



STATEMENT OF ENVIRONMENTAL EFFECTS (REVISED)

*19 ADELAIDE STREET,
BALGOWLAH HEIGHTS*

*‘Alterations to existing dwelling to create
secondary dwelling’*

**September 2020
(Revised November 2020)**

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1.0 INTRODUCTION

- 1.1 This statement has been prepared at the request of the applicant in support of a development application to Northern Beaches Council (the "Council") comprising alterations and additions to the existing dwelling to create a *secondary dwelling*, at 19 Adelaide Street, Balgowlah Heights.
- 1.2 The existing dwelling is a substantial 2/3-storey residence located on the southern side of Adelaide Street (a cul-de-sac), off Abbott Street. The applicant is seeking to make alterations to the dwelling to create a *secondary dwelling* on the ground floor level. Building work predominantly involves internal changes to the garages and the reconfiguration of the ground floor level. The building envelope and external presentation of the existing residence remains substantially the same as existing dwelling, with a new ramp access from the street to the upper level dwelling.
- 1.3 The subject site is zoned R2 Low Density Residential under Manly LEP 2013 (MLEP 2013). The proposal, being a *secondary dwelling*, is permissible with Council's consent. Clause 5.4 of the MLEP 2013 sets out controls for the size of *secondary dwelling*. The proposal is less than one-third of the floor area of the principal dwelling. The dwelling generally complies with the Council's MLEP 2013 and MDCP 2013 provisions.
- 1.4 Having regard to the site and the position of surrounding properties the secondary dwelling will not impact on residential amenity, existing site features or the Adelaide Street streetscape, as outlined in MDCP 2013 for residential development. The existing building is not heritage listed, is not located a heritage conservation area or located within proximity to any locally listed heritage items.
- 1.5 The proposal satisfies the objectives for development and is acceptable given that:
 - The proposal creates additional accommodation within the existing building envelope with the reconfiguration of the existing garage and internal layout of the existing dwelling.
 - The residence, as existing and proposed, displays appropriate form, scale and massing.
 - The proposal does not alter the interrelationship of the existing dwelling to adjoining properties.
 - No change to the colours, materials and finishes of the existing dwelling.
 - The proposal does not alter compliance with solar access provisions to the neighbouring property which complies with the numerical standards under the MDCP 2013.
 - The proposal does not alter the existing dwelling's ability to satisfy the R2 Low Density Residential zone objectives.
 - The changes to vehicle access and parking for the site remain compliant.
- 1.6 The proposal represents Local development and is assessed under Part 4 of the *Environmental Planning and Assessment Act, 1979 (EP&A Act 1979)*. This statement has been prepared pursuant to Section 4.12(9) of the *EP&A Act 1979*, and cl 47 and Schedule 1, Part 1, Clause 2(c) of the *Environmental Planning and Assessment Regulation 2000*, and reviews the applicable environmental planning instruments and development control plans that apply to the subject property as well as the natural and built environmental impacts of the proposal with particular reference to the relevant heads of consideration listed under s4.15 of the *EP&A Act 1979*.
- 1.7 Therefore, it is with confidence and high expectation of support that the subject proposal is submitted to Council for approval.

2.0 DESCRIPTION OF SITE AND LOCALITY

The subject site is legally described as Lot 13 DP 2610, No. 19 Adelaide Street, Balgowlah Heights. The site has an area of 520.23sqm. It is a regular shaped site with 12.2m front and rear boundaries and side boundaries of 42.7m. The site falls from the street to the rear boundary. The footpath level adjacent the crossover is RL82.82m and north-west corner at rear of the lot is RL77.46m. Access to the site is via a driveway off Adelaide Street.

The existing house is two storeys fronting Adelaide Street and three storeys at the rear, comprising three bedrooms, two bathrooms, rumpus room, large laundry, lower level store rooms, and large double garage.

Figures 1 – 3 show the location of the site.

