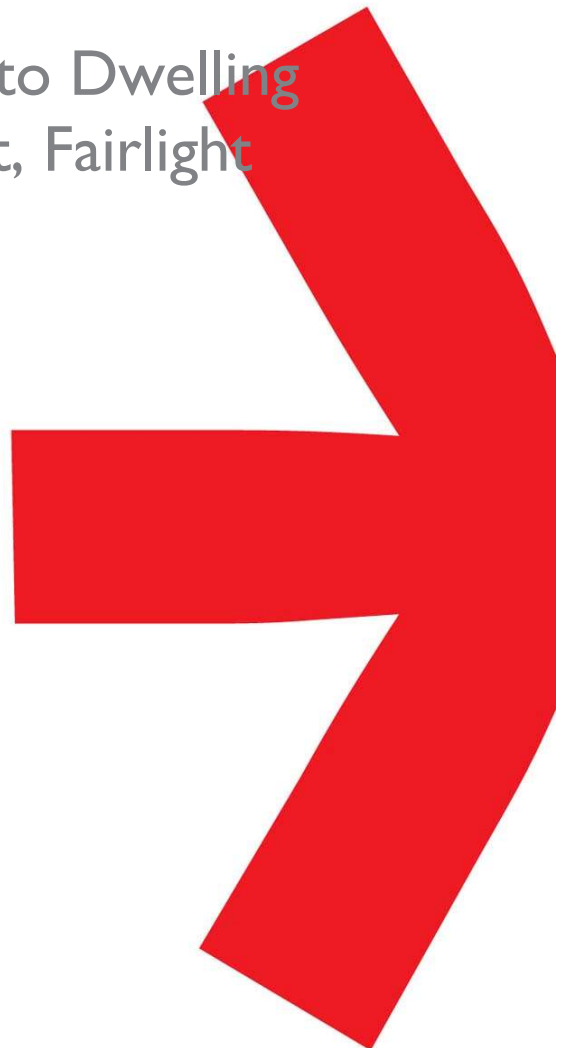


Statement of Environmental Effects

Alterations and Additions to Dwelling
House – 64 Fairlight Street, Fairlight

September 2019



Document status

Revision	Revision date	Name	Signature
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Name	Signature	Date
Nicole Lennon		05 09 2019

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1 Introduction

Planik Pty Ltd has been engaged to prepare this Statement of Environmental Effects for Lucy Shepherd and Ian Donaldson (owners of the subject site) for the proposed development at 64 Fairlight Street, Fairlight. The proposal is for alterations and additions to an existing dwelling house consisting of an attic level addition containing an additional bedroom and en-suite bathroom. The proposed works also include landscaping, a plunge pool and fencing within the front setback.

The site is legally referred to as Lot B in DP 104229 and has a total area of 235.4m², an 11.036m frontage to Fairlight Street and a maximum site depth of 21.336m.

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 R1 – General Residential and the proposed works are permissible with development consent within the zone.

1.1 Pre-DA Meeting

A Pre-development Application meeting was held at Northern Beaches Council on Thursday 20th June. Council's key comments relating to the preliminary design have been addressed through amended plans/information and, in turn, within the table below:

Table 1 Pre-development Application Meeting

Council Pre-DA Comment	Response
Attic level addition	<p>The proposed attic level addition has been designed to generally be contained within the existing roof form, with the additional elements protruding from the roof plane being adequately recessed from the walls of the level below.</p> <p>The new elements protruding from the roof plane are of a contemporary design and generally take the form and scale of a large dormer.</p> <p>When viewed from the public domain/street level, the proposed attic level additions would not be perceived as sitting above the ridgeline of the existing roof form and do not dominate the appearance of the dwelling when viewed from Fairlight Street.</p>
Number of stories and height	<p>As discussed above, the proposed design presents to the street as an attic addition to the existing dwelling and does not present as an additional storey on the subject dwelling.</p> <p>The subject dwelling will continue to appear as a two storey dwelling when viewed from the public domain.</p> <p>The maximum height of the proposed works is 9.02m when measured central to the dwelling, noting the site has a fall from the street level to the rear boundary. A clause 4.6 variation accompanies the development application which justifies the proposed variation to the Manly LEP 2013.</p>

Council Pre-DA Comment	Response
Floor Space Ratio	The proposed Floor Space Ratio has been reduced and is supported by a Clause 4.6 variation justifying the proposed variation to the Manly LEP 2013.
Front Setback/Swimming Pool	Council advised that the proposed swimming pool and deck can be supported if the design is consistent with the objectives of Clause 4.1.4.1 of the Manly DCP 2013. This Statement further addresses the relevant objectives of the control and demonstrates suitability of the pool location.
Landscaped Area/Open Space	The proposed development seeks to improve the landscaped area on the site through the removal of an existing paved area. Further, Council has acknowledged the existing conditions on the site are a result of the existing building footprint on the site which is not proposed to be enlarged.

1.2 Key Opportunities and Objectives

The main opportunities resulting from this proposal include:

- The proposal will add capacity to an existing family home to meet the needs of the occupants whilst retaining the single dwelling scale on the subject site.
- The proposal will:
 - Increase natural light to the attic level.
 - Create an additional bedroom and en-suite bathroom.
- The proposal will not negatively impact the amenity of the neighbourhood and will retain a built form that will be in keeping with the character of the locality.
- The proposal will not impact on existing views from any dwellings.

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

Table 2 Manly Local Environmental Plan 2013 Objectives

Objectives	Response
<p>(a) in relation to all land in Manly:</p> <p>(i) to promote a high standard of urban design that responds to the existing or desired future character of areas, and</p> <p>(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</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</p>	<p>The proposed alterations and additions are architecturally designed and will result in a high level of urban design and are compatible with the existing and desired future character of the locality particularly as similar built forms are in close proximity to this site.</p> <p>The proposed attic addition adds capacity to an existing family home in the locality.</p> <p>The alterations and additions respond to the environmental constraints of the site. The proposal does not adversely affect the character, amenity or heritage of Manly.</p>

Objectives	Response
affect the character, amenity or heritage of Manly or its existing permanent residential population,	
<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>The proposal retains the existing dwelling on the subject site and adds capacity to the existing dwelling through the addition of a bedroom within an attic level.</p> <p>Proposed landscaping and plunge pool courtyard is high quality and contributes positively to the streetscape.</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>	N/A
<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>	N/A – proposal retains existing on-site parking and pedestrian and vehicular access to the site.
(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,	N/A – the subject site is not a heritage item or located within the vicinity of any heritage items or heritage conservation area. Nor will the proposal impact on the cultural or environment heritage of Manly.

