

**STATEMENT OF
ENVIRONMENTAL EFFECTS**

Proposed Dwelling House
Development

**2 Ellery Parade
SEAFORTH**



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Statement of Environmental Effects

Proposed Dwelling House Development

2 Ellery Parade, Seaforth

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1.0 INTRODUCTION

This document forms a component of a development application proposing the demolition of the existing dwelling house and the construction of a new contemporary residence with internally accessed garage accommodation and swimming pool on the subject allotment. The application also proposes alterations to the existing detached structure at the rear of the site for use as a pool cabana and the implementation of an enhanced site landscape regime.

The architect has responded to the client brief to provide a site-specific contemporary design which affords high levels of amenity for future occupants whilst maintaining, and in some cases enhancing, residential amenity to adjoining properties in terms of privacy, solar access and view sharing. The final detailing of the application is responsive to the minutes arising from formal pre-DA discussions with Council with the resultant building form and streetscape outcomes complimentary and compatible with those established by adjoining development and development generally within the site's visual catchment. Such outcome is achieved through an increased front garage setback, a significant reduction in the height of the garage structure and an increased eastern boundary side setback.

The refined nature and detailing of the development will reinforce the desired future character of the locality and contribute to the built form quality of development within the sites visual catchment. In preparation of this document, consideration has been given to the following:

- The Environmental Planning and Assessment Act, 1979 as amended;
- The Environmental Planning and Assessment Regulation;
- Manly Local Environmental Plan 2013 (MLEP); and
- Manly Development Control Plan 2013 (MDCP).

The application is also accompanied by a complete set of architectural drawings, site survey, landscape plan, stormwater management plans, preliminary geotechnical assessment, letters from adjoining property owners rejecting a request for the creation of a stormwater easement through their property and a BASIX certificate.

The proposal is permissible and in conformity with the development standards and built form controls contained within the applicable statutory planning regime as reasonably applied to development on the subject site and having regard to the built form characteristics established by the existing dwelling and carparking structure on the site and development generally within the sites visual catchment.

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

Council can be satisfied that the proposed works will not give rise to adverse streetscape or residential amenity consequences. The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (the Act) and is appropriate for the granting of consent.

2.0 SITE DESCRIPTION AND LOCATION

The site is known as Lot 2, DP 528368, No. 2 Ellery Parade, Seaforth. The site is rectangular in shape having frontage and address of 15.555 metres to Ellery Parade, variable depth of between 47.56 and 47.605 metres and an area of 739m². The site falls away from the street slightly in a northerly direction with the majority of the property otherwise generally flat. A tree is located in the north eastern corner of the property with the balance of the site otherwise unremarkable in terms of landscaping or natural features.



Source: SIX Maps

Figure 1 - Aerial location and context photograph

The site is occupied by a 2 storey brick residence with pitched and tile roof and a detached carport garage structure with pitched tile roof located adjacent to the property frontage. The carport is accessed from its side, relative to the alignment of the road, via a driveway and forecourt area with such arrangement enabling vehicles to enter and exit the site in a forward direction. The driveway continues down the eastern side of the property to a concrete parking area at the rear with a number of detached garden structures also occupying the rear of the property. A low brick wall delineates the front boundary of the property. The established built form circumstance is depicted in the site survey at Figure 2 and streetscape photograph at Figure 3 over page.

