



Matsuplan Planning Services

Mobile: 0408 950 080

Email: matsuplan360@gmail.com

ABN: 58275045214

## Statement of Environmental Effects

### Alterations and additions to the existing dwelling, 18 MARGARET STREET FAIRLIGHT 2094



5 April 2022

**Revision History**

Version	Author	Reviewed	Date
Initial SEE	KR		5 April 2022
Lodgement			
Updated			

**Authorship**

This statement is prepared by Kim Rothe, Bachelor of Applied Science (Environmental Science) (Hons). 23 Years of Experience in Assessment Planning both in a public and private capacity.

## **1. SUMMARY**

This Statement of Environmental Effects is prepared for the consideration of Northern Beaches Council in support of an application for alterations and additions to the existing dwelling at 18 Margaret Street, Fairlight. This Statement responds to the planning considerations required to be assessed by Northern Beaches Council Policies.

The proposal has been designed to relate to its site, and have minimal impact in terms of design, materials, visible height and local amenity impacts. This statement provides for an assessment of the proposal having regard to relevant legislation and the Northern Beaches Policies under the terms of 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The preparation of this Statement is pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979 (As amended)* and Clause 50 of the *Environmental Planning and Assessment Regulation 2000*. This statement assesses the proposal to be generally acceptable on merit, demonstrating the development will not result in any unacceptable adverse impacts. The proposal is generally in compliance with all relevant DCP and LEP objectives.

## **2. THE SITE**

The subject site is known as 18 Margaret Street, Fairlight 2094. The real property description is Lot 1 in DP953749. It is located in vicinity of the waterfront property located north of Fairlight and Delwood Beach. The site is occupied by a two-storey residential dwelling in a low to medium density residential street. From Margaret Street, the building presents only as single building with roof additions. The site is surrounded by other low-density residential dwellings to the south and 2 storey, 4 unit walk up building to the north. This Dwelling is a heritage listed property and forms part of a group of Heritage listed buildings on either side of Margaret Street including the trees which line the street.





**Figure 1:** Location Plan of the site

### 3. RELEVANT HISTORY

Council's online DA tracker has been examined. No readily available information can be sourced regarding the construction of the existing dwelling however records exist for DA3949/91 for some alterations and additions to the existing dwelling (as built).

### 3. DESCRIPTION OF PROPOSAL

Consent is sought from Northern Beaches Council for alterations and additions to the existing dwelling. The works in detail include the following:

#### Ground Floor

- Demolition as indicated to the floor plans. Mostly internal walls and structures being demolished
- A portion of existing concrete in the front and rear yard to be removed for improvement to landscaping conditions on site.
- Reconstruction of ground level of dwelling to be altered as follows:
  - New open plan lounge, kitchen toward the rear of the building
  - Reconfigured stairwell (toilet and storage under)
  - New ensuite to front bedroom and wardrobes.

- New external decking area including external seating areas and BBQ with pergola over.
- New external carport
- Revised front fence

### **First Floor**

- Demolition as indicated to the floor plans. Internal walls and structures being demolished.
- Raising of the roof to accommodate revised layout.
- New layout comprising upper lounge and study, bathroom.
- revised stairs and landing.
- New master suite with ensuite and walk in robe.
- Revised roof to rear terrace area.
- New carport roof to match existing main roof.
- Replacement roof over first floor to be colorbond
- Pergola over rear BBQ area.

## **4. ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15**

The following matters are to be considered in the assessment of this development application under Section 4.15 of the Environmental Planning & Assessment Act, 1979 (As amended).

### **4.1 SECTION 4.15(1)(a) ENVIRONMENTAL PLANNING INSTRUMENTS**

#### **4.2 Integrated Development**

The proposal does not constitute Integrated Development and does not require concurrent approval from any other State Government Bodies.

#### **4.3 Relevant State Instruments and Legislation**

##### **State Environmental Planning Policy- Building Sustainability Index: (BASIX) 2004**

As the proposal involves alterations and additions to a residential dwelling which exceeds \$50,000.00 in value, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") requires that a valid BASIX certificate is prepared detailing any required commitments for energy efficiency measures. A valid BASIX certificate has been included for Council's consideration as per of the development application package.

##### **State Environmental Planning Policy (Resilience and Hazards) 2021**

This SEPP provides a state-wide practice for the remediation of contaminated land. Under chapter 4 clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021, consideration has to be given as to whether the land is contaminated.