Objectives	Response
<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>N/A – the proposal does not impact on terrestrial, aquatic and riparian habitats, biodiversity, wildlife habitat corridors, remnant indigenous vegetation, geodiversity and natural watercourses.</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>N/A – proposal does not impact on the Manly harbour, coastal lagoon and ocean beach setting.</p>

Table 3 Zone R1 General Residential Zone Objectives

R1 Objectives	Response
<ul style="list-style-type: none"> To provide for the housing needs of the community. 	<p>The development proposal includes alterations and additions to an existing dwelling house to provide for the continued housing needs of the community whilst being compatible with existing residential development.</p>
<ul style="list-style-type: none"> To provide for a variety of housing types and densities. 	<p>The proposal retains the existing two storey detached dwelling house located on the subject site. The proposed attic level addition maintains the dwelling character of the area.</p>
<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. 	<p>N/A</p>

1.3 Manly Local Environment Plan 2013 Development Control Summary

Table 4 Manly LEP 2013 Planning Control Summary

Applicable LEP Control	Requirement	Proposed	Complies
Maximum Height	8.5m	Maximum building height – 9.135m NB: existing building height - 9.02 m	Clause 4.6 Variation Statement submitted with Development Application.
Floor Space Ratio	0.6:1 GFA – 141.24m ²	0.69:1 GFA – 173.2m ² (FSR of 0.72:1) Note: FSR has been calculated in accordance with 4.1.3.1 of the MDCP 2013 which allows FSR to be calculated against minimum lot size of 250m ²	Clause 4.6 Variation Statement submitted with Development Application.
Heritage Conservation	N/A	N/A	N/A
Acid Sulfate Soils	Class 5	No impact	Yes

1.4 Applicant and Ownership

The applicant for this Development Application is Lucy Shepherd and Ian Donaldson (Owners of the subject site).

1.5 Consent Authority

The consent authority for this development is Northern Beaches Council.

1.6 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	A	02 09 2019	MM+J Architects
Survey Plan	1	03 07 2019	CMS Surveyors Pty Ltd
Statement of Environmental Effects	O	20 09 2019	Planik Pty Ltd
Landscape Plan	D	04 09 2019	Scape Design

1.7 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 subject site is located at 64 Fairlight Street, Fairlight and is legally referred to as Lot B in DP 104229. The site has a total area of 235.4m², an 11.036m frontage to Fairlight Street and a maximum site depth of 21.336m.

The site currently contains a two storey clad residential dwelling house with a tiled pitched roof form. The subject site is adjoined by residential developments to the north, east, and west.

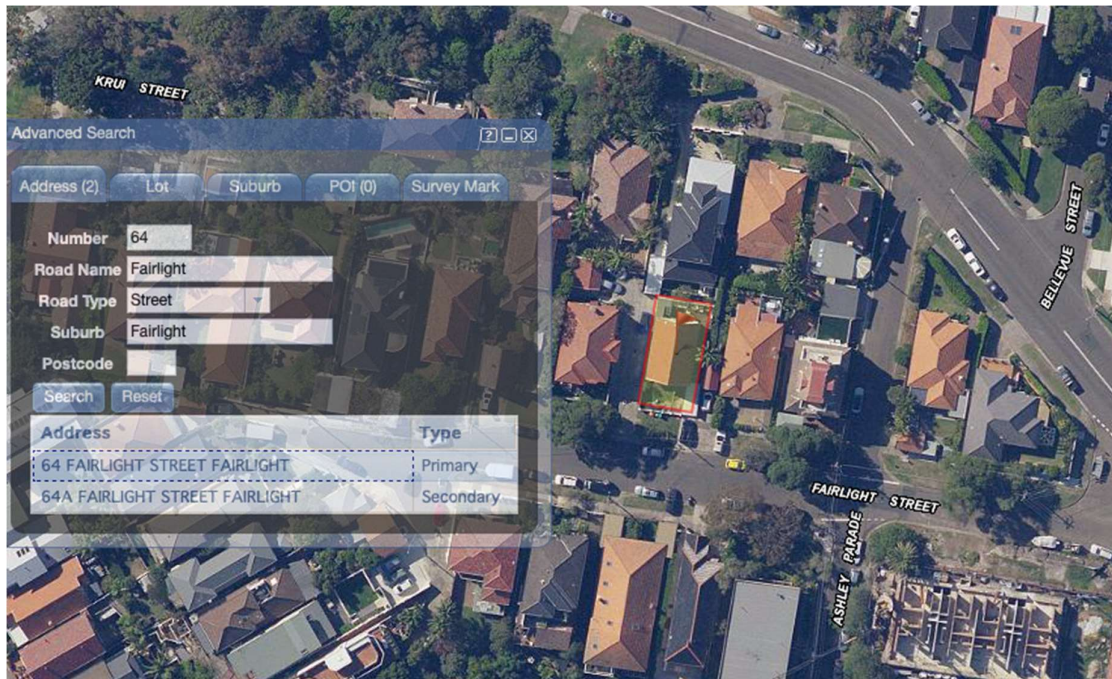


Figure 1 Site Location Map. Source: SIX Maps

2.2 Locality and Surrounding Context

The surrounding area is characterised by 1-2 storey residential development, comprising of dwelling houses, including two storey dwelling houses with attic levels and residential flat buildings.

A variety of pitched and mansard style roof forms are located within the Fairlight Street streetscape.

The eastern and western boundaries of the site directly adjoin driveways servicing battle-axe lots at 17 and 19 Hilltop Crescent, Fairlight.

