

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO AN  
EXISTING ATTACHED DWELLING**

**LOCATED AT**

**11 DARLEY ROAD, MANLY**

**FOR**

**RACHEL SMITH & ANDREA SOFFIATI**



**Prepared  
December 2022**

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## 1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Rachel Smith & Andrea Soffiati by Archisoul Architects, Project No 2115 & Drawings No's. DA00 – DA16, dated 9 December 2022, to detail the construction of alterations and additions to an attached dwelling at **11 Darley Road, Manly**.

This Statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, (as amended) including:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*

## 2.0 Property Description

The subject allotment is described as **11 Darley Road, Manly**, being Lot 109, within Deposited Plan 1232519 and is zoned R3 Medium Density Residential under the Manly Local Environmental Plan 2013.

The site is listed as a being a Heritage Item, “One of a pair of semi-detached cottages” (No. I120). and is located within Town Centre Conservation Area (C2). In addition, the site is within the vicinity of a number of heritage items, including the residential cottage at 15 Darley Road (Item No. I122) and a residential flat building at No. 17 Darley Road (Item No. I23).

Accordingly, proposal is supported by a Heritage Impact Statement, prepared by Sue Rosen Associates, dated November 2022, which is discussed in further detail within this Statement.

The land is noted as being within a Foreshore Scenic Protection Zone and is identified as being within the Class 4 Acid Sulfate Soils Area.

Furthermore, the property is within Area G3 on Council's DCP Landslip Hazard Map. The proposal does not involve any substantial disturbance to the existing site conditions, and therefore no further investigation is required.

These matters will be discussed further within this statement.