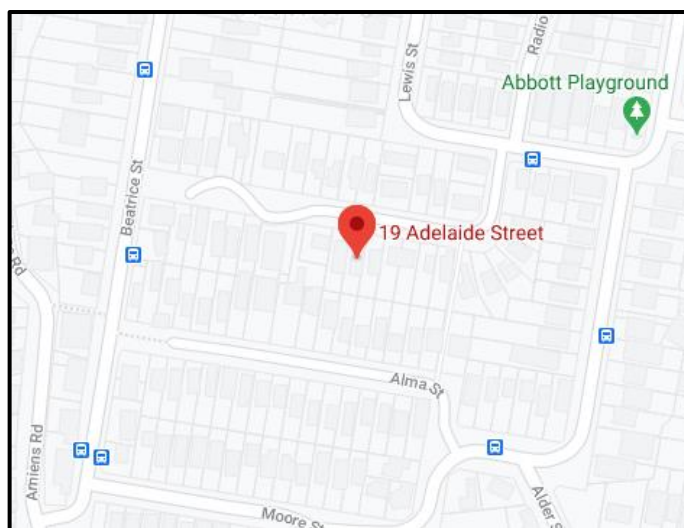


Figure 1: Location of the site

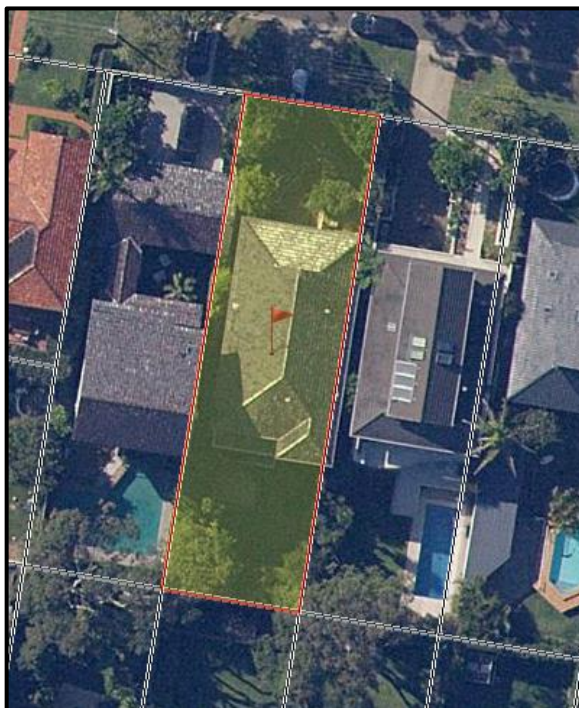


Figure 2: Aerial of the site



Figure 3: Existing property from Adelaide Street

3.0 DESCRIPTION OF PROPOSAL

3.1 Description of Proposed Works

The following works are proposed under the subject application:

Lower Ground Floor

- Minor changes to internal walls

Ground Floor

- New dividing wall next to existing garage (01) to divide off the inaccessible space
- Remove internal stairs from living area to stairs – to provide required separation between the two dwellings
- New kitchen fitout

First Floor

- New ramp access to Dwelling 1
- Modify handrail to allow for disabled access to Dwelling 1 entry

