 of the Architectural Plans.

3.3.2. Stormwater Management

Stormwater runoff from roof surfaces will continue to be captured and directed to drainage infrastructure along the southern boundary of the property which discharges to the easement over the property @ 8 Adrian Place.

3.4. OPERATION

3.4.1. Waste Management

There is space to store waste bins within the garage or in the northern side passage. The waste bins will be adequately concealed from view in these locations and can conveniently be moved to the kerb for collection.

4. COMPLIANCE SUMMARY

This section provides an evaluation of the proposal against relevant planning instruments as required by section 4.15(1) of the EP&A Act.

4.1. ENVIRONMENTAL PLANNING INSTRUMENTS

4.1.1. State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 of *State Environmental Planning Policy (Sustainable Buildings) 2022* (SB SEPP) sets out standards for 'BASIX development'.

Schedule 7 of the *Environmental Planning and Assessment Regulation 2021* (Regulation) states that BASIX development means [emphasis added]:

“the following development if it is not BASIX excluded development —

...

(c) development that involves the alteration of a BASIX building, if the estimated development cost is \$50,000 or more,”

BASIX excluded development means:

“the following development—

(a) development for the purposes of a garage, storeroom, carport, gazebo, verandah or awning,”

The proposal is for an attached double-bay garage. Otherwise, no alterations to the dwelling are proposed. Because the garage is BASIX excluded development, a BASIX certificate is not required.

4.1.2. State Environmental Planning Policy (Resilience and Hazards) 2021

Remediation of land

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (R&H SEPP) states that a consent authority must not consent to development of land unless it has considered whether the land is contaminated and, if contaminated, can be made suitable for the proposed use.

The land has not previously been used for a purpose referred to in Table 1 of the DPE publication *Contaminated Land Planning Guidelines*. The site is unlikely to contain contaminants that would preclude ongoing residential use.

No further consideration under the R&H SEPP is required.

4.1.3. State Environmental Planning Policy (Biodiversity and Conservation) 2021

Water catchments

Chapter 6 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (B&C SEPP) applies to land within a regulated catchment and sets out controls for development occurring within those catchment areas.

The site is within the Sydney Harbour catchment.

Water quality and quantity [cl. 6.6]

The proposed green roof will absorb much of the rainwater landing on the roof surface. The proposed driveway surface consists of decomposed granite and will absorb rainwater. Excess roof / surface water will be connected to the existing drainage system which discharges to an easement over the downslope property.

The post-development quality and volume / flow rate of stormwater discharge will be similar to pre-development conditions.

Aquatic ecology [cl.6.7]

The site is ~300m + from the waterfront. The proposal does not involve the removal of riparian vegetation. Sediment and erosion controls will be installed to mitigate erosion and prevent sediment laden water entering downstream environments.

The proposal will have no impact, direct or indirect, on aquatic ecology.

Total catchment management [cl. 6.10]

The proposal will have no direct or indirect adverse environmental impacts on the catchment areas within downstream local government areas. Consultation with the councils of downstream local government areas is unnecessary.

Summary

We have considered the development controls applying to land within the Sydney Harbour catchment and have determined that the proposed alterations and additions are unlikely to have an adverse impact on the Sydney Harbour catchment or its environs.

4.1.4. Manly Local Environmental Plan 2013

Manly Local Environmental Plan 2013 (MLEP) applies to the site.

The site is within Zone R2 Low Density Residential and the proposed alterations and additions are permitted with consent.

The objectives for development in Zone R2 are outlined in Table 2. The proposed development aligns closely with relevant objectives.

Table 1 | Zone R2 objectives

| Objective | Comment |
|---|--|
| • To provide for the housing needs of the community within a low density residential environment. | The dwelling is retained and the alterations and additions proposed enhance the utility and functionality of the property. |

| Objective | Comment |
|--|---------|
| <ul style="list-style-type: none"> To enable other land uses that provide facilities or services to meet the day to day needs of residents. | n/a |

An extract of the Zoning Map with the indicative development area in yellow outline is provided at Figure 5.



Figure 5 | Zoning Map
(Source: NSW Govt.)

The proposal is entirely consistent with development standards and provisions of MLEP.

A compliance summary is provided at Table 3.

Table 2 | MLEP compliance summary

| Clause | Standard | Comment | Compliance |
|-------------------------|--|--|------------|
| 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 <i>Height of Buildings Map</i> . | The maximum permitted building height is 8.5m as indicated on the <i>Height of Buildings Map</i> . The garage height is ~4.4m. | Yes |
| 4.4 Floor space ratio | (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 <i>Floor Space Ratio Map</i> . | The maximum permitted FSR is 0.4:1 as indicated on the <i>Floor Space Ratio Map</i> . The application is for an attached double-bay garage. Gross floor area (GFA) excludes: “(g) car parking to meet any requirements of the consent authority | n/a |

| Clause | Standard | Comment | Compliance |
|--------|---|--|------------|
| | | <p><i>(including access to that car parking), and”</i></p> <p>The proposal does not contribute calculable floor area and therefore no change to FSR is proposed by the application.</p> | |
| 6.2 | <p>Earthworks</p> <p>(3) In deciding whether to grant 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>The proposal involves minor excavation works associated with footings for the garage and garden platform.</p> <p>The proposal complies with subclause (3) because:</p> <p>(a) The extent of excavation is minor, and stormwater will be appropriately captured and diverted to the existing system to avoid impacts on site stability and or disruption to site hydrology.</p> <p>(b) Land modification works facilitate the delivery of the garage and garden platform and, in this sense, enhances future use of the land.</p> <p>(c) The quality of material to be excavated is expected to be uncontaminated as it is mostly ‘virgin’ terrain.</p> <p>(d) The minor excavation works proposed occur an appropriate distance from property boundaries and will not impact neighbour amenity.</p> | Yes |