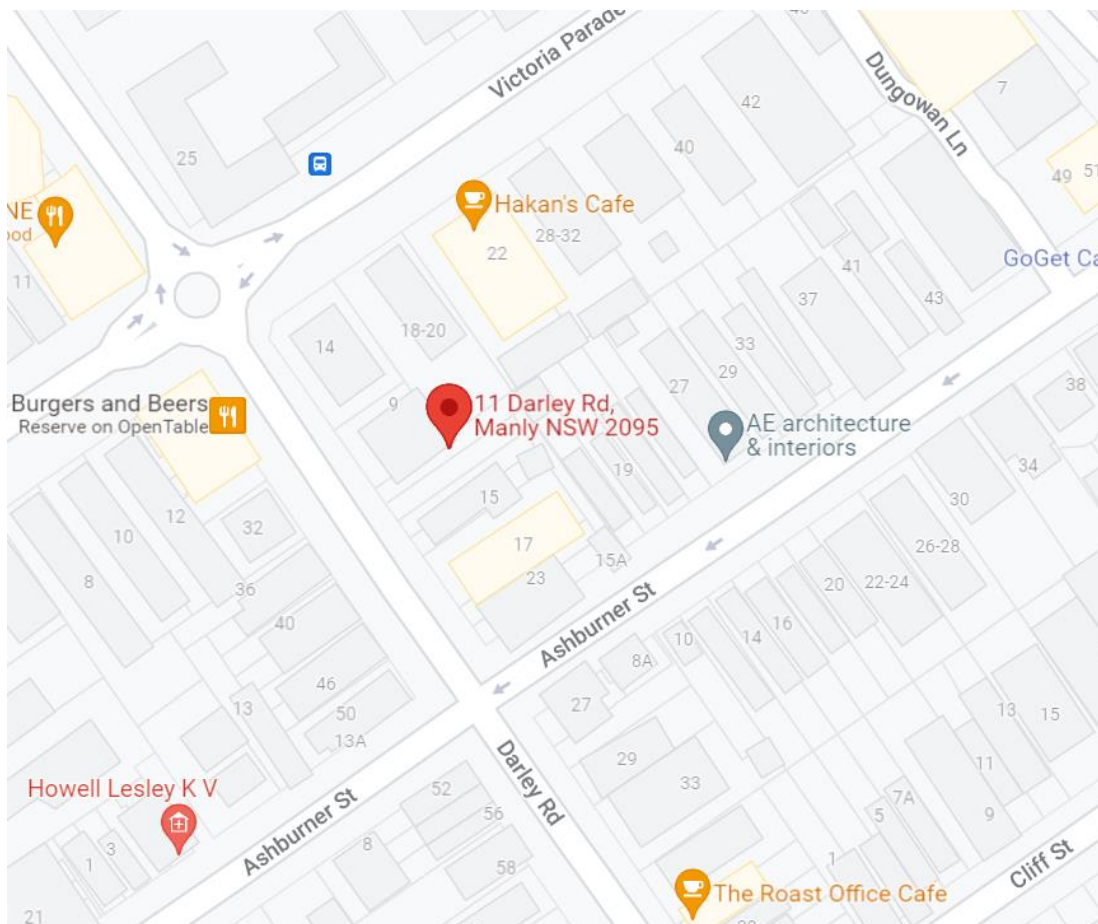
### 3.0 Site Description

The site is located on the eastern side of Darley Road, with vehicular access gained via Ashburner Street to the south to an existing single carport. The site is relatively flat.

The site has a frontage to Darley Road of 5.335m and north-western and south-eastern side boundaries of 41.15m and 41.145m respectively. The rear boundary measures 5.18m. The site area has an area of 221.2m<sup>2</sup>.

The site is currently developed with a one and two storey semi-detached weatherboard, rendered and metal clad dwelling within a larger area of similar dwellings and residential flat buildings.

The details of the site are included on the survey plan prepared by VMark Survey, dated 1 April 2022, which accompanies the DA submission.



**Fig 1: Location sketch**  
(Source: Google Maps)



**Fig 2: View of subject site, looking north-east from Darley Road (subject dwelling LHS of view)**



**Fig 3: View of the subject site (centre of view) looking north**





**Fig 4: View of the subject site and adjoining development at No 9 Darley Road, looking north-east**



**Fig 5: View of the streetscape to the north of the site, looking north**





**Fig 6: View of the common driveway access to the rear of the site, looking north-west from Ashburner Street**



**Fig 7: View looking north-west along the common access driveway towards the existing parking structures for the subject and neighbouring sites**



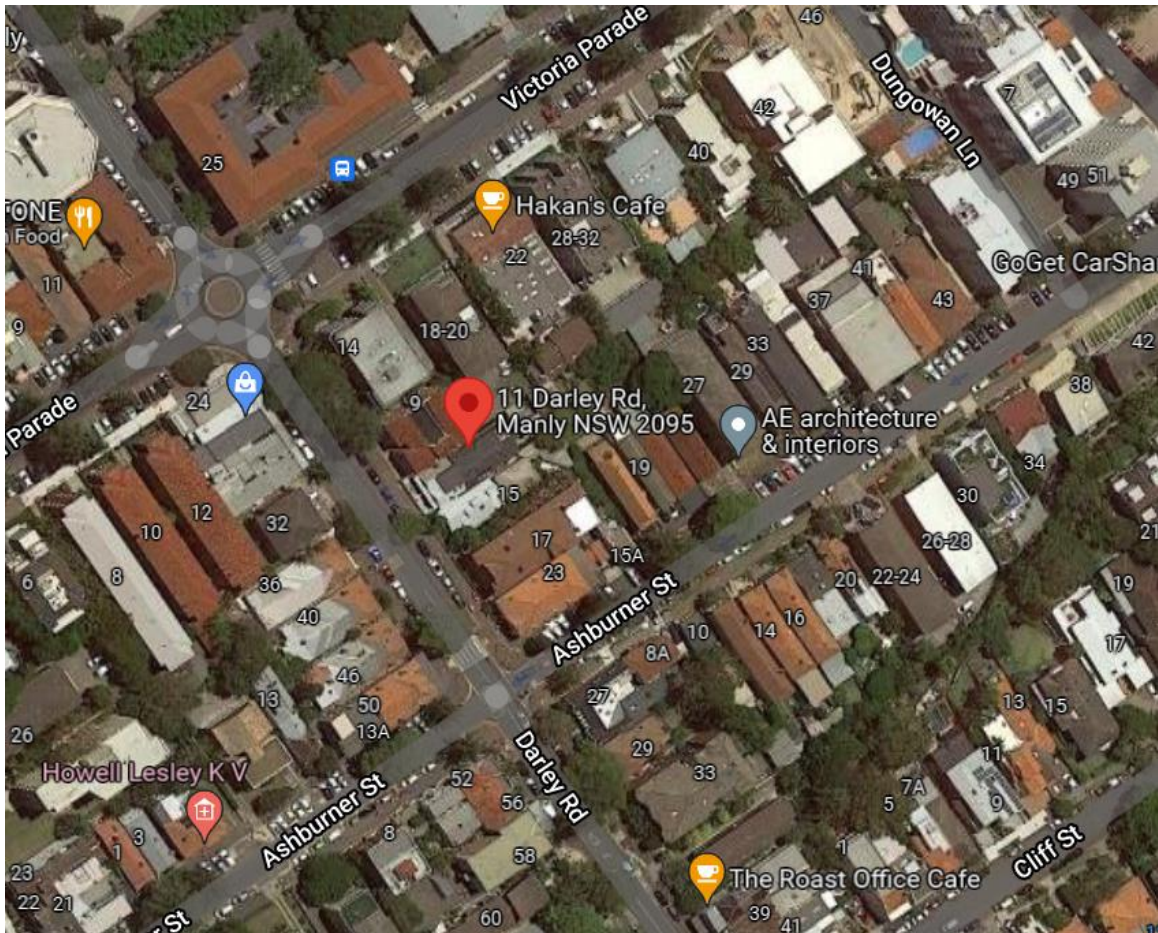
**Fig 8: View of the existing rear yard, looking north-east**



