

STATEMENT OF ENVIRONMENTAL EFFECTS



The Proposal: *Alterations and Additions to an existing Dual Occupancy and Subdivision into two (2) lots.*

Property Address: *Lot: 1 DP: 965161 11 Denison Street, MANLY, 2095*

Date: *May 2019*

Our Project: *19130*

This submission has been prepared by

EPlanning Pty Ltd



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1.0 TOWN PLANNING REPORT INTRODUCTION

1.1 Executive Introduction

The purpose of this Statement of Environmental Effects is to describe a proposed development application proposing *Alterations and Additions to an existing Dual Occupancy (triplex building) and Torrens Title Subdivision into two (2) lots* within the subject site of Lot: 1 DP: 965161 No. 11 Denison Street, Manly, 2095 to the consent authority of Northern Beaches Council.

The subject site is located on a corner lot located on the eastern side of Pittwater Road and is accessed from Denison Street (Corner to Whistler Street). The subject site is zoned R3 Medium Density Residential, pursuant to the Manly Local Environmental Plan 2013 (LEP2013) and located within a Heritage Conservation Zone (refer to Heritage report). The site contains attached single storey brick dwellings with a tiled roof to be partially retained.



Plate: Site Location



Plate: Current streetscape of No 11 Denison Street, Manly

EPlanning – Town & Social Planning Consultants have reviewed this development proposal and subsequently prepared this Statement of Environmental Effects. This report describes the physical characteristics of the proposal, subject site and surrounds in its environmental planning context, while having regards to matters as of relevance to the subject application pursuant to Section 4.15 (79C) of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979).

This Statement of Environmental Effects is to be submitted Northern Beaches Council as Local Development in accordance with Environmental Planning & Assessment Regulation 2000 (EP&ARegs2000) Part 1 Schedule 1, and includes the following information:

- The environmental impacts of the development;
- How the environmental impacts of the development have been identified, and,
- The steps to be taken to protect the environment or to lessen the expected harm to the environment.

To address the above statutory requirements, this report considers the following matters:

- Description of the site, surrounding development and the wider locality;
- Description of the proposed development;
- An environmental assessment of the proposal, having regard to the matters for consideration contained within Section 4.15 (79C) of the Environmental Planning and Assessment Act 1979 (The EPA Act 1979); and
- Assessment of the proposed development in accordance with all statutory controls and Manly Development Control Plan 2013 (DCP2013).

This Statement of Environmental Effects concludes that the proposed development is consistent with the State Governments and Northern Beaches Council's strategic planning objectives for the Northern Beaches Local Government Area. It considers that the provision of businesses and housing stock is adequate and affordable to meet the varying needs of residents in the locality and in the greater Local Government Area of Manly.

1.2 Legislative Framework

The following are relevant planning instruments considered in the assessment of this proposal:

- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;*
- *State Environmental Planning Policy No. 55: Remediation of Land;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *Manly Local Environmental Plan 2013 (LEP2013); and*
- *Manly Development Control Plan 2013 (DCP2013).*

A detailed assessment against these controls is contained in Part 4.2 of this report. This report and the accompanying consultant's reports have placed emphasis on these planning instruments and guidelines during the strategic and statutory assessment of the proposal and find the proposal to be consistent with these policies.

1.3 Town Planning context

The development application is supported by a Statement of Environmental Effects that:

- includes a satisfactory neighbourhood and site description, including the identification of the key features of the neighbourhood and site,
- shows how the siting and design response derives from and responds to the key features identified in the neighbourhood and site description, and
- demonstrates that the development proposal respects the existing or preferred neighbourhood character and satisfies objectives of the zone in the Manly Local Environmental Plan 2013 (MLEP2013).

The proposed redevelopment consisting of *Alterations and Additions to an existing Dual Occupancy (Triplex building) and Torrens Title Subdivision into two (2) lots* within the subject site of *Lot: 1 DP: 965161 No 11 Denison Street, Manly, 2095* is defined as “Development” for the purposes of Clause 1.4 Definitions of the *Environmental Planning & Assessment Act 1979* (EP&A Act 1979).

Pursuant to Clause 4.2 of the *Environmental Planning & Assessment Act 1979* (EP&A Act 1979), the Clause stipulates that the development must not be carried out on the subject site until consent has been obtained. The application does not trigger any of the ‘Integrated Development’ provisions of Division 4.8 of the *Environmental Planning & Assessment Act 1979* and so no third party approvals are required.

1.4 Executive Summary

The proposal will provide a wider range of housing stock to meet State and Northern Beaches Local Government planning strategic objectives for the provision of a varying range of mixed use housing types to meet the needs of future populations within the Local Government Area of Northern Beaches.

The desired future character is determined through the strategic planning predominantly contained within the Manly Local Environmental Plan 2013 (LEP2013) and too lesser extent appropriate parts of the Manly Development Control Plan (DCP2013). The context during this process is crucial to support change and determine appropriate building types and planning controls.

The proposal has been adequately assessed against Section 4.15 Evaluation of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and found to satisfy the principles of the legislation.

On balance, the proposed redevelopment consisting of proposing *Alterations and Additions to an existing Dual Occupancy and Torrens Title Subdivision into two (2) lots* within the subject site of *Lot: 1 DP: 965161 No. 11 Denison Street, Manly, 2095* as proposed is economically sound, ecologically sustainable and in the public interest and should be supported by Northern Beaches Council and determined as approved.

2.0 THE SUBJECT SITE DESCRIPTION & CONTEXT

2.1 Manly Suburb



Plate: Site location relative to suburb.

Manly is a beach-side suburb of northern Sydney, in the state of New South Wales, Australia. It is 17 kilometres (11 mi) north-east of the Sydney central business district and is currently one of the three administrative centres of the local government area of Northern Beaches Council. Manly has a long-standing reputation as a tourist destination, owing to its attractive setting on the Pacific Ocean and easy accessibility by ferry (https://en.wikipedia.org/wiki/Manly,_New_South_Wales).

The Pittwater Road Conservation Area street pattern is distinctive and underpins the urban character of the area. This street pattern comprises the alignment, detailing and silhouette of the street facades and the overall scale of building in Pittwater Road is important. The streets remain unaltered in their alignment, although the names of Malvern, Pine and North Steyne are now names for what were Whistler, Middle Harbour and East Steyne respectively. In particular, the streetscape along Pittwater Road from Dennison Road to Collingwood Street is a fine example of a remaining vista of the early settlement period in the Municipality specifically its scale and architectural interest and mixed use and for its association with the tram route and the major northern transport route (5.2 Pittwater Road Conservation Area).

The Manly R3 Medium Density Zone allows for an intensification and improved activation of medium density residential development. The future character of the area is predominantly low density and multi dwelling housing in the form of triplexes, dual occupancy and units.

2.2 Site dimensions and topography

The subject site is a regular allotment and contains an attached single storey brick dwellings with a tiled roof to be partially retained. The subject site is located on the eastern side of Pittwater Road and is accessed from Denison Street (Corner to Whistler Street).

The site has an overall area of approximately 266sqm and has little slope of note. The topographic and environmental constraints have been carefully considered in the proposal.

2.3 Site and surrounds context & streetscape character

Streetscape refers to the way a street appears and assists to provide local amenity and identity. The presentation of buildings in a street is the most critical element and determines the character of not only the street, but also the locality. Quality streetscapes are those in which the buildings and associated spaces form attractive streets and neighbourhoods. New buildings need to be sensitive and in context with the landscape setting and the environmental conditions of the locality, with the proposed new development achieving these outcomes.

The subject site is within an R3 Medium Density Residential Zone of the Manly residential . commercial area that has and is currently undergoing moderate change over recent years. The area is characterised by a mixture of high density and low density and multi dwelling developments, with a varying range of floor plates and architectural designs and styles.

An assessment of the Denison and Whistler streetscape character and site analysis had been the first step in the design process and had been used to ensure that the development is the best possible solution for the site and makes the best possible contribution to its surroundings.



