

**STATEMENT OF
ENVIRONMENTAL EFFECTS**

Alterations and additions to an existing
heritage listed dwelling

**32 Reddall Street
Manly**



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Statement of Environmental Effects

Alterations and additions to an existing heritage listed dwelling

32 Reddall Street, Manly

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1.0 INTRODUCTION

This document forms a component of a development application that proposes alterations and additions to the existing heritage listed dwelling including partial demolition works, internal alterations, construction of attic floor space within the existing principal gable, the construction of a rear 2 storey pavilion style addition with basement storage and new double garage. The application also proposes the construction of a swimming pool with spa and minor landscape and front fencing works.

We note that the general scope of works proposed is consistent with those previously approved by Council on 22nd September 2008 (DA518/2007) and since physical commenced, it being noted that the proposed scheme has been developed in close consultation with Zoltan Kovacs the proponent's heritage consultant. The application has also been prepared having regard to the minutes arising from formal pre-DA discussions with Council with the final detailing representing a highly considered response to the issues raised.

Careful consideration has been given to maintaining appropriate residential amenity to neighbouring properties in terms of privacy, solar access and view sharing with a combination of compliant building height, compliant FSR, strategically placed fenestration and the setback afforded to the southern boundary from habitable rooms achieving such outcome. In preparation of this document, consideration has been given to the following:

- The Environmental Planning and Assessment Act, 1979 as amended.
- The Environmental Planning and Assessment Regulation.
- Manly Local Environmental Plan 2013 (MLEP).
- Manly Development Control Plan 2013 (MDCP).
- State Environmental Planning Policy (Coastal Management) 2018 (SEPPCM).

The application is accompanied by a complete set of architectural drawings, boundary survey, Heritage Impact Assessment, landscape plan, stormwater management plans, Terrestrial Biodiversity Report, arborist report and addendum, BASIX Certificate and photographic montage.

The proposed works are permissible and in conformity with the development standards and built form controls prescribed by the applicable statutory planning regime as they relate to the particular site circumstances. This statement demonstrates the proposed works will not give rise to any unacceptable residential amenity, biodiversity, streetscape or heritage conservation impacts.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended and is appropriate for the granting of consent.

2.0 SITE DESCRIPTION AND LOCATION

The site known as Lot 87, DP 70416, No. 32 Reddall Street is generally rectangular in shape having frontage and address to Reddall Street and a secondary frontage to College Street. The site has an area of 696.7m² with the topography of the land rises gently from Reddall Street. An aerial location/ context photograph is at Figure 1 below.