The site appears to have been in residential use since its original subdivision and construction. Prior to this, the site was likely to have been naturalised bushland. There is no evidence of any potentially contaminating uses occurring. It can be concluded that there is no likelihood of contamination on this

site and the site will continue to be suitable for residential purposes. No further consideration is therefore required pursuant to the SEPP.

#### **4.4 Manly Local Environmental Plan 2013**

##### **Aims and objectives of zone**

The site is zoned “R1 General Residential” Zone under the provisions of the Manly Local Environmental Plan 2013. The objectives of the zone are:

##### **“Zone R1 General Residential**

###### **1 Objectives of zone**

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents..*

###### **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”*

The proposed development, being ancillary alteration and additions to the existing dwelling is a form of permissible development with consent of the Council in the zone. The proposed works will improve the amenity of the dwelling without adversely impacting upon the amenity of adjoining properties. The proposal will not result in the loss of any significant vegetation or landform and the proposal intends to incorporate a number of passive environmentally sustainable features to improve the environmental performance of the existing dwelling.

The dwelling will remain consistent with heritage significance of the existing dwelling and adjoining Heritage significant dwellings and sit comfortably with surrounding development and locality.

Any demolition associated for the proposal is permissible subject to the provisions of Clause 2.7 of the Plan with consent being sought under this application.

### Manly Local Environmental Plan 2013 Controls

#### Relevant LEP clauses/development standards

Note: Only relevant clauses are commented upon

CL. Standard/Control	Complies	Comment
<b>PART 4 PRINCIPAL DEVELOPMENT STANDARDS</b>		
<b>Clause 4.1 Minimum Subdivision Lot size (250 m<sup>2</sup>)</b>	<b>N/A</b>	No subdivision proposed
<b>Clause 4.3 Height of buildings (8.5 metres)</b>	<b>Yes</b>	There is no alteration of significance to the overall building height except for the raising of the roof for the 1 <sup>st</sup> floor level / attic to enable the improved floor to ceiling heights. There are no new works above the 8.41 metres and within the height limit set by the LEP.
<b>Clause 4.4 floor Space Ratio (0.6:1)</b>	<b>No change to existing</b>	The existing dwelling has an FSR ratio of 0.69:1 and the works proposed will not alter the existing floor space ratio of 0.69 : 1
<b>Clause 4.6 Exceptions to Development Standards</b>	<b>Variation Statement prepared</b>	Whilst it is stated there is no change to the existing floor space ratio of the building, for abundant caution, a Clause 4.6 Request to vary the FSR standard statement is provided for Council's consideration.
<b>PART 5 MISCELLANEOUS PROVISIONS</b>		
<b>Clause 5.6 Architectural Roof features</b>	<b>N/A</b>	Not adopted in Manly LEP 2013.
<b>Clause 5.10 Heritage conservation</b>	<b>Yes</b>	The dwelling is a listed Heritage item as per the MLEP 2013 and lies within a street of Heritage items largely characterised by detached and semi-detached single and two storey dwellings of consistence shape and size.

		<p>The proposed does not offend any of the Character of the immediate local area by virtue of being at the rear of the building and not unreasonably projecting above the ridge of the existing primary portion of the building. The addition of the new roof over the first floor is consistent with additions to the Heritage Dwellings to the south of the subject site.</p> <p>The proposal is in keeping with the existing character and consistent with more recent developments within the Heritage area.</p> <p>The proposal includes sympathetic new materials and colours palette, which are consistent with the area. Please also refer to the Heritage Statement attached to this application for further justifications relating to Heritage considerations. Council's favourable consideration is anticipated in this regard.</p>
<b>Clause 5.11 Bushfire Hazard Reduction</b>	<b>Yes</b>	<p>The site is not susceptible to Bushfire Hazards. The site is not affected by any bushfire hazard rating as per the associated bushfire prone land map</p>
<b>PART 6 ADDITIONAL LOCAL PROVISIONS</b>		
<b>6.1 Acid Sulfate Soils</b>	<b>Yes</b>	<p>The subject site is located on land identified as lying within the Class 5 ASS zone and has minimal ASS risk. Minimal excavation also occurring therefore is not considered to raise any concern in this regard.</p>
<b>Clause 6.2 Earthworks</b>	<b>Yes</b>	<p>Minimal excavation required on site to undertake the works and are associated with a permissible activity. Beyond footing holes no significant excavation required. The applicant has no objection to adhering to any requirements of Council in this regard.</p>
<b>Clause 6.5 Terrestrial Biodiversity</b>	<b>N/A</b>	<p>The subject site is not identified as "Biodiversity" on the Terrestrial Biodiversity Map.</p>
(2) This clause applies to land identified as "Biodiversity" on the Terrestrial Biodiversity Map.		
<b>Clause 6.6 Riparian Land and Watercourses</b>	<b>N/A</b>	<p>The subject site is not identified as "Watercourse" on the Watercourse Map or located within 40 metres of the top of the bank</p>