Plate: Denison Streetscape



Plate: Whistler Streetscape

The subject sites are situated within the Pittwater Road Conservation Area, a conservation area that is characterised by one storey Federation terraces that are either attached or semi detached from their adjoining dwellings. Number 9 Denison Street marks the edge of Pittwater Road HCA, and is directly adjacent to the heritage items of St Mary's Church, Presbytery and School (Statement of Heritage Impact).

The streetscape of Pittwater Road is a winding vista of late 19th and early 20th century commercial and residential architecture of generally one or two floors - although there are exceptions such as the four storey private hotel. The streetscape provides a 19th century atmosphere due to it's scale, width and the number of extant Victorian structures. Within the streetscape there are a number of individually significant buildings which are listed separately. Adjacent streets generally comprise a consistent pattern of one and two story residential cottages, with the occasional terrace. Some streets have intermittent street plantings and remnant stone kerbs. The fl at topography is accentuated by the escarpment to the west which provides an important visual, vertical and vegetated backdrop (Statement of Heritage Impact).

In this instance, the current entrance to the site presents as a single storey attached dwelling (to remain) with the addition to the rear to appear as a double storey dwelling. The Denison and Whistler streetscape and Manly context will not unduly be affected by the proposed development.

2.4 Site Analysis

The site analysis is the foundation of good design and is used as an initial source of information upon which to base the design and configuration of development taking account of all environmental constraints and opportunities, as they relate to the unique features of the site and nearby land.

Objectives:

- *Identify the constraints and opportunities for the development of the site.*
- *Provide an understanding of how the development relates to the site.*
- *Identify the capability and suitability of the site for development.*

A Site Analysis Plan is provided in support of the development application. The scope of the site analysis has addressed:

- i) *contours, slope and north point;*
Response: These matters have been identified and addressed on the supporting documents, with the site generally orientated North to South. Refer to Survey plan.
- ii) *existing landscaping and vegetation;*
Response: There is no significant existing landscaping and vegetation.
- iii) *existing buildings and structures;*
Response: The site currently contains an attached single storey brick dwelling with a tiled roof to be partially retained.
- iv) *location of windows and other openings on adjoining buildings;*
Response: Details of this nature are discussed below, with the submission capable of satisfying Councils development controls.
- v) *roads, access points, parking, and traffic management devices and the like;*
Response: These matters have been identified and addressed.
- vi) *linkages; open space networks, pedestrian/cycle paths and the like;*
Response: There are no definable pedestrian / cycle pathways in the suburb.
- vii) *easements, services, existing infrastructure and utilities;*
Response: Services have been identified. Refer to the Survey plan.
- viii) *hydraulic features, drainage lines, water features, drainage constraints, and the like;*
Response: These matters have been identified. There are no constraints or restrictions that are detrimental to the proposal. Stormwater design will form part of the overall submission.
- ix) *Acoustic;*
Response: An acoustic report is not required.
- x) *natural hazards (e.g. flooding, bushfire);*
Response: There are no natural hazards that would detrimentally affect the proposal.
- xi) *solar orientation, overshadowing prevailing winds;*
Response: These matters have been identified in more detail with the submission.
- xii) *views and vistas to, from and within the site;*
Response: The site is located within a Scenic Protection area. There are no significant views to or from the site that will be diminished with the construction of the new development.

xiii) Building Structures NCC (BCA);

Response: The proposal can achieve compliance with the relevant sections of the NCC (BCA).

xiv) *a streetscape analysis;*

Response: The current entrance to the site presents as a single storey attached dwelling (to remain) with the addition to the rear to appear as a double storey dwelling. The Denison and Whistler streetscape and Manly context will not unduly be affected by the proposed development.

xv) *special environmental features such as threatened species habitat, endangered ecological communities and wetlands;*

Response: The site does not contain threatened species habitat, endangered ecological communities and wetlands.

Based on the above, the proposal has the capability and is suitable for the site. The proposal is reflective of current and future development approvals and building structures in the area.

3.0 THE PROPOSED DEVELOPMENT

3.1 General Introduction

The proposed development *Alterations and Additions to an existing Dual Occupancy and Torrens Title Subdivision into two (2) lots* within the subject site of *Lot: 1 DP: 965161 No 11 Denison Street, Manly, 2095* is illustrated in detail on the plans and supporting documents and reports accompanying the Development Application.

3.2 Development Principles

The Architectural plans prepared by Korsa Architects Pty Ltd have embraced the key design principles adopted for dwellings development, and include:

- the provision of a contemporary architectural design externally and internally.
- aesthetically pleasing facades and structures with modern materials.
- a selection of natural tones to provide the building with a soft, understated modern appearance.
- Landscaping treatments that increase building form and connections.

3.3 Development Overview

The proposed development includes:

- Retention of the front of the existing dwellings (new Bed 3 and bathroom, laundry and store room)
- Demolition of the rear of the dwelling;
- Construction of a lower ground dining, kitchen and living room;
- Construction of an upper floor Master bedroom and ensuite and Bedroom 2; and
- Torrens Title subdivision into two lots.

The existing access from Denison street will remain. Additional access to each of the dwellings is proposed from Whistler street.

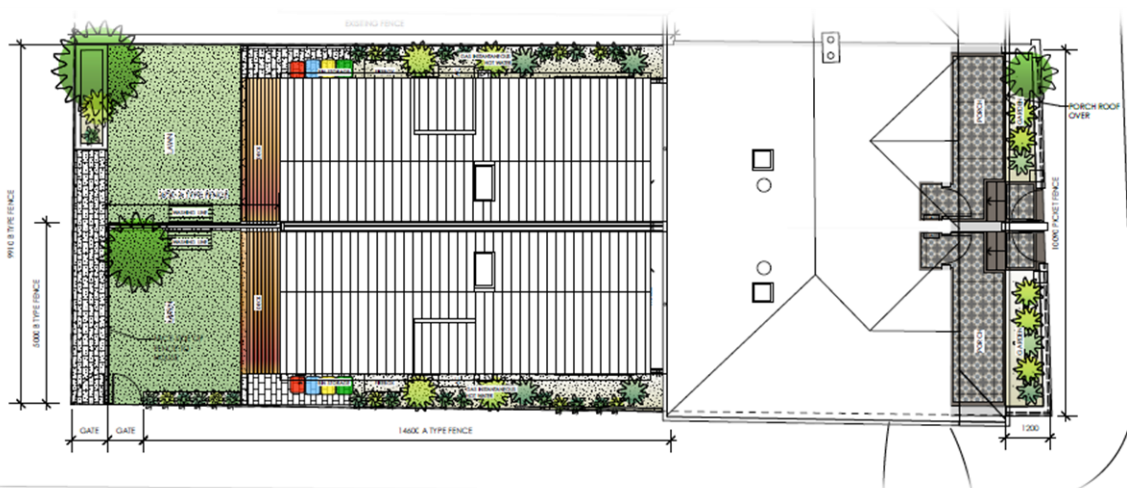


Plate 4: Site plan

4.0 STATEMENT of ENVIRONMENTAL EFFECTS

4.1 Environmental Planning & Assessment Act, 1979 - Section 4.15 - Evaluation

Section 4.15 Evaluation - Matters for Consideration, of the Environmental Planning and Assessment Act 1979, provide for those matters that may be taken into consideration as applicable.

(1) *Matters for Consideration – general*

In determining a development application consideration of the following matters are to be taken into consideration as are of relevance to the development the subject of the development application:

- a) *the provision of:*
 - i *any environmental planning instrument; and*
 - ii *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - iii *any development control plan;*
 - iiia *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - iv *the regulations (to the extent that they prescribe matters for the purposes of this paragraph);*
 - v *(repealed)*

that apply to the land to which the development application relates

- b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c) *the suitability of the site for the development;*
- d) *any submissions made in accordance with the Act or the regulations; and*
- e) *the public interest.*

This Statement of Environmental Effects has been structured pursuant to Section 4.15 Evaluation - Matters for Consideration, of the Environmental Planning and Assessment Act, 1979, that is of relevance to the proposal.