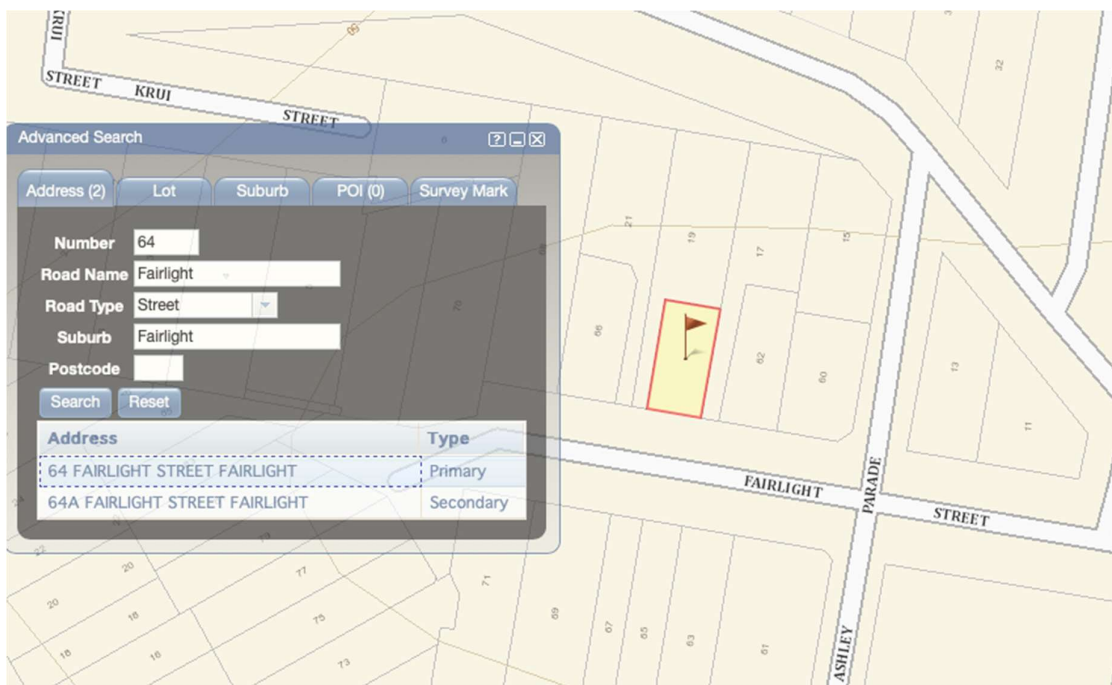


Figure 2 Site Context Map. Source: SIX Maps

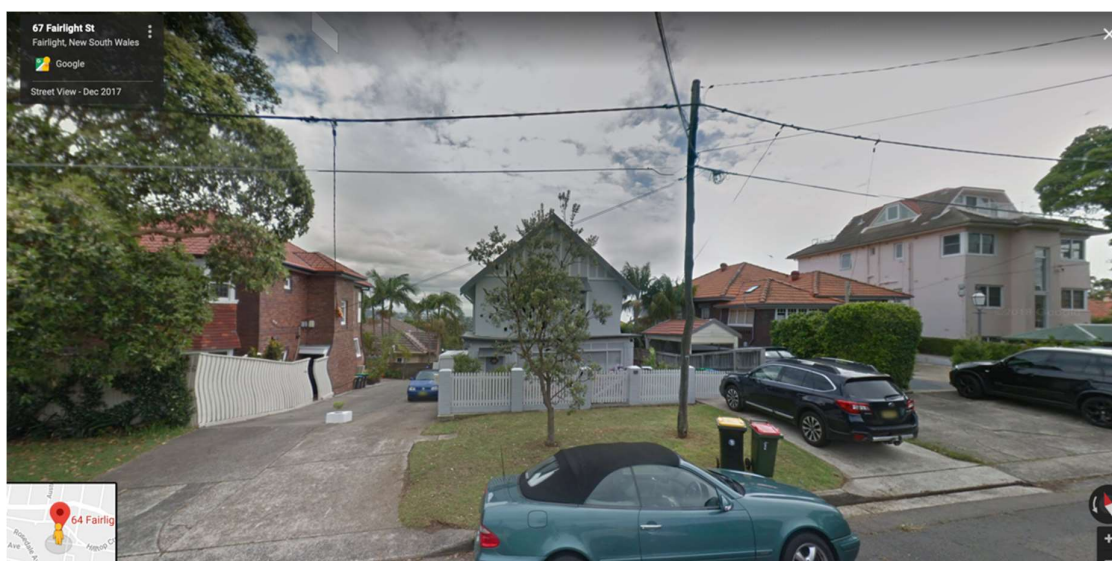


Figure 3 Street View – Site and context (Source: Google)

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 (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004

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 proposal is for alterations and additions to an existing dwelling house including a new attic level, partially contained within the existing roof form and recessed from the walls of the level below.

The proposed attic level contains a bedroom with en-suite bathroom and storage areas. The proposed attic level includes new dormer style windows and six new skylights.

The attic level will be accessed via new internal staircase from the first- floor level.

The proposal includes 23.4m² of additional floor space at attic level.

The proposal includes formalised landscape space within the front setback, retaining stone wall and 1250mm wooden boundary fence and sliding gate. The proposal also includes an enclosed bin storage area within the front setback.

A swimming pool and deck is proposed within the front setback of the subject site.

Refer to Architectural Plans prepared by MM+J Architects submitted with this application.

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 R1 General Residential under the MLEP 2013. The proposed development is categorised as alterations and additions to an existing residential dwelling. The proposed development is permissible within the R1 General Residential zone.



Figure 4 Manly Environmental Plan 2013

Table 5 Zone R1 General Residential Land Use Table

R1 – General Residential Zone Land Use Table	
2 Permitted without consent	Home-based child care; Home occupations
3 Permitted with consent	Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses ; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems
4 Prohibited	Advertising structures; Water treatment facilities; 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 development will promote the social and economic welfare of the local community through improvement to an existing dwelling resulting in a high quality residential dwelling development.
- The proposal will result in the orderly and economic use and development of the site.
- Appropriate utility services are provided.
- There will be no unreasonable adverse impacts on the environment.

4.3 Environmental Planning and Assessment Regulation 2000

4.3.1 Clause 92 – Demolition

All demolition works will be undertaken in accordance with Clause 92 of the Regulation requiring the consent authority to consider AS 2601 - 1991: The Demolition of Structures.

4.3.2 Clause 98 – Compliance with the BCA

Pursuant to the prescribed conditions under Clause 98 of the Regulation, any building work must be carried out in accordance with the requirements of the Building Code of Australia.

The proposed dwelling house complies with the relevant requirements of the BCA.

4.4 State Environmental Planning Controls

4.4.1 State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

The provisions of SEPP No. 55 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 SEPP 55.

4.4.2 State Environmental Planning Policy (Infrastructure) 2007

The 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 45 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 101 of the SEPP as the site does not have frontage to a state classified road.

The application is not subject to clause 102 of the SEPP as the proposed use is not likely to be adversely affected by road noise or vibration.

The proposal is not adjacent to a rail corridor and therefore Clause 87 of the SEPP does not apply.

4.4.3 State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004

A BASIX certificate is submitted with the development application and lists commitments in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal.

4.5 Manly Local Environmental Plan 2013

Manly Local Environmental Plan 2013 (MLEP2013) is the primary planning instrument applicable to the subject site. The site is zoned R1 General Residential zone under the MLEP 2013 which permits dwelling house developments with consent.

The following table provides applicable clauses from the MLEP 2013.

Table 6 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:	Please refer to responses in Table 1.	Yes

MLEP2013 Relevant Controls	Response	Compliant
<p>(a) in relation to all land in Manly:</p> <p>(i) to promote a high standard of urban design that responds to the existing or desired future character of areas, and</p> <p>(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</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</p>		

MLEP2013 Relevant Controls	Response	Compliant
<p>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, 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>		
<p>Zone R1 – General Residential Objectives</p> <ul style="list-style-type: none"> To provide for the housing needs of the community. 	Please refer to responses in Table 2.	Yes

MLEP2013 Relevant Controls	Response	Compliant
<ul style="list-style-type: none"> To provide for a variety of housing types and densities. To enable other land uses that provide facilities or services to meet the day to day needs of residents. 		
<p>4.3 Height of buildings</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the <u>Height of Buildings Map</u>.</p>	<p>The Height of Buildings Map lists the maximum height of buildings for the site as 8.5m.</p> <p>Attic level addition – 9.135m</p> <p>Existing maximum height of pitched roof: 9.12m measured to top of roof ridge</p> <p>Minor elements of the proposed attic roof form vary the height of building development standard. The proposed variation is minor and will not impact on views, overshadowing or the bulk and scale of the dwelling. The proposed roof additions are located at the side roof planes and rear of the dwelling and the height variation will not be highly perceptible from the public domain. The minor elements exceeding the 8.5m height control will not create undue impacts.</p>	<p>No – Cl4.6 variation submitted with Development Application.</p>
<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 <u>Floor Space Ratio Map</u>.</p>	<p>The FSR map lists the maximum FSR for the site as 0.6:1. The proposal presents an FSR of 0.69:1 – utilising DCP variation calculation.</p> <p>The additional GFA is contained within the attic level and will not result in any unacceptable amenity impacts. Further, the existing allotment is considered to be an undersized allotment. The minimum lot size for the site contained in the MLEP 2013 is 250m². The site has an existing lot size of 235.4m² and therefore an exception to the maximum FSR under the LEP should be considered.</p>	<p>No – Cl4.6 variation submitted with Development Application.</p>
<p>5.10 Heritage conservation</p> <p>(2) Requirement for consent</p> <p>Development consent is required for any of the following:</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</p>	<p>The subject site is not listed as a heritage item and is not located within a heritage conservation area. This heritage clause does not apply to the proposed development.</p>	<p>N/A</p>

