

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Proposed Ground level Alterations and  
Upper Addition to an Existing Dwelling**

**at**

**No 23 Nield Avenue Balgowlah Heights**

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## 1.0 INTRODUCTION

This statement of environmental effects has been prepared to accompany a development application that is being submitted to Northern Beaches Council.

The applicant seeks development consent to undertake the following development on land known as No 23 Nield Avenue Balgowlah Heights:

- Construct an upper level addition comprising of:
  - A master bedroom with a walk-in robe, ensuite and bay window;
  - A sitting room serviced by a street facing balcony;
  - A bathroom;
  - Two bedrooms with built-in cupboards; and
  - Internal staircase accessing lower level.
- Alterations to the ground floor of the existing dwelling include:
  - Removal of some internal walls and providing an
  - extension to the rear so as to create an open floor plan,
  - new kitchen, dining room and study; and
  - Install an internal staircase accessing the upper.

The proposal has been prepared pursuant to the provisions of Manly Local Environmental Plan 2013 and the Manly Residential Development Control Plan 2013. This statement of environmental effects is intended to assist Northern Beaches Council in its assessment of the development application and includes;

A description of the site and the locality and a description of the proposed development;

A description of the statutory framework in which the development application will be assessed inclusive of the local planning instruments and the provisions of the Environmental Planning and Assessment Act 1979; and Conclusions in respect of the proposed development.

This statement of environmental effects should be considered in conjunction with the development plans prepared by *Add Style Home Additions*.

## 2.0 SITE AND CONTEXT

### 2.1 Subject Site

The subject site is situated on the western side of Nield Avenue and is known as No 23 Nield Avenue Balgowlah Heights.



#### Locality Plan

The subject site is legally identified as Lot 17 in Deposited Plan 6363.

The subject site is regular in configuration with the frontage and width of 20.12m and a depth of 31.7m.

The subject site has a total area of approximately **637.8m<sup>2</sup>**. A survey plan is included with the development plans.

Existing improvements on the subject site consist of a well presented single storey brick dwelling constructed over garaging. The existing dwelling is well presented but only has limited ground floor space.



**Subject Site as viewed from Nield Avenue**

With regards to topography the subject site has a noticeable fall from the rear boundary to the street of approximately 4m. The fall in the land has enabled the provision of car parking under the dwelling similar to other developments in the precinct.

The applicant does not propose to alter the existing drainage arrangements.

The building is not listed under the Manly Local Environmental Plan 2013 as having any heritage significance nor is it in the immediate vicinity of any items of heritage significance. The subject site is not situated within a conservation precinct.

No trees require removal to facilitate the proposed development. Ample green space exists around the dwelling to assist with natural absorption.

## **2.2 Site Context**

The subject site is situated within an established residential precinct characterised by a mix of single, two and three storey buildings. The dwellings in the precinct are generally well presented.



Existing development on the immediately adjoining properties comprises of the following:

- Adjoining the subject site to the north is a single storey dwelling of similar proportions to the subject dwelling. This adjoining dwelling is notably set on a higher platform than the subject dwelling and is well setback from the common boundary.



No issues will arise in terms of overshadowing given the orientation of the of the respective properties and no issues are likely to arise in terms of privacy loss given the design initiatives proposed with the upper level addition.

- Adjoining the subject site to the south is a property known as No 21 Nield Avenue. The adjoining dwelling is well setback from the common boundary. The proposed upper level on the subject site is well articulated and presents no privacy issues given that only one window is oriented to the south.

No issues arise from the proposed works, which could detrimentally affect the amenity of the southern neighbour given the generous separation between the proposed dwelling additions and the adjoining dwelling.



The generous site width and containment of the proposed upper level over the existing lower level of the dwelling ensures that minimal impacts arise.

The elevated nature of the site and orientation ensures that reasonable district views can be gained from the proposed upper level.