| Clause | Standard | Comment | Compliance |
|---------------------------|---|---|------------|
| | | <ul style="list-style-type: none"> (e) Excavated material will be utilised as fill on site with excess disposed of at a licenced facility. (f) Given land modification works are modest, the likelihood of encountering relics is low to negligible. (g) The site is 300m + from the waterfront and excavation works will have on the catchment area. Stormwater will be connected to the existing drainage system. Post-development runoff volume and quality is likely to be comparable to pre-development conditions. (h) A condition will require installation of sediment and erosion controls to mitigate potential impacts of land modification by avoiding migration of sediment from the site. | |
| 6.4 Stormwater management | <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</p> | <p>The council can be satisfied that the development complies with subclause (3) because:</p> <ul style="list-style-type: none"> (a) 629sqm or 44% of the site will be retained as landscaped area and will allow for infiltration of surface water. | Yes |

| Clause | Standard | Comment | Compliance |
|--------------------------------------|--|--|------------|
| | <p>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>(b) Roof water from the residence is already directed to a rainwater tank and harvested water is available for reuse on gardens.</p> <p>(c) Runoff will be connected to the existing drainage system which discharges to the easement over 8 Adrian Place thereby avoiding downstream stormwater discharge issues.</p> | |
| 6.9 Foreshore scenic protection area | <p>(2) This clause applies to land that is shown as “Foreshore Scenic Protection Area” on the Foreshore Scenic Protection Area Map.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters—</p> <p>(a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,</p> <p>(b) measures to protect and improve scenic qualities of the coastline,</p> <p>(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,</p> <p>(d) measures to reduce the potential for conflict</p> | <p>The site is shown as “Foreshore Scenic Protection Area” on the Foreshore Scenic Protection Area Map.</p> <p>The proposal aligns with the provisions of subclause (3) because:</p> <p>(a) The works proposed will not overshadow the harbour or coastal foreshore, and sightlines to the harbour from the road pavement and upslope properties will not be unreasonably obscured.</p> <p>(b) The garage is of a high architectural standard, is clad in materials that complement coastline context, and incorporates integrated planting to ameliorate building mass, and for these reasons will not diminish</p> | Yes |

| Clause | Standard | Comment | Compliance |
|-------------------------|--|--|------------|
| | between land-based and water-based coastal activities. | <p>the scenic quality of the coastline.</p> <p>(c) The development is suitable in that it relates to an existing detached dwelling which is permitted in Zone R2 and consistent with nearby land use and is so far removed from the foreshore that it will have no tangible impact on its visual quality.</p> <p>(d) The site is not at a land / water interface and therefore (d) is n/a.</p> | |
| 6.12 Essential services | <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>The site has existing connections to water, sewerage and electricity. Stormwater is appropriately managed and discharged. Existing vehicular access is to be retained.</p> | Yes |

4.2. PROPOSED INSTRUMENTS

There are no proposed instruments that have been publicly exhibited that relate to the site or would be relevant to the proposed development.

4.3. DEVELOPMENT CONTROL PLANS

4.3.1. Manly Development Control Plan 2013

Manly Development Control Plan 2013 (MDCP) applies to the site.

The proposal is broadly consistent with relevant development controls contained within MDCP except for justifiable variations to garage location and front and rear setback controls.

A compliance summary is provided at Table 2.

Table 3 | MDCP compliance summary

| Clause | Control | Comment | Compliance |
|---|--|--|------------|
| 3 General Principles of Development | | | |
| 3.1.1.1 Complementary Design and Visual Improvement | <p>(a) Development in the streetscape should be designed to:</p> <p>(i) complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality.</p> <p>(ii) ensure the bulk and design of development does not detract from the scenic amenity of the area when viewed from surrounding public and private land.</p> <p>(iii) maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys.</p> <p>(iv) avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces,</p> | <p>The development will contribute positively to the streetscape and aligns with this control because:</p> <p>i) The garage is of a high architectural standard, is clad in materials that complement coastline context, and incorporates integrated planting to ameliorate building mass, and for these reasons will complement built form in the locality.</p> <p>ii) The perceived bulk and scale of the garage is moderated by timber clad walls and green roof. Moreover, the building scale is well below that permitted by the height standard. The</p> | |

| Clause | Control | Comment | Compliance |
|--------|--|---|------------|
| | <p>pools, driveways and the like.</p> <p>(v) address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting.</p> <p>(vi) visually improve existing streetscapes through innovative design solutions.</p> <p>(vii) incorporate building materials and finishes complementing those dominant in the locality.</p> | <p>garage does not disrupt or impinge on the “scenic amenity” of the area.</p> <p>iii) The garage height sits below the ridge of the street-facing gable over the retained dwelling and is compatible in scale.</p> <p>iv) The proposed garden platform is appropriately offset from property boundaries which allows for retention of boundary planting / provision of supplementary planting. The structure will not visually “dominate” the downslope property at 8 Adrian Place.</p> <p>v) There is no nearby heritage items therefore this control is n/a.</p> <p>vi) For the reasons previously mentioned (i.e. design quality, materials, integrated planting), the garage will make a positive contribution to the streetscape.</p> | |

| Clause | Control | Comment | Compliance |
|--------------------------------|---|---|------------|
| | | vii) External materials include timber cladding which serves to moderate building form and is an increasingly common building material in coastal localities. | |
| | b) In lower density areas including LEP Zones R2, E3 & E4, setbacks should be maximised to enable open space to dominate buildings, especially on the foreshore. | <p>The garage is proposed in the front setback zone, and this is addressed in more detail at Part 5.1 of this report.</p> <p>Despite garage location, a substantial portion of the front setback remains “open” and allows clear sightlines to the residence.</p> <p>The front setback areas that are not built upon will be well-landscaped to soften building form.</p> | Yes |
| 3.1.1.2 Front Fences and Gates | a) Notwithstanding maximum height provisions for fencing at paragraph 4.1.10; the siting, height and form of boundary fences and walls should reflect the fencing characteristic of the locality, particularly those of adjacent properties. All fencing and wall materials must be compatible with the overall landscape character and the general appearance of the building and the streetscape. | <p>The fence height is variable owing to cross-fall. The top of the fence is at a uniform RL. The uniform fence level mimics that of the proposed concrete awning and is important to the architectural expression of the proposal.</p> <p>The fence contributes to the architectural outcome and is compatible with fencing treatment and arrangement in the locality.</p> | Yes |
| | b) Boundary fences or walls must not be | Front boundary fencing is characteristic of the | Yes |