MLEP2013 Relevant Controls	Response	Compliant
<ul style="list-style-type: none"> (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (e) erecting a building on land: <ul style="list-style-type: none"> (i) on which a heritage item is located or that is within a heritage conservation area, or (f) subdividing land: <ul style="list-style-type: none"> (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance. 		
<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 <u>Acid Sulfate Soils Map</u> as being of the class specified for those works.</p>	<p>The site is identified as containing Class 5 ASS – no excavation is proposed as part of the application.</p>	<p>Yes</p>
<p>6.2 Earthworks</p> <p>(2) Development consent is required for earthworks unless:</p> <ul style="list-style-type: none"> (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or (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>Minor earthworks are proposed within the front setback to accommodate the proposed swimming pool.</p>	<p>Yes</p>
<p>6.3 Flood Planning</p> <p>(1) The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment. <p>(2) This clause applies to land at or below the flood planning level.</p>	<p>N/A – The subject site is not identified as being at or below the flood planning level.</p>	<p>N/A</p>
<p>6.4 Stormwater Management</p> <p>(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which</p>	<p>Stormwater from the roof form additions will be diverted into existing stormwater infrastructure and managed as existing. Please refer to the Stormwater Management</p>	<p>Yes</p>

MLEP2013 Relevant Controls	Response	Compliant
<p>this clause applies and on adjoining properties, native bushland and receiving waters.</p> <p>(2) This clause applies to all land in residential, business, industrial and environmental protection zones.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.</p>	<p>Plan submitted with the development application for more details.</p>	
<p>6.5 Terrestrial Biodiversity</p> <p>(2) This clause applies to land identified as "Biodiversity" on the Terrestrial Biodiversity Map.</p>	<p>N/A – The subject site is not identified as "Biodiversity" on the Terrestrial Biodiversity Map.</p>	<p>N/A</p>
<p>6.6 Riparian Land and Watercourses</p> <p>2) This clause applies to all of the following:</p> <p>(a) land identified as "Watercourse" on the Watercourse Map,</p> <p>(b) all land that is within 40 metres of the top of the bank of each watercourse on land identified as "Watercourse" on that map.</p>	<p>N/A – The subject site is not identified as "Watercourse" on the Watercourse Map or located within 40 metres of the top of the bank of each watercourse on land identified as "Watercourse" on that map.</p>	<p>N/A</p>
<p>6.7 Wetlands</p> <p>(2) This clause applies to land identified as "Wetland" on the Wetlands Map.</p>	<p>N/A – The subject site is not identified as "Wetland" on the Wetlands Map.</p>	<p>N/A</p>
<p>6.8 Landslide Risk</p> <p>(2) This clause applies to land identified as "Landslide risk" on the Landslide Risk Map.</p>	<p>N/A – The subject site is not identified as "Landslide risk" on the Landslide Risk Map.</p>	<p>N/A</p>
<p>6.9 Foreshore Scenic Protection Area</p> <p>(2) This clause applies to land that is shown as "Foreshore Scenic Protection Area" on the Foreshore Scenic Protection Area Map.</p>	<p>N/A – The subject site is not identified as land that is shown as "Foreshore Scenic Protection Area" on the Foreshore Scenic Protection Area Map.</p>	<p>N/A</p>

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.

Table 7 Manly Development Control Plan 2013 Applicable Controls

MDCP2013 Relevant Controls	Response	Compliant
Part 3 – General Principles of Development		
3.1 Streetscapes and Townscapes		
3.1.1.1 Complementary Design and Visual Improvement		
<p>a) Development in the streetscape (including buildings, fences and landscaping) 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 (see also paragraph 3.4 <i>Amenity</i>) 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 <u>frontage</u> 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, pools, driveways and the like. See also paragraph 4.1.8 <i>Development on Sloping Sites</i> and paragraph 4.1.9 <i>Swimming Pools, Spas and Water Features</i>;</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. See also paragraph 3.2 <i>Heritage Considerations</i>;</p> <p>vi) visually improve existing streetscapes through innovative design solutions; and</p> <p>vii) incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged. See also paragraph 3.5.7 Building Construction and Design.</p>	<p>The dwelling generally retains its existing character and presentation to Fairlight Street, noting the proposed alterations and additions have been designed in a contemporary form that does not dominate the existing form. The additions are predominantly located within the existing roof form and are adequately recessed from the walls of the floor below.</p> <p>The bulk and scale of the roof form additions do not detract from the existing dwelling and dwellings located within visual catchment of the site.</p> <p>The dwelling retains its two storey building form and the proposed minor variation to the height control is not visibly perceptible from the public domain.</p> <p>The dwelling retains its existing building height at the Fairlight Street frontage, noting the additional roof elements are located at the rear of the side roof planes.</p> <p>Proposed materials and finishes are identified on plans submitted with the development application. The alterations and additions will be finished in a variety of materials and finishes including concrete render and timber cladding. The proposed materials and finishes are compatible with development within the locality.</p> <p>Proposed landscaping, retaining wall and front fence detail will create visual interest to the</p>	Yes

MDCP2013 Relevant Controls	Response	Compliant
	streetscape.	
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. b) Roofs should be designed to avoid or minimise view loss and reflectivity. c) Dormer windows and windows in the roof must be designed and placed to complement the roof structure and reflect the character of 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>The proposal retains the dwellings existing pitched roof form and includes the addition of contemporary dormers to provide natural light to the attic level.</p> <p>The proposed alterations and additions to the existing roof form will not result in view loss.</p> <p>The proposed roof additions have been designed to minimise reflectivity.</p> <p>The proposed dormer windows are located at the rear of the side roof planes. The dormer windows are oriented towards the north, east and west of the site, noting the eastern and western boundaries directly adjoin driveways reducing any impacts to adjoining properties.</p> <p>Residential developments containing attic levels are located within visual catchment of the site. Further, there are existing examples of dwellings containing dormer windows oriented to the front, side and rear boundaries in the locality.</p>	Yes
3.3 Landscaping		
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.	<p>The development proposal retains existing setbacks, however, proposes to formalise the front setback with landscaping and plunge pool detail as well as 1250 mm wooden front boundary fence.</p>	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)		
3.4.1 Sunlight Access and Overshadowing		
3.4.1.1 Overshadowing Adjoining Open Space In relation to sunlight to private open space of adjacent properties: a) New development (including alterations and additions) 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 (21 June) ; or b) Where there is no winter sunlight available to open space	<p>Shadow diagrams have been submitted indicating the existing and proposed shadows cast by the dwelling on the site.</p> <p>Given the orientation of the lot and the location of driveways adjacent to both the eastern and western site boundaries, the proposed alterations and additions will not impact solar</p>	Yes

MDCP2013 Relevant Controls	Response	Compliant
of adjacent properties from 9am to 3pm, the calculations for the purposes of sunlight will relate to the equinox in March and September from 9am to 3pm.	access to open spaces to neighbouring sites.	
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 <u>solar access</u> 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); b) or adjacent buildings with a north-south orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 4 hours from 9am to 3pm on the winter solstice (21 June); c) for all adjacent buildings (with either orientation) no reduction in solar access is permitted to any window where existing windows enjoy less than the minimum number of sunlight hours specified above.	Shadow diagrams submitted with the development application, indicate that the proposed shadows cast will not result in the neighbouring buildings' living rooms receiving less than the required solar access.	Yes
3.4.1.3 Overshadowing Solar Collector Systems A minimum of 6 hours solar access be retained to solar collectors on neighbouring properties.	Neighbouring properties do not contain solar collectors on roofs.	N/A
3.4.1.4 Overshadowing Clothes Drying Areas A minimum of 6 hours solar access be retained to a suitable clothes drying area.	Clothes drying areas on the site will still receive adequate sunlight.	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.	Materials and finishes are identified on plans submitted with the development application. Materials and finishes have been carefully selected to ensure they do not generate any excessive glare or reflectivity nuisance.	Yes
3.4.2 Privacy and Security		
3.4.2.1 Window Design and Orientation a) Use narrow, translucent or obscured glass windows to maximise privacy where necessary.	Attic level windows are appropriately setback from site boundaries and will not result in any privacy impacts on adjoining	Yes