2) This clause applies to all of the following: (a) land identified as "Watercourse" on the Watercourse Map,

**Clause 6.7 Wetlands**

**N/A**

of each watercourse on land identified as "Watercourse" on that map.

The subject site is not identified as "Wetland" on the Wetlands Map.

(2) This clause applies to land identified as "Wetland" on the Wetlands Map.

**6.8 Landslide Risk**

**N/A**

(2) This clause applies to land identified as "Landslide risk" on the Landslide Risk Map.

The subject site is not identified as "Landslide risk" on the Landslide Risk Map.

**6.9 Foreshore scenic protection area** **Yes**

The site Lies within the Foreshore Scenic Protection Area

There are no works within the foreshore area. The dwelling will continue to be separated from the foreshore area.

the consent authority has considered the following objectives of this clause are as follows:

*(a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,*

*(b) measures to protect and improve scenic qualities of the coastline,*

*(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,*

*(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.*

The proposed development will not result in any overshadowing of the foreshore area or loss of views from any public place.

The proposal will not result in any adverse impacts to the existing scenic qualities for the coastline.

The proposal maintains the current dwelling on site which is the existing and a permissible form

of development with consent in the zone. The proposal is in keeping with the desired outcomes of this clause, and is compatible with the surrounding development.

There are a number of dwellings between the site and the waterline and it is submitted to Council that the proposal is not detrimental to the established scenic qualities of the waterfront. It is submitted that the proposal is suitable with regards to this clause of the LEP.

## 5. Section 4.15(1)(a)(ii) DRAFT AMENDMENTS TO STATUTORY CONTROLS

There are no draft amendments noted to any statutory controls applicable to the proposal.

## 6. Section 4.15(1)(a)(iii) DEVELOPMENT CONTROL PLANS

### 6.1 Manly Development Control Plan

Note: Sections of the DCP clearly not applicable to the proposal have not been included.

Standard / Controls	Comment	Complies
<b>Part 3 – General Principles of Development</b>		
<b>3.1 Streetscapes and Townscapes</b>		
<b>3.1.1.1 Complementary Design and Visual Improvement</b>		
<p>a) Development in the streetscape (including buildings, fences and landscaping) should be designed to:</p> <ul style="list-style-type: none"> <li>i) complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;</li> <li>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; 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;</li> <li>iv) avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces,</li> </ul>	<p>The development retains its existing character and presentation to Margaret Street, noting the proposed carport has been designed in a form that does not dominate the dwelling, and respect the Heritage character of the dwelling and street.</p> <p>The bulk and scale of the carport and additions does not adversely detract from the existing dwelling and dwellings located within visual catchment of the site. The proposal does not result in a significant change to the approved dwelling height.</p> <p>Proposed materials and finishes are identified on plans submitted with the development application and are selected to ensure the proposal satisfies</p>	Yes

<p>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>	the requirements of development upon a heritage listed dwelling.	
<p><b>3.1.1.3 Roofs and Dormer Windows</b></p> <p>a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.</p> <p>b) Roofs should be designed to avoid or minimise view loss and reflectivity.</p> <p>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 proposed roof form of the carport and additions on the first floor is consistent with that of the principal form of the existing dwelling and is consistent with the originally dwelling development.	Yes
<b>3.3 Landscaping</b>		
<p><b>3.3.1 Landscaping Design</b></p> <p>a) The design, quantity and quality of open space should respond to the character of the area. In particular:</p> <p>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>	<p>The landscaping is suitable for the site and the proposal will not have adverse impact of the landscaping in the site. The site is R1 General Residential.</p> <p>The decking at the rear of the site will improve the usability of the rear yard space and connectivity to the rear of the dwelling.</p>	Yes
<b>3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)</b>		
<b>3.4.1 Sunlight Access and Overshadowing</b>		
<p><b>3.4.1.1 Overshadowing Adjoining Open Space</b> In relation to sunlight to private open space of adjacent properties:</p> <p>a) New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open</p>	The development will not result in any adverse additional overshadowing with the additional building elements – minor roof extensions and carport.	Yes