#### 4.0 Surrounding Environment

The area surrounding the site is represented by a mix of development comprising one and two storey attached and detached dwellings, together with residential flat development and a variety of commercial development. The adjoining properties to the north and south are developed with attached one and two storey dwellings and a residential flat building.

The site is within close proximity to the Manly Beach foreshore.



**Fig 9: Aerial view of subject site**  
(Source: Google Maps)

## 5.0 Proposed Development

As detailed within the accompanying architectural plans, it is proposed to provide for external works to the existing dwelling.

The existing dwelling and front entry from Darley Road will be unchanged.

The new external works comprise:

### External Works

- Demolition works remove existing carport and rear deck
- Construct new detached single carport with covered storage area to provide a general storage and workshop, wine cellar and bin storage area
- New landscaping within the rear yard

The external finishes of the new works will comprise vertical cladding with metal roof sheeting. The proposed new works will complement the existing development in terms of form, colours and finishes. An external finishes schedule has been provided within Drawing No DA16.

The stormwater from the new roof areas will be directed to the existing stormwater system which diverts runoff to the street gutter in Ashburner Street. A Hydraulic Services plan has been prepared by In-line Hydraulic Services, dated 20 October 2022.

Additionally, a Landscape Design has been prepared Contour Landscape Architecture to provide for the replanting of the rear yard of the site to support the proposed new works.

The development indices for the site are noted as:

Site area	221.2m <sup>2</sup>
Allowable FSR	0.75:1 or 165.9m <sup>2</sup>
Proposed FSR	0.755:1 or 166.9m <sup>2</sup>
Required Open space (Area OS2) – 50% total/30% soft open space	57.63m <sup>2</sup> (26.1%)/22.7m <sup>2</sup> (39.3%)

## **6.0 Zoning and Development Controls**

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

SEPP (Resilience and Hazards) 2021 and in particular Clause 4.6(2) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land and the fact that the works do not require any substantial site disturbance, the site is not considered to be subject to contamination and further investigation is not required at this stage.

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

The proposal has been designed to respect the water, thermal and energy standards required by BASIX. Given the works proposed non-habitable external works, a Basix Certificate is not considered necessary in this instance.

### **6.3 Manly Local Environmental Plan 2013**

The land is zoned R3 Medium Density Residential under the provisions of the MLEP 2013.



**Fig 10: Extract of Manly Local Environmental Plan 2013**

The development of and use of the land for residential purposes is consistent with the objectives of the R3 zone, which are noted over as:



- *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.*

It is considered that the proposed additions and alterations to the dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing attached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality. The proposal provides for alterations and additions to an existing attached dwelling, which complement the bulk and scale of the existing dwelling.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any significant impact on long distance views for the neighbouring properties.
- The site is utilised as housing and will continue to maintain the residential use.
- The works will provide for additions and alterations to the existing dwelling which will maintain the residential scale and character of the locality.
- The proposal will maintain an appropriate level of amenity to the adjoining properties.
- As detailed in this report the proposal maintains appropriate solar access to the surrounding properties.