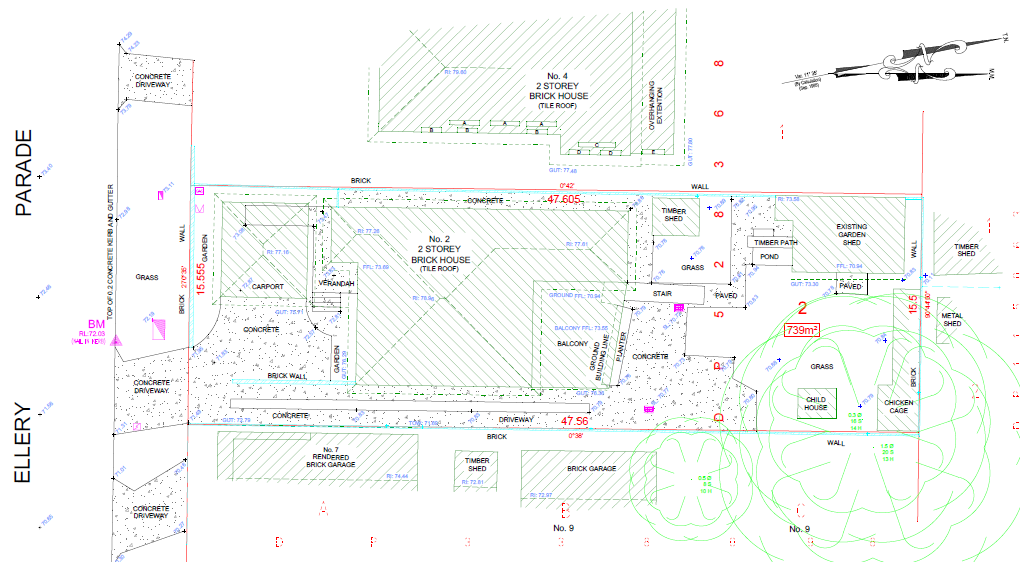


Figure 2 – Site survey



Figure 3 – Subject site as viewed from street frontage.

The property to the west is elevated above the subject site and occupied by a 2 and 3 storey dwelling house with integrated garage accommodation. A low brick wall delineates the front boundary

The properties to the east are occupied by 1 and 2 storey dwelling houses having frontage and address to Frenches Forest Road with various detached carparking and storage structures constructed to the rear/common boundary. Surrounding landform has been modified to a certain extent to create level building platforms and to facilitate vehicular access and parking.

The properties to the rear are occupied by 1 and 2 storey dwelling houses with frontage and address to Peacock Street with a detached shed on No. 3 Peacock Street constructed to the rear boundary and adjoining the existing detached shed structure on the subject site.

The balance of the properties along Ellery Parade are occupied by 1 and 2 storey dwelling houses with attached and detached carparking structures some of which are located within 6.5 metres of the front boundary setback area including the subject property and No' 6, 7, 8, and 16 Ellery Parade as depicted in Figure 1. Seaforth Anglican Church and associated childcare facilities are located on the corner of Ellery Parade and Frenchs Forest Road with the subject site located within short walking distance of Seaforth Local Centre.

3.0 PROPOSED DEVELOPMENT

The application proposes the demolition of the existing dwelling house and the construction of a new contemporary residence with internally accessed garage accommodation and swimming pool on the subject allotment. The proposed development is depicted on the following plans prepared by Watershed Design:

DA00	Cover Sheet
DA01	Site Analysis
DA02	Site & Roof Plan
DA03	Ground Floor Plan
DA04	First Floor Plan
DA05	Section A-A & B-B
DA06	North & South Elevations
DA07	West & East Elevations
DA08	Planning Diagrams
DA09	Shadow Analysis
DA10	Shadow Analysis
DA11	Shadow Analysis
DA12	Demolition Plan
DA13	Excavation & Fill Plan
DA14	Material & Finishes Schedule

Specifically, the proposal provides for the following built form outcomes:

Ground Floor Plan - RL 71.20m AHD

- Formal entrance;
- Internally accessed double garage accessed vi a driveway and forecourt area from Ellery Parade;
- Open plan kitchen, dining and living opening onto a north facing deck, pool, pool cabana and landscaped yard;
- Family/ TV room, guest bedroom with ensuite, bathroom and laundry;
- A number of voids are located above the kitchen and central hallway area; and
- Internal stair access to the level above.

First Floor Plan - RL 74.50m AHD

- 4 bedrooms (2 with ensuites);
- Study area; and
- Bathroom.

The rear yard contains a new swimming pool with the existing shed converted to a pool side cabana structure. The application also proposes the implementation of an enhanced site landscape regime as depicted on the landscape plans prepared by Paul Scrivener Landscape Architecture. We note that no construction works are located within 5 metres of the existing tree located in the north eastern corner of the property. The 4 metre deep soil landscaped front setback is to be densely landscaped such that the development will be softened and screened in a streetscape context. The development also incorporates perimeter landscape treatments down both side boundaries and across the rear of the site.