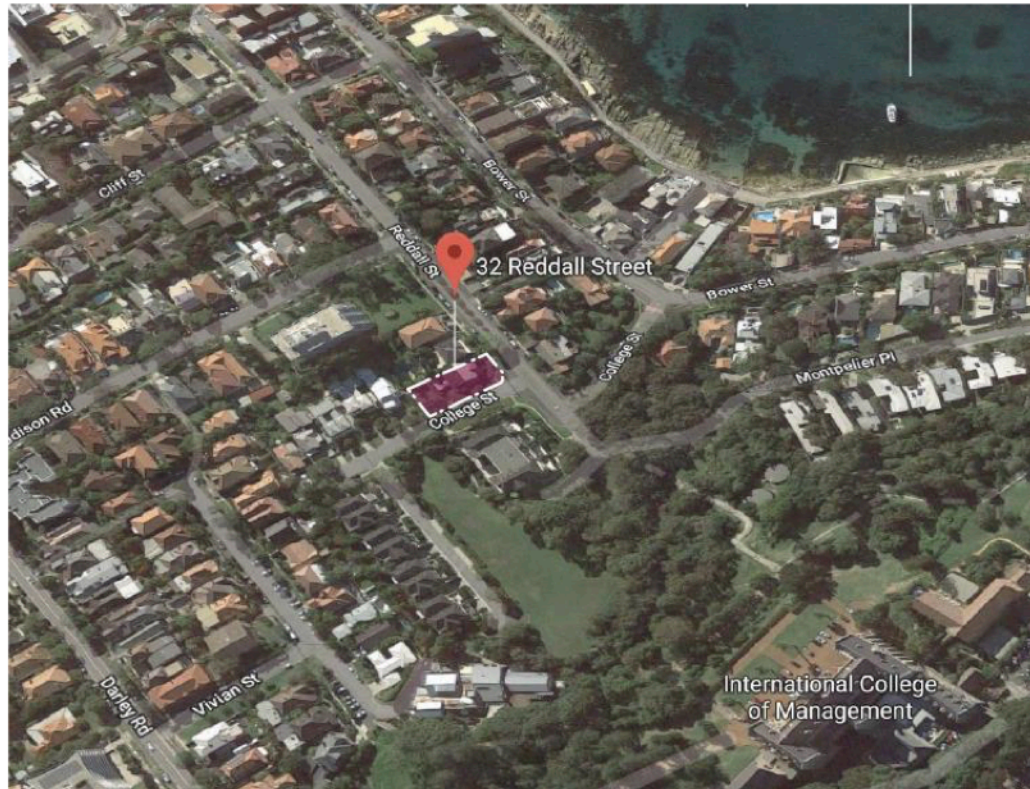


Figure 1 – Aerial location and context photograph

The accompanying Heritage Impact Assessment describes the existing cottage located on the site as follows:

The existing house was constructed between 1926 and 1929, to the design of an unidentified architect. The design was very strongly influenced by the California Bungalow style and the slightly odd combination of high-quality design set pieces with relatively poor planning also suggests that the design is only the work of a builder, but someone who was strongly influenced by publications. Magazines such as The Australian Home Beautiful, The Australian Home Builder and The Craftsman were immensely popular and featured and popularised the California Bungalow style. The house generally retains its external form intact and maintains its California Bungalow character despite numerous minor intrusions into its internal fabric.

The house is erected over a compact, almost square plan with two projecting sunrooms: one facing the street, which also forms the entry, and another long and narrow addressing College Street. Three interconnected living and dining rooms form the north-east corner with a string of narrow smaller rooms on the south-western side serving as bedrooms and bathrooms. Some of the interior has been repurposed with no change to planning: the original kitchen is now a bedroom, another bedroom serves as the laundry and the long sunroom has been converted into the kitchen.

The bungalow presents as a prominent visual element in the streetscape due to its elevated corner position. In a sense it is a landmark house, whose qualities are emphasised by its unusual external pebble facing (although this is not so unusual for a California Bungalow, except that pure California Bungalows are rare) and the low garden walls, which allow the house to dominate the corner.



Figure 2: Existing dwelling as viewed from adjacent intersection

Surrounding development is characterised by 2 and 3 storey contemporary dwelling houses interspersed by semi-detached/townhouse development and residential flat buildings.