**Clause 4.3** provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

***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.*

The building height limit for development in this portion of Manly is 11m. The proposed new works will present a maximum height of up to 3m, which does not exceed the existing overall ridge height, and will readily comply with the maximum height control.

**Clause 4.4** provides a maximum floor space ratio control of 0.75:1 for development in this locality. The proposal will see the inclusion of a wine cellar within the rear yard which results in a total floor area of 166.9m<sup>2</sup> or a floor space ratio of 0.755:1, exceeds the maximum floor space ratio by 1m<sup>2</sup>. A Written Request under Clause 4.6 of the MLEP 2013 is provided to support the development.

**Clause 5.10** relates to Heritage Conservation.

The site is listed as a being a Heritage Item, “One of a pair of semi-detached cottages” (No. I120). and is located within Town Centre Conservation Area (C2). In addition, the site is within the vicinity of a number of heritage items, including the Residential cottage at 15 Darley Road (Item No. I122) and a residential flat building at No. 17 Darley Road (Item No. I23).

The objectives of the clause are noted as:

- (a) to conserve the environmental heritage of Manly,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The proposal is supported by a Heritage Impact Statement, prepared by Sue Rosen Architects, which concludes that:

*“The scale, form, materials and finishes chosen, combined with the siting and screening provided by existing fences and trees in the surrounding rear yards ensures the proposal has no adverse impact on the item itself, items in the vicinity or the heritage conservation area.”.*

Additionally, the heritage assessment recommends that the proposal be approved.



**Fig 11: Extract of Manly Local Environmental Plan 2013**

**Clause 6.1** addresses the impact of works in relation to acid sulfate soils. The area is noted as being within the Class 4 Acid Sulfate Soils Area. As no substantial excavation is required, the proposal is not expected to disturb any acid sulfate soils. Accordingly, it is considered that no further investigation of the soil is warranted in this instance.

**Clause 6.2** relates to earthworks. The proposal will not require any disturbance of the existing site conditions, and the works will be carried out in accordance with the recommendations of a consulting Structural Engineer. The proposal will therefore satisfy the provisions of this clause.

**Clause 6.9** relates to foreshore scenic protection areas. The site has been identified as being within a foreshore scenic protection zone. The proposal will not see the removal of any significant vegetation, and the bulk and scale of the new works is compatible with the character of the locality.

There are no other clauses of the MLEP 2013 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

#### **6.4 Manly Development Control Plan 2013**

Council's DCP Development Control Plan 2013 provides the primary control for development within the area.

The DA submission will address the Council's submission requirements outlined in Part 2 – Process.

The primary areas which are applicable to the proposed works are detailed within Part 3 – General Principles of Development & Part 4 – Development Controls and Development Types.

##### **Clause 3.1.1 Streetscape (Residential Areas)**

The proposal will provide for the construction of alterations and additions to an existing dwelling, specifically the provision of a new single garage and private open space and pergola. The works will provide a single storey appearance, therefore the proposal will not have a significant impact on the view of the site from the Darley Road or Ashburner Street streetscape.

The intended outcomes are noted as:

- i) complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;*
- ii) ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed from surrounding public and private land;*
- iii) maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys;*
- iv) avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like. See also paragraph 4.1.8 Development on Sloping Sites and paragraph 4.1.9 Swimming Pools, Spas and Water Features;*
- v) address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also paragraph 3.2 Heritage Considerations;*



- vi) *visually improve existing streetscapes through innovative design solutions; and*
- vii) *Incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged. See also paragraph 3.5.7 Building Construction and Design*

The proposal provides for contemporary additions which will complement the style and form of the existing dwelling, and will therefore respect Council's residential streetscape controls.

#### **Clause 3.1.1.3 Roofs and Dormer Windows**

The proposed flat roof to the garage will complement the surrounding context with similar roof styles provided to parking structures.

The proposed low profile roof form further assists with minimising the visual impact of the development within the locality.

#### **Clause 3.3 Landscaping**

The proposed new works will continue to retain sufficient soft landscaping. The works will see the removal of existing decking and structures and the provision of soft landscaping within the rear yard. The site will retain 39% open space, of which that 26% will be provided as soft landscaping.

