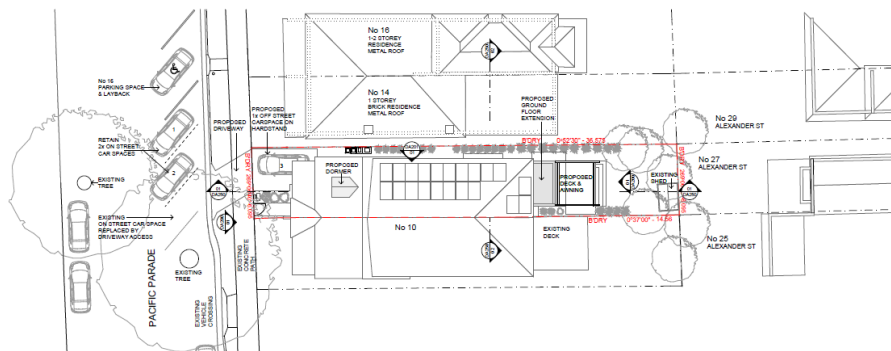




## Costello+Graham Design

# Statement of Environmental Effects Development Application

|                           |   |
|---------------------------|---|
| <b>Proposal:</b>          | <b>Alterations &amp; Additions to Existing Semi-Detached Residential Dwelling</b> |
| <b>Property:</b>          | <b>12 Pacific Parade, Manly NSW 2095<br/>Lot 37A DP 438218</b>                    |
| <b>Client:</b>            | <b>John Burridge &amp; Karen Calcagno</b>   |
| <b>Prepared By:</b>       | <b>Costello + Graham Design</b>   |
| <b>Project Reference:</b> | <b>PPMBC 23110</b>  |
| <b>Document Number:</b>   | <b>DA950_A</b>  |
| <b>Date:</b>              | <b>17 December 2024</b>   |
| <b>Revisions:</b>         | P3 11 October 2024<br>P2 20 September 2024<br>P1 09 May 2024                      |



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## 1. Existing Condition

The 223.2m<sup>2</sup> site at 12 Pacific Parade Manly contains an existing semi-detached 2 storey dwelling with a detached shed in the rear garden. The narrow site is 6.095m wide & 36.575m in length & is generally flat with an RL of 4.37m AHD adjacent the northern fence in the rear garden and also on the southern front footpath. There is a slight incline of 160mm from the western boundary with no 14 to the eastern party wall shared with No 10. The existing ground floor of the 2 storey dwelling consists of 2x bedrooms a living room bathroom & a combined kitchen & dining area opening out to an elevated rear deck. The existing first floor contains 1.5 bedrooms, a bathroom & an additional master bedroom with a rear covered balcony.

The semi-detached dwelling shares a common party wall & a common roof alignment with No 10 Pacific Parade. There is no parking currently available on-site but the front wall of the dwelling has a variable set back of more than 5.5m from the front boundary. The semi-detached dwelling at No 12 is part of a mirrored pair with No 10 sharing a common gabled entry porch & a traverse gabled slate roof & veranda.

The existing semi-detached dwellings display period features to the street front including small window fenestrations & trimmings to the veranda posts, but also has modern style elements including inclined brick veranda pillars. The rear of the house has been extended at various times & is inconsistent with its neighbour at no 10 and doesn't have any specific architectural integrity. A low pitched first floor addition was added to both Nos 10 & 12 semi-detached dwellings at some point in time and the No 12 first floor addition has been lined with timber like cladding.

The rear veranda includes an external brick laundry aligning with the shared party wall with No 10. The laundry opens out to a large timber deck in need of maintenance. The rear garden is grassed with established trees providing privacy to the rear yards & windows of the Alexander Street properties to the north. A garden shed is located towards the northern boundary.

The western neighbour at No 14 is a single storey semi-detached dwelling adjoining a 2-storey dwelling at No 16 with a similar street front appearance. The rear of No 14 is single storey and has a low-pitched roof with its footprint extending 2.0m beyond the setback of No 12 to the north.

The Pacific Parade streetscape includes large established trees which are listed as Landscape Item I 191 Pacific Parade Street Trees – Local. The property at No 16 also includes designated & marked on street parking which is inclined at approximately 40 degrees to the kerb, allowing for 3x additional 2.4m wide on-street car parking spaces located parallel to the accessible parking and between the heritage listed street tree located in front of No 10 Pacific Parade Manly.