### **3.0 PROPOSED DEVELOPMENT**

The applicant seeks development consent to undertake the following at No 23 Nield Avenue Balgowlah Heights:

- Construct an upper level addition comprising of:
  - A master bedroom with a walk-in robe, ensuite and bay window;
  - A sitting room serviced by a street facing balcony;
  - A bathroom;
  - Two bedrooms with built-in cupboards; and
  - Internal staircase accessing lower level.
- Alterations to the ground floor of the existing dwelling include:
  - Removal of some internal walls and providing an
  - extension to the rear so as to create an open floor plan,
  - new kitchen, dining room and study; and
  - Install an internal staircase accessing the upper.

### **3.1 Design Approach**

The proposed upper floor addition is sought to provide most needed quality internal living space to meet the needs of the residents. The proposed upper floor addition has been suitably articulated and compliments the overall appearance of the dwelling. The proposed upper level addition has been centrally located above the lower level and recessed along the side and front elevations. The proposal includes a conventional roof low pitch consistent with the lower level of the dwelling.

Importantly the design has been developed to achieve compliance with the building height control.

The design solution ensures that privacy issues are minimal. The outlook from the proposed addition is oriented towards the rear yard and street frontage. An upper level balcony is proposed off the main bedroom well distant from the northern side boundary. Outlook from the balcony is directed towards the distant water views.



Shadows cast by the proposed addition will generally fall in a sweeping motion towards the south across the street and adjoining southern property.

Windows in the northern side elevation of the adjoining southern dwelling will continue to gain reasonable levels of solar access.

### **3.2 Numeric Summary**

Site area	637.8sqm
Proposed FSR	<p>EXIST FLOOR SPACE 138.5sqm 0.22 : 1</p> <p>PROPOSED FLOOR SPACE 248.8sqm 0.39 : 1</p>
Proposed Site coverage	322.7sqm or 51%
Proposed Landscaped Area	331.6sqm or 52%
Side setbacks	Existing compliant side setbacks
Front and rear setbacks	No change is proposed to the front setback for the dwelling. A small addition is proposed at the rear of the dwelling which remains well distant from the rear boundary. A rear block wall assists in concealing this addition from view from the rear.
Building Height	Compliance is achieved with the 8.5m height control.
Car Parking	Parking for two cars on-site already exists. No change is proposed to the car parking provision.

#### 4.0 MANLY LEP 2013

The land is zoned *R1 General Residential* under Manly LEP 2013. A dwelling house is permissible within the zone with development consent.

Alterations and additions are ancillary to the permissible dwelling use.



- MANLY LAND ZONING MAP**
- |                                    |                               |
|------------------------------------|-------------------------------|
| Neighbourhood Centre               | Private Recreation            |
| Local Centre                       | Primary Production Small Lots |
| Enterprise Corridor                | Special Activities            |
| National Parks and Nature Reserves | Infrastructure                |
| Environmental Conservation         | Tourist                       |
| Environmental Management           | Natural Waterways             |
| Environmental Living               |                               |
| General Residential                |                               |
| Low Density Residential            |                               |
| Medium Density Residential         |                               |

#### Zoning Extract – MANLY LEP 2013

<p><b>2.3 Zone objectives and Land Use Table</b></p> <p>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p><u>Zone R1 General Residential</u></p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> <li>• To provide for the housing needs of the community.</li> <li>• To provide for a variety of housing types and densities.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	<p>The proposed alterations and addition to a dwelling specifically services the housing needs of the residents and provides an improved level of construction benefitting the broader community.</p> <p>Not relevant to the circumstances of the proposal.</p>	<p>Yes</p> <p>Not compromised</p>
<p><b>4.3 Height of buildings</b></p> <p>The maximum permitted building height is 8.5m.</p> <p>(1) The objectives of this clause are as follows:</p> <p>(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,</p> <p>(b) to control the bulk and scale of buildings,</p> <p>(c) to minimise disruption to the following:</p>	<p>The proposed building height and roof form is consistent with the prevailing character of the precinct and importantly to the lower level roof profile.</p> <p>The proposed addition complies with the maximum 8.5m building height control. The topography of the site and rise in ground level to the</p>	<p>Yes</p> <p>Yes</p>