The works to the dwelling will maintain a modest form, which are well set back from the rear boundary. The existing front yard area facing Darley Road will retain the existing landscape planting which assists in softening the built form of the dwelling. A Landscape Design has been prepared by Contour Landscape Architecture to provide for the managed replanting of the rear yard of the site.

No substantial planting is to be removed to accommodate the new works.

#### **Clause 3.4 Amenity (Views, Overshadowing, Overlooking/Privacy, Noise)**

The objectives of the clause are noted as:

- 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.*
- Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.*

It is suggested that the works will achieve these objectives as:

- Due to the siting of the subject and neighbouring properties, the proposed works will not result in any reduction of the available views for the neighbouring properties to the west.
- The proposal has been designed to minimise any potential privacy impacts for neighbouring properties.
- The modest bulk and scale of the proposed works will not see any significant loss of solar

access for the subject site and adjoining properties.

### Clause 3.5 Sustainability

A BASIX Certificate is not considered to be necessary in this instance as a work provide for non-habitable outbuilding structures.

### Clause 3.7 Stormwater Management

It is proposed to connect all collected stormwater to the existing stormwater system which directs stormwater runoff to the street gutter in Ashburner Street. A Hydraulic Services plan has been prepared by In-line Hydraulic Services, Project No 22246 dated 20 October 2022 and accompanies the submission.

## Part 4 – Residential Development Controls

### Site Area 221.2m<sup>2</sup> – Density Sub Zone D2 (150m<sup>2</sup> per lot)

#### Compliance Table

Control	Required	Proposed	Compliance
<b>Clause 4.1.1</b> Residential Density & Subdivision	Density Area D2 – 1 dwelling per 150m <sup>2</sup>	Site area is 221.2m <sup>2</sup>	Yes - existing site and dimensions are unchanged
<b>Clause 4.1.2</b> Height of Buildings	Maximum height – 11m	Maximum height – 3m	Yes
	Wall height – 9m	Max proposed wall height 3m	Yes
	Max two storeys	Proposed single storey works	Yes
	Roof height – 2.5m above wall height	<2.5m (flat roof)	Yes
<b>Clause 4.1.13</b> Floor Space Ratio (FSR)	0.75:1	0.755:1	No – see Clause 4.6 Written Request

<p><b>Clause 4.1.4</b> Setbacks (front, side and rear)</p>	<p>a) Relate to neighbouring sites and the prevailing building lines or 6m</p> <p>c) 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>New works maintain existing front setback to Darley Road.</p>	<p>Yes</p>
<p>Side Boundary setback – 1/3 of wall height</p>	<p>N/A – subject site is an attached dwelling</p> <p>b) Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sunhoods, 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>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</p>	<p>The proposed garage and pergola follow the siting of the existing carport and pergola, as well as the attached dwelling.</p> <p>N/A – the subject site is not a corner allotment, however driveway access is gained from Ashburner Street to the rear of the site.</p>	<p>Yes</p> <p>N/A</p>



Rear setback – 8m	the building must address both streets.	The proposal follows the same siting of the existing carport and is consistent with the rear setbacks of surrounding development.	Yes
<b>Clause 4.1.5</b> Open space and Landscaping	Area OS 2 Min 50%/30%	<p>The proposal will provide a total open space area of 26%, of which 39% of the area will be provided as soft landscaping.</p> <p>The proposal results in a reduction to the available landscaping due to the proposed garage and adjoining workshop/storage areas.</p> <p>To further enhance the landscaped areas that will be retained within the site, a Landscape Design has been prepared by Contour Landscape Architecture, which provides for the managed replanting of the rear yard area</p> <p>The objectives of the clause are as follows:</p> <ul style="list-style-type: none"> <li><i>To retain and augment important landscape features and vegetation</i></li> </ul>	Yes – on merit