4.2 S4.15(1)(a)(i) any Environmental Planning Instruments

4.2.1 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

(1) *This plan has the following aims with respect to the Sydney Harbour Catchment:*

- (a) *to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained:*
 - (i) *as an outstanding natural asset, and*

- (ii) as a public asset of national and heritage significance, for existing and future generations,*
- (b) to ensure a healthy, sustainable environment on land and water,*
- (c) to achieve a high quality and ecologically sustainable urban environment,*
- (d) to ensure a prosperous working harbour and an effective transport corridor,*
- (e) to encourage a culturally rich and vibrant place for people,*
- (f) to ensure accessibility to and along Sydney Harbour and its foreshores,*
- (g) to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity,*
- (h) to provide a consolidated, simplified and updated legislative framework for future planning.*

The site is within the residential area of Manly and will not affect the health of the catchment, natural assets or affect the unique visual qualities of Sydney Harbour.

4.2.2 State Environmental Planning Policy 55 (SEPP55)

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) applies to the development. Clause 7 requires a consent authority to consider whether the land is contaminated, and if so, if that contamination can be remediated to allow for the proposed future use of the land.

The Environmental Protection Authorities intervention in relation to contaminated land is triggered when land contamination poses a significant risk of harm to public health or the environment. Generally, sites not posing a significant risk of harm will be dealt with by Council under the provisions of the Environmental Planning and Assessment Act 1979, in accordance with Managing Land contamination - Planning Guidelines and State Environmental Planning Policy 55 (SEPP 55).

The site is currently used for and surrounded by residential purposes. It is considered that the site is unlikely to be contaminated. In any instance however, precautionary conditions should be imposed which requires remediation works to be undertaken in the event that unexpected contaminants are found.

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

State Environmental Planning Policy - Building Sustainability Index: BASIX 2004 (SEPP BASIX) is applicable to the subject proposal.

In accordance with Schedule 1 of the Regulations and SEPP 2004 a BASIX Certificate (and associated NatHERS certificates) have been submitted with the application demonstrating that the proposed development achieves the minimum water, thermal and energy targets.

4.2.4 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 assists the NSW Government, local councils and the communities they support by simplifying the process for providing infrastructure.

The proposed development is not affected by infrastructure requiring referral to any other Government Agencies requiring assessment under the SEPP.

4.2.5 Manly Local Environmental Plan 2013 (LEP2013)

One the key planning instruments applying to the land is acknowledged as the Manly Local Environmental Plan 2013 (LEP2013). The relevant clauses of the instrument as applying to the land are discussed further below.

Clause 2.1 – 2.3 Land use zones, application and objectives

The subject site is zoned R3 Medium Density Residential.

The Objectives of the R3 Medium Density Zone are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.
- To encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination.

Alterations & Additions are permissible within the zone.



Plate: Land Zoning (NSW Planning Portal).

The definition of the proposal would best be defined as “Dual Occupancy” being:

“dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling”

The proposal is therefore a permitted use and post re-developed satisfies one (1) or more of the objectives for the R3 Medium Density Zone, particularly to provide for the housing needs of the community within a medium density residential environment; to provide a variety of housing types; and contribute to the revitalisation of the area.

Clause 4.1 Minimum subdivision lot size

(1) *The objectives of this clause are as follows:*

- (a) to retain the existing pattern of subdivision in residential zones and regulate the density of lots in specific locations to ensure lots have a minimum size that would be sufficient to provide a useable area for building and landscaping,*
- (b) to maintain the character of the locality and streetscape and, in particular, complement the prevailing subdivision patterns,*
- (c) to require larger lots where existing vegetation, topography, public views and natural features of land, including the foreshore, limit its subdivision potential,*
- (d) to ensure that the location of smaller lots maximises the use of existing infrastructure, public transport and pedestrian access to local facilities and services.*

(2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*

(3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

(3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.

(4) *This clause does not apply in relation to the subdivision of any land:*

- (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
- (b) by any kind of subdivision under the Community Land Development Act 1989.*

Torrens Title subdivision is proposed and does not require a minimum lot size per 4(a) of Clause 4.1 Minimum subdivision lot size.

Clause 4.3 Height of buildings

(1) *The objectives of this clause 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.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The Height permitted by Manly Local Environmental Plan 2013 (LEP2013) is 11.0 meters. The proposal is less in height than 11.0 metres (6.31m) and therefore satisfies this Part of the Manly Local Environmental Plan 2013 (LEP2013) for such a development.

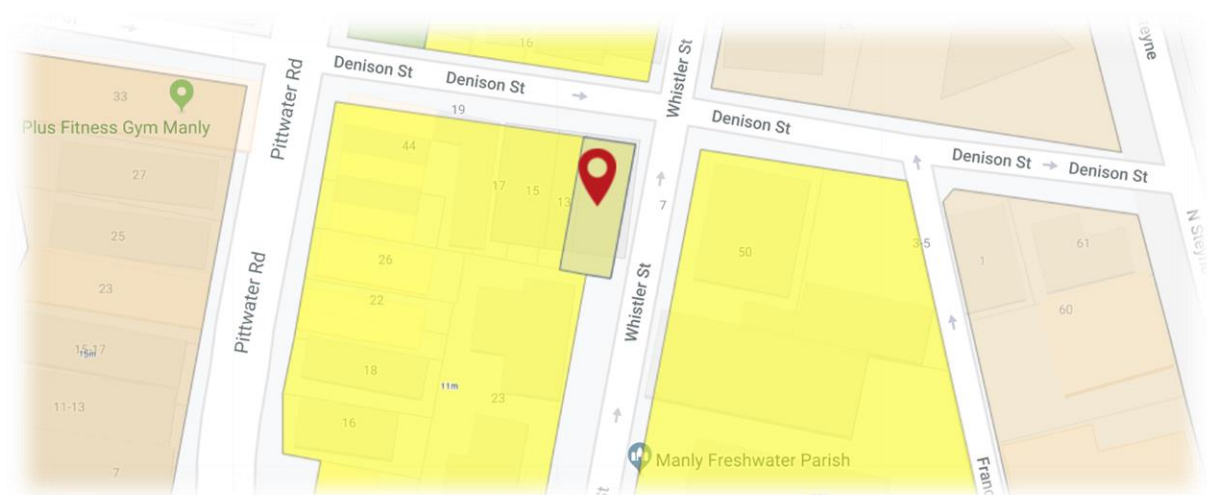


Plate: Minimum Lot Size (NSW Planning Portal).

Clause 4.4 Floor space ratio

(1) The objectives of this clause are as follows:

- (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.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

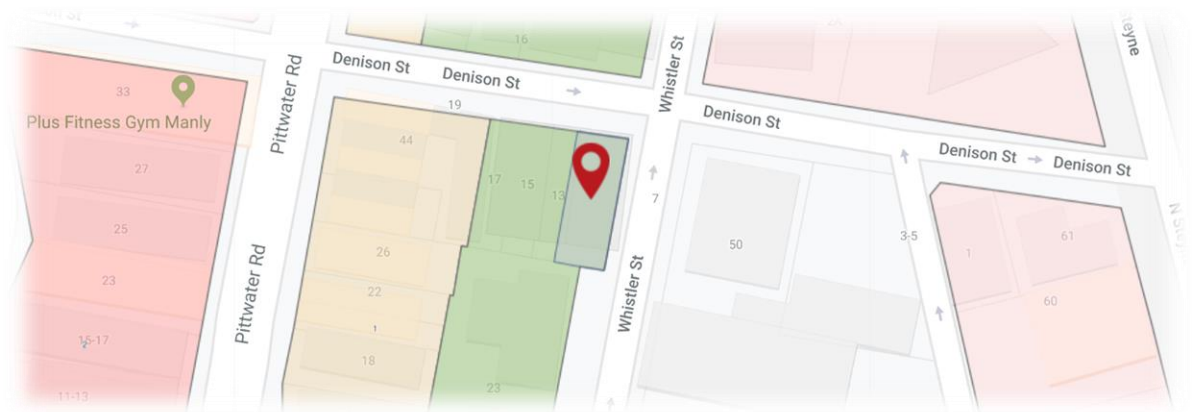


Plate: Floor Space Ratio (NSW Planning Portal).