	rear should ensure views enjoyed by rear adjoining owners are not interrupted.	
(i) views to nearby residential development from public spaces (including the harbour and foreshores),	There are no significant views to be gained of residential development from public places.	Reasonable view sharing is achieved in the context of precinct and site circumstances.
(ii) views from nearby residential development to public spaces (including the harbour and foreshores),	There are potential distant water views to be gained from properties to the rear across the top of the dwelling. Compliance with the building height ensures that viewing opportunities are reasonably retained.	Yes
(iii) views between public spaces (including the harbour and foreshores),	There are no specific view corridors between public places likely to be gained across the subject site.	Yes
(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,	Shadows cast by the development are projected in a sweeping motion across the frontage of the site and partly over adjoining southern dwelling for a short period of time during the winter solstice. There is no concentration of additional shadow adversely affecting public or private open spaces. The rear yards of adjoining dwellings will continue to benefit from full solar access and windows in the northern side elevation of the adjoining southern dwelling will retain reasonable access to sunlight.	Yes



<p>(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.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<p>The subject site is not in and does not adjoin prominent bushland or any other environmentally sensitive land.</p> <p>The height control applicable to the precinct is 8.5m. The proposed development complies with the maximum height control.</p>	<p>Yes</p>
<p><b>4.4 Floor space ratio</b></p> <p>The maximum permitted FSR is 0.5:1.</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,</p> <p>(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,</p> <p>(c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,</p>	<p>The proposed addition will create a proportionate dwelling on-site consistent with the scale of other modern dwellings within the visual catchment of the site.</p> <p>There are no prominent landscape or townscape features to be viewed from the subject site or nearby properties. The proposed FSR at 248.8sqm or 0.39 : 1 is well below the maximum permitted on-site.</p> <p>The proposed upper level addition is contained within the footprint of the existing dwelling. The existing landscaped content will effectively remain on-site. There is no detrimental impact on landscaping on-site or within the precinct.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

(d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,	There is no environmental impact arising, which would reduce the enjoyment or use of adjoining land. No new driveway crossings are proposed.	Yes
(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.	Not applicable.	Yes
(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map	<p>The maximum FSR applicable to the site is 0.45:1.</p> <p>The proposed FSR is 0.39:1.</p>	Yes
<p><b>4.6 Exceptions to development standards</b></p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p> <p>(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p>	<p>The applicant is not relying on clause 4.6 of the LEP to vary the building height control.</p>	

<p><b>5.10 Heritage conservation</b></p> <p><b>(1) Objectives</b></p> <p>The objectives of this clause are as follows:</p> <p>(a) to conserve the environmental heritage of Manly,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The subject site is not heritage listed and is not within a heritage conservation area. There are no heritage items in the vicinity of the site.</p> <p>No heritage impacts arise from the proposal.</p>	<p>Yes</p>
<p><b>6.1 Acid sulfate soils</b></p> <p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p><b>Class of land Works</b></p> <p>5 Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p>	<p>The site is subject to an acid sulphate class 5 consideration.</p> <p>There is no significant excavation associated with the proposed development. There is no impact on the water table.</p> <p>Acid sulphate soils are not a constraint to the proposed development.</p>	<p>Yes</p>
<p><b>6.4 Stormwater management</b></p> <p>(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.</p>	<p>The addition is effectively contained within the existing footprint of the dwelling. Down pipes will connect into the existing drainage system.</p>	<p>Yes</p>

<p>(2) This clause applies to all land in residential, business, industrial and environmental protection zones.</p>	<p>The clause applies to the subject land.</p>	<p>Yes</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>The proposed works are effectively contained within the existing building footprint. The landscape content on-site will remain unaltered.</p>	<p>Yes</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>The proposed works do not generate the need for stormwater detention on-site. A reasonable extent of landscape area will remain onsite enabling natural absorption.</p>	<p>Yes</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>The proposed works will not give rise to adverse stormwater impacts to adjoining properties and native bushland.</p>	<p>Yes</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>Stormwater from the site can be collected and effectively disposed of via gravity to flow to Council's infrastructure in Nield Avenue.</p>	
<p><b>6.5 Terrestrial biodiversity</b>          (1) The objective of this clause is to maintain terrestrial biodiversity by:          (a) protecting native fauna and flora, and          (b) protecting the ecological processes necessary for their continued existence, and          (c) encouraging the conservation and recovery of native fauna and flora and</p>	<p>The site is not subject to biodiversity considerations.</p>	<p>Yes</p>