Figure 3: Existing garage as viewed from College Street

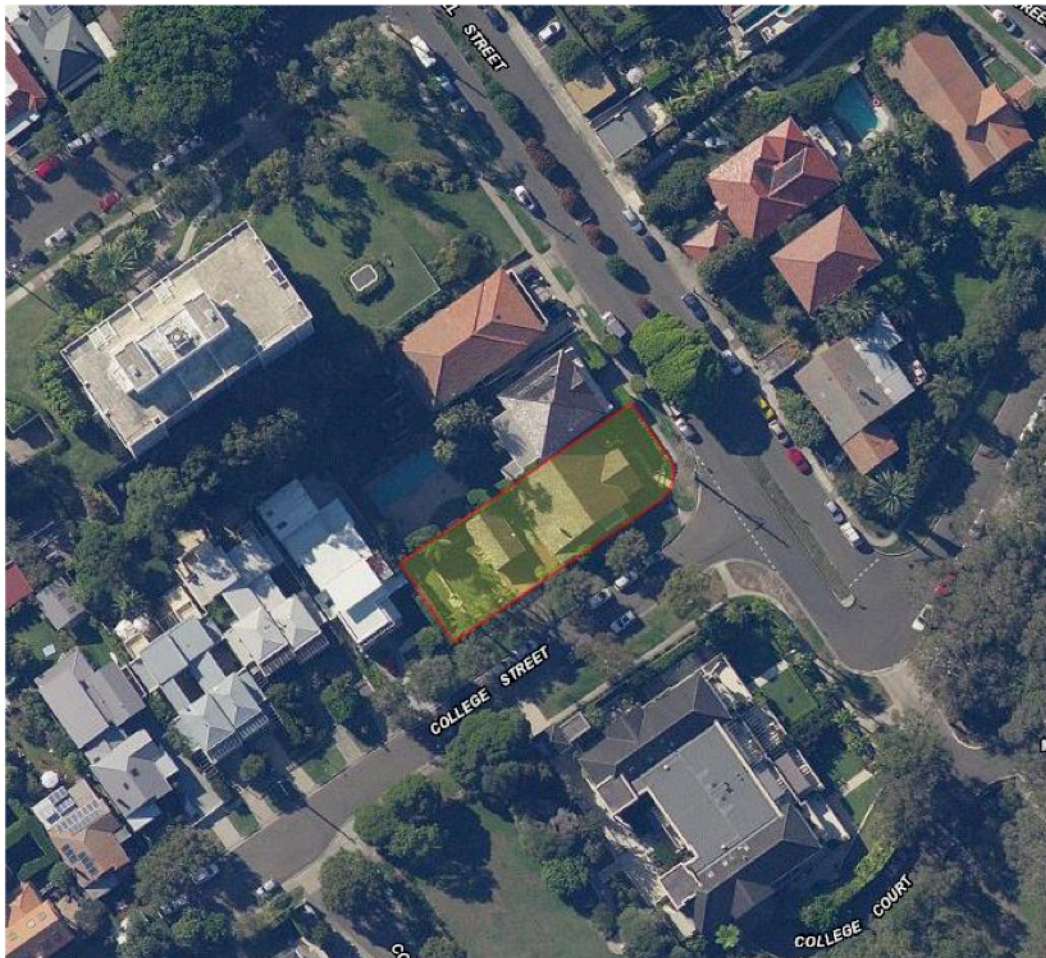


Figure 4 - Aerial photograph of subject site

3.0 PROPOSED DEVELOPMENT

The application proposes alterations and additions to the existing heritage listed dwelling including partial demolition works, internal alterations, construction of attic floor space within the existing principal gable, the construction of a rear 2 storey pavilion style addition with basement storage and new double garage. The application also proposes the construction of a swimming pool and minor landscape and fencing works.

The works are depicted on the following architectural plans by Eaton Architects.

A.01	COVER PAGE/LOCATION PLAN/COMPLIANCE DIAGRAMS	A	02.03.2021
A.02	PLAN: SITE ANALYSIS (Existing)	A	02.03.2021
A.03	PLAN: SITE (Proposed)	A	02.03.2021
A.04	PLAN:S BASEMENT + GROUND FLOOR	A	02.03.2021
A.05	PLANS: FIRST FLOOR + ROOF	A	02.03.2021
A.06	ELEVATIONS: NTH / STH / EST / WST	A	02.03.2021
A.07	SHADOW DIAGRAMS - EXISTING	A	02.03.2021
A.08	SHADOW DIAGRAMS - PROPOSED	A	02.03.2021
A.09	VIEW ANALYSIS	A	02.03.2021
NP.01	NOTIFICATION PLANS	A	02.03.2021
NP.02	NOTIFICATION PLANS	A	02.03.2021

Specifically, the application proposes the following works:

Basement Floor Plan – RL 23.50

- The construction of basement storage below the proposed rear building pavilion internally accessed from the floor plate above.