MDCP2013 Relevant Controls	Response	Compliant
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.	properties. Windows are detailed with the development application and plans identify proposed window treatments.	
3.4.2.3 Acoustical Privacy (Noise Nuisance) a) Consideration must be given to the protection of acoustical privacy in the design and management of development. 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 the acoustical privacy of neighbours including neighbouring bedrooms and living areas.	a) The proposed attic level containing an additional bedroom is not considered to be a noise generating activity. b) The proposed pool located within the front setback is unlikely to generate any unreasonable acoustic impacts noting the pool has been designed as a smaller, plunge pool design. Further, the pool has been designed with approximately 10m separation from the adjoining dwellings to the east and west at 62 and 66 Fairlight Street, Fairlight, and any acoustic impacts will largely be screened by the proposed fencing and traffic noise from Fairlight Street.	Yes
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. 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. c) Templates may be required to indicate the height, bulk and positioning of the proposed development and to assist Council in determining that view sharing is maximised and loss of views is minimised. The templates are to remain in place until the application is determined. A registered surveyor will certify the height and positioning of the templates.	The proposed alterations and additions to the existing roof form to accommodate the attic level will not result in any significant loss of views or outlook from the adjoining properties. The proposal shares similar heights as adjoining properties fronting Fairlight Street and is consistent with the streetscape of Fairlight Street. It should be noted that the dwelling located directly to the north of the subject site does not contain any upper level windows on its southern elevation which will be impacted by the proposed development.	Yes
3.4.4 Other Nuisance (Odour, Fumes ect) Consideration must be given to the protection and maintenance of public health and amenity in relation to any proposed development that involves the emission of odours to ensure compliance with legislation, for example food premises near residential accommodation. Council may require a report to be prepared by an air pollution consultant specifying odour control and other air impurity control methods.	The proposed development will not result in the emission of odours.	Yes

MDCP2013 Relevant Controls	Response	Compliant
3.5 Sustainability		
3.5.1 Solar Access		
3.5.1.1 Building Form, Design and Orientation The building and site layout is to maximise northern orientation to optimise solar access. Achieving passive solar energy efficiency is an important consideration in design, but it must be balanced with responding to desired streetscape character; promoting amenity for both the proposed development and neighbouring properties (including views, overshadowing and noise considerations), retaining trees and responding to topography.	The proposal includes windows on all elevations of the attic level, providing natural sunlight to the attic level.	Yes
3.5.3 Ventilation		
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. b) Buildings are to provide for cross ventilation by locating windows and openings in line with both each other and the prevailing breezes.	The existing dwelling orientation is retained and will benefit from cooling summer breezes. The attic level contains window openings to promote cross ventilation of the level.	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. b) Buildings are to provide for cross ventilation by locating windows and openings in line with both each other and the prevailing breezes.	The attic addition follows the orientation of the existing dwelling. The attic level addition contains windows to promote cross ventilation.	Yes
3.5.3.2 Location and Area of Openings a) The area of unobstructed window opening should be equal to at least 5 percent of the floor area served. b) Locate windows and openings in line with each other, and with the prevailing breezes to assist ventilation so that air can pass through a building from one side to the other, replacing warm inside air with cooler outside air. c) Consider the use of solar or naturally activated exhaust fans to ventilate external walls. This also keeps living areas cool in summer and dry in winter. d) Rooms in residential flat buildings which access exposed balconies are to include a separate opening window as well as a door.	The proposed attic level contains dormer windows. The proposed windows provide for the cross ventilation of the attic level.	Yes
3.5.7.1 Environmentally Sound Building Materials a) Where possible, reuse existing site materials and materials that have a low embodied energy. That is, materials that have the least impact on the environment in production.	A schedule of building materials and finishes is submitted with the development application. Building	Yes

MDCP2013 Relevant Controls	Response	Compliant
b) Building materials should be selected to increase the energy efficiency of the building and to minimise damage to the environment. In particular, the use of plantation and recycled timber is encouraged and no rainforest timbers or timbers cut from old growth forests are to be used in Manly. Building Specification for timber should specify plantation or regrowth timbers, or timbers grown on Australian farms or State Forest plantations, or recycled timbers. Recommended building timbers are located at Schedule 8 of this plan.	materials have been carefully selected to increase the energy efficiency of the building, and to minimise damage to the environment.	
3.5.7.2 Thermal mass a) For the construction of buildings, use materials that have a good thermal mass, such as bricks, concrete and stone. These materials should be used where they can benefit the thermal comfort and energy efficiency of a dwelling.	A schedule of building materials and finishes is submitted with the development application. Materials that have a good thermal mass have been selected.	Yes
3.5.7.3 Glazing a) Clerestory windows and skylights: Where sun penetration is required to the southern parts of the house, glass roofs, skylights, or clerestory windows can be used. However, they must be shaded in summer to reduce excessive heat gain.	The proposal includes 5 x new skylights to provide natural sunlight to the attic level. Proposed windows and skylights will be appropriately glazed.	Yes
3.5.7.4 Insulation a) In winter, draughts can cause a heat loss of around 20 percent in homes with insulated ceilings. In summer, hot air leaking into a building can be uncomfortable. To reduce heat loss/gain from a building, provide adequate draught excluders or weather-stripping to all windows and doors. b) To reduce heat loss in winter and heat gain in summer, fit internal close fitting curtains with pelmet. c) Lighter colours are preferred for wall and roof materials. Dark walls and roofs absorb heat, light walls and roofs reflect heat. This phenomenon is particularly important in summer where solar radiation is absorbed by the roof and walls, heating the building. d) Pipes and storage tanks should be insulated for hot water systems.	The proposed attic level will be appropriately insulated.	Yes
3.6 Accessibility	The proposal retains the existing side pedestrian entrance and vehicular access paths of travel to the dwelling house.	N/A
3.7 Stormwater Management The following consideration and requirements apply to the management of stormwater: a) In support of the purposes of LEP clause 6.4(3), all developments must comply with the Council's 'Stormwater Control Policy' (see Council Policy Reference S190). The standards to achieve the controls contained in the	Stormwater from the roof form additions will be diverted into existing stormwater infrastructure and managed as existing. Please refer to Stormwater Plans submitted with the Development	Yes