<p>their habitats.</p> <p>This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.</p>		
<p><b>6.6 Riparian land and watercourses</b></p> <p>(1) The objective of this clause is to protect and maintain the following:</p> <p>(a) water quality within watercourses,</p> <p>(b) the stability of the bed and banks of watercourses,</p> <p>(c) aquatic and riparian habitats,</p> <p>(d) ecological processes within watercourses and riparian areas.</p> <p>(2) This clause applies to all of the following:</p> <p>(a) land identified as “Watercourse” on the Watercourse Map,</p>	<p>The site is not near a watercourse.</p>	
<p><b>6.8 Landslide risk</b></p> <p>(1) The objectives of this clause are to ensure that development on land susceptible to landslide:</p> <p>(a) matches the underlying geotechnical conditions of the land, and</p> <p>(b) is restricted on unsuitable land, and</p> <p>(c) does not endanger life or property.</p> <p>(2) This clause applies to land identified as “Landslide risk” on the Landslide Risk Map.</p>	<p>The site is not subject to landslip considerations.</p>	
<p><b>6.9 Foreshore scenic protection area</b></p> <p>(1) The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly.</p> <p>(2) This clause applies to land that is shown as “Foreshore Scenic Protection</p>	<p>The subject site is not located within a scenic protection area.</p> <p>The proposed works are well distant from the foreshore.</p>	<p>Yes</p>

<p>Area” on the <u>Foreshore Scenic Protection Area Map</u>.</p> <p>(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:</p> <p>(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,</p> <p>(b) measures to protect and improve scenic qualities of the coastline,</p> <p>(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,</p> <p>(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.</p>	<p>In the main the works will improve the appearance of the dwelling and are proportionate to the land size and existing dwelling.</p> <p>There are no significant overshadowing or foreshore implications.</p> <p>There will be no loss of significant views in the context of building height and setback compliance.</p>	
<p><b>6.12 Essential services</b></p> <p>(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable vehicular access.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.</p>	<p>The proposal is for alterations and additions to an existing dwelling house. All services are available and connected to the property.</p> <p>The proposed additions do not increase run off. The new roof area will be connected to the existing domestic drainage of the dwelling.</p> <p>.</p> <p>Not applicable to the circumstances of the proposed development</p>	<p>Yes</p> <p>NA</p>

## 5.0 MANLY DEVELOPMENT CONTROL PLAN 2013

The NSW Planning Circular PS 13-003 provides the following advice on recent legislative changes to the purpose, status and content of DCPs.

*“When DCPs were first introduced around 30 years ago, they were intended to be flexible guidelines which complemented the controls provided by a local environmental plan (LEP). A council’s LEP is a legal document which is meant to be the primary instrument to guide local development.*

*Following a number of recent court cases, councils have felt obliged to treat DCPs as inflexible and rigid rule-books which must be consistently applied when considering development applications. This has caused delays and added to the complexity of the planning system.*

*DCPs are increasingly containing controls which are not consistent with those in the council’s LEP. This adds significantly to development assessment times and red tape in the planning system.*

*These provisions change the way a consent authority (in most instances the council) is to consider a DCP when assessing a development application.*

*The objectives of the changes are to:*

*-reinforce the purpose and status of DCPs as guidance documents used in local planning decision-making, and  
-introduce flexibility in the way in which provisions in DCPs are applied by consent authorities when assessing development applications”*

The amendments to the Act make it clear that the principal purpose of a DCP is to provide guidance to a consent authority and to people who are proposing to undertake development on land to which the DCP applies. The provisions of the DCP have been considered in the preparation of the design and the relevant criteria are outlined below.