Ground Floor Plan – RL 26.65 (Dwelling) and RL 27.74 (Garage)

- Internal demolition of walls within the existing dwelling and demolition of the existing garage and maid's quarters.
- The removal of the existing glazing to the front porch and the recladding of the existing roof in slate like tiles.
- Internal reconfiguration works to the existing dwelling to accommodate 2 sitting rooms, sunroom, 2 bedrooms, bathroom and laundry and the provision of a skylight over the sitting room.
- The construction of a rear extension incorporating a formal entry and open plan kitchen/living and dining area with skylights over. The living room opens onto a new western landscaped courtyard containing a small swimming pool with spa.

- Construction of a new internally accessed double garage accessed from College Street.

First Floor Plan

- Construction of a new attic bedroom and ensuite within the existing gable roof internally accessed from the level below.
- New internally accessed first floor to the rear extension including a master bedroom with ensuite.

The application proposes the removal of 3 trees as detailed in the accompanying arborist report and associated addendum prepared by Martin Peacock Tree Care with such trees all exempt pursuant to Council's tree management provisions. Such tree loss is appropriately compensated for through the implementation of the proposed landscape regime as detailed on the plans prepared by Geoscapes.

All stormwater will be gravity drained to the existing street drainage system as detailed on the accompanying drainage plans prepared by ITM Design.

4.0 STATUTORY PLANNING FRAMEWORK

4.1 General

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15(1) of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.2 Manly Local Environmental Plan 2013

4.2.1 Zone and Zone Objectives

The subject site is zoned R1 General Residential pursuant to the provisions of Manly Local Environmental Plan 2013 ("MLEP"). Dwelling houses are permissible in the zone with the consent of council. The stated objectives of the zone are as follows:

- *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.*

The proposed works are permissible and, in accordance with the clause 2.3(2) MLEP 2013 considerations, are consistent with the stated objectives of the zone in that they will maintain the detached dwelling house building typology on the site.

4.2.2 Height of Buildings

Pursuant to Clause 4.3 of MLEP 2013 the height of a building on the subject land is not to exceed 8.5m in height. The objectives of this control are as follows:

- (a) *to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*
- (b) *to control the bulk and scale of buildings,*
- (c) *to minimise disruption to the following:*

- (i) *views to nearby residential development from public spaces (including the harbour and foreshores),*
- (ii) *views from nearby residential development to public spaces (including the harbour and foreshores),*
- (iii) *views between public spaces (including the harbour and foreshores),*
- (d) *to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,*
- (e) *to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.*

Building height is defined as follows:

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like

Ground level existing is defined as follows:

ground level (existing) means the existing level of a site at any point.

It has been determined that the proposed works have a maximum height of 8.1 metres with all works sitting comfortably below the maximum 8.5 metre building height development standard as depicted on elevation and section drawings within the architectural bundle. As the proposal complies with the numerical standard it is deemed to also comply with the associated objectives.

4.2.3 Floor Space Ratio

Pursuant to Clause 4.4 MLEP 2013 the maximum FSR for development on the site is 0.6:1 representing a gross floor area of 418.02m². The stated objectives of this clause are:

- (a) *to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*
- (b) *to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,*
- (c) *to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*
- (d) *to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,*
- (e) *to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.*

The development proposes a total gross floor area of 372.7m² which represents a compliant FSR of 0.53:1. As the proposal complies with the numerical standard it is deemed to also comply with the associated objectives.

4.2.4 Acid Sulphate Soils

Pursuant to clause 6.1 of the MLEP, Acid Sulphate Soils, which its objective to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The site is located in a class 5 area with only minimal excavation proposed. Accordingly, no further investigation is warranted.

4.2.5 Stormwater Management

Pursuant to clause 6.4 of the MLEP, stormwater management, its objective aims to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

A stormwater management plan prepared by ITM Design accompanies this application with all stormwater gravity drained to the existing street stormwater system.