The site falls away from the street preventing the gravity drainage of stormwater to Ellery Street. The accompanying letters from the adjoining property owners confirm that they are unwilling to grant a drainage easement to enable gravity drainage through their property. In this regard, all roof water will be drained via a charged system to Ellery Parade with surface water directed to a level spreader system at the rear of the site as detailed in the accompanying stormwater design report and associated plans prepared by Stellen Civil Engineers. We note that no OSD is required given that the impervious area of the site is decreased by 99.25 square metres from the pre-development circumstance.

4.0 STATUTORY PLANNING FRAMEWORK

4.1 General

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

4.2 Manly Local Environmental Plan 2013

4.2.1 Zone and Zone Objectives

The subject site is zoned R2 Low Density Residential pursuant to the provisions of Manly Local Environmental Plan 2013 (MLEP). Dwelling houses are permissible in the zone with the consent of council. The stated objectives of the zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal provides for the housing needs of the community within a low density residential environment without unacceptable natural or built form consequences. The proposal is permissible and consistent with the stated objectives.

Accordingly, there are no statutory zoning or zone objective impediment to the granting of approval to the proposed development.

4.2.2 Height of Buildings

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

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

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

Building height is defined as follows:

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

Ground level existing is defined as follows:

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

It has been determined that the development has a maximum building height of 7.3 metres measured to the proposed roof ridge and as depicted in the plan extracts at Figure 4 over page.

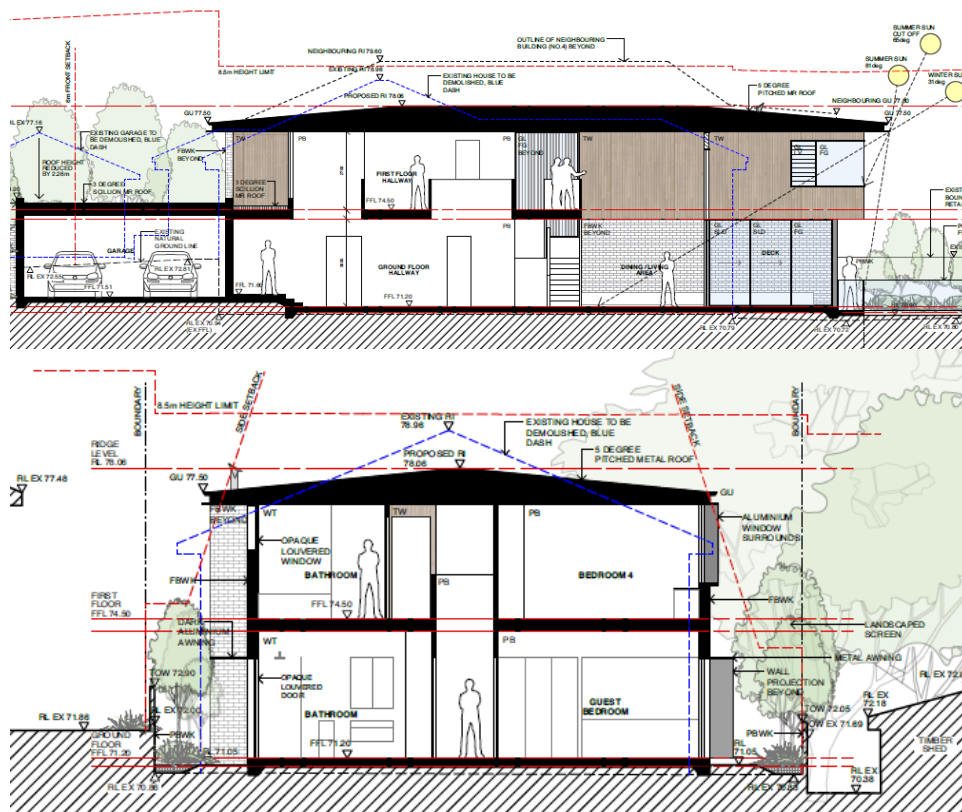


Figure 4 – Plan extracts showing compliant building height.