<p><b>3.1 Streetscapes and Townscapes</b>  <u>Streetscape</u>            Objectives 1) To minimise any negative visual impact of walls, fences and carparking on the street frontage.            Objective 2) To ensure development generally viewed from the street complements the identified streetscape.</p>	<p>The proposed works will vastly improve the streetscape presentation of the dwelling.</p> <p>No significant adverse impacts arise from the proposed</p>	<p>Yes</p>
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<p>Objective 3) To encourage soft landscape alternatives when front fences and walls may not be appropriate.</p> <p>Townscape</p> <p>Objective 4) To ensure that all parking provision is designed and sited to respond to and respect the prevailing townscape.</p> <p>Objective 5) To assist in maintaining the character of the locality.</p> <p>Objective 6) To recognise the importance of pedestrian movements and townscape design in the strengthening and promotion of retail centres.</p> <p>Objective 7) To minimise negative visual impact, in particular at the arterial road entry point into the Municipality, so as to promote the townscape qualities of Manly.</p>	<p>development when considered in reference to the DCP objectives for 'streetscape'.</p>	
<p><b>3.1.1.3 Roofs and Dormer Windows</b></p> <p>a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.</p> <p>b) Roofs should be designed to avoid or minimise view loss and reflectivity.</p> <p>c) Dormer windows and windows in the roof must be designed and placed to compliment the roof structure and reflect the character of the building. In particular, such windows are not permitted on the street frontage of the building where there is no precedent in the streetscape, especially on adjoining dwellings.</p>	<p>The proposed addition has been designed to sit comfortably with the prevailing architectural style of the existing dwelling. The roof form is consistent with that of the existing dwelling on the subject site and maintains a symmetry of built form.</p> <p>There is no significant impact on view loss given compliance is achieved with building height and setbacks.</p> <p>There are no dormer windows proposed.</p>	<p>Yes</p> <p>Yes</p> <p>NA</p>



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

Objective 1) To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties.

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

Designing for Amenity

a) Careful design consideration should be given to minimise loss of sunlight, privacy and views of neighbouring properties. This is especially relevant in higher density areas and in relation to development adjacent to smaller developments.

b) Development should not detract from the scenic amenity of the area. In particular, the apparent bulk and design of a development should be considered and assessed from surrounding public and private view points.

c) The use of material and finishes is to protect amenity for neighbours in terms of reflectivity. The reflectivity of roofs and glass used on external walls will be minimal in accordance with industry standards.

#### 3.4.1 Sunlight Access and Overshadowing

Objective 1) To provide equitable access to light and sunshine.

Objective 2) To allow adequate sunlight to penetrate:

☐ private open spaces within the development site; and

☐ private open spaces and windows to the living spaces/ habitable rooms of both the development and the adjoining properties.

Objective 3) To maximise the penetration of sunlight including mid-winter sunlight to the windows, living rooms and to principal outdoor

The proposed addition has been carefully derived to address matters relating to privacy, view loss, solar access and general amenity. Windows in the proposed upper level are located to capture sunlight and outlook towards the street and rear yard. An upper level balcony will provide surveillance opportunities of the street.

No significant adverse impacts arise from the proposed development when considered in reference to the DCP objectives.

Yes

The proposed upper level addition has an acceptable shadowing impact given the orientation of the site, separation between dwellings and fall in the land. Please refer to the shadow diagrams.

No significant adverse impacts

Yes

<p>areas by:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> encouraging modulation of building bulk to facilitate sunlight penetration into the development site and adjacent properties; and</li> <li><input type="checkbox"/> maximising setbacks on the southern side of developments to encourage solar penetration into properties to the south.</li> </ul> <p><b>3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties</b></p> <p>In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties:</p> <p>a) for adjacent buildings with an east-west orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at least 2 hours from 9am to 3pm on 21 June;</p> <p>b) for adjacent buildings with a north-south orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 4 hours from 9am to 3pm on 21 June;</p> <p>c) for all adjacent buildings (with either orientation) no reduction in solar access is permitted to any window where existing windows enjoy less than the minimum number of sunlight hours specified above.</p>	<p>arise from the proposed development when considered in reference to the DCP objectives. The proposed upper level is well modulated and the upper level is contained to within the existing foot print of the dwelling.</p> <p>There are no significant additional shadow impacts to the southern adjoining property.</p> <p>No significant adverse impacts arise from the proposed development when considered in reference to the DCP objectives.</p>	<p>Yes</p>
<p><b>3.4.2 Privacy and Security</b></p> <p>Objective 1) To minimise loss of privacy to adjacent and nearby development by:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings;</li> <li><input type="checkbox"/> mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.</li> </ul> <p>Objective 2) To encourage awareness of neighbourhood security.</p> <p>See also paragraph 4.1.5.3 Principal Private Open Space.</p>	<p>The addition will not result in significant loss of privacy to any adjoining property.</p> <p>No significant adverse impacts arise given the careful placement of windows and concentration of outlook to the east.</p>	<p>Yes</p>