| Clause | Control | Comment | Compliance |
|----------------------------------|---|--|------------|
| | erected where they would conflict with the local character. | streetscape. There are examples of masonry front fences nearby. | |
| | c) Front fences and gates must be constructed in materials that complement the architectural style and period of the dwelling and improve the streetscape. In particular, fencing adjacent to a public road or place must not be constructed in metal cladding, powder coated or otherwise. | A brick fence to match dwelling material is proposed on the front boundary. | Yes |
| | d) Gates must not encroach on public land when opening or closing. | Not proposed. | n/a |
| 3.1.1.3 Roofs and Dormer Windows | (a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings. | A flat roof with integrated planting is proposed over the garage. The flat roof ensures the scale of the garage is moderated (compared to a pitched roof) and is compatible with roof forms in the locality noting that there are examples of flat roofed buildings nearby. | Yes |
| | (b) Roofs should be designed to avoid or minimise view loss and reflectivity. | The flat roof form over the garage will minimise any impact on sightlines to the water from the road pavement and upslope properties. Reflective materials are not proposed. | Yes |
| | (c) Dormer windows and windows in the roof must be designed and placed to compliment the roof structure and reflect the character of | No dormer windows proposed. | Yes |

| Clause | Control | Comment | Compliance |
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| | <p>the building. In particular, such windows are not permitted on the street frontage of the building where there is no precedent in the streetscape, especially on adjoining dwellings.</p> | | |
| <p>3.1.1.4 Garages, Carports and Hardstand Areas</p> | <p>(a) Garages, carports and hardstand areas must be designed and sited in a manner that does not to dominate the street frontage by:</p> <p>(i) its roof form, material choice and detailing by being subservient to the associated dwelling; and</p> <p>(ii) being compatible with the streetscape and the location in relation to front setback criteria.</p> | <p>The proposed garage is situated forward of the building line and does not strictly comply with setback criteria.</p> <p>In our opinion, the garage does not dominate the street frontage and is compatible with the streetscape because:</p> <ul style="list-style-type: none"> • The garage opening is oriented perpendicular to the street boundary. • The building has a flat roof form with integrated planting. • The external cladding consists of vertical timber cladding which softens building form. • There are several examples of parking structures forward of the building line in the locality. <p>Discussion concerning garage design and location is set out at Part 5.1 of this report.</p> | <p>Yes</p> |

| Clause | Control | Comment | Compliance |
|--------------------------|--|---|------------|
| | b) Exceptions to setback criteria referred to in this paragraph may be considered where parking structures are a positive element of the streetscape. | In our opinion, a variation to the location criteria should be applied in this case because the garage will make a positive contribution to the streetscape. This is discussed further at Part 5.1 of this report. | - |
| 3.3.1 Landscaping design | (a) The design, quantity and quality of open space should respond to the character of the area. In particular: i) In low density areas: (including LEP Zones R2 Low Density, E3 Environmental Management and E4 Environmental Living) open space should dominate the site. Setbacks of buildings from open space should also be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshore. | The open space provided responds to the character of the locality because a substantial portion of the site will remain landscaped such that garden setting is prominent and softens built form. | Yes |
| | <u>Undercroft areas</u> c) Undercroft areas must 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. In relation to sloping sites (see also paragraph 4.1.8) and in lower density areas, any supporting | The rock outcrops and ground covers below the garden platform will be retained. Existing vegetation as the perimeter of the platform will be preserved. The undercroft space will not be visually intrusive. | Yes |

| Clause | Control | Comment | Compliance |
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| | undercroft structures must be minimised. | | |
| 3.4.1.1 Overshadowing adjoining open space | (a) New development must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice. | The <u>principal</u> areas of private open space associated with the neighbour to the south @ 3 Vista Avenue and the neighbour to the west @ 8 Adrian Place will not be cast in shadow by the proposed development. | Yes |
| 3.4.1.2 Maintaining solar access into living rooms of adjacent properties | In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties: (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 the winter solstice (21 June). | The living room window of the residence @ 3 Vista Avenue is at the western end of the building and will not be cast in shadow by the proposal. | Yes |
| 3.4.1.3 Overshadowing Solar Collector Systems | A minimum of 6 hours solar access be retained to solar collectors on neighbouring properties. | The solar collectors on the roof surface of the dwelling @ 1 Vista Avenue will not be impacted. | Yes |
| 3.4.1.4 Overshadowing Clothes Drying Areas | A minimum of 6 hours solar access be retained to a suitable clothes drying area. | There is ample space in the rear yard for clothes drying. | Yes |
| 3.4.1.5 Excessive Glare or Reflectivity Nuisance | All external material and finishes incorporated into the development must consider and mitigate any excessive glare or reflectivity nuisance. | External materials include timber cladding and will not cause excessive glare or reflectivity nuisance. | Yes |
| 3.4.2.1 Window design and orientation | (a) Use narrow, translucent or obscured glass windows to | No windows openings are proposed by the application. | n/a |