		<p><i>including remnant populations of native flora and fauna.</i></p> <ul style="list-style-type: none"><li><i>• To maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland.</i></li><li><i>• To maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area.</i></li><li><i>• To maximise water infiltration on-site with porous landscaped areas and surfaces and minimise stormwater runoff.</i></li><li><i>• To minimise the spread of weeds and the degradation of private and public open space.</i></li><li><i>• To maximise wildlife habitat and the potential for wildlife corridors.</i></li></ul>	
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		<p>The proposal, notwithstanding the reduction to the landscaping, provides appropriate landscaping within the context of a small lot which has minimal landscaping at present. The proposal also offers an improved and functional area of open space for the residents of the site. The proposed landscaping, while reduced from the existing, does offer appropriate landscaping for the site and the residents.</p> <p>The reduced open space and landscaping will not detract from the residential amenity of the site with a high-degree of sunlight, privacy and views being maintained. The streetscape character will remain.</p> <p>The shortfall in landscaping will not adversely impact on water infiltration with sufficient pervious areas provided to ensure stormwater is dealt with accordingly.</p>	
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		The proposed open space and landscaping is appropriate and worthy of support on merit.	
<b>Clause 4.1.6</b> Parking	2 spaces	While the proposal provides for 1 car space, the proposed single garage retains the existing off-street parking arrangement and is considered appropriate.	Yes – on merit
<b>Clause 4.1.6.4</b> Vehicular Access	<p>a) All vehicles should enter and leave the site in a forward direction.</p> <p>b) 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.</p> <p>c) Vision of vehicles entering and leaving the site must not be impaired by structures or landscaping.</p> <p>d) Particular attention should be given to separating pedestrian entries and vehicular crossings for safety.</p>	<p>The existing vehicular access arrangement from Ashburner Street.</p> <p>Forward entry and exit is not feasible due to the small lot size.</p>	Yes



<b>Clause 4.1.10</b> Fencing	Freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point.	N/A	N/A
<b>Clause 4.1.8</b> Development on Sloping Sites	<i>Area G3 - Potential Hazards</i> Potential for Geotechnical Hazards includes settlement of foundations due to failure of unsupported excavations, dewatering & vibrations and other construction activity. Possibility of earthquake induced settlement of foundation also exists in this area. Typical consequences of failure comprise little to moderate damage of some or part of structures, including neighbouring land including dwellings or roadway and typically requiring some stabilisation works over part of the site. The need for large scale stabilisation works is unlikely in Area G3.	<p>The site is identified on Council's DCP Landslip Hazard Map as Landslip Prone Land (Area G3).</p> <p>The proposal will not see any substantial disturbance of the existing site conditions, and no further investigation is deemed necessary.</p> <p>The works will be carried out in accordance with the recommendations of the consulting Structural Engineer, and therefore satisfy the provisions of this clause.</p>	Yes

## **7.0 Matter for Consideration under the Under Section 4.15 of The Environmental Planning and Assessment Act, 1979**

### **7.1 The provisions of any environmental planning instrument**

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

### **7.2 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**

There are no draft instruments applying to the land.

### **7.3 Any development control plan**

The development has been designed to comply with the requirements of Council's Manly 21 Development Control Plan 2013.

The application has been prepared having regard to the requirements of Section B, Section C and Section D of the Pittwater 21 DCP.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to

numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the car parking, open space and landscaped area controls is a reasonable alternative solution to compliance where the site conditions results in a challenge to designing for new development which fully respects the controls.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

**7.4 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**

No matters of relevance are raised in regard to the proposed development.

**7.5 Any matter prescribed by the regulations that apply to the land to which the development relates.**

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks approval for alterations and additions to an existing attached dwelling, is reasonable.

The development will maintain a favourable bulk and scale relationship with other development in the vicinity. It is considered that the resultant development is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's LEP and Council's Codes and Policies.

**7.7 The suitability of the site for the development**

The subject land is currently zoned R3 Medium Density Residential under the Manly Local Environmental Plan 2013 and is considered suitable for the proposed development.

The subject site does not exhibit any significant constraint to the construction of the proposed development.

**7.9 Submissions made in accordance with this Act or the regulations**

This is a matter for Council in the consideration of this proposal.

**7.10 The public Interest**

The proposal will not unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public

interest.

## **8.0 Conclusion**

The principal objective of this development is to support the proposed construction of alterations and additions to an existing attached dwelling, including a garage and open space, which satisfy the stated objectives of Council's Development Controls.

By maintaining our neighbour's amenity and by complementing the scale and form of other development in the immediate locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

**VAUGHAN MILLIGAN**

Town Planner