4.2.6 Heritage Considerations – Statement of Heritage Impact

The property is listed as a heritage item under Schedule 5 of MLEP but it is not located within a heritage conservation area.

Pursuant to clause 5.10 of MLEP 2013 the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

The application is accompanied by a Heritage Impact Assessment which details the acceptability of the proposal. The report contains the following conclusions:

Having examined the heritage impact of the development on the cultural heritage of the conservation area the following can be concluded:

- the proposed rear additions and internal alterations generate manageable conservation impacts within the extent of the previous consent; and*
- the proposed dormer windows do not generate any adverse impacts.*

The proposed development, which displays design excellence, makes a well-considered contribution to the European cultural heritage of Manly in an area of outstanding cultural significance without generating adverse impacts.

Council can be satisfied that there is no statutory impediment to the granting of consent to the proposed works in this instance.

4.2.7 Terrestrial Biodiversity

Pursuant to the clause 6.5 terrestrial biodiversity provisions the application is accompanied by a Terrestrial Biodiversity Report, dated 25th February 2021, prepared by GIS Environmental Consultants. Such report contains a number of conclusions and associated recommendations to ensure that these provisions are satisfied with no objection made to the imposition of a condition requiring compliance with the ameliorative conditions contained within such report.

Council can be satisfied that the clause 6.5 terrestrial biodiversity provisions have been satisfied.

4.3 Manly Development Control Plan 2013

This policy document contains development controls for the design and construction of buildings and the subdivision of land in Manly. The proposed development has been assessed against the relevant provisions of the DCP as outlined in the following sections of this report

4.3.1 General Principles of Development

4.3.1.1 Streetscapes

We have formed the considered opinion that the development appropriately responds to the design principles contained at clause 3.1.1 of the Manly DCP as follows:

- The works have been designed through detailed site and context analysis to provide a contextually responsive building form which respects the heritage significance of the dwelling, and which is complimentary and compatible with the existing streetscape and the design quality of the buildings generally when viewed from surrounding public and private land.
- The development maintains a compatible scale with adjoining development along Reddall and College Streets.
- The works to the existing heritage item are minor with the only change to the external appearance being the addition of dormer windows to the attic space within the roof, consistent with DCP control 3.1.1.3. This is considered minor and does not detract from the heritage value of the dwelling, as detailed in the heritage impact assessment provided. The proposed rear additions are considered appropriate within the context of the streetscape.
- Having regards to the Land and Environment Court of NSW planning principle established in the matter of *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 most observers would not find the proposed building offensive, jarring or unsympathetic to its context or surrounds.

4.3.1.2 Amenity (Views, Overshadowing, Overlooking/ Privacy, Noise)

The additions to the existing single dwelling maintain a contextually appropriate relationship with adjoining development and a view sharing scenario to surrounding properties in accordance with the Tenacity Consulting v Warringah Council view sharing principle established by the Land and Environment Court of NSW. The dwelling to the south of the site has a frontage to College Street with no significant ocean views.

The accompanying shadow diagrams demonstrate that compliant levels of solar access will be maintained to the immediately adjoining dwellings between 9 am and 3 pm on 21st June in strict accordance with the control. There is only some minor additional overshadowing to the rear neighbour at 9am.

Careful consideration has been given to maintaining appropriate residential amenity to neighbouring properties in terms of privacy and solar access with a combination of compliant building height, strategically placed fenestration and increased northern boundary setbacks achieving such outcome.

Accordingly, we have formed the considered opinion that appropriate levels of residential amenity will be maintained between adjoining properties.

4.3.1.3 Preservation of Trees and Bushland Vegetation

An arborist report has been prepared by Martin Peacock Tree Care and accompanies this application. The proposed development requires the removal of 3 trees which are exempt species under Council's tree management controls.

Tree protection zones are proposed for 1 tree growing on the site and for 4 street trees growing adjacent to the subject site.