Pursuant to clause 4.15 (3) of the Act as the development complies with the numerical standard the consent authority:

- (a) *is not entitled to take those standards into further consideration in determining the development application, and*
- (b) *must not refuse the application on the ground that the development does not comply with those standards, and*
- (c) *must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,*

Accordingly, the proposal is deemed to comply with the associated objectives and to that extent there is no statutory impediment to the granting of consent.

4.2.3 Floor Space Ratio

Pursuant to Clause 4.4 MLEP 2013 the maximum FSR for development on the site is 0.45:1 representing a gross floor area of 333m². The stated objectives of this clause are:

- (a) *to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*

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

It has been determined that the proposal has a gross floor area of 332m² representing a compliant floor space of ratio of 0.449:1.

Again, pursuant to clause 4.15 (3) of the Act as the development complies with the numerical standard the proposal is deemed to comply with the associated objectives. Accordingly, there is no statutory impediment to the granting of consent.

4.2.4 Earthworks

Pursuant to the clause 6.2 MLEP 2013 provisions we have formed the considered opinion that the proposed excavation has been minimised and limited to the excavation required for the proposed dwelling house and garage footings. The acceptability of the excavation proposed is addressed in the accompanying preliminary geotechnical assessment prepared by White Geotechnical Group.

4.2.5 Stormwater management

As previously indicated, the site falls away from the street preventing the gravity drainage of stormwater to Ellery Street. The accompanying letters from the adjoining property owners confirm that they are unwilling to grant a drainage easement to enable the gravity drainage of stormwater through their properties. In this regard, all roof water will be drained via a charged system to Ellery Parade with surface water directed to a level spreader system at the rear of the site as detailed in the accompanying stormwater design report and associated plans prepared by Stellen Civil Engineers.

We note that no OSD is required given that the impervious area of the site is decreased by 99.25 square metres from the pre-development circumstance.

4.3 Manly Development Control Plan 2013

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

4.3.1 General Principles of Development

4.3.1.1 Streetscapes

Having regard to these provisions we note that the 2 storey dwelling house is setback some 11.410 metres from the front boundary with the single storey double garage setback 4 metres from the front boundary and located in part below the level of the adjacent road reserve. We note that the proposed setbacks are greater than those established by the existing double carport on the site with the proposed garage parapet height some 2.26 metres lower than the ridge of the existing carport structure.

The height, setback and form of the 2 storey dwelling house and single storey car parking structures are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment. The 4 metre deep soil landscaped setback is to be densely landscaped as detailed on the accompanying landscape plans prepared by Paul Scrivener Landscape Architecture such that the development will be softened and screened in a streetscape context.

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed development, by virtue of its front setbacks and design, offensive, jarring or unsympathetic in the context of adjoining and surrounding development.

We consider the front setbacks and garage design proposed, where the garage door does not present directly to the street, provides for a far superior streetscape outcome than a 2 storey dwelling house with double garage door to the street on a compliant 6 metre front setback. An appropriate streetscape outcome is achieved.

4.3.1.2 Landscaping

The application proposes the implementation of an enhanced site landscape regime as depicted on the landscape plans prepared by Paul Scrivener Landscape Architecture. We note that no construction works are located within 5 metres of the existing tree located in the north eastern corner of the property.

The 4 metre deep soil landscaped front setback is to be densely landscaped such that the development will be softened and screened in a streetscape context. The development also incorporates perimeter landscape treatments down both side boundaries and across the rear of the site.

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

The development has been designed through detailed site analysis to ensure that appropriate privacy is maintained between adjoining development through building design and orientation and the appropriate use and placement of fenestration. All living and private open space areas are located at ground floor level to prevent overlooking into neighbouring properties with the garage and shed structures located at the rear of the eastern adjoining properties, coupled with the secondary intervening landscape elements proposed, preventing direct overlooking into the rear of the adjoining properties. West facing fenestration has been minimised with a majority utilising opaque glazing to prevent direct overlooking opportunity between adjoining properties.

We note that these privacy interface outcomes are significantly better than the existing built form circumstance whereby the principal living and open space balcony areas are located at first floor level and in an elevated position relative to neighbouring properties.

In relation to solar access, detailed shadow diagrams (plans DA09(D) to DA13(D)) have been prepared by the project Architect. These plans clearly demonstrate that complaint solar access will be maintained to all surrounding residential properties between 9am and 3pm on 21st June.