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 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.		
<b>3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties</b> 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.	Any shadows cast will not result in any loss of solar amenity to neighbouring buildings' living rooms or private open space. Whilst there will be a minor extension to the existing shadows cast by the dwelling, the extension is comparable to the existing levels of shadow cast.  The dwelling to the south will maintain unimpacted morning sun from the east to the primary private outdoor space and rear living rooms.  On an east west orientated site, there is a level of inevitability of impact on site and the new additions to the roof are within applicable height limits, thereby rendering the solar impact acceptable in the circumstances.	Yes
<b>3.4.1.3 Overshadowing Solar Collector Systems</b> A minimum of 6 hours solar access be retained to solar collectors on neighbouring properties.	The carport being single storey will not present an issue in terms of over shadowing and is not adjacent to a neighbouring dwelling or private area (note adjacent to driveway).  There are no solar collection system noted on the building to the south but even were a system present, the buildings, being comparable in height would not result in material loss of solar access to the roof and any solar collection system.	Yes
<b>3.4.1.4 Overshadowing Clothes Drying Areas</b> A minimum of 6 hours solar access be retained to a suitable clothes drying area.	Clothes drying areas on the site will not be impacted. Sufficient area is retained for clothes drying	Yes
<b>3.4.1.5 Excessive Glare or Reflectivity Nuisance</b> All external material and finishes incorporated		Yes

into the development must consider and mitigate any excessive glare or reflectivity nuisance.	Materials and finishes are identified on plans submitted with the application. Carport structure and panel lift gate with tiles roof to match existing dwelling. Materials and finishes have been carefully selected to ensure they do not generate any excessive glare or reflectivity nuisance or impacts to the significance of the heritage dwelling.	
<b>3.4.2 Privacy and Security</b>		
<b>3.4.2.1 Window Design and Orientation</b> a) Use narrow, translucent or obscured glass windows to 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.	Where practicable, windows are offset from adjoining dwellings. To the north is a well setback small apartment building containing four apartments with no outdoor balconies or separate outdoor courtyards.  To the south, windows are offset or setback as appropriate but will only have outlook to the fence /wall or the roof of the adjoining dwelling.	Yes
<b>3.4.2.3 Acoustical Privacy (Noise Nuisance)</b> 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.	The location of the carport is over an existing hard stand parking area.  the rear first floor terrace is existing and will be renovated as part of the works. Bing off a bedroom it is not a primary outdoor area.  Acoustic privacy will not be adversely impacted.	Yes
<b>3.4.3 Maintenance of Views</b> 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.	The proposal will not result in any adverse loss of views or outlook from the adjoining properties. The building to the north retains outlook over the raised roof of the dwelling.	Yes

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.		
<b>3.4.4 Other Nuisance (Odour, Fumes etc)</b> 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
<b>3.5 Sustainability</b>		
<b>3.5.1 Solar Access</b>		
<b>3.5.1.1 Building Form, Design and Orientation</b> 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 layout will be improved to open up and promote natural light and ventilation to primary living areas within the building	Yes
<b>3.5.7.1 Environmentally Sound Building Materials</b> 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. 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.	A schedule of building materials and finishes is submitted with the application.  The covered carpark area will reduce seasonal heat in the vehicle and reduce requirement for air conditioning which will have a positive environmental impact.	Yes
<b>3.5.7.2 Thermal mass</b> a) For the construction of buildings, use materials that have a good thermal mass, such as bricks, concrete and	Materials consistent with the existing dwelling to be used as appropriate.	Yes