4.3.1.4 Sustainability

A BASIX Certificate accompanies this application which confirms that the residential component of the development will exceed the NSW Government's requirements for sustainability.

4.3.1.5 Stormwater Management

A stormwater management plan prepared by ITM Design accompanies this application with all stormwater gravity drained to the existing street stormwater system.

4.3.1.6 Waste Management

Appropriate bin storage will be maintained as per the existing circumstance.

4.3.2 Residential Development Controls

4.3.2.1 Height of Buildings

The developments performance when assessed against the clause 4.3 Manly LEP height of buildings development standard has been detailed at clause 4.2.3 of this report. Council will be aware that the Act provides that a DCP provision must not derogate from an LEP development standard and to that extent the primary control remains the 8.5 metre height standard within the LEP.

Notwithstanding, consideration has been given to the maximum wall height control contained a clause 4.1.2.1 of Manly DCP. Given that the slope of the land a maximum wall height of 7.3 metres is permitted on the land. The elevations prepared in support of the application demonstrate that all proposed wall heights are fully compliant with the control.

Further, the proposed development maintains a maximum 2 storey building form in strict accordance with the maximum 2 storey building height control.

4.3.2.2 Setbacks

Pursuant to the clause 4.1.4 setback provisions:

- Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.
- 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.

- 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.

Having regard to these provisions we note that proposed works maintain the long-established front setback to the primary frontage to Reddall Street.

The setback to the secondary street frontage maintains the established setback of the existing dwelling. No prevailing building line exists that could be reasonably applied in this instance. It is considered that the maintaining of the established setback to College Street is appropriate in this instance and does not give rise to any adverse amenity impacts to neighbouring properties or the heritage significance of the existing dwelling.

As the site is a corner allotment a rear setback control is not applicable in this situation. The south-west boundary will have a setback of 1.307 metres to the proposed garage. This is considered to be appropriate in this instance given that it is a single storey structure. It is considered that the setback to the garage will not give rise to any adverse amenity issues in terms of visual and acoustic privacy. The garage is a non habitable area and will provide a buffer between the habitable areas of No. 5 College Street and those on the subject site.

The established setback of the dwelling house to the north-west boundary is maintained. The new additions propose a setback of 4.415 metres which is in excess of the side setback control.

4.3.2.3 Open Space and Landscaping

The proposed total open space, as defined, is calculated at 267.1m² representing 38% of the site area which is below the minimum 55% control in the MDCP. Notwithstanding, the total landscape area proposed is 144.5m² which equates to 37% of the total required open space landscaped area. This is in excess of the 35% landscape area control within the DCP.

While the total open space control is non-compliant the proposed works provide for an enhanced landscape regime as well as excellent outdoor recreational spaces, which includes a swimming pool, and entertaining areas. The proposed landscape plans provide enhanced amenity and streetscape outcomes with new plantings proposed adjacent to each street frontage. It is considered that the new landscaping treatments and turfed areas will maximise the wildlife corridor in relation to the local bandicoot population.

Such quantum succeeds pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

4.3.2.4 Parking, Vehicular Access and Loading

A new double garage and driveway is proposed which is accessed from the College Street secondary frontage.

The proposed garage is located behind the existing dwelling and does not give rise to any adverse visual impact issues nor impact on the heritage value of the existing dwelling. The new driveway will be lined with landscaping treatments and a new tree which will provide additional screening from College Street.

4.3.2.56 Swimming Pools

Swimming pools and spas must be built on or in the ground and not elevated more than 1m above natural ground level. 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.

The swimming pool is setback 900mm from the north western boundary, approximately 10.5 metres from the south western boundary and is not elevated more than 1m above natural ground level. The minor variation to the north western side boundary setback control is acceptable on merit given the landscape screening proposed within the setback area as detailed on the accompanying landscape plans with such setbacks not giving rise to unacceptable residential amenity, streetscape or landscape outcomes.