<p><b>3.4.2.1 Window Design and Orientation</b></p> <p>a) Use narrow, translucent or obscured glass windows to maximise privacy where necessary.</p> <p>b) When building close to boundaries, windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy.</p>	<p>Windows are oriented generally towards the front and rear of the dwelling. There will be no viewing conflict from opposing windows between adjoining dwellings and the subject dwelling.</p>	<p>Yes</p>
<p><b>3.4.2.3 Casual Surveillance</b></p> <p>In order to provide for the casual surveillance of the street and to provide a sense of security:</p> <p>a) some rooms should be oriented to the street;</p> <p>b) sight lines to the street frontage from a window of at least one habitable room should not be obscured by trees or any other object;</p> <p>c) fences, walls and landscaping should minimise opportunities for concealment and encourage social interaction; and</p> <p>d) in areas of high street noise, double glazing on windows is preferred, rather than the construction of high fences or walls as a sound attenuation measure.</p>	<p>The proposed upper level addition will provide better casual surveillance of the street with the inclusion of the upper level addition and balcony facing the street.</p> <p>Noted.</p> <p>There are no noise sources near the dwelling.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>3.4.2.4 Acoustical Privacy (Noise Nuisance)</b></p> <p>a) Consideration must be given to the protection of acoustical privacy in the design and management of development.</p> <p>b) Proposed development likely to generate noise including outdoor open space, driveways, plant equipment including pool pumps and the like should be located in a manner which considers the acoustical privacy of neighbours including neighbouring bedrooms and living areas.</p>	<p>There is no significant traffic/street noise.</p> <p>The proposed upper level and ground level rear addition relates to a single dwelling. No significant acoustic impacts arise from the proposal given the residential nature of the use.</p> <p>There is minimal change to any of the dwelling elements - open space driveways, parking etc.</p>	<p>NA</p> <p>NA</p> <p>Yes</p>
<p><b>3.4.3 Maintenance of Views</b></p> <p>Relevant DCP objectives to be satisfied in relation to this paragraph include the following:</p>	<p>District views from the site can be gained. Views can be gained</p>	<p>Yes in the context of</p>

<p>Objective 1) To provide for view sharing for both existing and proposed development and existing and future Manly residents.</p> <p>Objective 2) To minimise disruption to views from adjacent and nearby development and views to and from public spaces including views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths).</p> <p>Objective 3) To minimise loss of views, including accumulated view loss 'view creep' whilst recognising development may take place in accordance with the other provisions of this Plan.</p>	<p>diagonally across the subject site also.</p> <p>Minimal landscaping exists on-site which would obstruct views.</p> <p>A standard roof pitch is proposed coupled with standard floor to ceiling heights aimed at achieving view sharing.</p>	<p>the site and existing landscaping.</p>
<p><b>3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)</b></p> <p>Section 5(a)(vii) of the Environmental Planning and Assessment Act 1979 encourages ecologically sustainable development. Council require that the principles of ecologically sustainable development be taken into consideration when determining development applications under section 79C of the Environmental Planning and Assessment Act 1979 and under this plan.</p>	<p>The proposal is for an upper level addition. The BASIX certificate confirms compliance with relevant water saving and design requirements.</p>	<p>Yes</p>
<p><b>4.1 Residential Development Controls</b></p> <p>Where Residential Development Controls apply</p> <p>a) This section of the plan provides controls for development generally in LEP Zones R1, R2, R3, E3 and E4. These paragraphs may also apply to residential development elsewhere in Manly and are to be read in conjunction with development standards in the LEP.</p> <p>Objective 1) To delineate by means of development control the nature and intended future of the residential areas of Manly.</p>	<p>Noted</p>	<p>Yes</p>