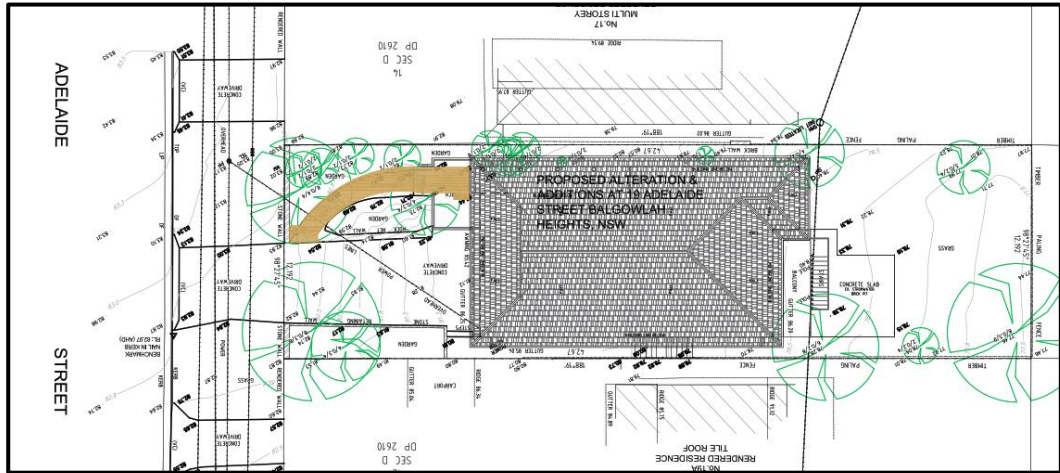


Figure 4: Site Plan

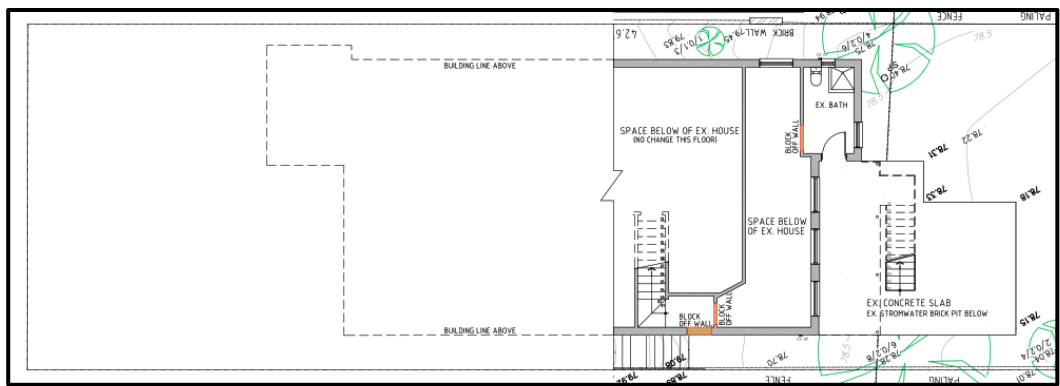


Figure 5: Lower Ground Floor – minor internal wall changes

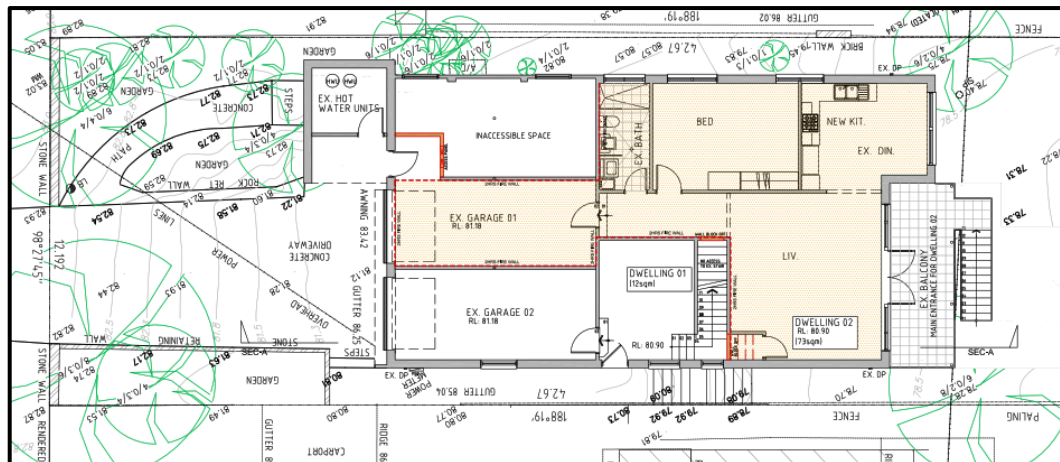
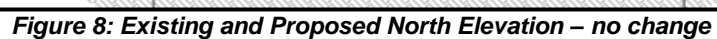
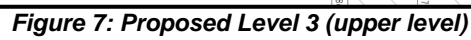


Figure 6: Proposed Level 2 (ground level)



4.0 SECTION 4.15 ASSESSMENT – HEADS OF CONSIDERATION

In accordance with s4.15 Evaluation of the *EP&A Act 1979* the following matters shall be considered in determination of the development application.

4.15 Evaluation

(1) *Matters for consideration—general*

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions 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 Director-General 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, and*
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), 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 this Act or the regulations,*
- (e) the public interest.*

4.1 Relevant Statutory Environmental Planning Policies

The following statutory planning policies have been considered as part of the assessment.

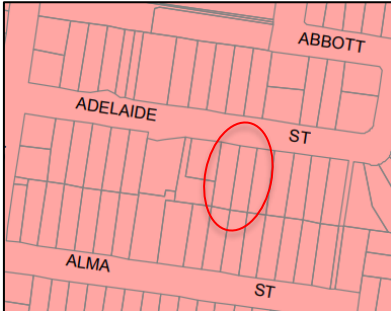
4.1.1. State Planning Policies


Planning Control	Comment	Complies
4.1.1 SEPP (Basix)		
<i>Relevant provisions require that all works over \$50,000.00 must be certified as achieving BASIX.</i>	No requirement due to cost of works being less than \$50,000.	Yes
4.1.2 SEPP 55		
<i>Consider relevant provisions regarding historical uses which may present contamination issues.</i>	Standard conditions will suffice in this instance given the site has a long and established history of residential use. No further soil assessment is required given that the site has not been used for any other purpose other than for residential development.	Yes
4.1.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005		
Aims of plan <i>“(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</i>	The proposal satisfies the stated aims of the plan given that the alterations to the existing dwelling are relatively minor in terms of the overall existing built form and they do not significantly change the existing relationship of the	Yes