Having inspected the site and surrounds to identify potential view lines we have formed the considered opinion that no scenic views will be impacted by the proposed development it being noted that the proposal is fully compliant with both the building height and FSR development standards.

Potential noise from the proposed swimming pool plant and equipment is appropriately addressed through the imposition of standard conditions regarding compliance with the applicable statutory noise criteria. The development will not give rise to unacceptable residential amenity impacts.

4.3.1.4 Sustainability

The design provides for sustainable development, utilising passive solar design principles, thermal massing and achieves cross ventilation.

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

4.3.1.5 Stormwater Management

As previously indicated, the site falls away from the street preventing the gravity drainage of stormwater to Ellery Street. The accompanying letters from the adjoining property owners confirm that they are unwilling to grant a drainage easement to enable gravity drainage through their property. In this regard, all roof water will be drained via a charged system to Ellery Parade with surface water directed to a level spreader system at the rear of the site as detailed in the accompanying stormwater design report and associated plans prepared by Stellen Civil Engineers. We note that no OSD is required given that the impervious area of the site is decreased by 99.25 square metres from the pre-development circumstance.

4.3.1.6 Waste Management

All waste bins will be stored within the garage and accordingly will not be discernible as viewed from the street.

4.3.2 Residential Development Controls

4.3.2.1 Dwelling Density and Subdivision

The established dwelling density is maintained.

4.3.2.2 Height of Buildings

The developments performance when assessed against the clause 4.3 Manly LEP height of buildings development standard has been detailed at clause 4.2.2 of this report with the proposal

fully compliant in this regard. We note that the DCP wall height provisions cannot derogate from the LEP height standard.

Notwithstanding, consideration has been given to the maximum 2 storey and wall height controls contained a clause 4.1.2 of Manly DCP. Given the slope of the land a maximum 6.5 metre wall height control applies with all external walls compliant with such provision. The proposal also complies with the maximum 2 storey control.

Accordingly, Council can be satisfied that the development is compliant with the building height controls.

4.3.2.3 Floor Space Ratio

This matter has been discussed in detail at section 4.2.3 of this report with the development compliant in this regard.

4.3.2.4 Setbacks

The clause 4.1.4 setback provisions require a 6 metre front setback. We note that the 2 storey dwelling house is setback some 11.410 metres from the front boundary with the single storey double garage setback 4 metres from the front boundary and located in part below the level of the adjacent road reserve. We note that the proposed setbacks are greater than those established by the existing double carport on the site.

The height, setback and form of the 2 storey dwelling house and single storey car parking structures are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment. The 4 metre deep soil landscaped setback is to be densely landscaped as detailed on the accompanying landscape plans prepared by Paul Scrivener Landscape Architecture such that the development will be softened and screened in a streetscape context.

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed development, by virtue of its front setbacks and design, offensive, jarring or unsympathetic in the context of adjoining and surrounding development.

We consider the front setbacks and garage design proposed, where the garage door does not present directly to the street, provides for a far superior streetscape outcome than a 2 storey dwelling house with double garage door to the street on a compliant 6 metre front setback.

Further, pursuant to these provisions we note that development is to maintain side boundary setbacks equivalent to 1/3rd the wall height.

In this regard, the proposed dwelling maintains a variable setback to the western boundary of between 1.540 and 2.415 metres with a compliant 900mm setback maintained to the single storey garage structure. Based on a wall height of 6.2 metres the 2nd storey wall element should be setback 2.06 metres from the western side boundary with a 520mm variation sought to the master bedroom, ensuite and robe.

This variation is off-set through the provision of a greater setback than required to the balance of this western façade as detailed on the plans. The swimming pool maintains a compliant setback in accordance with the clause 4.1.9.2 setback provisions with the established setbacks maintained to the converted cabana structure at the rear of the site.

In relation to eastern boundary, the proposed dwelling maintains a variable setback of between 2.150 and 2.275 metres. Based on a wall height of 6.25 metres the 2nd storey wall element should be setback 2.06 metres from the western side boundary with compliant setbacks proposed in this regard.