Such setbacks succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

4.4 MDCP Compliance Table

Site Area – 696.7m ²	Control	Proposed	Compliance
Manly Development Control Plan 2013			
Front Setback	Maintain consistent setback	Maintains established front setbacks.	YES
Side Setbacks & secondary frontage	1/3rd wall height. First floor additions may maintain existing ground floor setbacks. Nil setbacks acceptable for single storey elements provided variation provisions achieved.	The setback to the secondary frontage to College Street maintains the established setback of the existing dwelling. 1.307 metres to south-west boundary 4.415 metres to north-west boundary.	YES
Wall and Building Height	Max building height 8.5m Wall Height 6m	Maximum 8.1 metres.	YES
Open Space	Min 55%	38%	NO Acceptable on merit
Landscaped open spaced area	Min 35%	37%	YES
Carparking	Min 2 Spaces	2 spaces	Yes

4.5 State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 is applicable to the land. The Act is supported by the State Environmental Planning Policy (Coastal Management) 2018 which came into effect on 3 April 2018. It is applicable because, as shown on the map below, the north western corner of the site is nominated within the designated:

- Coastal use area (Clause 14)

Whilst the application does not propose any works within the designated area of the site an assessment has been undertaken for abundant caution as follows.



Figure 6 - Coastal Management Area

The aims of the SEPP within clause 2 and the Matters for Consideration within clause 8 are addressed below. In summary, the proposal is assessed as being consistent with the aims and objectives of the SEPP.

Clause 14 Development on land within the coastal use area

The provisions of clause 14 *Development on land within the coastal environment area* are addressed as follows:

14 Development on land within the coastal use area	Response
<p><i>Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</i></p> <p><i>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</i></p>	
<ul style="list-style-type: none"> ▪ (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, 	<ul style="list-style-type: none"> ▪ The proposal will not adversely impact upon existing access provisions. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<ul style="list-style-type: none"> ▪ (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores, ▪ 	<ul style="list-style-type: none"> ▪ The proposal will not result in any overshadowing of the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore. ▪ Given the nature of development contained within the site and the local context, particularly the nature, scale, and siting of development within properties to the east and west along the foreshore, the proposal is assessed as satisfactory in relation to this consideration.
<ul style="list-style-type: none"> ▪ (iii) the visual amenity and scenic qualities of the coast, including coastal headlands, 	<ul style="list-style-type: none"> ▪ The proposal will not result in any significant additional visual impact on the coastal foreshore. Nor will it result in a significant loss of views from a public place to the coastal foreshore. ▪ The proposal is assessed as satisfactory in relation to this consideration.
<ul style="list-style-type: none"> ▪ (iv) Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and is satisfied that: 	<ul style="list-style-type: none"> ▪ The proposal will not impact this matter for consideration. The proposal is assessed as satisfactory in relation to this consideration.
<ul style="list-style-type: none"> ▪ (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or 	<ul style="list-style-type: none"> ▪ The proposal is not known to be located in a place of Aboriginal cultural heritage significance ▪ The proposal is assessed as satisfactory in relation to this consideration.
<ul style="list-style-type: none"> ▪ (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or 	<ul style="list-style-type: none"> ▪ See above response.
<ul style="list-style-type: none"> ▪ (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and 	<ul style="list-style-type: none"> ▪ See above response.
<ul style="list-style-type: none"> ▪ (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development. 	<ul style="list-style-type: none"> ▪ The subject site is established for residential purposes. Development is established on the site. Relatively modest alterations and additions are the subject of this application. ▪ The proposal will not result in any significant additional visual impact on the coastal foreshore.

14 Development on land within the coastal use area	Response
	<p>Nor will result in significant loss of views from a public place to the coastal foreshore.</p> <ul style="list-style-type: none">▪ The proposal is assessed as satisfactory in relation to this consideration.
<ul style="list-style-type: none">▪ (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.	<ul style="list-style-type: none">▪ Noted; not applicable.