MDCP2013 Relevant Controls	Response	Compliant
<p>Stormwater Control Policy are provided in Council's "Specification for On-site Stormwater Management 2003" and "Specification for Stormwater Drainage". Stormwater management measures are to be implemented and maintained in accordance with the Specification for Stormwater Management;</p> <p>b) Stormwater disposal systems must provide for natural drainage flows to be maintained;</p> <p>c) Pervious surfaces and paving will be used for driveways, pathways and courtyards where practical;</p> <p>d) Notwithstanding the prevailing BASIX water conservation targets, the collection of rainwater/run-off for non-potable uses exceeding the target is encouraged; and</p> <p>e) A qualified drainage/hydraulic engineer will design all stormwater controls, devices and water storage systems; and</p>	Application.	
<p>3.8 Waste Management</p> <p>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.</p>	A Waste Management Plan is submitted with the development application.	Yes
3.9 Mechanical Plans and Equipment		
<p>3.9.3 Noise from Mechanical Plant</p> <p>External mechanical plant systems (for pools, air conditioning and the like) must be acoustically enclosed and located centrally and away from neighbours living areas of neighbouring properties and side and rear boundaries.</p>	Any mechanical plant associated with the attic level additions will be acoustically enclosed and located centrally and away from neighbours living areas of neighbouring properties and side and rear boundaries. Pool equipment is proposed to be located beneath a planter box central to the front yard and is adequately separated from adjoining dwellings.	Yes
3.10 Safety and Security		
<p>3.10.1 Safety</p> <p>a) Vehicular Access is to be designed and located to achieve safety by:</p> <p>i) locating car park entry and access on secondary streets or lands where available;</p> <p>ii) minimising the number and width of vehicle access points;</p> <p>iii) providing clear sight lines at pedestrian and vehicular crossings; and</p> <p>iv) separating pedestrian and vehicular access. This separation is to be distinguishable and design solutions in this regard may include changes in surface materials, level</p>	No change is proposed to existing vehicular access.	N/A

MDCP2013 Relevant Controls	Response	Compliant														
changes and use of landscaping for separation.																
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 frontage from the window(s) of at least one habitable room unobscured by trees or any other object; c) ensuring the design of fences, walls and landscaping minimise opportunities for concealment and encourage social interaction; and d) preferring double glazing on windows in areas of high street noise rather than the high fences or walls as a sound attenuation measure.	The proposed works include the addition of windows which promotes casual surveillance of the site. Existing dwelling windows will be retained and continue to offer passive surveillance of Fairlight Street. The front fence is of sufficient height to maintain a level of passive surveillance while creating some privacy and usability of the front courtyard/pool area.	Yes														
Part 4 Development Controls and Development Types																
4.1 Residential Development Controls																
4.1.2 Height of Buildings																
4.1.2.1 Wall Height a) Within the LEP Height of Buildings development standard, the maximum external wall height is calculated based on the slope of the land under the proposed wall. Figures 26, 27 and 28 provide guidelines for determining the maximum height of external walls based on the particular slope of the land along the length of these proposed walls. The maximum wall height control will also vary from one building, elevation or part elevation to another depending on the slope of land on which the wall is sited. Within the range of maximum wall heights at Figures 26 and 28, the permitted wall height increases as the slope of the land increases up to a gradient of 1 in 4, at which point the permitted maximum wall height is capped according to Figure 26. <div>Figure 26 - Wall Height in relation to the LEP Height of Buildings Map<table><tr><th>Subzones on the LEP Height of Buildings (HoB) Map *</th><th>Maximum Wall Height on flat land (no gradient)</th><th>Maximum Wall Height on land with a site gradient less than 1:4</th><th>Maximum Wall Height on land with a site gradient of 1:4 or steeper</th></tr><tr><td>Area 'L' on HoB Map (11m)</td><td>9m</td><td rowspan="3">See Figure 28 - Maximum Wall Height Determined by the Slope.</td><td>10.5m</td></tr><tr><td>Area 'N1' on HoB Map (13m)</td><td>12m</td><td>12m</td></tr><tr><td>All other areas on HoB map</td><td>6.5m</td><td>8m</td></tr></table><p>* Note: Council's Wall Height control applies to the subzones within LEP Zones R1, R2, R3, E3 and E4.</p></div>	Subzones on the LEP Height of Buildings (HoB) Map *	Maximum Wall Height on flat land (no gradient)	Maximum Wall Height on land with a site gradient less than 1:4	Maximum Wall Height on land with a site gradient of 1:4 or steeper	Area 'L' on HoB Map (11m)	9m	See Figure 28 - Maximum Wall Height Determined by the Slope.	10.5m	Area 'N1' on HoB Map (13m)	12m	12m	All other areas on HoB map	6.5m	8m	HOB map I – Wall Height maximum 6.5 m where there is a relatively level site Wall height = 8.638m No change is proposed to the existing wall height on the subject site noting the proposed alterations and additions are located at the attic level. The site is straddled by double width driveways on both the eastern and western sides of the site. The proposed height is considered to be acceptable due to the separation between neighbouring properties noting the additional building elements are adequately recessed from the footprint of the floor below.	No, but justified in its context
Subzones on the LEP Height of Buildings (HoB) Map *	Maximum Wall Height on flat land (no gradient)	Maximum Wall Height on land with a site gradient less than 1:4	Maximum Wall Height on land with a site gradient of 1:4 or steeper													
Area 'L' on HoB Map (11m)	9m	See Figure 28 - Maximum Wall Height Determined by the Slope.	10.5m													
Area 'N1' on HoB Map (13m)	12m		12m													
All other areas on HoB map	6.5m		8m													
4.1.2 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	The site identified as 'I' on the LEP Height of Building Map = 2	Yes														

MDCP2013 Relevant Controls	Response	Compliant				
<p>notwithstanding the wall and roof height controls in this plan.</p> <p>b) Buildings on land in areas 'L' and 'N1' on the LEP Height of Building Map Buildings must not exceed 3 storeys notwithstanding the wall and roof height controls in this plan.</p> <p>c) Variation to the maximum number of storeys may be considered:</p> <p>i) where specific physical site constraints warrant an exception to this requirement. In these circumstances the development must still fully comply with other numeric height controls and development standards; and</p> <p>ii) to allow an additional understorey where that storey satisfies the meaning of basements in the LEP.</p>	<p>storey height control.</p> <p>The proposal results in a 2 storey form with an attic level noting the additions have been designed in a contemporary form recessed from the walls of the floor below.</p>					
<p>4.1.2.3 Roof Height</p> <p>a) Pitched roof structures must be no higher than 2.5m above the actual wall height, calculated in accordance with Figure 29.</p> <p>b) Roof parapets may extend up to 0.6m above the actual wall height where Council considers that a parapet is considered to be appropriate to the design of the development and satisfies the objectives of this DCP and the LEP. For example, a parapet roof should not result in the appearance of lift structures and the like that protrude above the roof.</p> <p>c) The maximum roof pitch must be generally no steeper than 35 degrees. A roof with a steeper pitch will be calculated as part of the wall height. In this regard the wall height controls at paragraph 4.1.2.1 of this plan will apply to the combined wall height and the height of the roof steeper than 35 degrees.</p>	<p>Roof height = 9.02m</p> <p>a) Complies</p> <p>b) N/A</p> <p>c) Existing 41° roof pitch – 2° skillion roof forms</p>	<p>Yes</p>				
<p>4.1.3 Floor Space Ratio</p>						
<p>4.1.3.1 Exceptions to FSR for Undersized Lots</p> <p>a) The extent of any exception to the LEP FSR development standard pursuant to LEP clause 4.6 in this plan is to be no greater than the achievable FSR for the lot size indicated in Figure 30 - Extent of FSR Variation for Undersized Lots.</p> <table><tr><td>Subzones on the LEP Lot Size (LSZ) Map</td><td>Max. Variation to FSR for undersized lots</td></tr><tr><td>Area 'C' on the LEP LSZ map</td><td>Calculation of FSR based on 250 sqm lot size/ site area</td></tr></table>	Subzones on the LEP Lot Size (LSZ) Map	Max. Variation to FSR for undersized lots	Area 'C' on the LEP LSZ map	Calculation of FSR based on 250 sqm lot size/ site area	<p>The subject lot is an undersized lot - 235.4m².</p> <p>The site is identified as Area C on the LEP minimum lot size map. 250m² can be used to establish the FSR.</p> <p>Proposed GFA = 173.2m²</p> <p>FSR based on 250m² = 0.69:1</p> <p>A clause 4.6 variation for FSR is submitted with the development</p>	<p>No, clause 4.6 variation for FSR is submitted with the development application.</p>
Subzones on the LEP Lot Size (LSZ) Map	Max. Variation to FSR for undersized lots					
Area 'C' on the LEP LSZ map	Calculation of FSR based on 250 sqm lot size/ site area					