The proposed dwelling complies with the minimum 8 metre rear setback control with the converted pool cabana structure and a small area of swimming pool located within the setback area. We note that the cabana aligns with the timber shed located on the property to the rear and on a similar rear setback as the converted structure.

The setbacks proposed are able to meet the objectives of the control as follows:

Objective 1: To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.

The front, side and rear setbacks proposed are consistent with other development in the immediate vicinity. In this regard, the proposed development maintains an appropriate spatial relationship with surrounding development. Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed development, by virtue of its setbacks and design, offensive, jarring or unsympathetic in the context of adjoining and surrounding development.

Objective 2: To ensure and enhance the local amenity.

The development, by virtue of its proposed setbacks, will not give rise to unacceptable residential amenity impacts as detailed in section 4.3.1.3 of this report.

Objective 3: To promote flexibility in the siting of buildings

The building is appropriately sited having regard to the setback characteristics of adjoining development. The setbacks are contextually appropriate.

Objective 4: To enhance and maintain natural features.

The application proposes the implementation of an enhanced site landscape regime as depicted on the landscape plans prepared by Paul Scrivener Landscape Architecture. We note that no construction works are located within 5 metres of the existing tree located in the north eastern corner of the property. The 4 metre deep soil landscaped front setback is to be densely landscaped such that the development will be softened and screened in a streetscape context. The development also incorporates perimeter landscape treatments down both side boundaries and across the rear of the site. The proposed setbacks do not compromise such outcome.

Objective 5: To assist in appropriate bush fire asset protection zones

The site is not mapped as bush fire prone land.

Consistent with the provisions of section 4.15(3A)(B) of the Act that prescribe that Council must apply some flexibility in applying DCP provisions particularly in circumstances where it can be demonstrated that the objectives of the control are achieved we are satisfied that strict compliance is both unreasonable and unnecessary under the circumstances.

Accordingly, the setbacks are considered entirely appropriate under the circumstances.

4.3.2.5 Open Space and Landscaping

Pursuant to clause 4.1.5 development on the land shall provide a minimum open space of 55% (406 sqm) of the site area of which 35% (142sqm) shall be landscaped area. Open space must be at least 3 m in any direction and have a minimum unbroken area of 12 m².

It has been determined that 328sqm or 44% of the site is total open space, as defined, of which 255sqm (or 62.8% of required open space) will be landscaped with soft landscape treatments. Were all open space areas, including those less than 3m in any direction, included in the total open space calculation, the proposal provides for a total of 396sqm or 54% open space which is only marginally below the required quantum. Compliant levels of private open space (well in excess of 12m²) have been provided.

The variation to the open space control does not compromise the developments performance when assed against the objectives of the control namely:

- *To retain and augment important landscape features and vegetation including remnant populations of native flora and fauna.*
- *To maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland.*
- *To maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area.*
- *To maximise water infiltration on-site with porous landscaped areas and surfaces and minimise stormwater runoff.*
- *To minimise the spread of weeds and the degradation of private and public open space.*
- *To maximise wildlife habitat and the potential for wildlife corridors.*

Consistent with the provisions of section 4.15(3A)(B) of the Act that prescribe that Council must apply some flexibility in applying DCP provisions particularly in circumstances where it can be demonstrated that the objectives of the control are achieved we are satisfied that strict compliance is both unreasonable and unnecessary under the circumstances.

4.3.2.6 Parking, Vehicular Access and Loading

A new double garage is accessed via the existing driveway crossing from Ellery Parade and provides the required quantum of off-street parking.

The sweep path analysis contained on the accompanying engineering plans demonstrate that vehicles will be able to enter and exit the site in a forward direction. The parking and access arrangement will be safe and convenient in this regard.

4.3.2.7 Development on Sloping Sites

The design of the proposed dwelling strikes a balance between excavation and building height and is appropriately integrated with the slope. The development will not give rise to any loss of amenity from both public and private spaces, as outlined in section 4.3.1.3 of this report.

4.3.2.8 Swimming Pools

Pursuant to clause 4.1.9 of the DCP swimming pools are not to exceed 1m above natural ground level. The swimming pool proposed complies with this control.

In relation to setbacks, the outer edge of the pool concourse must be 1m from the side boundary and 1.5m to the water line. The proposed swimming pool again complies with these controls. Further, the swimming pool does not occupy more than 30% of the total open space, compliant with the control.