Accessible on-street parking and layback – No 16



Street View – Nos 14 12 & 10



Front Garden – No 12 Subject Site



Rear Garden view from existing house with established trees



Rear garden view towards existing house



Existing side path

## 2. Proposed Design Statement

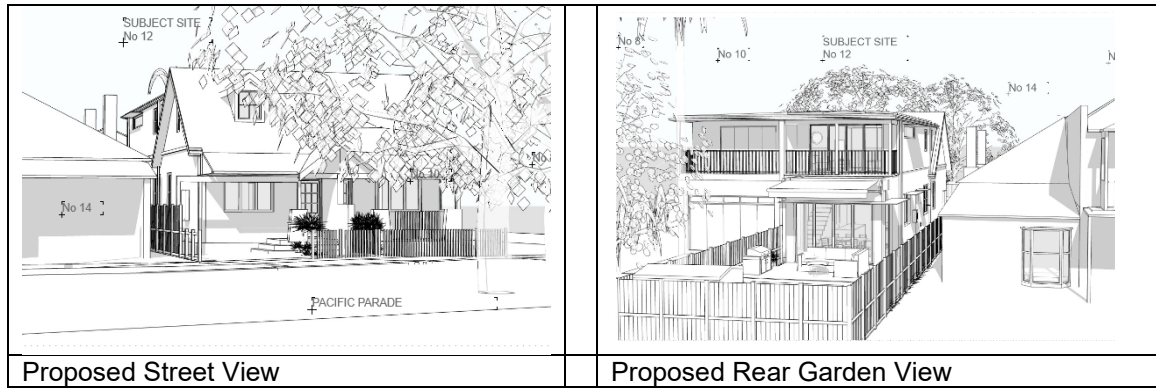
The works proposed to be undertaken to the existing semi-detached dwelling at No 12 include:

- An internal reconfiguration of the ground floor kitchen bathroom staircase & a new internal laundry
- A new ground floor dining room extension 2m to the north to align with the adjacent No 14 property
- A new rear deck & upgrades to the side path including new landscaping
- A new front hardstand, driveway & crossing to Pacific Parade including modifications to the existing entry porch
- A new first floor dormer window within the transverse gable roof facing the street
- A refurbishment of the existing upstairs bathroom
- Internal cosmetic & building services works including new air conditioning
- New solar / photovoltaic panels added to the roof
- On-site stormwater upgrades

With a site area of 223.06m<sup>2</sup> the existing small site is already an undersized allotment within the 250m<sup>2</sup> Zone C lot size planning area and when overlaid upon the permissible floor space to site ratio of 0.6:1 the existing floor space is marginally in excess of the permissible floor space ratio at 0.609:1. The new 4m wide single storey proposed ground floor addition totalling 15.4m<sup>2</sup> increases the floor space ratio but the set out aligns with the adjacent property at No 14 & is inset from the party wall boundary with No 10 to minimise any environmental impacts. Further details and design justification proposals are contained within SEE parts 3 4 & 6.

Given the existing undersized allotment & the proposed minor increase in floor area, the existing and proposed TOS total open space with a minimum dimension of 3m remains non-compliant, but the proposed rear garden landscape areas provide both usable open space for the residents and compliant LOS Landscape Open Space areas. Further details and design justification proposals are contained in SEE parts 3 4 & 6.

The proposed new driveway has been designed by the consulting civil engineers to comply with Council's standard requirements for gradients crossings & kerb details. The existing designated on-street accessible parking space for No 16 governs the proposed driveway angle & approach to the proposed hardstand on-site. Swept path vehicle manoeuvring diagrams for the B99% vehicle are shown on drawing DA 300 demonstrating compliant access to and from the site. The inclusion of 1x on-site vehicle car parking space replaces 1x on-street parking space angled between the existing street tree & the designated No 16 car parking space & there is no net loss of compliant carparking spaces proposed.