The FSR permitted by Manly Local Environmental Plan 2013 (LEP2013) is 0.75:1 (199.5 sqm). The proposed development shows an FSR of 0.23:1 (3440 sqm) and is therefore compliant with the Manly Local Environmental Plan 2013 (LEP2013) for such a development.

Clause 5.10 Heritage conservation

The site is not a heritage item and does not contain a Heritage item. The site is located within the Pittwater Road Conservation Area and is adjacent to the heritage item *St Marys Church, presbytery and school*.

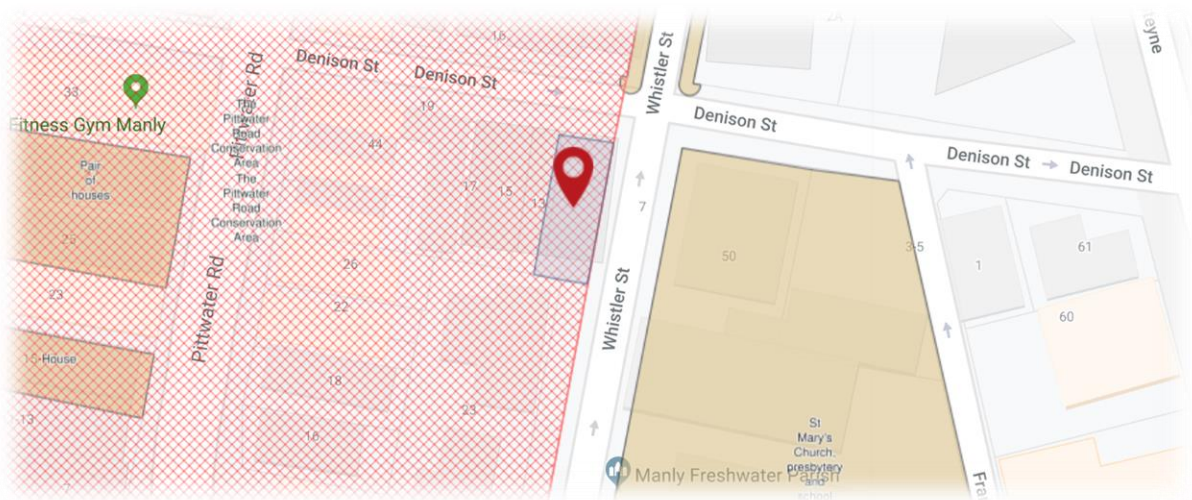


Plate: Heritage (NSW Planning Portal).

5.2.1 Statement of Significance

- a. *The Pittwater Road Conservation Area street pattern is distinctive and underpins the urban character of the area. This street pattern comprises the alignment, detailing and silhouette of the street facades and the overall scale of building in Pittwater Road is important. The streets remain unaltered in their alignment, although the names of Malvern, Pine and North Steyne are now names for what were Whistler, Middle Harbour and East Steyne respectively. In particular, the streetscape along Pittwater Road from Dennison Road to Collingwood Street is a fine example of a remaining vista of the early settlement period in the Municipality specifically its scale and architectural interest and mixed use and for its association with the tram route and the major northern transport route.*
- b. *New development should recognise the linear nature of the buildings in Pittwater Road for their contribution to the visual character of this street. New development should not visually overwhelm the four groups of individual heritage items in that part of the street which is zoned for business purposes in the LEP.*

The design of the proposed alterations has taken the characteristics and requirements of the *Pittwater Road Conservation Area* into consideration. A Statement of Heritage Impact has been prepared by Cracknell & Lonergan Architects Pty Ltd and finds:

In considering the alterations and additions, it is recognised that a majority of the works are exclusively confined to upgrades necessary to improve the residential amenity of existing residents as well as provide ongoing maintenance to ensure the structural integrity of a residential dwelling. Indeed this report notes that there is a growing interest in buildings of heritage significance, for their display of material and structural elegance representative of the aesthetic of the period. In this sense, the proposed materiality of the alterations are in keeping with the existing material palette and respects the bulk, form and scale of the building. If compared aesthetically to some of its surroundings, given the contextually appropriate nature of the works, it is noted that the proposal does not have an adverse impact on the significance of the Heritage Conservation Area.

In light of this conclusion, the Statement of Heritage Impact recommends that the proposed works should not be restricted on the grounds of heritage.

The proposed development complies with Clause 5.10 Heritage conservation.

Clause 6.1 Acid sulfate soils

- (1) *The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*
- (2) *Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

The site is identified as being affected by Class 4 Acid Sulphate Soils. The development excavation is limited to the footings for the development which will not extensively disturb, expose or drain acid sulfate soils and cause environmental damage and will not require an acid sulfate management plan.

Clause 6.2 Earthworks

(1) *The objectives of this clause are as follows:*

- (a) to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land,*
- (b) to allow earth works of a minor nature without separate development consent.*

The development will not have any detrimental effect on, existing drainage patterns and soil stability in the locality and the amenity of adjoining properties. The site is not likely to contain or disturb Aboriginal objects or other relics, and the effect on the watercourse, and environmentally sensitive area has been considered.

Clause 6.3 Flood planning

(1) *The objectives of this clause are as follows:*

- (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.*

(2) *This clause applies to land at or below the flood planning level.*

The site is not identified as being affected by flood.

Clause 6.9 Foreshore scenic protection area

(1) *The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly.*

(2) *This clause applies to land that is shown as "Foreshore Scenic Protection Area" on the Foreshore Scenic Protection Area Map.*

The site is identified as being on land within the "Foreshore Scenic Protection Area". The development will not be of detriment to the visual amenity of harbour or coastal foreshore, or the scenic qualities of the coastline. The development is suitable given its type, location and design and will not produce conflict between land-based and water-based coastal activities.

4.3 Section S4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved),

There are no draft Environmental Planning Instruments affecting the land.

4.4 Section S4.15(1)(a)(iii) – any development control plan

Section 4.15(1)(a)(iii) has been considered in respect of this application (Table 1). The proposal is satisfactory when assessed and considered against the provisions of the Manly Development Control Plan and is not more onerous than the Manly Local Environmental Plan 2013 (LEP2013).

The key local development controls have been highlighted and discussed while all other relevant matters for consideration have been summarised and commented upon as detailed in the following sections of this statement. While the DCP is a relevant consideration when making a determination of this proposal, Council is reminded that the proclamation of the Environmental Planning and Assessment Amendment Act 2012 on 1 March 2013 confirmed the status and weight that should be placed on development control plans when making a determination of a development application.

The amendments to the Environmental Planning and Assessment Act 1979 clarified the purpose, status and content of development control plans (DCPs), and how they are to be taken into account during the development assessment process. The Amendment Act makes it clear that the **principal purpose of a DCP is to provide guidance to a consent authority** on land to which the DCP applies.

The Amendment Act reinforces that the **provisions contained in a DCP are not statutory requirements and are for guidance purposes only**. Furthermore, it should be noted that the weight a consent authority gives to a DCP in assessing a development application will depend on a number of factors, including whether the DCP provides a sensible planning outcome. The Amendment Act confirms that Council can confidently apply development control plans **flexibly** and if a development application does not comply with provisions in a DCP, a consent authority **must be flexible** in the way it applies the controls and also allow for reasonable alternative solutions to achieve the objectives of those standards.