stone. These materials should be used where they can benefit the thermal comfort and energy efficiency of a dwelling.		
<b>3.7 Stormwater Management</b> 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 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; b) Stormwater disposal systems must provide for natural drainage flows to be maintained; c) Pervious surfaces and paving will be used for driveways, pathways and courtyards where practical; d) Notwithstanding the prevailing BASIX water conservation targets, the collection of rainwater/run-off for non-potable uses exceeding the target is encouraged; and e) A qualified drainage/hydraulic engineer will design all stormwater controls, devices and water storage systems; and	Stormwater from the development – carport and altered roof will be diverted into existing stormwater infrastructure and managed as existing. Please refer to Stormwater Plans submitted with the Application.	Yes
<b>3.8 Waste Management</b> 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 is submitted with the application.	Yes
<b>3.10 Safety and Security</b>		
<b>3.10.1 Safety</b> a) Vehicular Access is to be designed and located to achieve safety by: i) locating car park entry and access on secondary streets or lands where available; ii) minimising the number and width of vehicle access points; iii) providing clear sight lines at pedestrian and vehicular crossings; and	No change is proposed to existing vehicular access to the site with the proposed carport located above an existing at-grade space on the site  Existing vehicular access and front gate are separated.	Yes

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 changes and use of landscaping for separation.		
<b>3.10.2 Security (Casual Surveillance)</b> 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: <ul style="list-style-type: none"> <li>a) orientating some rooms to the street;</li> <li>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;</li> <li>c) ensuring the design of fences, walls and landscaping minimise opportunities for concealment and encourage social interaction; and</li> <li>d) preferring double glazing on windows in areas of high street noise rather than the high fences or walls as a sound attenuation measure.</li> </ul>	<p>The proposal does not contravene the CPTED principles.</p> <p>The gate has open elements incorporated into to maintain a level of passive surveillance while maintaining security for the premises.</p> <p>Passive surveillance is also possible from the existing porch. The street side of the dwelling is not altered in layout.</p>	Yes
<b>Part 4 Development Controls and Development Types</b>		
<b>4.1 Residential Development Controls</b>		
<b>4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys &amp; Roof Height)</b>		
stipulates that the maximum wall height permitted on each elevation is as follows: North elevation 6.5m, South elevation 6.5m, Eastern elevation 6.5 and Western elevation 6.5m.	There will no change to the wall heights to the existing dwelling	Yes
<b>4.1.4 Setbacks and Building Separation</b>		
<b>4.1.4.1 Street Front Setbacks</b> a) Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity. 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>The proposal does not include any changes to the existing building setbacks.</p> <p>The location of the proposed carport on the site has a Nil setback to the street and notwithstanding the proposed variation to the street front setback control is consistent with the objectives of the control as follows:</p> <p>The proposed carport will not impact upon the desired spatial proportions of the site and will be consistent with the</p>	<p>As existing</p> <p>Acceptable on merit</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>streetscape which includes other carports within the front setback</p> <p>The location of the carport is consistent with other examples in the street and therefore characteristic of the established pattern of development in the street.</p> <p>The proposal would allow for a covered car space on the site over the existing open space.</p> <p>The proposal will not impact upon natural features.</p>	
<p><b>4.1.4.2 Side Setbacks and Secondary Street Frontages</b></p> <p>a) Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building.</p> <p>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.</p> <p>c) All new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries;</p> <p>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.</p> <p>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>				<p>No change is proposed to the approved side setbacks on the site.</p> <p>Carport side setback – Nil to northern boundary</p> <p>The proposed setback of the carport is considered acceptable noting the context of the site with the site adjoining a driveway for the building to the north and the building set further away. Therefore, the proposed side setback is 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"><li>- The proposed carport is consistent with the streetscape which includes other examples of open structures with a nil front and side setback.</li><li>- The carport is an open structure and will not unreasonably impact upon solar access and views of adjoining properties.</li></ul>	<p>As existing</p> <p>Acceptable on merit</p>
<p><b>4.1.5 Open Space and Landscaping</b></p> <p><b>4.1.5.1 Minimum Residential Total Open Space Requirements</b></p> <p>a) Open Space must be provided on site in accordance with Figure 34 - Numeric Requirements for Total Open S</p>				<p>The proposal results in total open space 135m<sup>2</sup> or 46.9%</p> <p>landscaped area will 57.3 m<sup>2</sup> = 19% of site area through removal of existing concrete.</p> <ul style="list-style-type: none"><li>- This proposal will not result in the removal of any significant</li></ul>	<p>Merit</p>
Area	Total Open Space (min % of site area)	Landscaped 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	vegetation and provides improved landscaped area on the site as required by the DCP. - This proposal will significant improve landscaped area conditions on site. -This proposal will enhance the amenity of the residents of the site with a new carport and panel lift gate entry.  The proposal will not alter the area of total private open space on the site but significantly improve the landscape conditions on site. Accordingly, the proposal should be supported in this regard.	
<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 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 total open space.</p> <p><b>4.1.5.3 Private Open Space</b></p> <p>a) Principal private open space is to be provided in accordance with the following minimum specifications: i) Minimum area of principal private open space for a dwelling house is 18sqm; and 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> <p>pace, Landscaped Area and Open Space Above Ground.</p>					
<b>4.1.6 Parking, Vehicular Access and Loading</b>				The proposal does not alter existing on-site parking or vehicular access to the site with the proposed carport located above an existing car space	N/A