4.4 Compliance Table

Site Area – 739m ²	Control	Proposed	Compliance
Manly Local Environmental Plan 2013			
Height of Buildings	Max 8.5m	Max 7.3m	Yes
Floor Space Ratio	Max 0.45:1 representing a gross floor area (GFA) of 333m ² .	333m ² GFA representing an FSR of 0.449:1	Yes
Manly Development Control Plan 2013			
Front Setback	Maintain consistent setback or min 6 metres	4 metre setback proposed to the garage and 11.410 metres to the dwelling house consistent with development in the street	NO Acceptable on merit having regard to objectives of control
Side Setbacks	1/3rd wall height.	Minor variations to western boundary	NO Acceptable on merit having regard to objectives of control
Rear Setback	8 metres	Breach by existing converted cabana and swimming pool edge.	NO Acceptable on merit having regard to objectives of control
Wall and Building Height	Max wall height 6.5 metres 2 storey form	Highly articulated and modulated 2 storey form with complaint wall heights.	YES

Open Space	Min 55% of which 35% is to be soft landscaped	<p>328sqm or 44% of the site is total open space, as defined, of which 255sqm (or 62.8% of required open space) is provided.</p> <p>Were all open space areas, including those less than 3m in any direction, included in the total open space calculation, the proposal provides for a total of 396sqm or 54% open space which is only marginally below the required quantum.</p>	<p>NO</p> <p>Acceptable on merit having regard to objectives of control</p>
Carparking	Min 2 Spaces	2 formal spaces	YES

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

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

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

The proposal is permissible and in conformity with the development standards and built form controls contained within the applicable statutory planning regime as reasonably applied to development on the subject site and having regard to the built form characteristics established by the existing dwelling and carparking structure on the site and development generally within the sites visual catchment.

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

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

Context and Setting

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

The immediate locality is characterised by one, two and three storey residential development. The buildings generally do not exhibit a consistency in scale, materials or detailing, and each varies in terms of height and design.

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

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

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

The development will not give rise to unacceptable residential amenity impacts as detailed in section 4.3.1.3 of this report.

Access, transport and traffic

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

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

The proposed development is well serviced by roads and public transport. The development provides compliant off street parking.

Public domain

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

Utilities

Utility services will adequately service the development.

Flora and fauna

There are no adverse flora or fauna impacts.

Waste

Normal domestic waste collection applies to this development.

Natural hazards

The development will be free from hazards.

Economic impact in the locality

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

Site design and internal design

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

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

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

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

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

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

Construction

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

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

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

4.6.3 The suitability of the site for the development.

Does the proposal fit in the locality?

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

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

Are the site attributes conducive to development?

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

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

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

4.6.5 The public interest.

The proposal is permissible and in conformity with the development standards and built form controls contained within the applicable statutory planning regime as reasonably applied to development on the subject site and having regard to the built form characteristics established by the existing dwelling and carparking structure on the site and development generally within the sites visual catchment.

The proposal will not give rise to any adverse environmental, residential amenity or streetscape impacts. Accordingly, approval of the development would not be antipathetic to the public interest.

5.0 CONCLUSION

The proposal is permissible and in conformity with the development standards and built form controls contained within the applicable statutory planning regime as reasonably applied to development on the subject site and having regard to the built form characteristics established by the existing dwelling and carparking structure on the site and development generally within the sites visual catchment.

The architect has responded to the client brief to provide a site specific contemporary design which affords high levels of amenity for future occupants whilst maintaining appropriate residential amenity to adjoining properties in terms of privacy, solar access and view sharing. The final detailing of the application is responsive to the minutes arising from formal pre-DA discussions with Council with the resultant building form and streetscape outcomes complimentary and compatible with those established by adjoining development and development generally within the site's visual catchment. Such outcome is achieved through an increased front garage setback and increased eastern boundary side setback.

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

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed development offensive, jarring or unsympathetic in the context of adjoining and surrounding development.

Having given due consideration to the matters pursuant to Section 4.15(1) of the Act it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

Boston Blyth Fleming Pty Limited



Greg Boston
Director