Table 1 – Assessment against the Manly Development Plan - Part 4.1: Residential Development Controls

4.1 Residential Development Controls			
Provision	Requirement	Compliance	Comment
4.1.1 Dwelling Density, Dwelling Size and Subdivision	4.1.1.1 Residential Density and Dwelling Size		
	The maximum permissible <u>residential density</u> control at Figure 24 - Minimum Residential Density applies to land identified in Residential Density Areas on the Minimum Residential Density Map at Schedule 1 - Map A in this plan.		
	D2: 150 sqm of site area required per dwelling	Yes	The dwellings are existing.
	For the purposes of calculating the <u>residential density</u> control for battle-axe lots, the area of the <u>access handle</u> is excluded from the site area, consistent with the provisions for minimum subdivision lot size in LEP clause 4.1(3A).	N/A	The site is not a battle axe allotment.
	Dwellings are required to have the following minimum internal areas: Studio dwellings: 35sqm 1 bedroom dwellings: 50sqm 2 bedroom dwellings: 70sqm 3 bedroom dwellings: 90sqm	Yes	The proposal is for 3 bedrooms and each of the dwellings will have an area of more than 90sqm. Refer to architectural plans

	<p>The minimum internal areas include only 1 bathroom. Additional bathrooms increase the minimum internal area by 5sqm.</p> <p>A 4th bedroom and further additional bedrooms increase the minimum internal area by 12sqm each.</p> <p>4.1.1.2 Residential Land Subdivision</p> <p>The paragraph applies to both new subdivisions as well as the re-configuration of existing allotments within a subdivision. The future development of new lots is to be considered in DAs for subdivision. A subdivision involving a new lot for residential development less than 500sqm must identify on the subdivision plan that a dwelling can be successfully accommodated on each allotment, in compliance with this Plan. Concept plans of likely future redevelopment may be required in this regard.</p> <p>Vehicular access and services must be considered and comply with the following minimum requirements:</p> <p>The provision of drainage, easements and servicing requirements must be considered and any resultant <u>adverse impacts</u>-environmental or otherwise are to be minimised or resolved in the design. In particular sufficient details of stormwater management are to accompany the subdivision.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>	<p>The development seeks Torrens subdivision of the existing lot into two lots.</p> <p>The dwellings are existing and the additions to the existing dwelling can be successfully accommodated on each allotment. Refer to architectural plans.</p> <p>No vehicle access is exiting or proposed.</p> <p>Drainage is existing. The additions will connect to the existing drainage system.</p>
<p>4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)</p>	<p><u>LEP Zones where numeric height controls in this DCP apply</u></p> <p>Height controls under paragraph 4.1.2 of this plan apply to development in LEP Zones R1, R2, R3, E3 and E4. This part of the DCP does not apply to development of other lands subject to the LEP Height of Building standard identified on the LEP Height of Building Map.</p> <p>See also paragraph 4.2 of this plan in relation to height controls and considerations in the LEP Business Zones.</p> <p><u>Exceptions to Height</u></p> <p>Where an existing building exceeds the maximum height controls in this plan or the height of building standards in the LEP, any alterations and/or additions to the building must not increase the overall height of the existing building.</p>	<p>Yes</p> <p>N/A</p>	<p>The site is located within the R3 zone. The Height permitted by Manly Local Environmental Plan 2013 (LEP2013) is 11.0 meters. The proposal is less in height than 11.0 metres (6.31m) and therefore satisfies this Part of the Manly Local Environmental Plan 2013 (LEP2013) for such a development. Refer to architectural plans.</p> <p>The height does not exceed the permitted height as above.</p>

	<p>See also paragraph 4.1.7.2 <i>Habitable Rooms in the Roof Structure</i></p> <p>4.1.2.1 Wall Height 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.</p> <p>Area 'L' on HoB Map (11m): Maximum Wall Height on flat land (no gradient): 9m</p> <p>4.1.2.2 Number of Storeys Buildings must not exceed 2 storeys, except on land in areas 'L' and 'N1' on the LEP Height of Building Map and notwithstanding the wall and roof height controls in this plan.</p> <p>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 Variation to the maximum number of storeys may be considered.</p> <p>4.1.2.3 Roof Height Pitched roof structures must be no higher than 2.5m above the actual <u>wall height</u>*, calculated in accordance with Figure 29.</p> <p>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>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</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>	<p>The proposal has a wall height of 5.17 metres. Refer to architectural plans.</p> <p>The development does not exceed 2 storeys. Refer to architectural plans.</p> <p>The roof height is not more than 1.14m above the wall height. Refer to architectural plans.</p> <p>No parapet structure proposed.</p> <p>The roof pitch is 23 degrees.</p>
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	apply to the combined wall height and the height of the roof steeper than 35 degrees.		
4.1.3 Floor Space Ratio (FSR)	FSR is a development standard contained in the LEP and LEP objectives at clause 4.4(1) apply.	Yes	The FSR permitted by Manly Local Environmental Plan 2013 (LEP2013) is 0.75:1 (199.5 sqm). The proposed development shows an FSR of 0.23:1 (3440 sqm) and is therefore compliant with the Manly Local Environmental Plan 2013 (LEP2013) for such a development.
4.1.4 Setbacks (front, side and rear) and Building Separation	<p>4.1.4.1 Street Front setbacks</p> <p>Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.</p> <p>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>facade</u> to retain significant trees and to maintain and enhance the streetscape.</p> <p>Where the streetscape character is predominantly single storey building at the street <u>frontage</u>, the street setback is to be increased for any proposed upper floor level. See also paragraph 4.1.7.1.</p> <p>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>4.1.4.2 Side setbacks and secondary street frontages</p> <p>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>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>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>For secondary street frontages of corner allotments, the side boundary setback control will apply unless a prevailing building line</p>	<p>Yes</p> <p>Yes</p>	<p>The front setback is existing and is not proposed to change.</p> <p>The side setback / secondary setback of the existing dwellings are built to boundary. The addition to the rear of the dwellings is stepped in a minimum of 900mm.</p>

	<p>exists. In such cases the prevailing setback of the neighbouring properties must be used. Architecturally the building must address both streets.</p> <p>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>In relation to the setback at the street corner of a corner allotment the setback must consider the need to facilitate any improved traffic conditions including adequate and safe levels of visibility at the street intersection. In this regard Council may consider the need for building works including front fence to be setback at this corner of the site to provide for an unobstructed splay. The maximum dimension of this triangular shaped splay would be typically up to 3m along the length of the site boundaries either side of the site corner.</p> <p>4.1.4.4 Rear Setbacks</p> <p>The distance between any part of a building and the rear boundary must not be less than 8m.</p> <p>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>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>Rear setbacks must relate to the prevailing pattern of setbacks in the immediate vicinity to minimise overshadowing, visual privacy and view loss.</p>	No.	The proposed rear setback is 5.7m which is consistent with the existing rear setback. The rear setback is sufficient for tree planting and open space requirements. Refer to architectural plans.
<u>4.1.5 Open Space and Landscaping</u>	<p>4.1.5.1 Minimum Residential Total Open Space Requirements</p> <p>Open Space must be provided on site in accordance with Figure 34 - <i>Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground.</i></p> <p>Area OS2 <u>Total Open Space</u> (minimum percentage of site area) at least 50% of site area</p>	Yes/No	The amount of total open space is not different to the existing arrangement of building and open space on the site. Refer to architectural and landscape plans.