| Clause | Control | Comment | Compliance |
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| | maximise privacy where necessary. | | |
| | (b) When building close to boundaries, windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy. | No windows openings are proposed by the application. | n/a |
| 3.4.2.2 Balconies and Terraces | a) 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. | Landscaping at the rear edge of the site is to be retained. The perimeter of the garden platform itself will be landscaped and a balustrade at the edge of the integrated seat will further obscure potential sightlines to the rear. There will be no significant adverse privacy impacts. | Yes |
| 3.4.2.3 Acoustical privacy | (a) Consideration must be given to the protection of acoustical privacy in the design and management of development. | The rear yard will continue to be used for domestic activities and the garden platform will not give rise to acoustic impact. The garage is adjacent to the parking area associated with the dwelling @ 1 Vista Avenue. The use of the garage will not disturb neighbours. | Yes |
| | (b) Proposed development and activities likely to generate noise including certain outdoor living areas like communal areas in Boarding Houses, outdoor open space, driveways, plant equipment including pool pumps and the like should be located in a manner which considers | There is sufficient separation distance between noise sensitive spaces of adjoining development and the proposed garden platform and garage. | Yes |

| Clause | Control | Comment | Compliance |
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| | the acoustical privacy of neighbours including neighbouring bedrooms and living areas. | | |
| 3.4.3 Maintenance of Views | (a) The design of any development, including the footprint and form of the roof is to minimise the loss of views from neighbouring and nearby dwellings and from public spaces. | The garage has a flat roof to moderate any intrusion / impact on sightlines to the water from the road pavement and upslope properties. We do not anticipate any significant loss of public or private views. | Yes |
| | (b) Views between and over buildings are to be maximised and exceptions to side boundary setbacks, including zero setback will not be considered if they contribute to loss of primary views from living areas. | We do not anticipate any significant loss of views from the living areas of upslope properties. Properties @ 10 Vista Avenue and 19 Willawa Street may enjoy views through the subject site from respective living areas. Because these spaces are elevated well above the subject site, we anticipate impacts on sightlines will be minimal. | Yes |
| 3.5.1 Solar access | The building and site layout is to maximise northern orientation to optimise solar access. | The application is for a garage and garden platform. Solar access to primary living spaces within the dwelling will not be diminished. | Yes |
| 3.5.1.2 Solar Shading Devices | (a) The design of buildings may reduce summer sun penetration to north, east and west facing walls of buildings incorporated by the use of external solar shading devices, such as; awnings, external venetians, balconies, pergolas, eaves, overhangs, sails and the like. | An awning is proposed along the eastern elevation of the dwelling to visually unify the architecture of the garage with the dwelling. The awning will provide protection from the sun. | Yes |

| Clause | Control | Comment | Compliance |
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| | (b) The minimum projection width for north facing overhangs, or shading devices, should be a width equivalent to at least 45 percent of the height of the shaded opening, measured from the bottom of the glass, to be shaded. | The proposed awning design affords sufficient protection from summer sun. | Yes |
| 3.5.3.1 Building Design and Orientation to prevailing wind | (a) Buildings are to be orientated to benefit from cooling summer breezes (generally easterly/north easterly in Manly) where possible. | The application is for a garage and garden platform. The proposal will not unreasonably diminish cross breezes to the dwelling. | Yes |
| | (b) Buildings are to provide for cross ventilation by locating windows and openings in line with both each other and the prevailing breezes. | As above. | Yes |
| 3.8 Waste management | All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan. | A waste management plan (WMP) is supplied with the development application. | Yes |
| 3.10.2 Security (Casual Surveillance) | In order to promote safety and security, all development is to be designed to maximise opportunities for passive surveillance of public and communal areas by: (a) orientating some rooms to the street; (b) providing sight lines to the street from the | Existing window openings allow for passive surveillance of the street. | Yes |

| Clause | Control | Comment | Compliance |
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| | <p>window(s) of at least one habitable room unobscured by trees or any other object;</p> <p>(c) ensuring the design of fences, walls and landscaping minimise opportunities for concealment and encourage social interaction; and</p> <p>(d) preferring double glazing on windows in areas of high street noise rather than the high fences or walls as a sound attenuation measure.</p> | | |
| 4.1 Residential Development Controls | | | |
| 4.1.1.1 Residential Density and Dwelling Size | <p>(a) The maximum permissible residential density control at Figure 24 - Minimum Residential Density applies to land identified in Residential Density Areas on the Minimum Residential Density Map at Schedule 1 - Map A in this plan.</p> | <p>The site is identified as being within 'Area D8' on the Residential Density Map.</p> <p>The permitted residential density for Area D8 is 950sqm per dwelling. The site area is 1,282sqm allowing for 1 dwelling.</p> <p>The application proposes alterations and additions to the existing dwelling. No additional dwellings are proposed.</p> <p>The proposal satisfied the dwelling density requirements.</p> | Yes |
| 4.1.2.1 Wall Height | <p>(a) 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.</p> | <p>The <u>maximum</u> external wall height is ~3.7m.</p> | Yes |

| Clause | Control | Comment | Compliance |
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| | [Wall height on land where 8.5m HOB standard applies = 6.5m] | | |
| 4.1.2.2 Number of Storeys | (a) Buildings must not exceed 2 storeys, except on land in areas 'L' and 'N1' on the LEP Height of Building Map and notwithstanding the wall and roof height controls in this plan. | The garage is a single storey. | Yes |
| 4.1.2.3 Roof Height | (a) Pitched roof structures must be no higher than 2.5m above the actual wall height *, calculated in accordance with Figure 29. | The application proposes a flat roof form. | n/a |
| 4.1.4.1 Street front setbacks | (a) Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity. | <p>There is no “prevailing building line” on the western side of Vista Avenue. Rather, the streetscape is characterised by a <u>variable</u> front building setback.</p> <p>The adjoining site at 7 Vista Avenue has a double carport situated ~4.1m from the front boundary.</p> <p>The adjoining site at 1 Vista Avenue has a parking platform / structure in the front setback zone.</p> <p>The application proposes a garage which is offset ~3.2m from the front boundary.</p> | n/a |
| | 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 | <p>The application proposes a garage which is offset ~3.2m from the front boundary.</p> <p>A discussion concerning garage location and building setback is set</p> | On merit |