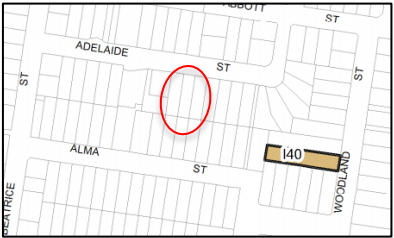
<p><i>Sydney Harbour are recognised, protected, enhanced and maintained:</i> <i>(i) as an outstanding natural asset, and</i> <i>(ii) as a public asset of national and heritage significance, for existing and future generations,</i> <i>(b) to ensure a healthy, sustainable environment on land and water,</i> <i>(c) to achieve a high quality and ecologically sustainable urban environment,</i> <i>(d) to ensure a prosperous working harbour and an effective transport corridor,</i> <i>(e) to encourage a culturally rich and vibrant place for people,</i> <i>(f) to ensure accessibility to and along Sydney Harbour and its foreshores,</i> <i>(g) to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity,</i> <i>(h) to provide a consolidated, simplified and updated legislative framework for future planning.</i> <i>(2) For the purpose of enabling these aims to be achieved in relation to the Foreshores and Waterways Area, this plan adopts the following principles:</i> <i>(a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,</i> <i>(b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores,</i> <i>(c) protection of the natural assets of Sydney Harbour has precedence over all other interests."</i></p>	<p>current residence with the adjoining properties.</p>	
<p>25. Foreshore and waterways scenic quality</p> <p><i>"The matters to be taken into consideration in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways are as follows:</i> <i>(a) the scale, form, design and siting of any building should be based on an analysis of:</i> <i>(i) the land on which it is to be erected, and</i> <i>(ii) the adjoining land, and</i> <i>(iii) the likely future character of the locality,</i> <i>(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries,</i></p>	<p>The proposal does not alter the scale and form when considered in the context of the foreshore to the south.</p> <p>The existing dwelling is framed by other dwellings of similar or larger bulk and scale when viewed from any distant vantage points to the water. The proposal does not alter that view or relationship.</p> <p>The development satisfies the Cl. 25 objectives of the SREP.</p>	<p>Yes</p>

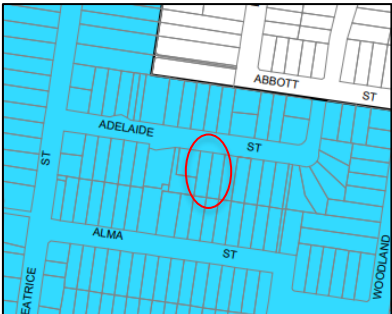
<i>(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores."</i>		
<p>Cl. 26 Maintenance, protection and enhancement of views</p> <p><i>The matters to be taken into consideration in relation to the maintenance, protection and enhancement of views are:</i></p> <p><i>"(a) development should maintain, protect and enhance views (including night views) to and from Sydney Harbour,</i></p> <p><i>(b) development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items,</i></p> <p><i>(c) the cumulative impact of development on views should be minimised."</i></p>	The overall height of the built form of the existing dwelling is not altered by the proposed works. On this basis views from adjoining properties will not be significantly impacted, particularly the front section of the dwelling where the views are highly valued.	Yes

4.1.2 Manly Local Environmental Plan (MLEP 2013)

LEP Provision	Comment	Complies
<p>Zone R2 Low Density Residential</p>  <p>1 Objectives of zone</p> <ul style="list-style-type: none"> 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. <p>2 Permitted without consent Home-based child care; Home occupations.</p> <p>3 Permitted with consent Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Centre-based child care</p>	<p>The proposal, being a secondary dwelling that is attached and part of the primary building, satisfies the stated objectives given that:</p> <ul style="list-style-type: none"> The primary dwelling and secondary dwellings are permissible on the site. The environmental values of this site are not adversely impacted by the proposal. The height and bulk of the existing dwelling is not altered by the proposal and therefore do not impact on the character, nature or values of the area. 	Yes

<p>facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Signage; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems</p> <p>4 Prohibited Advertising structures; Water treatment facilities; Any other development not specified in item 2 or 3.</p> <p>secondary dwelling means a self-contained dwelling that— (a) is established in conjunction with another dwelling (the principal dwelling), and (b) is on the same lot of land as the principal dwelling, and (c) is located within, or is attached to, or is separate from, the principal dwelling.</p>		
<p>4.3 Height of buildings</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the <u>Height of Buildings Map</u>.</p>  <p>"1" = 8.5m</p>	<p>The height of the existing dwelling is over the 8.5m height control due to the lower ground level, including store rooms. This relates to the slope of the land and the existing lower level rooms.</p> <p>There is no new work above the height line.</p>	<p>No change to the roof or overall building height as part of this application.</p>
<p>4.4 Floor space ratio</p> <p>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 <u>Floor Space Ratio Map</u>.</p>	<p>Site area: 520.2sqm</p> <p>Permitted FSR is 0.4:1 or 208.1sqm.</p> <p>Existing GFA: 220sqm.</p>	<p>No however no additional floor area subject of</p>

 <p>"B" = 0.4:1</p>	<p>FSR: 0.42:1</p> <p>Existing dwelling does not comply by 12 sqm.</p>	<p>this proposal.</p>
<p>5.4 Controls relating to miscellaneous permissible uses</p> <p>(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—</p> <p>(a) 60 square metres,</p> <p>(b) 30% of the total floor area of the principal dwelling.</p>	<p>Existing floor area: 220m²</p> <p>Proposed Secondary GFA: 71m²</p> <p>Complies as secondary dwelling is less than one-third of the area of the principle dwelling.</p>	<p>Yes</p>
<p>5.10 Heritage conservation</p> 	<p>The site is not a listed heritage item, is not located within a Heritage Conservation Area and is not within the vicinity of any locally listed heritage items.</p>	<p>N/A</p>
<p>6.4 Stormwater management</p> <p>(2) This clause applies to all land in residential, business, industrial and environmental protection zones.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.</p>	<p>There is no change to the management of roof or surface water from the site.</p>	<p>No change to existing.</p>