	<p>Landscaped Area (minimum percentage of <u>Total Open Space</u> Open Space) at least 30% of open space</p> <p>-In relation to dwelling houses: no more than 25% of <u>Total Open Space</u>. Above Ground (maximum of <u>Total Open Space</u>)</p> <p><u>Minimum dimensions and areas for Total Open Space</u></p> <p><u>Total Open Space</u> (see Dictionary meanings including landscape area, <u>open space above ground</u> and principal private open space) must adhere to the following minimum specifications</p> <p>horizontal dimension of at least 3m in any direction; and</p> <p>a minimum unbroken area of 12sqm.</p> <p>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 <u>total open space</u></p> <p><u>Provisions for Total Open Space Above Ground</u></p> <p><u>Open Space Above Ground</u> is limited on site in accordance with Figure 34 - <i>Numeric Requirements for Total Open Space, Landscaped Area and Open Space above Ground Level</i>. The maximum <u>open space above ground</u> requirement is determined as a percentage of the <u>Total Open Space</u>.</p> <p><u>Amenity Considerations</u></p> <p>Areas of <u>total open space</u> that are above ground are considered to have a potentially greater impact on the amenity of neighbours. Accordingly the provision of open space that is above ground is to be confined to a maximum percentage of the <u>total open space</u> for any development. In particular, roof terraces and large decks are discouraged and are not a preferred design option when providing <u>open space above ground</u>.</p>		
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	<p>All <u>open space above ground</u> including verandas, balconies, terraces, are not to be enclosed.</p> <p>The <u>Total Open Space Above Ground</u> as provided for in Figure 34 may be refused by Council where privacy and/or view loss are issues and where development does not satisfy particular considerations in the following paragraphs iv) and v).</p> <p>Roof terraces are not permitted unless designed for privacy with no direct lines of sight to adjoining private open spaces or habitable window openings both within the development site and within adjoining sites.</p> <p>Council may also require methods of sound attenuation and/or acoustic treatment to be indicated in the DA to protect the acoustic amenity of neighbouring properties and the public. See paragraph 3.4.2.4 <i>Acoustical Privacy (Noise Nuisance)</i>.</p> <p>4.1.5.2 Landscaped Area</p> <p><u>Numeric Controls</u></p> <p>Landscaped Area must be provided on site in accordance with above Figure 34 - <i>Numeric Requirements for Total Open Space, Landscaped Area and Open Space above Ground Level</i>. The minimum landscaped area requirement is a percentage of the actual* <u>total open space</u> onsite.</p> <p><u>Minimum Dimensions and Areas</u></p> <p>soil depth of at least 1m for all landscaped areas either in ground or above ground in raised planter beds; and</p> <p>a minimum horizontal dimension of 0.5m measured from the inner side of the planter bed/ box, wall or any other structure which defines the landscaped area and incorporating an appropriate drainage and irrigation regime.</p> <p><u>Minimum Tree Plantings</u></p> <p>The minimum <u>tree</u> numbers must be in accordance with Figure 37 - <i>Minimum Number of Native Trees Required</i>.</p> <p>The minimum <u>tree</u> requirement may include either existing established native trees or new native trees planted at a pot/container size to be at least 25 litres capacity and being a</p>		
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	<p>species selected in accordance with Schedule 4 Part B - Native <u>Tree</u> Selection.</p> <p>The required minimum number of native trees required under this paragraph must be planted in a deep soil zone as defined in this plan's Dictionary.</p> <p><u>Landscaping Driveways</u></p> <p>Driveways alongside boundaries will be sufficiently setback to provide a landscaped area at least 0.5m wide between the driveway area and side boundary for the length of the driveway. Any parking hard stand area or carport associated with the driveway should also be similarly setback unless requiring a greater setback elsewhere under this plan.</p> <p>4.1.5.3 Private Open Space</p> <p><u>Principal Private Open Space</u> Principal private open space is to be provided in accordance with the following minimum specifications:</p> <p>Minimum area of principal private open space for a dwelling house is 18sqm; and</p> <p>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>4.1.6 <u>Parking, Vehicular Access and Loading (Including Bicycle Facilities)</u></p>	<p>4.1.6.1 Parking Design and the Location of Garages, Carports or Hardstand Areas</p> <p>The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain the desired character of the locality.</p> <p>Garage and carport structures forward of the building line must be designed and sited so as not to dominate the street <u>frontage</u>. In particular</p> <p>garages and carports adjacent to the front property boundary may not be permitted if there is a reasonably alternative onsite location; carports must be open on both sides and at the front; and</p> <p>the maximum width of any garage, carport or hardstand area is not to exceed a width equal to 50 percent of the <u>frontage</u>, up to a maximum width of 6.2m.</p> <p>In relation to the provision of parking for dwelling houses, Council may consider the</p>	N/A	<p>The proposal does not include a proposal for car parking. This is not different to the current arrangement for parking on the site. Refer to architectural plans.</p>

	<p>provision of only 1 space where adherence to the requirement for 2 spaces would adversely impact on the streetscape or on any heritage significance identified on the land or in the vicinity.</p> <p>4.1.6.4 Vehicular Access</p> <p>All vehicles should enter and leave the site in a forward direction. Vehicular access and parking for buildings with more than 1 dwelling is to be consolidated within one location, unless an alternative layout/design would better reflect the streetscape or the building form. Vision of vehicles entering and leaving the site must not be impaired by structures or landscaping.</p> <p>Particular attention should be given to separating pedestrian entries and vehicular crossings for safety. Vehicular access will not be permitted from pedestrianised areas in Manly Town Centre.</p> <p>Driveway crossovers/ gutter crossings should be minimised and spaced to maximise kerb-side car parking spaces. An appropriate means of minimising impacts in this regard may involve relocation of garages or carports away from the front property boundary if there is a reasonable alternative location. Particular attention should be given to separating pedestrian entries and vehicular crossings.</p> <p>The use of porous pavements and retention of existing vegetation is strongly encouraged in the design of driveways in order to maximise stormwater infiltration.</p>		
<u>4.1.7 First Floor and Roof Additions</u>	<p>4.1.7.1 First Floor Additions</p> <p>First floor additions must complement the architectural style of the ground floor and where possible retain existing roof forms. Notwithstanding setback provisions, the addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.</p> <p>The dwelling and the form of alterations and additions must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences or the aesthetic quality of the former Manly Council area. In this regard, it may be preferable that the addition be confined to the rear of the premises or be contained within the roof structure.</p>	Yes	The first floor addition complement the architectural style of the ground floor and is consistent with the existing scale and character of the street. Refer to architectural plans and HIS.

Part 3.1 Streetscapes and Townscapes

Streetscape

- Objective 1) *To minimise any negative visual impact of walls, fences and carparking on the street frontage.*
Objective 2) *To ensure development generally viewed from the street complements the identified streetscape.*
Objective 3) *To encourage soft landscape alternatives when front fences and walls may not be appropriate.*

Townscape

- Objective 4) *To ensure that all parking provision is designed and sited to respond to and respect the prevailing townscape.*
Objective 5) *To assist in maintaining the character of the locality.*
Objective 6) *To recognise the importance of pedestrian movements and townscape design in the strengthening and promotion of retail centres.*
Objective 7) *To minimise negative visual impact, in particular at the arterial road entry points into the Council area and the former Manly Council area, so as to promote townscape qualities.*

The development generally complements the identified streetscape and maintains the character of the locality. Refer to architectural plans and consultant reports. The development satisfies the objectives and advice set out in this chapter. Development consent conditions will be imposed accordingly.

Part 3.2 Heritage Considerations

- Objective 1) *To retain and conserve environmental heritage and cultural significance of Manly including:*
- *significant fabric, setting, relics and view associated with heritage items and conservation areas;*
 - *the foreshore, including its setting and associated views; and*
 - *potential archaeological sites, places of Aboriginal significance and places of natural significance.*
- Objective 2) *To ensure any modification to heritage items, potential heritage items or buildings within conservation areas is of an appropriate design that does not adversely impact on the significance of the item or the locality.*
- Objective 3) *To ensure that development in the vicinity of heritage items, potential heritage item and/ or conservation areas, is of an appropriate form and design so as not to detract from the significance of those items.*
- Objective 4) *To provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons.*
- Objective 5) *To integrate heritage management and conservation into the planning development process including incentives for good heritage management, adaptive reuse, sustainability and innovative approaches to heritage conservation.*

The site is not a heritage item and does not contain a Heritage item. The site is located within the Pittwater Road Conservation Area and is adjacent to the heritage item *St Marys Church, presbytery and school.*