| Clause | Control | Comment | Compliance |
|--|--|---|------------|
| | 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 façade to retain significant trees and to maintain and enhance the streetscape. | out at Part 1 of this report. | |
| | a) Where the streetscape character is predominantly single storey building at the street frontage, the street setback is to be increased for any proposed upper floor level. See also paragraph 4.1.7.1. | No upper level proposed. | n/a |
| 4.1.4.2 Side setbacks and secondary street frontages | (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. | The <u>maximum</u> external wall height is 3.67m meaning the required side setback is 1.22m. The proposed setback is ~1.26m and complies. | Yes |
| | (b) Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, and the like, if it can demonstrate there will be no adverse impact on adjoining properties including loss of privacy from a deck or balcony. | Roof eave projects into the setback as permitted by this control. | Yes |
| | (c) All new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries. | None proposed. | n/a |

| Clause | Control | Comment | Compliance |
|-----------------------|---|--|------------|
| | (e) Side setbacks must provide sufficient access to the side of properties to allow for property maintenance, planting of vegetation and sufficient separation from neighbouring properties. | The side setback allows for access and planting of vegetation. | Yes |
| 4.1.4.4 Rear Setbacks | (a) The distance between any part of a building and the rear boundary must not be less than 8m. | The garden platform is setback ~2.6m from the rear boundary. A variation is warranted for the reasons outlined at Part 5.1 of this report. | n/a |
| | (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. | The planting near the rear boundary will be retained where possible. The garden platform will be landscaped. | Yes |
| | (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. | The site is sloping. We explain throughout this report that the garden platform is designed to prevent overlooking and avoid impinging on sightlines. | Yes |
| | (d) Rear setbacks must relate to the prevailing pattern of setbacks in the immediate vicinity to minimise overshadowing, visual privacy and view loss. | There is no “prevailing” rear setback pattern in the street block. Rather, the street block is characterised by a <u>variable</u> rear building setback. It is common for ancillary structures such as swimming pools, terrace areas, outbuildings and so | Yes |

| Clause | Control | Comment | Compliance |
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| | | <p>forth to occur within the rear setback zone.</p> <p>The proposed garden platform is compatible with this pattern or development.</p> | |
| 4.1.5.3 Private open space | <p>(a) Open Space must be provided on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground.</p> <p><u>Area OS4:</u></p> <ul style="list-style-type: none"> Total open space = 60% of site area Landscaped area = 40% of total open space Above ground = 25% of total open space | <p>The site area is 1,282sqm.</p> <p><u>Total Open Space</u> Required total open space (TOS) is 769.2sqm.</p> <p>The proposed TOS area is 975sqm which equates to 76% of the site area.</p> <p><u>Landscaped area</u> Required landscaped area is 4% of required TOS which equates to 307.67sqm.</p> <p>The proposed landscaped area is 670sqm.</p> <p><u>Above ground OS</u> No balconies or veranda is proposed by this application.</p> <p>An area calculation plan is supplied at Sheet DA050 of the Architectural Plans.</p> | Yes |
| 4.1.5.2 Landscaped Area | <p>(a) Landscaped Area must be provided on site in accordance with above Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space above Ground Level. The minimum landscaped area requirement is a percentage of the actual total open space onsite.</p> | <p><u>Landscaped area</u> Required landscaped area is 4% of required TOS which equates to 307.67sqm.</p> <p>The proposed landscaped area is 670sqm.</p> | Yes |
| 4.1.5.3 Private open space | <p>(a) Principal private open space is to be provided in accordance</p> | <p>The principal private open space (POS) area is > 18sqm.</p> | Yes |

| Clause | Control | Comment | Compliance |
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| | with the following minimum specifications: (i) Minimum area of principal private open space for a dwelling house is 18sqm. | The garden platform provides a level landscaped area for passive recreation. | |
| 4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas | (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. | The garage is of a high architectural standard, is clad in materials that complement the coastline locality, and incorporates integrated planting to ameliorate building mass, and for these reasons will contribute positively to the desired character of the locality. | Yes |
| | (b) Garage and carport structures forward of the building line must be designed and sited so as not to dominate the street frontage. In particular: (i) garages and carports adjacent to the front property boundary may not be permitted if there is a reasonably alternative onsite location; | For the reasons noted above and detailed at Part 5.1 of this report, the proposed garage will not dominate the street despite being situated forward of the building line. There is no reasonable alternative location for the desired <u>double</u> garage behind the building line as the spaces between the building and side boundaries are not quite wide enough. | Yes |
| | (c) the maximum width of any garage, carport or hardstand area is not to exceed a width equal to 50 percent of the frontage, up to a maximum width of 6.2m. | The garage width is ~6.2m. | Yes |
| 4.1.6.4 Vehicular Access | (a) All vehicles should enter and leave the site in a forward direction. | The driveway is designed to allow for forward access and egress. | Yes |
| 4.1.8 Development on sloping sites | (a) The design of development must respond to the slope of | The objective of the garden platform is to improve the utility of | Yes |