<p>6.9 Foreshore scenic protection area</p> <p><i>(2) This clause applies to land that is shown as "Foreshore Scenic Protection Area" on the <u>Foreshore Scenic Protection Area Map</u>.</i></p>  <p><i>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:</i></p> <ul style="list-style-type: none"> <i>(a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,</i> <i>(b) measures to protect and improve scenic qualities of the coastline,</i> <i>(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,</i> <i>(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.</i> 	<p>The subject site is mapped as located within the area covered by the Foreshore Scenic Protection Area.</p> <p>The proposal does not involve any change to the building envelope or the presentation of the existing dwelling from Middle Harbour to the south.</p> <p>The proposal is acceptable as:</p> <ol style="list-style-type: none"> 1. There is no overshadowing of the public foreshore as a result of the proposed works; 2. No particular measures are required with this application in order to protect and improve scenic qualities of the coastline; 3. There is no change to the relationship of the existing dwelling and any foreshore area; 4. There is no conflict between the occupation and domestic use of the dwelling and the land and water based activities along the coastline of Middle Harbour. 	<p>Yes</p>
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4.2 Non-Statutory Development Control Plans

4.2.1 Manly Development Control Plan 2013 (MDCP 2013) (@ 1 December 2019)

Manly DCP 2013 is the policy applying to residential development in the Manly section of the Northern Beaches LGA. The purpose of the plan is to provide additional planning and building guidelines than are available in MLEP 2013.

The general development and residential provisions contained in MDCP 2013 predominantly relate to the construction of new development. This proposal, being alterations to an existing, approved dwelling house (to create a secondary dwelling) does not compromise the low density development typology, siting, the overall height or total habitable floor area of the building. Those provisions of the DCP are not relevant to this application.

Part 3 – General Principles of Development		
Control	Comment	Complies
<p>3.1.1.1 Complementary Design and Visual Improvement</p> <p><i>a) Development in the streetscape (including buildings, fences and landscaping) should be designed to:</i></p> <p><i>i) complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;</i></p> <p><i>ii) ensure the bulk and design of development does not detract from the scenic amenity of the area when viewed from surrounding public and private land;</i></p> <p><i>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;</i></p> <p><i>iv) avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like.</i></p> <p><i>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.;</i></p> <p><i>vi) visually improve existing streetscapes through innovative design solutions; and</i></p> <p><i>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.</i></p> <p><u>Setback Principles in Low Density Areas</u></p> <p><i>In lower density areas including LEP Zones R2, E3 & E4, setbacks should be maximised to enable open space to dominate buildings, especially on the foreshore.</i></p>	<p>The proposal satisfies each of the DCP controls listed as:</p> <p>The proposal comprises additions and alterations only. The existing building envelope is not changed, therefore, the built form, low density development typology and general architectural design and appearance of the existing residence is not substantially modified.</p> <p>The character and environmental values of the Adelaide Street area is not impacted by the proposal.</p> <p>The proposal includes some minor updating of access to the building and replacement tiling.</p> <p>There is no change to the existing building setbacks to any boundary.</p>	Yes
3.1.1.2 Front Fences and Gates	No change.	No change.
<p>3.1.1.3 Roofs and Dormer Windows</p> <p><i>a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.</i></p> <p><i>b) Roofs should be designed to avoid or minimise view loss and reflectivity.</i></p>	N/A	N/A

3.1.1.4 Garages, Carports and Hardstand Areas	An internal wall is to constructed within the existing garage. No change to the two existing roller doors.	Yes
3.3 Landscaping	The amount and quality of landscaping across this site is not altered by the proposal.	N/A
3.3.2 Landscape / Tree Preservation	No change to existing.	N/A
3.4 Amenity 3.4.1 Sunlight Access and Overshadowing	No change to the building envelope that would impact on any solar access to the subject site or neighbouring properties.	Yes
3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties	No change to existing.	-
3.4.1.3 Overshadowing Solar Collector Systems <i>A minimum of 6 hours solar access be retained to solar collectors on neighbouring properties.</i>	No change to existing.	-
3.4.1.4 Overshadowing Clothes Drying Areas <i>A minimum of 6 hours solar access be retained to a suitable clothes drying area.</i>	No change to existing.	-
3.4.1.5 Excessive Glare or Reflectivity Nuisance <i>All external material and finishes incorporated into the development must consider and mitigate any excessive glare or reflectivity nuisance.</i>	No change to existing.	-
3.4.2 Privacy and Security 3.4.2.1 Window Design and Orientation	No change to existing.	-
3.4.2.2 Balconies and Terraces	No change to existing.	-
3.4.2.3 Acoustical Privacy (Noise Nuisance)	No change to existing.	-
3.4.3 Maintenance of Views	No change to existing.	-
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	No change to existing.	-