<p>Objective 2) To provide for a variety of housing types and densities while maintaining the exiting character of residential areas of Manly.</p> <p>Objective 3) To ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residences, the existing environmental quality of the environment or the aesthetic quality of Manly.</p> <p>Objective 4) To improve the quality of the residential areas by encouraging landscaping and greater flexibility of design in both new development and renovations.</p> <p>Objective 5) To enable population growth without having adverse effects on the character, amenity and natural environment of the residential areas.</p> <p>Objective 6) To enable other land uses that are compatible with the character and amenity of the locality.</p> <p>Objective 7) To ensure full and efficient use of existing social and physical infrastructure and the future provision of services and facilities to meet any increased demand.</p>	<p>Noted</p> <p>The proposal is for a quality addition to an existing dwelling, which is well setback from adjoining dwellings.</p> <p>No significant adverse amenity impacts arise.</p> <p>The landscaping content on-site will be enhanced and embellished. No trees are required to be removed. The addition sits comfortably with the design of the dwelling.</p> <p>There are no significant adverse effects on the character, amenity and natural environment.</p> <p>NA. The proposal continues the residential use of the property.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>4.1.1 Dwelling Density and Subdivision</b></p> <p>Objective 1) To promote a variety of dwelling types and residential environments in the LGA.</p> <p>Objective 2) To limit the impact of residential development on existing vegetation, waterways, riparian land and the topography.</p> <p>Objective 3) To promote a variety of allotment sizes, residential environments and housing diversity.</p> <p>Objective 4) To maintain the character of the locality and streetscape.</p> <p>Objective 5) To maximise the use of existing infrastructure</p>	<p>The proposal is for a typical addition to an existing detached dwelling.</p> <p>There are no impacts on existing vegetation, waterways, riparian land and the topography.</p> <p>NA. There is no subdivision.</p> <p>No significant adverse streetscape or neighbourhood character issues arise.</p>	<p>Yes</p> <p>Yes</p> <p>NA</p> <p>Yes</p>

	Existing site services are available.	Yes
<p><b>4.1.2.1 Wall Height</b></p> <p>a) Within the LEP Height of Buildings development standard, the maximum external wall height is calculated based on the slope of the land under the proposed wall. Figures 26, 27 and 28 provide guidelines for determining the maximum height of external walls based on the particular slope of the land along the length of these proposed walls. The maximum wall height control will also vary from one building, elevation or part elevation to another depending on the slope of land on which the wall is sited. Within the range of maximum wall heights at Figures 26 and 28, the permitted wall height increases as the slope of the land increases up to a gradient of 1 in 4, at which point the permitted maximum wall height is capped according to Figure 26.</p> <p><b>4.1.2.2 Number of Storeys</b></p> <p>a) Buildings must not exceed 2 storeys, except on land in areas 'L' and 'N1' on the LEP Height of Building Map and notwithstanding the wall and roof height controls in this plan.</p> <p><b>4.1.2.3 Roof Height</b></p> <p>a) Pitched roof structures must be no higher than 2.5m above the actual wall height *, calculated in accordance with Figure 29.</p> <p><b>Roof Pitch</b></p> <p>c) The maximum roof pitch must be generally no steeper than 35 degrees. A roof with a steeper pitch will be calculated as part of the wall height. In this regard the wall height controls at paragraph 4.1.2.1 of this plan will apply to the combined wall height and the</p>	<p>The permitted wall height in the vicinity is 6.5m.</p> <p>The proposal includes a standard floor to ceiling height and indenting of the upper level from all elevations to avoid a continuous wall height.</p> <p>The proposed upper level is well articulated to enhance the visual presentation of the dwelling.</p> <p>The proposal provides for compliance with the 8.5m maximum permissible height limit.</p> <p>The proposal includes a low pitched roof profile well under the 2.5m height.</p> <p>The roof pitch creates a maximum height of 1.4m and includes a roof pitch well below of 25 degrees.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