MDCP2013 Relevant Controls	Response	Compliant
	<p>application. The application to vary the FSR development standard should be supported given the proposed development will not result in any unreasonable impacts to surrounding properties and is consistent with the existing building form and streetscape.</p> <p>The additional GFA is predominantly contained within the existing roof form and will not be perceived from the public domain.</p>	
4.1.4 Setbacks and Building Separation		
<p>4.1.4.1 Street Front Setbacks</p> <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>b) Where the street front building lines of neighbouring properties are variable and there is no prevailing building line in the immediate vicinity i.e. where building lines are neither consistent nor established, a minimum 6m front setback generally applies. This street setback may also need to be set further back for all or part of the front building <u>façade</u> to retain significant trees and to maintain and enhance the streetscape.</p> <p>c) Where the streetscape character is predominantly single storey building at the street frontage, the street setback is to be increased for any proposed upper floor level. See also paragraph 4.1.7.1.</p> <p>d) Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, chimneys, meter boxes and the like, where no adverse impact on the streetscape or adjoining properties is demonstrated to Council's satisfaction.</p>	<p>No change – consistent with adjoining.</p> <p>Front setback: 6.915m to additions 1.7m to pool 1.1m to deck</p> <p>The proposed swimming pool and deck have been located within the front setback due to the site circumstances noting the subject dwelling is adjoined by battle-axe allotments to the rear and side boundaries. The resultant principal area of private open space for the dwelling is within the front setback adjoining Fairlight Street. It is noted that 19 Hilltop Crescent has Council approval for a swimming pool within its front setback.</p> <p>The location of the pool is suitable for the subject site and sits away from nearby sensitive residential rooms noting the pool will be screened by fencing and traffic noise. The proposed pool/deck location is consistent with the objectives of the control as follows:</p> <p>- The proposed pool will not impact upon the desired spatial proportions of the site and will be screened from the street by landscaping and fencing.</p>	<p>As existing</p> <p>Yes</p> <p>No</p> <p>No</p>

MDCP2013 Relevant Controls	Response	Compliant
	<ul style="list-style-type: none"> - The location of the pool will provide adequate acoustic and visual privacy by concentrating the area towards the street and adjoining driveways as opposed to the rear of the subject dwelling nearer to neighbouring dwellings. - The proposal would allow for flexible siting of the private open space of the dwelling in response to unique site circumstances. - The proposal will not impact upon natural features. - The proposal is consistent with the provisions of SEPP 19. 	
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. 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. c) All new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries; d) For secondary street frontages of corner allotments, the side boundary setback control will apply unless a prevailing building line exists. In such cases the prevailing setback of the neighbouring properties must be used. Architecturally the building must address both streets. 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. See also paragraph 4.1.4.3.b.vi. of this plan.	<p>East side setback = 2.694m West side setback = 0.627m</p> <p>Second floor setbacks: West: 0.795m-0.811m East: 4.627m-4.642m</p> <p>Setbacks are considered acceptable noting the context of the site. Double width driveways directly adjoin the eastern and western boundaries of the site. Therefore the proposed side setbacks are considered to be acceptable due to the separation between neighbouring properties and is consistent with the objectives of the control as follows:</p> <ul style="list-style-type: none"> - The proposed works contribute to the spatial proportions of the street as the existing setbacks are not altered, with the proposed attic additions being recessed from the building footprint below to appear as dormer structures. - Attic level windows are appropriately setback from site boundaries and will not result in any privacy impacts on adjoining properties. The works will not unreasonably impact upon solar access and views of adjoining properties. 	<p>As existing</p> <p>No, but justified</p>
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.	Rear setback = 3.467m	As existing

MDCP2013 Relevant Controls	Response	Compliant								
<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. See also paragraph 3.3 Landscaping.</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>Rear setback to second floor = 6.416m-6.451m</p> <p>The subject site is located on a Battle-axe allotment and the proposed rear setback is considered to be acceptable noting the site circumstances and with regard to the objectives of the control.</p>	<p>No, but justified</p>								
<p>4.1.5 Open Space and Landscaping</p> <p>4.1.5.1 Minimum Residential Total Open Space Requirements</p> <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> <table><tr><th>Area</th><th>Total Open Space (min % of site area)</th><th>Landscape Area (min % of total open space)</th><th>Above Ground (min total open space)</th></tr><tr><td>Area OS3</td><td>At least 55% of site area</td><td>At least 35% of open space</td><td>No more than 25% of total open space</td></tr></table> <p>Minimum dimensions and areas for Total Open Space</p> <p>b) Total Open Space (see Dictionary meanings including landscape area, open space above ground and principal private open space) must adhere to the following minimum specifications:</p> <p>i) horizontal dimension of at least 3m in any direction; and</p> <p>ii) a minimum unbroken area of 12sqm.</p> <p>iii) A variation to the minimum specifications in i) and ii) above may only be considered for Above Ground Open Space where it can be demonstrated that lesser dimensions or areas will better serve to minimise amenity impacts on neighbours. A lesser areas of above ground open space may be included or calculated under the minimum requirements in the circumstances of the case. In all other cases open space that does not comply with the minimum specification is not included or calculated under the minimum requirements for</p>	Area	Total Open Space (min % of site area)	Landscape Area (min % of total open space)	Above Ground (min total open space)	Area OS3	At least 55% of site area	At least 35% of open space	No more than 25% of total open space	<p>Front setback landscape areas are proposed to be formalised to create a more private open space courtyard/plunge pool.</p> <p>Total open space required – 55% (129.53m²)</p> <p>Total open space proposed – 41.93% (98.75m²)</p> <p>Total landscape area required – 35% of TOS (34.56m²)</p> <p>Total landscape area proposed – 35.03% (34.59m²)</p> <p>The proposal seeks to improve the landscaped area and open spaces on the subject site through the provision of useable deck/pool area located away from sensitive uses of adjoining properties. The proposed variations to landscape area and total open space on the site are acceptable when assessed against the objectives of the control, as follows:</p> <ul style="list-style-type: none">- The proposal will retain existing landscaping within the rear setback.- The proposal will improve landscape features on the site through the removal of the existing deck area along the eastern boundary.- The proposed deck/pool and	<p>No, but justified</p> <p>Yes</p>
Area	Total Open Space (min % of site area)	Landscape Area (min % of total open space)	Above Ground (min total open space)							
Area OS3	At least 55% of site area	At least 35% of open space	No more than 25% of total open space							