3.5.2 Energy Sources and Systems 3.5.2.1 Photovoltaic Solar Cells 3.5.2.2 Solar Hot Water Systems	No change to existing.	-
3.5.3 Ventilation 3.5.3.1 Building Design and Orientation to prevailing wind 3.5.3.2 Location and area of openings	No change to existing.	Yes
3.5.5 Landscaping 3.5.5.1 Considerations in Plant Selection and Landscaping Design	No change to existing.	-
3.5.8 Water Sensitive Urban Design	No change to existing.	-
3.7 Stormwater Management	No change to existing.	-
3.8 Waste Management 3.8.1 Waste and Recycling Storage Areas	The Waste Management Plan for the building works is submitted with the DA documentation.	Yes
3.9 Mechanical Plant Equipment	N/A to this application.	N/A
3.10.1 Safety	No change to existing.	-
3.10.2 Security (Casual Surveillance)	No change to existing.	-
Part 4 – Development Controls and Development Types		
4.1 Residential Development Controls		
4.1.1.1 Residential Density and Dwelling Size <i>D7: 750m² of site area required per dwelling</i> <i>Dwelling size:</i> <i>Studio dwellings: 35sqm</i> <i>1 bedroom dwellings: 50sqm</i> <i>2 bedroom dwellings: 70sqm</i> <i>3 bedroom dwellings: 90sqm</i>	Site area: 520.23qm. Proposed: 1 primary and 1 secondary dwelling. These controls apply to flat building typology and the secondary dwelling size complies with the MLEP with regard to size based on primary dwelling.	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	Height of existing dwelling – from lower ground level to ridgeline of the roof is 9.6m.	No change to the height of the building

<p>a) LEP Zones where numeric height controls in this DCP apply</p> <p>b) Exceptions to Height</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>This is non-compliant with MLEP 2013.</p> <p>The proposal does not involve any change to the overall height or wall heights of the existing building.</p>	<p>or the wall height.</p>
4.1.2.1 Wall Height	No change to existing.	-
4.1.2.2 Number of Storeys	No change to existing.	-
4.1.2.3 Roof Height	No change to existing.	-
<p>4.1.3 Floor Space Ratio</p> <p>As per LEP Clause 4.4 (ie 0.40:1)</p>	<p>Site area: 520.2sqm Max permissible: 208.1sqm</p> <p>Proposed GFA: 220sqm Proposed FSR: 0.42:1</p>	No change
4.1.4.1 Front setbacks	No change to existing.	-
4.1.4.2 Side setbacks and secondary street frontages	No change to existing.	-
4.1.4.3 Variations to Side Setback in Residential Density Areas D3 to D9 (see paragraph 4.1.1 of this plan)	No change to existing.	-
4.1.4.4 Rear Setbacks	No change to existing.	-
<p>4.1.5 Open Space and Landscaping</p> <p>4.1.5.1 Minimum residential total open space requirements</p> <p>Area OS4: - at least 60% of the site area - at least 40% open space -In relation to dwelling houses: no more than 40% of Total Open Space.</p> <p>total open space means that part of a site which is designed or designated to be used for active or passive recreation and includes:</p> <ul style="list-style-type: none"> • Landscaped area (see LEP meaning); • Open Space Above Ground as defined in this DCP; • Hard paved areas (un-enclosed pedestrian walkways and access paths pergolas, clothes drying and barbeque areas); 	<p>Required Total Open Space: Site area: 520.2sqm 60% = 312.12sqm</p> <p>Proposed: No change to the existing.</p>	Yes