| Clause | Control | Comment | Compliance |
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| | the site, to minimise loss of views and amenity from public and private spaces. | <p>the rear yard. This portion of the rear yard is presently too steep to utilise.</p> <p>Disturbance to terrain is minimised because the platform structure is on piers rather than reconstituting site levels by importing fill.</p> <p>The existing and proposed perimeter planting and the balustrade design and location will minimise potential for overlooking.</p> | |
| | <p>(b) Developments on sloping sites must be designed to:</p> <p>(i) generally step with the topography of the site; and</p> <p>(ii) avoid large undercroft spaces and minimise supporting undercroft structures by integrating the building into the slope whether to the foreshore or a street.</p> | <p>As explained above, the objective of the proposal is to create a platform to improve the utility of the rear yard.</p> <p>Naturally, the platform does not step with the terrain.</p> <p>However, the built form features of the site more broadly <u>do</u> step down the slope.</p> <p>The undercroft area will be concealed from view by dense planting as indicated on Sheet D070 of the Architectural Plans.</p> | On merit |
| | (c) On steep sites, driveways must be designed so they do not dominate the street frontage. | The driveway is not positioned on a steep portion of the site. | Yes |
| | <p>(d) A Site Stability Report is required with a DA when the proposed development involves:</p> <p>(iv) building works (load bearing) on other land not contained in geotechnical area 'G1', i.e. areas 'G2', 'G3' and</p> | <p>The site is in area G2. A Preliminary Assessment of Site Conditions (Landslip) determines a site stability report is not required.</p> <p>Nonetheless, a geotechnical report is</p> | n/a |

| Clause | Control | Comment | Compliance |
|---|--|--|------------|
| | 'G4' where a Preliminary Assessment of Site Conditions (Landslip) determines the need for a Site Stability Report, or where otherwise required by Council. | supplied with the application. | |
| | (a) Site Stability Report may be required in Geotechnical Areas G2, G3 and G4: (i) The applicant should complete Council's Checklist for Preliminary Assessment of Site Conditions (Landslip) at Schedule 11 of this plan to determine whether a Site Stability Report is required. All development involving load bearing building works must complete the report for Preliminary Assessment of Site Conditions (Landslip) to ensure developments follows good engineering practice. | The site is in area G2. The Schedule 11 report is supplied. | Yes |
| 4.1.10 Fencing | Freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point. | The fence height is variable owing to cross-fall. The top of the fence is at a uniform RL. The uniform fence level mimics that of the proposed concrete awning and is important to the architectural expression of the proposal. | On merit |
| 4.1.10.1 Exceptions to maximum height of Fences | a) In relation to stepped fences or walls on sloping sites (see paragraph 4.1.8), the fence and/or wall height control may be averaged. | As above. | - |
| 5 Special Character Areas and Sites | | | |

| Clause | Control | Comment | Compliance |
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| 5.4.1 Foreshore Scenic Protection Area | <p>a) Further to matters prescribed in the LEP, the development in the Foreshore Scenic Protection Area must also:</p> <p>i) minimise the contrast between the built environment and the natural environment;</p> <p>ii) maintain the visual dominance of the natural environment;</p> <p>iii) maximise the retention of existing vegetation including tree canopies, street trees, wildlife corridors and habitat;</p> <p>iv) not cause any change, visually, structurally or otherwise, to the existing natural rocky harbour foreshore areas;</p> <p>v) locate rooflines below the tree canopy;</p> <p>vi) consider any effect of the proposal when viewed from the harbour / ocean to ridgelines, tree lines and other natural features; and</p> <p>vii) use building materials of a non-reflective quality and be of colours and textures that blend with the prevailing natural environment in the locality.</p> | <p>The proposal aligns with these provisions as follows:</p> <p>i) Integrated planting and substantial perimeter landscaping will “minimise contrast” between built and natural environments.</p> <p>ii) For the above reasons, the site will have a prominent garden setting.</p> <p>iii) No canopy trees are impacted by the proposed works.</p> <p>iv) There are rock outcrops that will be preserved beneath the garden platform which is on piers.</p> <p>v) The garage roofline is below the line of the local tree canopy.</p> <p>vi) It is improbable that the proposed works will be readily visible when viewed from the harbour.</p> <p>vii) No reflective materials are proposed.</p> | Yes |

4.4. PLANNING AGREEMENTS

There are no planning agreements associated with this site.

4.5. THE REGULATIONS

Section 92 of the *Environmental Planning and Assessment Regulation 2000* prescribes additional matters that the consent authority must consider in determining a development application. Each matter for consideration and its relevance to the proposal is noted in Table 3.

Table 4 | Additional matters for consideration (Regs)

| Clause | Matter | Relevance |
|----------|--|--|
| 92(1)(b) | In the case of a development application for the demolition of a building, the provisions of <i>AS 2601 The demolition of structures</i> . | Demolition works will be carried out as per the provisions of AS 2601. |
| 92(1)(c) | In the case of a development application for development on land subject to a subdivision order, the provisions of that subdivision order. | The site is not subject to a subdivision order. |
| 92(1)(d) | In the case of certain development on land within 200km of Siding Spring Observatory, the <i>Dark Sky Planning Guideline</i> . | The site is not within 200km of the Siding Spring Observatory. |
| 92(1)(e) | In the case of a development application for a manor house or multi dwelling housing (terraces), the <i>Medium Density Design Guide for Development Applications</i> . | The development application does not propose a manor house or multi dwelling housing (terraces). |
| 92(1)(f) | In the case of a development application for residential development within the Penrith City Centre, the <i>Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in Penrith City Centre</i> . | The site is not within the Penrith City Centre. |

5. PLANNING ASSESSMENT

This section provides a planning assessment of the likely impacts of the proposed development, considers the suitability of the site, and evaluates whether the development is in the public interest, as required by section 4.15(1) of the EP&A Act.

5.1. IMPACTS ON THE NATURAL AND BUILT ENVIRONMENT

The proposed garage addition and garden platform are sited and designed to respond to site conditions, to mitigate adverse impact on neighbour amenity, and to contributing positively to streetscape character.

Below we outline aspects of the proposal that relate to impacts on the built environment.

5.1.1. Front setback

Part 4.1.4.1 of MDCP sets out front setback controls.

The controls state that the front setback must relate to the “prevailing building lines” in the immediate vicinity and where there is no prevailing building line:

“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.”

The adjoining site at 7 Vista Avenue has a double carport situated ~4.1m from the front boundary. The adjoining site at 1 Vista Avenue has a parking platform / structure in the front setback zone.