MDCP2013 Relevant Controls	Response	Compliant
total open space.	landscaping within the front setback will enhance the amenity for the residents of the subject site, while concentrating the primary private open space of the dwelling towards the street away from neighbouring properties. - Water infiltration on-site will be improved by the proposal.	Yes
<p>4.1.5.3 Private Open Space</p> <p>a) Principal private open space is to be provided in accordance with the following minimum specifications:</p> <p>i) Minimum area of principal private open space for a dwelling house is 18sqm; and</p> <p>ii) Minimum area of principal private open space for residential accommodation with more than 1 dwelling on the site is 12sqm for each dwelling.</p>	The proposal provides a principal private open space within the front setback as required by clause 4.1.5.3 with an area >18m ² . This area is accessed from a living room and sitting room and satisfies council's definition for an area of principal private open space.	
4.1.6 Parking, Vehicular Access and Loading	The proposal does not alter existing on-site parking or vehicular access to the site.	N/A
4.1.7 First Floor and Roof Additions		
<p>4.1.7.2 Habitable Rooms in the Roof Structure</p> <p>Habitable rooms will be permitted in a roof structure subject to compliance with all other controls in this plan and the LEP including height and FSR in the LEP. However alterations and additions to a building which existed prior to 2007 may involve habitable rooms within an existing roof structure that is above the maximum wall and roof height; (see paragraph 4.1.2 of this plan) subject to the rooms not detracting from the character or integrity of the roof structure and not adversely impacting on the amenity of adjacent and nearby properties and the streetscape.</p> <p>Similarly, alterations and additions which exceed the maximum height must not increase the overall height of the building. Consideration may be given in this paragraph to the application of LEP clause 4.6 in considering exceptions to the LEP Building Height standard.</p>	<p>The addition of one habitable room is proposed in the roof form of the attic level. The proposed development is consistent with planning controls for alterations and additions as follows:</p> <p>- The proposed habitable room generally complies with the relevant planning controls contained within the Manly DCP and the dwelling existed prior to 2007.</p> <p>- The proposed habitable room varies the Manly LEP 2013 controls including height, FSR, however, the proposed variations are justifiable, and</p> <p>- The proposed attic roof form does not detract from the character or integrity of the existing roof structure and does not adversely impact the amenity of adjacent or nearby properties in the streetscape.</p>	No, but justified
4.1.9.2 Pools Location and Setbacks		
1. a) Swimming pools and spas must not be located within the front setback i.e. between the front boundary of the lot and the		

MDCP2013 Relevant Controls	Response	Compliant
<p>building line. Consideration of any exception to the required location must demonstrate that any swimming pools and/or spa and their curtilage and/or concourse:</p> <ul style="list-style-type: none"> i) does not detract from the amenity or character of the neighbourhood; and ii) is a minimum distance from the front boundary equivalent to at least twice the height of the swimming pools and/or spa and their curtilage and/or concourse at any point above existing ground level. <p>c) The setback of the outer edge of the pool/spa concourse from the side and rear boundaries must be at least 1m, with the water line being at least 1.5m from the boundary.</p>	<p>i) The character and amenity of the neighbourhood would not be negatively impacted as there are a number of carports/garaging within the street. Further, the pool is located away from adjoining sensitive rooms within neighbouring dwellings.</p> <p>ii) The pool coping level is 300mm with a front setback of 1.7m and therefore complies.</p> <p>c) Complies</p>	<p>No, but justified</p>
4.1.9.3 Proportion of Total Open Space		
<p>Swimming pools and associated concourse areas must not comprise more than 30 percent of the total open space</p> <p>See also Dictionary meaning of Total Open Space which includes swimming pools only occupying less than 30 percent of the total open space</p>	<p>Total open space proposed – 98.75m²</p> <p>Proposed swimming pool and associated area – 12.65m²</p> <p>The swimming pool and associated area occupy 12.81% of the total open space</p>	<p>Yes</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 8 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 draft environmental planning instrument that is or had been placed on public exhibition and details of which have been notified to the consent authority, and	N/A
iii) any development control plan	The proposal has been assessed against the Manly Development Control Plan 2013 and complies, as outlined in section 4.
(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and	There is no planning agreement
iv) any matters prescribed by the regulations that applied to the land to which the development relates	There are no relevant matters prescribed by the regulations
v) any coastal zone management plan (with the meaning of the Coastal Protection Act 1979)	There are no coastal zone management plans relevant to the application.

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 9 Response to Potential Environmental Impacts

Potential Impacts	Response
<i>Context and Setting</i>	The proposed alterations and additions are to an existing residential dwelling in an area zoned R1 - General Residential. The surrounding streetscape consists of development of similar nature to proposed and

Potential Impacts	Response
	<p>corresponds with the typical types of development found within the locality.</p> <p>The proposed alterations and additions are considered to be compatible with adjacent land uses. The proposal is considered to have no impact on the environment and is consistent with the approved use of the site and is therefore considered to be compatible within its context and setting.</p> <p>The proposal is consistent with the predominant pattern of development in the street and the proposal does not negatively impact the streetscape.</p> <p>The proposed swimming pool located within the front setback is considered acceptable noting it is appropriately screened from the public domain and existing site constraints and development restrict a swimming pool from been located within the rear setback.</p>
<i>Access, Transport and Traffic</i>	The development proposal retains on-site car parking. The current public transport infrastructure is considered adequate for the development. A public bus stop is located within close proximity of the site.
<i>Public Domain</i>	The proposal is consistent with the adjacent street forms and will not create any privacy concerns or overshadowing to adjacent properties. Overall, the development is considered to positively contribute to the public domain.
<i>Utilities</i>	Utilities will serve the site as prior to development and will be upgraded where necessary.
<i>Heritage</i>	The subject site is not a heritage item or located within a heritage conservation area, nor is the site is not located within the vicinity of a heritage item or heritage conservation area.
<i>Other Land Resources</i>	No other land resources will be impacted by the proposal.
<i>Water Quality</i>	Stormwater runoff will be connected on site and diverted to council drainage system as existing. Please refer to the attached Stormwater Management Plan for more details.
<i>Air and Microclimate</i>	The air and microclimate will be maintained as a result of this proposal.
<i>Ecological</i>	The principles of ecologically sustainable development will be continued. The proposal will not impact any existing ecological areas in the vicinity of the site.
<i>Waste</i>	<p>Any waste generated during the construction/demolition process will be disposed of to a registered waste facility by the contractor as detailed on the waste management plan submitted with this development application.</p> <p>Ongoing waste shall be managed according to the waste management plan.</p>
<i>Energy</i>	Energy saving devices will be utilised wherever possible.

Potential Impacts	Response
<i>Noise and Vibration</i>	Noise and vibration is not expected to increase as a result of the development. Any plant equipment associated with the swimming pool will be appropriately enclosed to prevent any acoustic impacts.
<i>Natural Hazards</i>	The site is not subject to any natural hazards.
<i>Technological Hazards</i>	All installations at this facility will be best practice and comply with relevant Australian Standards.
<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 have a positive social impact in the locality by providing access to a type of dwelling houses that is suited to the demographic of the population of the area while being in line with the aims of the Manly LEP 2013.
<i>Economic Impact in Locality</i>	The development will positively impact the locality during the construction phase by providing potential employment to trades people during the build.
<i>Site Design and Internal Design</i>	The alterations and additions have been designed to sit neatly on the site and are compatible with the scale of other developments in the local area. The proposed alterations and additions with respect to design and site planning is a positive outcome for the site.
<i>Construction</i>	A construction management plan will be implemented to ensure there are no off site impacts resulting from construction activities on the site.
<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 is within the public interest. The following reasons warrant the proposal worthy of approval:

- The form and scale of the attic level will not impact on the streetscape setting ensuring the visual setting of the dwelling from Fairlight Street is maintained.
- The formalised front garden courtyard inclusive of plunge pool will contribute to the streetscape and balance privacy with passive surveillance opportunities.
- The proposal will not result in any significant amenity impacts to the surrounding properties with regards to amenity.
- The proposal will provide high quality residential housing that will provide a high level of amenity and privacy to the future occupants.