4.6 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (*in italic*) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning. The relevant issues are:

The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.

The proposal is permissible and in conformity with the development standards and built form controls contained within the applicable statutory planning regime.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality.

Context and Setting

- i) *What is the relationship to the region and local context on terms of:*
- *the scenic qualities and features of the landscape?*
 - *the character and amenity of the locality and streetscape?*
 - *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
 - *the previous and existing land uses and activities in the locality?*

The immediate locality is characterised by a mix of residential buildings from single dwellings to residential flat buildings from various periods. The buildings generally do not exhibit a consistency in scale, materials or detailing, and each varies in terms of height and design.

The context and setting of the development has been discussed in detail in the body of this report.

- ii) *What are the potential impacts on adjacent properties in terms of:*

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

These matters have been addressed in detail within this report.

Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

The proposed development does not represent an intensification of use on the site that is well serviced by roads and public transport.

Public domain

There will be no additional impact on the public domain (ie roads, parks etc.).

Utilities

Existing utility services will adequately service the development.

Flora and fauna

A biodiversity report has been prepared and accompanies this application.

Waste

Normal domestic waste collection applies to this development.

Natural hazards

N/A

Economic impact in the locality

The proposed development will not have any significant impact on economic factors within the area.

Site design and internal design

i) *Is the development design sensitive to environmental conditions and site attributes including:*

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

These matters have been detailed in the body of this report.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed works can comply with the provisions of the Building Code of Australia.

Construction

i) *What would be the impacts of construction activities in terms of:*

- *the environmental planning issues listed above?*
- *site safety?*

Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

The suitability of the site for the development.

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

Are the site attributes conducive to development?

The site being of adequate area and having no special physical or engineering constraints is suitable for the proposed development.

Any submissions received in accordance with this Act or the regulations.

It is anticipated that Council will appropriately consider any public submissions received.

The public interest.

The proposal is permissible and in conformity with the development standards and built form controls contained within the applicable statutory planning regime. The proposal will not give rise to any adverse environmental, residential amenity, heritage conservation or streetscape impacts.

Accordingly, approval of the development would not be antipathetic to the public interest

5.0 CONCLUSION

The proposal is permissible and in conformity with the development standards and built form controls prescribed by the applicable statutory planning regime as they relate to the particular site circumstances.

We note that the general scope of works proposed is consistent with those previously approved by Council on 22nd September 2008 (DA518/2007) and since physical commenced, it being noted that the proposed scheme has been developed in close consultation with Zoltan Kovacs the proponent's heritage consultant. The application has also been prepared having regard to the minutes arising from formal pre-DA discussions with Council with the final detailing representing a highly considered response to the issues raised.

Careful consideration has been given to maintaining appropriate residential amenity to neighbouring properties in terms of privacy, solar access and view sharing with a combination of compliant building height, compliant FSR, strategically placed fenestration and the setback afforded to the southern boundary from habitable rooms achieving such outcome. In terms of potential heritage impacts, the application is accompanied by a Heritage Impact Assessment which details the acceptability of the proposal. The report contains the following conclusions:

Having examined the heritage impact of the development on the cultural heritage of the conservation area the following can be concluded:

- *the proposed rear additions and internal alterations generate manageable conservation impacts within the extent of the previous consent; and*
- *the proposed dormer windows do not generate any adverse impacts.*

The proposed development, which displays design excellence, makes a well-considered contribution to the European cultural heritage of Manly in an area of outstanding cultural significance without generating adverse impacts.

The identified minor non-compliance with the MDCP total open space and swimming pool setback provisions have been acknowledged and appropriately justified having regard to the associated objectives. Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of controls/ standards for dealing with that aspect of the development.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

Boston Blyth Fleming Pty Limited

A handwritten signature in black ink, appearing to read 'Greg Boston', is written over a horizontal line.

Greg Boston
Director