height of the roof steeper than 35 degrees.		
<b>4.1.3 Floor Space Ratio (FSR)</b>  <p>Objective 1) To ensure the scale of development does not obscure important landscape features.</p> <p>Objective 2) To minimise disruption to views to adjacent and nearby development.</p> <p>Objective 3) To allow adequate sunlight to penetrate both the private open spaces within the development site and private open spaces and windows to the living spaces of adjacent residential development.</p>	<p>The proposed FSR of 248.8sqm 0.39 : 1 sits within the permitted FSR of 0.45:1 .</p> <p>The dwelling retains a domestic scale and form. No significant impacts arise in respect of views or shadowing.</p> <p>No significant adverse impacts arise from the proposed development when considered in reference to the DCP objectives.</p>	<p>Yes.</p> <p>Yes</p>
<p>The addition sits comfortably with the architectural form (including roof form) of the existing dwelling and neighbouring buildings noting that there is considerable architectural diversity in the street.</p> <p>The addition follows the existing building wall and setback of the ground floor.</p> <p>Adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.</p>	<p>Yes</p> <p>The proposed upper level is indented from the side and front elevations to provide articulation and minimise bulk.</p> <p>Adjoining properties are not adversely affected by overshadowing, view loss or privacy issues.</p> <p>The dwelling retains a domestic scale noting that there is considerable diversity in building bulk and scale in the immediate vicinity of the site. The proposal is consistent with the established streetscape character in terms of street setback and will not have a significant adverse impact on the</p>	



	amenity of adjoining properties.	
<b>4.4.2 Alterations and Additions</b> Manly Council promotes the retention and adaptation of existing buildings rather than their replacement with new structures.	The proposal retains the existing dwelling and provides new external finishes and building articulation across the street frontages to enhance the dwelling's streetscape presentation and appeal.	Yes

## 6.0 SECTION 4.15 CHECKLIST

The following provides an assessment of the proposal against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

*(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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), 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,*

### **Comment:**

The proposal is permissible and satisfies the objectives of Manly Local Environmental Plan 2013 and prescriptive and performance controls of the DCP.

The proposed development is appropriate in consideration of the streetscape objectives, siting requirements and protecting neighbour amenity.

*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.*

**Comment:**

A detailed site analysis was undertaken to determine the appropriate form of development having regard to Council's planning controls, the circumstances of the site and neighbouring properties and the desired future character of the locality.

The proposed development provides for a high degree of amenity for future occupants, while being respectful of the amenity of neighbouring properties.

In view of the above the development will have acceptable social and environmental implications given the nature of the zone.

*c. the suitability of the site for the development.*

**Comment:**

The subject site has an ideal area, configuration and topography to accommodate the proposed development. The design solution is based on sound site analysis and responds positively to the characteristics of the site and adjoining development.

*d. any submissions made in accordance with the Act or the regulations.*

**Comment: Nil**

*e. the public interest*

*Note.*

*See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.*

**Comment:**

The proposed development is purely domestic in nature and provides for the attainment of additional quality floor space within a well serviced locality

therefore satisfying urban consolidation initiatives and furthering the public interest.

*(2) Compliance with non-discretionary development standards—development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, 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, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.*

*(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:*

*(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and*

*(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.*

*Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).*

Comment:

The application has merit and is consistent with the intent of the controls given the site context.

*(3A) Development control plans*

*If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*

*(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those*

*standards—is not to require more onerous standards with respect to that aspect of the development, and*

*(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*

*(c) may consider those provisions only in connection with the assessment of that development application.*

*In this subsection, standards include performance criteria.*

**Comment:**

The provisions of the development control plan have been considered as part of the application. The proposal is reasonable in this regard

*(4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.*

*(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).*

*(6) Definitions In this section:*

*(a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and*

*(b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.*

**Comment:** Not applicable.

## **7.0 CONCLUSION**

The proposal is for an upper level addition and ground level alterations/addition to an existing dwelling. The proposal represents a vast improvement to the built form existing on-site and incorporates strong streetscape appeal.

No significant adverse impacts arise from the proposal.

The proposed development is permissible in the zone and is consistent with zone objectives.

The proposal involves compliance with the principle development controls being the building height control and FSR.

Reasonable measures have been taken by the designer to minimise privacy loss and there will be no significant overshadowing of adjoining properties as a result of the proposed addition. Compliance with the building height control and setbacks also ensures that there will be no view loss.

In view of the above and the assessment undertaken in this SEE, the proposed development is appropriate and Council approval is recommended.