## 7. Section 4.15(1)(a)(iv) APPLICABLE REGULATIONS

Clause 92 of the EPA Regulation 2000 requires consideration of Australian Standard AS 2601-1991: The demolition of structures. It also requires compliance with this, by standard by condition of consent.

Any demolition will be undertaken in strict accordance with AS 2601-1991.

Demolition works will be undertaken in accordance with prescribed times. It is intended that any noise generated from the site will comply with the relevant provisions of the Protection of Environment Operations Act and the NSW EPA Environmental Noise Manual for the control of construction noise.

#### **8. Section 4.15(1)(b) THE LIKELY IMPACTS OF THE PROPOSAL**

As demonstrated throughout this statement, post construction, the development will result in no ongoing impact beyond that typical of that for a residential dwelling. The other principle impacts to be considered are impacts as arising from demolition and construction activities.

Construction works will be undertaken in accordance with prescribed times. It is intended that any noise generated from the site will comply with the relevant provisions of *the Protection of Environment Operations Act* and the *NSW EPA Environmental Noise Manual* for the control of construction noise. Approved silencing devices will be provided and maintained on all power operated machinery, where required.

Construction works will be carried out in accordance with the Building Code of Australia / National Construction Code.

Excavation will be undertaken in accordance with standard Council conditions of consent and within nominated working hours. Construction noise associated with the excavation is intended to comply with the Protection of Environment Operations Act 1997 and the NSW EPA Environmental Noise Manual for the control of construction noise. Precautions will be taken during site works to minimise vibration including the avoidance of sudden stop - start movements.

Any proposed excavation will not result in any pollution or siltation of any waterway or pose a threat to ecological communities or their habitats. Appropriate sediment and erosion control measures will be adopted during site works and the existing Stormwater system will be protected during works

The above analysis demonstrates that the proposals will have no adverse Environmental Impact and therefore satisfies this section of the Act.

#### **9. Section 4.15(1)(c) THE SUITABILITY OF THE SITE**

The subject site is suitable for the proposal as:

- The site is current occupied by the dwelling and the works are concerned with improving the amenity on site. As such there is adverse alteration to the existing privacy and solar amenity impacts from the existing dwelling to surrounding properties.
- The design has had regard to its impact to the local conservation characteristics and impacts to adjoining properties.
- Adequate water, stormwater drainage and sewage facilities are available on the site to service the proposed development.
- The development is consistent with existing and future development on the immediate adjoining sites and in accordance with the land zoning and future intents of the locality.
- There are no precipitate constraints posed by adjacent land uses.

- Appropriate erosion and sediment / waste management control measures will be employed during works.
- The development will not result in the ongoing environmental degradation of the local area.

The application therefore satisfies this section of the Act.

#### **10. Section 4.15(1)(e) THE PUBLIC INTEREST - CONCLUSION**

It is proposed to undertake alterations and additions to the existing heritage dwelling on site. The proposed development has been designed to relate well to its site, adjoining sites, in terms of appearance, envelope, setbacks, bulk and scale and which relates well to the streetscape presentation.

The application for dwelling additions has been assessed against relevant provisions of the Environmental Planning and Assessment Act, Council's Local Environmental Plan and Development Control Plans.

The development being largely within the existing built form on site, relates well to its site in terms of appearance, envelope, setbacks, bulk and scale and the established streetscape character of the area.

The proposed development will be in the public interest, as it will provide improve the amenity of the property and provide for further housing choice in the area without adverse visual impact to streetscape.

The proposal complies with all relevant LEP and DCP objectives, or where non compliances are identified the development is, in our opinion, acceptable in the circumstances as per the reasons set out in this statement and would have no adverse impact to any adjoining properties and the locality.

The application therefore satisfies this section of the Act.