5.2.1 Statement of Significance

- a. *The Pittwater Road Conservation Area street pattern is distinctive and underpins the urban character of the area. This street pattern comprises the alignment, detailing and silhouette of the street facades and the overall scale of building in Pittwater Road is important. The streets remain unaltered in their alignment, although the names of Malvern, Pine and North Steyne are now names for what were Whistler, Middle Harbour and East Steyne respectively. In particular, the streetscape along Pittwater Road from Dennison Road to Collingwood Street is a fine example of a remaining vista of the early settlement period in the Municipality specifically its scale and architectural interest and mixed use and for its association with the tram route and the major northern transport route.*
- b. *New development should recognise the linear nature of the buildings in Pittwater Road for their contribution to the visual character of this street. New development should not visually overwhelm the four groups of individual heritage items in that part of the street which is zoned for business purposes in the LEP.*

The design of the proposed alterations has taken the characteristics and requirements of the *Pittwater Road Conservation Area* into consideration. A Statement of Heritage Impact has been prepared by Cracknell & Lonergan Architects Pty Ltd and finds:

In considering the alterations and additions, it is recognised that a majority of the works are exclusively confined to upgrades necessary to improve the residential amenity of existing residents as well as provide ongoing maintenance to ensure the structural integrity of a residential dwelling. Indeed this report notes that there is a growing interest in buildings of heritage significance, for their display of material and structural elegance representative of the aesthetic of the period. In this sense, the proposed materiality of the alterations are in keeping with the existing material palette and respects the bulk, form and scale of the building. If compared aesthetically to some of its surroundings, given the contextually appropriate nature of the works, it is noted that the proposal does not have an adverse impact on the significance of the Heritage Conservation Area.

In light of this conclusion, the Statement of Heritage Impact recommends that the proposed works should not be restricted on the grounds of heritage.

The development satisfies the objectives and advices set out in this chapter. Development consent conditions will be imposed accordingly.

Part 3.3 Landscaping

Refer to architectural and landscape plans. The development satisfies the objectives and advice set out in this chapter. Development consent conditions will be imposed accordingly.

Part 3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)

- Objective 1) *To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties including noise and vibration impacts.*
- Objective 2) *To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.*

The development will not affect the privacy, views, solar access and general amenity of adjoining and nearby properties including noise and vibration impacts. Refer to architectural plans. The development satisfies the objectives and advice set out in this chapter. Development consent conditions will be imposed accordingly.

3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)

- Objective 1) *To ensure the principles of ecologically sustainable development are taken into consideration within a consistent and integrated planning framework that achieves environmental, economic and social sustainability in the short, medium and long term.*
- Objective 2) *To encourage the retention and adaptation of existing dwellings including a preference for adaptive reuse of buildings rather than total demolition. Where retention and adaption is not possible, Council encourages the use of building materials and techniques that are energy efficient, non-harmful and environmentally sustainable.*
- Objective 3) *To minimise waste generated by development and embodied in the building materials and processes through demolition.*
- Objective 4) *To encourage the use of recycled materials in landscape construction works.*
- Objective 5) *To encourage the establishment of vegetable gardens and the planting of fruit trees.*
- Objective 6) *To encourage energy efficient building design, construction and practices, that reduce energy consumption (primarily for heating and cooling), reduce the use of non-renewable fossil fuels, minimise air pollution, greenhouse gas emissions and reduce energy bills.*
- Objective 7) *To require that residential site planning and building design optimise solar access to land and buildings.*
- Objective 8) *To site and design development to optimise energy conservation and sustainability in accordance with BASIX legislation and encourage development to exceed requirement particularly to ensure energy efficient use of energy for internal heating and cooling. See also Council's Administrative Guidelines*
- Objective 9) *To site and design development to optimise energy conservation (in accordance with the energy hierarchy) and sustainability to which BASIX does not apply.*
- Objective 10) *To ensure non-residential development involving a gross total floor area of greater than 500 sqm set and meet criteria for energy efficiency/conservation through an Energy Performance Report.*
- Objective 11) *To ensure non-residential development complies with the Building Code of Australia energy efficiency provisions.*

In accordance with Schedule 1 of the Regulations and SEPP 2004 a BASIX Certificate (and associated NatHERS certificates) have been submitted with the application demonstrating that the proposed development achieves the minimum water, thermal and energy targets. A waste management and Erosion and Sediment control plan take into account the development and waste generation during demolition, construction and beyond. The development satisfies the objectives and advices set out in this chapter. Development consent conditions will be imposed accordingly.

Part 3.7 Stormwater Management

- Objective 1) *To manage urban stormwater within its natural catchments and within the development site without degrading water quality of the catchments or cause erosion and sedimentation.*
- Objective 2) *To manage construction sites to prevent environmental impacts from stormwater and protect downstream properties from flooding and stormwater inundation.*
- Objective 3) *To promote ground infiltration of stormwater where there will be no negative (environmental) impacts and to encourage on-site stormwater detention, collection and recycling.*
- Objective 4) *To make adequate arrangements for the ongoing maintenance of stormwater facilities.*

The development will connect to the existing stormwater arrangement. Refer to stormwater plans The development satisfies the objectives and advices set out in this chapter. Development consent conditions will be imposed accordingly.

Part 3.8 Waste Management

- Objective 1) *To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).*
- Objective 2) *Encourage environmentally protective waste management practices on construction and demolition sites which include:*
- *sorting of waste into appropriate receptors (source separation, reuse and recycling) and ensure appropriate storage and collection of waste and to promote quality design of waste facilities;*
 - *adoption of design standards that complement waste collection and management services offered by Council and private service providers;*
 - *building designs and demolition and construction management techniques which maximises avoidance, reuse and recycling of building materials and which will minimise disposal of waste to landfill; and*
 - *appropriately designed waste and recycling receptors are located so as to avoid impact upon surrounding and adjoining neighbours and enclosed in a screened off area.*
- Objective 3) *Encourage the ongoing minimisation and management of waste handling in the future use of premises.*
- Objective 4) *To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.*
- Objective 5) *To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.*
- Objective 6) *To minimise any adverse environmental impacts associated with the storage and collection of waste.*
- Objective 7) *To discourage illegal dumping.*

Refer to waste management plan and Erosion and Sediment control plan. The collection points are existing and are generally kerb side. The development satisfies the objectives and advices set out in this chapter. Development consent conditions will be imposed accordingly.

Part 3.10 Safety and Security

- Objective 1) To ensure all development are safe and secure for all residents, occupants and visitors of various ages and abilities.*
- Objective 2) To ensure that the design process for all development integrate principles of 'Safety in Design' to eliminate or minimise risk to safety and security.*
- Objective 3) To contribute to the safety and security of the public domain.*

The development is of a residential nature and is safe and secure for all residents, occupants and visitors of various ages and abilities. The development satisfies the objectives and advices set out in this chapter. Development consent conditions will be imposed accordingly.

4.5 Section 4.15(1)(a)(iia) Any Planning Agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,

Given the proposal at hand, it is considered that planning agreements are not required.

4.6 Section 4.15(1)(a)(iv) The regulation (to the extent that they prescribe matters for the purposes of this paragraph),

Clause 92, 93, 94, 97A & 98 of the Environmental Planning and Assessment Regulation 2000 prescribes certain matters that must be considered by Council in determination of a development application.

92 Additional matters that consent authority must consider (cf clause 66 of EP&A Regulation 1994)

(1) For the purposes of section 4.15 (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:

- (a) (Repealed)
- (b) in the case of a development application for the demolition of a building, the provisions of AS 2601,
- (c) in the case of a development application for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act, the provisions of that order and of any development plan prepared for the land by a relevant authority under that Schedule,
- (d) in the case of the following development, the Dark Sky Planning Guideline:
 - (i) any development on land within the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle Shire,
 - (ii) development of a class or description included in Schedule 4A to the Act, State significant development or designated development on land less than 200 kilometres from the Siding Spring Observatory,
- (e) in the case of a development application for development for the purposes of a manor house or multi dwelling housing (terraces), the Medium Density Design Guide for Development Applications published by the Department of Planning and Environment on 6 July 2018, but only if the consent authority is satisfied that there is not a development control plan that adequately addresses such development.