There is no prevailing building line on the western side of Vista Avenue. Rather, the streetscape is characterised by a variable front building setback. A 6m front setback is therefore documented on the Architectural Plans.

Part 3.1.1.4 of MDCP contains streetscape controls including controls for garage design and location. Relevantly (b) states:

“Exceptions to setback criteria referred to in this paragraph may be considered where parking structures are a positive element of the streetscape.”

The application proposes a garage which is offset ~3.2m from the front boundary. In our opinion, the garage proposed will make a positive contribution to the streetscape despite being situated in forward of the building line, and a variation to the front setback control is justified.

The proposal has merit as follows:

- The garage opening is oriented perpendicular to the front boundary such that it does not “read” as a garage from the street thereby reducing visual impact on streetscape.

- The external walls of the structure are to be clad in vertical timber battens. Those battens will wrap around the northern elevation of the garage and disguise the opening and extend across the façade of the dwelling to visually unify the garage and dwelling. The proposed external materials contribute to the architectural quality of the garage. Perspectives to illustrate the likely appearance of the garage are included at Sheet DA900 of the Architectural Plans.
- A green roof is proposed over the garage. The roof will be planted out with ground covers and cascading species which, once established, will tumble over the eastern wall of the garage and further ameliorate built form. The zone between the garage and the front boundary will also be densely planted and will disguise the building.
- The proposed offset from the front boundary is not dissimilar to that of the double carport on the adjoining property @ 7 Vista Avenue. Moreover, there are several examples of parking structures forward of the building line / in the front setback zone in the nearby locality. In our opinion, most structures successfully integrate with the streetscape without diminishing visual quality of the area. The proposed garage location is compatible with the “pattern” of development in the locality.
- The project architect has explored alternative garage design that would allow for the garage to be situated behind the building line. There is insufficient space to position a double-bay garage within either side passage without impacting site landscaping or impinging side setback zones. The proposed location is deemed the least impactful and superior in terms of streetscape outcome.

Section.4.15(3A)(b) of the EP&A Act states that:

“(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—

(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”

The consent authority is compelled by the EP&A Act to be flexible in applying the front setback control and to allow the proposed alternative solution if it considers that the objectives of the control are achieved.

The objectives of the front setback control are addressed in Table 5.

Table 5 | Front setback objectives

| Objective | Comment |
|---|--|
| 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. | The proposed garage design and arrangement, high quality external materials, and integrated landscaping will, in our |

| Objective | Comment |
|--|--|
| | <p>opinion, provide for a building that contributes positively to streetscape quality.</p> <p>In our opinion, the garage does not conflict with or disrupt the “desired spatial proportions of the street” because the setback pattern in the streetscape is characterised by <u>variation</u> rather than uniformity i.e. there is no pattern to disrupt. The proposal satisfies objective (1).</p> |
| <p>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>The garage will not, in our opinion, have any unreasonable impacts on local amenity for the follow reasons:</p> <ul style="list-style-type: none"> • The garage is not habitable and does not have any openings oriented to neighbouring properties therefore it will not impact neighbour privacy. • The garage does not cast shadow on living room windows or private open space areas of adjoining properties. • The garage has a flat roof to moderate any intrusion / impact on sightlines to the water from the road pavement and upslope properties. • In our opinion, the garage does not unduly disrupt the “rhythm or pattern” of built form because the setback pattern in the streetscape is characterised by <u>variation</u> rather than uniformity i.e. there is no “pattern” to disrupt. • The garage arrangement allows for forward ingress / egress of vehicles thereby improving traffic safety. <p>For the reasons outlined above, the proposal satisfies objective (2).</p> |
| <p>3) To promote flexibility in the siting of buildings.</p> | <p>It is appropriate to permit the proposed garage in the front setback area because, among other reasons, the structure will contribute positively to streetscape.</p> <p>There are several examples of parking structures forward of the building line in the locality and, in most cases, those structures successfully integrate with the streetscape and do not diminish the visual quality of the area.</p> <p>The proposed garage is compatible with the pattern of development in the locality.</p> |

| Objective | Comment |
|---|---|
| <p>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 lands and National Parks; and • ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied. | <p>The garage has a green roof and maintains sufficient area in the front setback to allow for substantial landscaping. Proposed landscaping will ameliorate / soften building scale and mass when viewed from the public realm and nearby properties.</p> <p>The proposed location of the garage does not precipitate removal of existing vegetation.</p> <p>The proposal does not diminish natural features of the site and will enhance garden setting through integrated and at-grade planting.</p> <p>We find that the proposal satisfies objective (4) despite setback variation.</p> |
| <p>5) To assist in appropriate bush fire asset protection zones.</p> | <p>n/a</p> |

The garage is designed and oriented such that the structure does not “read” as a garage and contributes positively to streetscape character. Integrated and dense at-grade landscaping, including cascading species within the green roof, will ameliorate built form appearance.

The discussion set out above demonstrates that the proposal satisfies the objectives of the front setback control. A variation is therefore warranted.

5.1.2. Rear setback

Part 4.1.4.4 of MDCP sets out rear setback controls.

The controls state:

“a) The distance between any part of a building and the rear boundary must not be less than 8m.”

The garden platform is ~2.6m from the rear boundary. The trafficable area of the platform is 4m + from the rear boundary. The sun deck is 12m + from the rear boundary.

The proposal has merit as follows:

- The garden platform is intended to activate an underutilised portion of the site and to create a level garden space to facilitate passive and active outdoor activities of the site owner’s and their young family. The proposal enhances the residential utility of the property.
- Ancillary structures such as swimming pools, cabanas, domestic sheds, terrace spaces are commonly located in the rear setback zone in this street block. The proposal is compatible with the pattern and arrangement of development in the street block.