<ul style="list-style-type: none"> Swimming pools occupying less than 30 percent of total open space; and Private open space (including principal private open space) as defined in this DCP. <p>but excludes:</p> <ul style="list-style-type: none"> any area for parking (including garages; carports; hardstands and vehicular access to that parking); out buildings (including sheds, cabanas, cubby houses and the like). <p>Minimum dimensions and areas for Total Open Space</p> <p>b) Total Open Space (see Dictionary meanings including landscape area, open space above ground and principal private open space) must adhere to the following minimum specifications:</p> <p>i) horizontal dimension of at least 3m in any direction; and</p> <p>ii) a minimum unbroken area of 12sqm.</p> <p>iii) A variation to the minimum specifications in i) and ii) above may only be considered for Above Ground Open Space where it can be demonstrated that lesser dimensions or areas will better serve to minimise amenity impacts on neighbours. A lesser areas of above ground open space may be included or calculated under the minimum requirements in the circumstances of the case. In all other cases open space that does not comply with the minimum specification is not included or calculated under the minimum requirements for total open space.</p> <p>See also paragraph 4.1.9.3 Proportion of Total Open Space in relation to the maximum area for pools and concourse.</p> <p>Provisions for Total Open Space Above Ground</p> <p>Note: This paragraph limits the extent of total open space which may be provided above ground level.</p> <p>See dictionary meaning of 'open space above ground'</p> <p>c) Open Space Above Ground is limited on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space above Ground Level. The</p>		
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<p><i>maximum open space above ground requirement is determined as a percentage of the Total Open Space.</i></p> <p>Amenity Considerations</p> <p><i>i) Areas of total open space 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 total open space for any development. In particular, roof terraces and large decks are discouraged and are not a preferred design option when providing open space above ground.</i></p> <p><i>ii) All open space above ground including verandas, balconies, terraces, are not to be enclosed.</i></p> <p><i>iii) The Total Open Space Above Ground 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).</i></p> <p><i>iv) 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.</i></p> <p><i>Note: In relation to assessing privacy in this paragraph, the anticipated lines of site are to be determined from any location on the terrace at an eye level of 1.6m above the proposed finished floor level. Council may require sketches to accompany the DA demonstrating critical view lines from the proposed development to adjoining spaces and windows in sectional drawings.</i></p> <p><i>v) 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 Acoustical Privacy (Noise Nuisance).</i></p>		
<p>4.1.5.2 Landscaped Area</p> <p>Numeric Controls</p> <p><i>a) Landscaped Area must be provided on site in accordance with above Figure 34 - Numeric Requirements for Total</i></p>	No change	No change

<p><i>Open Space, Landscaped Area and Open Space above Ground Level. The minimum landscaped area requirement is a percentage of the actual* total open space onsite.</i></p> <p><i>*Note: 'Actual' space refers here to proposed (or existing where no change proposed), rather than the minimum requirement for open space in this plan.</i></p> <p>Minimum Dimensions and Areas</p> <p><i>b) Minimum dimensions and areas must provide for the following:</i></p> <p><i>i) soil depth of at least 1m for all landscaped areas either in ground or above ground in raised planter beds; and</i></p> <p><i>See also paragraph 4.1.5.1.c regarding the extent of open space above ground.</i></p> <p><i>ii) 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.</i></p> <p><i>See also paragraph 3.3 Landscaping regards requirements for design and planting principles.</i></p> <p>c) Minimum Tree Plantings</p> <p><i>i) The minimum tree numbers must be in accordance with Figure 37 - Minimum Number of Native Trees Required.</i></p> <p><i>ii) The minimum tree 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 species selected in accordance with Schedule 4 Part B - Native Tree Selection.</i></p> <p><i>iii) 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.</i></p> <p><i>Note: Suggested minimum soil volumes for tree planting generally are as follows: Large size trees (13-18m high with 16m spread) required 80 cubic metres of soil. Medium size trees (9-12m high with 8m spread) requires 35 cubic metres of soil. (Source: NSW Apartment Design Code 2015).</i></p>		
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<p>Landscaping Driveways</p> <p><i>d) 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.</i></p>		
<p>4.1.5.3 Private Open Space</p> <p><i>Principal private open space</i></p> <p><i>a) Principal private open space is to be provided in accordance with the following minimum specifications:</i></p> <p><i>i) Minimum area of principal private open space for a dwelling house is 18sqm; and</i></p> <p><i>ii) Minimum area of principal private open space for residential accommodation with more than 1 dwelling on the site is 12sqm for each dwelling.</i></p>	<p>Rear yard is approximately 12m x 12m in area (144sqm).</p> <p>There is ample POS area for both dwellings.</p>	Yes
<p>4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)</p> <p>4.1.6.1 Parking design and the location of garages, carports or hardstand areas</p>	<p>No change to existing number of parking spaces on the site.</p> <p>A new internal wall is proposed within the existing garage. Both are single garages.</p>	-
<p>4.1.7.1 First Floor Additions</p>	N/A	-
<p>4.1.8 Development on Sloping Sites</p>	<p>The site is not located within a Landslide Risk area.</p> <p>No requirements.</p>	-
<p>4.1.9 Swimming Pools, Spas and Water Features</p>	N/A to this application.	-
<p>4.1.10 Fencing</p>	No change to existing.	-
<p>4.1.10.2. Fencing Height in relation to the height of retaining walls</p>	No change to existing.	-
<p>4.4.2 Alterations and Additions</p> <p><i>Manly Council promotes the retention and adaptation of existing buildings rather than their demolition and replacement with new structures.</i></p>	<p>The proposal, as per this control, is <u>not</u> demolition of the existing structure. Therefore, the proposal is acceptable.</p>	Yes
<p>4.4.5 Earthworks (Excavation &</p>	No change to existing.	-