The development will comply with the provisions of AS 2601. The application is not an application for Manor house or Multi dwelling under the Medium Density Design Guide. The site is not subject to subdivision order made under Schedule 7.

93 Fire safety and other consideration (cf clause 66A of EP&A Regulation 1994)

- (1) This clause applies to a development application for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building.
- (2) In determining the development application, the consent authority is to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use.
- (3) Consent to the change of building use sought by a development application to which this clause applies must not be granted unless the consent authority is satisfied that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use.

Note. The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.

- (4) Subclause (3) does not apply to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4).
- (5) The matters prescribed by this clause are prescribed for the purposes of section 4.15 (1) (a) (iv) of the Act.

The development will comply with all relevant fire safety requirements.

94 Consent authority may require buildings to be upgraded (cf clause 66B of EP&A Regulation 1994)

- (1) This clause applies to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building where:
 - (a) the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or
 - (b) the measures contained in the building are inadequate:
 - (i) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or
 - (ii) to restrict the spread of fire from the building to other buildings nearby.
 - (c) (Repealed)

(2) In determining a development application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.

(2A), (2B) (Repealed)

(3) The matters prescribed by this clause are prescribed for the purposes of section 4.15 (1) (a) (iv) of the Act.

The development will be upgraded where necessary as outlined by the requirements of the Building Code of Australia.

97A Fulfilment of BASIX commitments

- (1) This clause applies to the following development:
 - (a) BASIX affected development,
 - (b) any BASIX optional development in relation to which a person has made a development application that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A of Schedule 1 for it to be so accompanied).
- (2) For the purposes of section 4.17 (11) of the Act, fulfilment of the commitments listed in each relevant BASIX certificate for development to which this clause applies is a prescribed condition of any development consent for the development.

BASIX and NatHERS Certificates have been provided as part of the supporting documents for this application and are to be fulfilled with the construction of the development.

98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989 (cf clauses 78 and 78A of EP&A Regulation 1994)

(1) For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
- (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

(1A) For the purposes of section 4.17 (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

(2) This clause does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
- (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.

(3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
- (b) construction certificate, in every other case.

Note. There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

All building work will be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).

4.7 Section 4.15(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The environmental impacts of the proposed development on the natural and built environment are addressed in this report. The overall ESD performance of the proposal is identified as high with the units achieving a high BASIX rating, along with appropriate orientations, landscaping and water efficiency measures.

The design of the dwellings satisfies the Councils requirements with regard to energy rating, water recourses, solar principles and the like. The proposed development will not have a detrimental economic impact on the locality considering the residential nature of the surrounding and proposed land use. The re-development of the site will add to the vitality of Manly and will result in an economic and rational use of the land. The proposed development will have a positive impact on the new residents accommodated on the site and will have a beneficial economic impact.

Context and Setting:

In regard to the matter of context, the planning principle in ***Project Venture Developments v Pittwater Council [2005] NSWLEC 191*** is relevant in that it provides guidance in the assessment of compatibility. The two major aspects of compatibility are physical impact and visual impact.

In assessing each of these the following questions should be asked:

- Are the proposals physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposals appearance in harmony with the buildings around it and the character of the street?

In response to the first question, matters such as overshadowing, privacy concerns, bulk scale and setbacks are relevant. The development will not result in overshadowing of the adjoining sites. The development is within the allowable height and FSR for the site. There are no existing developments that will be unreasonably impacted on by the development in terms of overshadowing or privacy impacts.

The area is currently characterised by predominantly one (1) and two (2) storey dwellings. In regard to the visual impact, the development will not appear visually prominent in contrast to the surrounding buildings and character of the street. The visual impact is considered acceptable given that the built form has reasonably responded to the Council's recommendations and consistent with the desired future character of the area.

The scale of the development as viewed from the respective streets will be of scale of the surrounding buildings and is comparable to other likely future developments in the locality and the desired future character given the applicable planning controls.

In summary, the proposal has been assessed with regard to the amenity impacts from the development, the zoning, permissible height and FSR for the land, and existing and future character of the area, and is considered to be compatible with the local area.

Access, Transport and Traffic:

The development is not expected to result in adverse traffic impacts.

Public Domain:

The development will not have an impact on the public domain.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply.

Heritage:

The site is located within a heritage conservation area. The development has been considered and assessed against the relative controls and is supported by an independent heritage consultant. The heritage conservation area and the adjacent heritage items will not be impacted by the proposal.

Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

Water:

The site is within a medium density residential area currently serviced by Water, which can be readily extended to meet the requirements of the proposed development. The proposal is not envisaged to have unreasonable water consumption.

Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate.

Flora and Fauna:

No significant flora or fauna identified on the site that may be affected by the development.

Waste:

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

There are no natural hazards affecting the site that would prevent the proposal.

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal.

Safety, Security and Crime Prevention:

This application does not result in any opportunities for criminal or antisocial behaviour.

Social Impact:

No adverse social impacts are anticipated from the development.

Economic Impact:

The proposal is not expected to create any negative economic impact.

Cumulative Impacts:

The proposal is not expected to have any negative cumulative impacts

4.8 Section 4.15(1)(c) The Suitability of the Site for Development

The site is considered suitable for the redevelopment consisting of the proposing *Alterations and Additions to an existing Dual Occupancy and Torrens Title Subdivision into two (2) lots* within the subject site of Lot: 1 DP: 965161 No 11 Denison Street, Manly, 2095.

The proposed development is considered suitable for this site; will have no adverse impacts on the natural scenic qualities of the area; no material loss of views from any public place and has no significant impact on vegetation.

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments.

4.9 Section 4.15C(1)(d) Any submissions made in accordance with this Act or the regulations

It is anticipated that the proposal will be advertised in accordance with Northern Beaches Council's notification policy. We do not anticipate any submission being received when advertised however should a submission be received, this will be assessed by the council in consultation to the applicant.

4.10 Section 4.15(1)(e) The Public Interest

The proposal is not considered to present any detrimental environmental impacts or amenity impacts onsite or to adjoining neighbours. The wider neighbourhood and community would be benefited with the proposal at hand.

The proposal will make a positive economic and social contribution by extending the range of urban land uses sought by Northern Beaches Council's planning controls.

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

5.0 CONCLUSION

The purpose of this Statement of Environmental Effects is to accompany a development application to the consent authority of Northern Beaches Council proposing *Alterations and Additions to an existing Dual Occupancy and Torrens Title Subdivision into two (2) lots* within the subject site of Lot: 1 DP: 965161 No 11 Denison Street, Manly, 2095 to the consent authority of Northern Beaches Council.

The subject site is a corner lot located on the eastern side of Pittwater Road and is accessed from Denison Street (Corner to Whistler Street). The subject site is zoned R3 Medium Density Residential, pursuant to the Manly Local Environmental Plan 2013 (LEP2013). The site contains an attached single storey brick dwelling with a tiled roof to be partially retained.

There will be no measurable adverse environmental impact from the proposed development, which substantially complies with all of the relevant requirements and underlying objectives of the relevant State and Local Environmental Planning Instruments.

The siting, design and external appearance of the development is appropriate and relate sympathetically to the site and to the desired future scale and character of development in the surrounding Manly locality.

The proposal has been adequately assessed against Section 4.15 Evaluation - Matters for Consideration, of the Environmental Planning and Assessment Act and found to satisfy the principles of the legislation.

On balance, the development is ecologically sustainable and in the public interest. Therefore, given the above assessment the proposal should be recommended and determined as approved by Northern Beaches Council.

- **END** -

Disclaimer: E-planning Pty Ltd has not undertaken a site visit for the purposes of this report. This report is provided exclusively for the purposes described in this report. No liability is extended for any other use or to any other party. The report is based on conditions prevailing at the time of the report and information provided by the client. The report is only for which the land to which the report relates and only for the day it is issued. This report should be read in conjunction with submitted documents and plans relevant to the Development Application