- The garden platform has an integrated planter at its western edge and a ~1m high balustrade on the eastern side of the planter. The balustrade incorporates an inward-facing bench seat. The design of the platform, in conjunction with level difference between the platform and the adjoining downslope property, will mitigate potential for overlooking of neighbouring properties.
- Much of the existing vegetation along the western boundary will be retained and supplemented with additional landscaping to preserve neighbour privacy by obscuring sight lines. Landscaping will also conceal the under-croft space beneath the garden platform.

Per section.4.15(3A)(b) of the EP&A Act, the consent authority is compelled to be flexible in applying the rear setback control and to allow the proposed alternative solution if it considers that the objectives of the control are achieved.

The objectives of the rear setback control are addressed in Table 6.

Table 6 | Rear setback objectives

| Objective | Comment |
|---|---|
| 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>Ancillary structures such as swimming pools, cabanas, domestic sheds, terrace spaces are commonly located in the rear setback zone in this street block. The proposal is compatible with the pattern and arrangement of development in the street block.</p> <p>The encroaching element is specifically designed to be landscaped i.e. it is a garden platform. Additionally, planting is proposed at the perimeter of the structure along property boundaries. The proposal will enhance garden character.</p> <p>The proposal satisfies objective (1) despite rear setback encroachment.</p> |
| 2) To ensure and enhance local amenity by: <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 | <p>The garden platform will not, in our opinion, have any unreasonable impacts on local amenity for the follow reasons:</p> <ul style="list-style-type: none"> • The design of the platform, in conjunction with level difference between the platform and the adjoining downslope property, will mitigate potential for overlooking of neighbouring properties. • The platform does not cast shadow on living room windows or principal private open space areas of adjoining properties. • The structure is unlikely to impact on sightlines to the water from upslope properties. |

| Objective | Comment |
|---|---|
| visibility around corner lots at the street intersection. | <ul style="list-style-type: none"> The platform is in the rear yard and will not be visible from the public realm therefore no impact on streetscape character, adverse or otherwise. The platform has no impact on traffic safety. <p>For the reasons outlined above, the proposal satisfies objective (2).</p> |
| 3) To promote flexibility in the siting of buildings. | <p>The controls permit other forms of ancillary structures in rear setback zones, such as pools.</p> <p>Ancillary structures such as swimming pools, cabanas, domestic sheds, terrace spaces are <u>commonly</u> located in the rear setback zone in this street block. The proposal is compatible with the pattern and arrangement of development in the street block.</p> <p>A variation is warranted.</p> |
| <p>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 lands and National Parks; and ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied. | <p>The encroaching element is specifically designed to be landscaped i.e. it is a garden platform. Additionally, planting is proposed at the perimeter of the structure along property boundaries. The proposal will enhance garden character.</p> <p>The proposed location of the garden platform does not precipitate removal of existing significant vegetation.</p> <p>The proposal does not diminish natural features of the site and will enhance garden setting through integrated and at-grade planting.</p> <p>We find that the proposal satisfies objective (4) despite rear setback variation.</p> |
| 5) To assist in appropriate bush fire asset protection zones. | n/a |

The garden platform is designed and positioned to mitigate potential for overlooking and preserve neighbour privacy. Retained and proposed landscaping will disguise the structure and ameliorate built form appearance.

The discussion set out above demonstrates that the proposal satisfies the objectives of the rear setback control. A variation is therefore warranted.

5.2. SOCIAL IMPACTS

The proposal will have positive social impacts from the perspective of the occupants of the dwelling who will have the benefit of improved functionality and amenity

afforded by the proposed works. Short term disturbance associated with construction works will be mitigated through measures such as prescribed hours of work.

Social impacts are largely positive and adverse social impacts are short term.

5.3. ECONOMIC IMPACTS

The proposal will have short term economic impact through job creation associated with construction works. The proposed development will improve housing stock in Balgowlah and there will be uplift in property value and economic benefit for the landowner.

Economic impacts associated with the proposal are positive.

5.4. SITE SUITABILITY

The proposal is permissible in Zone R2 and compatible with surrounding land use. The proposed garage addition and garden platform are designed to minimise land modification, minimise impacts on neighbour amenity, and contribute positively to streetscape. There are no site constraints or hazards that would preclude ongoing use of the land for residential purposes.

The site is suitable for the proposed development.

5.5. PUBLIC INTEREST

The development will improve the utility and amenity of housing stock in a manner encouraged by the applicable zone objectives. The development is sited and designed to respond to site conditions, minimises impacts on neighbour amenity, and to contribute positively to the streetscape.

The proposal aligns with the public interest.

6. CONCLUSION

This Statement of Environmental Effects has been prepared to support an application for alterations and additions to the dwelling consisting of an attached garage, and garden "platform" in the rear yard at 5 Vista Avenue, Balgowlah Heights.

The objective of the development proposal is to improve the amenity and functionality of established low-density housing stock by providing covered vehicle accommodation and optimising the utility of private open space areas in a manner encouraged by the zone objectives and planning controls.

Our report describes the key aspects of the proposal which include construction of an attached double-bay garage on the eastern side of the dwelling and delivery of a landscaped garden platform and timber sun deck over an area of sloping terrain. Substantial landscaping is proposed to ameliorate built form and maintain resident privacy.

We have assessed the environmental impacts of the proposal and have determined that there are no significant adverse impacts. We have assessed development siting and arrangement and impact on neighbour amenity and streetscape and consider that the outcome responds appropriately to site conditions and context, and no design modification is warranted.

Our report explains that the site is suitable for the development as it is zoned for residential purposes, and the proposal complements development on site and is compatible with surrounding land use. We establish that the development is in the public interest given the absence of significant adverse impact and improvement to low-density housing stock.

We conclude that the proposal is worthy of approval.



APPENDIX A | SURVEY



APPENDIX B | ARCHITECTURAL PLANS



APPENDIX C | WASTE MANAGEMENT PLAN



APPENDIX D | GEOTECH REPORT