Filling)		
4.4.5.2 Excavation	No change to existing.	-
4.4.5.3 Filling	No change to existing.	-
4.4.5.4 Retaining walls	No change to existing.	-
PART 5 Special Character Areas and Sites		
5.4 Environmentally Sensitive Lands 5.4.1 Foreshore Scenic Protection Area <i>LEP clause 6.9 designates land in the Foreshore Scenic Protection Area as shown on the LEP Foreshore Scenic Protection Area Map to protect visual aesthetic amenity and views both to and from Sydney Harbour, the Pacific Ocean and the Manly foreshore.</i> <i>Development in the Foreshore Scenic Protection Area must not detrimentally effect the 'visual or aesthetic amenity of land in the foreshore scenic area nor must the development similarly effect the views of that land, including ridgelines, tree lines and other natural features viewed from the Harbour or Ocean from any road, park or land in the LEP for any open space purpose or any other public place.</i> <i>Any adverse impacts considered in this paragraph will be mitigated. In accordance with these LEP objectives Council seeks to conserve and preserve tree canopies and street trees, wildlife corridors and habitat and minimise cumulative impacts on escarpment, rock shelves and other natural landscape features.</i>	<p>The subject site is identified as being located within the foreshore scenic protection area.</p> <p>The proposal causes no direct adverse impact to natural features of the foreshore or to views across the site from Adelaide Street or adjoining properties.</p> <p>The main building works are internal to the existing building.</p>	Yes
5.4.1.1 Additional matters for consideration <i>LEP clause 6.9(3)(a) to (d) lists certain matters to be taken into account in relation to all development within the Foreshore Scenic Protection Area.</i> <i>a) Further to matters prescribed in the LEP, the development in the Foreshore Scenic Protection Area must also:</i> <i>i) minimise the contrast between the built environment and the natural environment;</i> <i>ii) maintain the visual dominance of the natural environment;</i> <i>iii) maximise the retention of existing vegetation including tree canopies,</i>	<p>The matters listed in this DCP provision and clause 6.9 of the MLEP 2013 are satisfied by the proposal, namely no changes to the external appearance of the existing dwelling.</p> <p>There will no change to any view of the dwelling from any vantage point.</p>	Yes

<p><i>street trees, wildlife corridors and habitat;</i></p> <p><i>iv) not cause any change, visually, structurally or otherwise, to the existing natural rocky harbour foreshore areas;</i></p> <p><i>v) locate rooflines below the tree canopy;</i></p> <p><i>vi) consider any effect of the proposal when viewed from the harbour / ocean to ridgelines, tree lines and other natural features; and</i></p> <p><i>vii) use building materials of a non-reflective quality and be of colours and textures that blend with the prevailing natural environment in the locality.</i></p> <p><i>Setbacks in the Foreshore Scenic Protection Area should be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshores in Manly.</i></p>		
5.4.2 Threatened Species and Critical Habitat Lands	No change as a result of this proposal.	N/A

4.3 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. Suitability of the site for the development.

The impacts on the natural and built environments are of a level considered acceptable for the proposed works of the scale and nature proposed. In this instance, the impact level is not to the extent that would require refusal or modification of the proposal.

The building remains a traditional design and layout, with only minor changes to the external appearance of the existing dwelling when viewed from adjoining residences along either side of Adelaide Street. The dwelling is consistent with other residences in the area.

The site is ideally suited to the proposed use, which is permissible and satisfies the broad objectives of MLEP 2013 and MDCP 2013.

4.4 Any submissions made in accordance with this act or the regulations

Council is responsible for the referral of the application to relevant Government bodies and to adjoining owners. Any submissions will be reviewed by the applicant and Council during the assessment process, and duly considered.

4.5 The public interest

Given that the relevant issues have been addressed with regard to the public interest as reflected in the relevant planning policies and codes, the development is unlikely to result in any adverse impact to the public interest in the circumstance of the case, particularly noting the sympathetic nature of the proposal.

5.0 **CONCLUSION**

The subject site is zoned R2 Low Density Residential under the MLEP 2013. The proposal, comprising alterations to an existing dwelling to create a *secondary dwelling*, is permissible with the consent of Council. The proposed works are considered to be acceptable having regard to the opportunities and constraints of the site. The overall form of the residence remains unchanged and is in keeping with the existing form, design and built form along Adelaide Street. The proposal does not impact on the scenic or environmental values of this site when viewed at a distance from Middle harbour to the south.

The proposal does not alter the height of the building, the building envelope or site coverage. There remains ample private open space and landscape area for the site. The dwelling remains compatible with the existing adjoining and adjacent residences.

Given the relevant planning policies, codes and requirements of the *EP&A Act 1979* have been duly satisfied, the proposed application is worthy of approval.



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