### 3. Manly LEP Development Summary Compliance

| Manly LEP - Local Environment Plan 2013                    |   |  |  |   |
|--|---|--|--|---|
| Development Control  | LEP Requirements  | Existing   | Proposed   | Complies / Comments   |
| <b>Land Zoning</b><br>LZN_003                              | Zone R1<br>General Residential  | 1x Semi-Detached Dwelling  | 1x Semi-Detached Dwelling  | Complies  |
| <b>Floor Space Ratio</b><br>FSR_003                        | Zone F =<br>0.6:1 site area =<br>223.2 m2<br>(survey calc) x 0.6<br>= 133.9m2 | 135.9 / 223.2<br>= 0.609:1   | 152.2 / 223.2 =<br>0.682:1   | Non-Compliant<br>Refer Part 6.1 LEP<br>Clause 4.6 Exception |
| GFA = Gross Floor Area                                     | GFA –<br>Ground Floor   | 72.5m2   | 87.9   |   |
|  | GFA –<br>First Floor  | 63.5m2   | 64.3   |   |
|  | Total GFA   | 136.0m2  | 152.2m2  |   |
|  | % Variation from<br>LEP Standard  | 101.5 %  | 113.7 %  |   |
| <b>Height of Buildings</b><br>HOB_003                      | Zone I = 8.5m   | Ridge - 11.64<br>GDx – 4.28<br>HOBX =<br>7.36m                               | Existing Ridge   | Complies  |
| <b>Lot Size</b><br>LSZ_003                                 | Zone C<br>Min 250m2   | 223.2 m2<br>(survey calc)<br>Existing<br>Undersized<br>Allotment             | No additional lots<br>proposed   | Existing Allotment  |
| <b>Acid Sulphate Soils &amp; Landslide Risk</b><br>CL1_003 | Class 4<br>Acid Sulphate<br>Soils applies<br>Landslide Risk<br>Not Applicable | Acid Sulphate<br>Soils<br>Assessment<br>Required                             | Refer Part 6.2<br>Design<br>Compliance<br>Statement - Acid<br>Sulphate Soils &<br>Geotechnical<br>Investigation<br>Reports J5771 &<br>J5771A prepared<br>by White<br>Geotechnical<br>Group | Can Comply  |
| <b>Heritage</b><br>HER_003                                 | Landscape Item I<br>191 Pacific<br>Parade Street<br>Trees – Local             | Subject<br>property is not<br>heritage listed<br>but in the<br>vicinity of a | No significant<br>pruning or<br>removal of the<br>existing street tree<br>is proposed –  | Complies  |

|                                    |   |  |   |  |
|------------------------------------|---|--|---|--|
|                                    |   | heritage listed street tree opposite No 10 | Refer Part 6.2 Design Compliance Statement - Heritage Impact & refer Arboricultural Impact Assessment Report prepared by Margot Blues Consulting Arborist regarding impacts of the proposed driveway & crossing upon the Heritage listed street tree item referred to as T1 |  |
| <b>Non Applicable LEP Controls</b> | Land Applications Map LAP_<br>Land Reservation Acquisition Map LRA_003<br>Active Street Frontages Map ASF_003<br>Foreshore Scenic Protection Map FSP_003<br>Foreshore Building Line Map FBL_003<br>Terrestrial Biodiversity Wetlands Watercourse Map CL2_003<br>Minimum Lot Size Multi Dwellings Map LSM_003<br>Key Sites Map KYS_003 |  |   |  |

#### 4. Manly DCP Development Summary Compliance

| <b>Manly DCP – Development Control Plan</b>                                       |   |  |  |   |
|---|---|--|--|---|
| <b>Development Control</b>  | <b>DCP Requirements</b>   | <b>Existing</b>  | <b>Proposed</b>  | <b>Complies / Comments</b>  |
| <b>DCP 3.1.1 Streetscape</b>  | Development should recognise predominant streetscape qualities such as built form, scale, patterns, materials, colours and vegetation which contribute to the character of the area                                   | There is no predominant streetscape pattern with the existing streetscape being a mix of new & older residential properties building shapes setbacks and car parking arrangements  | The proposed new hardstand and modification to the existing entry porch & new dormer do not detract from the streetscape mix   | Complies  |
| <b>DCP 3.2.1 Heritage Considerations</b>  | Effects of proposed development on the heritage significance of a heritage item   | The subject site is not listed as an item of heritage significance   | N/A  | N/A   |
| <b>DCP 3.2.2 Alterations or Additions to Heritage Items or Conservation Areas</b> | Development in the vicinity of Heritage Items or Conservation Areas requires consideration on the effect upon the heritage significance of the item.  | The subject site is within the vicinity of Heritage Item I 191 Pacific Parade Street Trees – Local Significance with a heritage street tree opposite the adjoining semi at No 10   | No significant pruning or removal of the existing street tree is proposed – Refer SEE Part 6.3 Design Compliance Statement - Heritage Impact & Margot Blues Consulting Arborist's Report AIA dated 04 October 2024 regarding the low construction impacts of the proposed driveway & crossing on the heritage listed street trees. | Refer to SEE Part 6.3 Design Compliance Statement - Heritage Impact |
| <b>DCP 3.3 Landscaping</b>  | Objectives include 1/ encouraging appropriate tree planting and maintaining existing vegetation & 2/ retaining and augmenting important landscape features and vegetation remnant populations of native flora & fauna | The existing rear garden contains 4x existing trees which provide privacy to & from the Alexander Street properties to the north. The rear garden is turfed with potential for native fauna & flora habitats. The front garden includes low shrubs & plants. | The existing rear garden trees and turfing shall generally be retained with increased Landscaping proposed down the side path / garden. A smaller front garden is proposed but opportunities for native flora & fauna habitats shall remain.   | Complies.   |
| <b>DCP 3.4.1.1</b>  | A maximum of 1/3 loss of solar access   |  | Adjacent property private open space   | Complies  |

|  |  |   |  |                                 |
|--|--|---|--|---------------------------------|
| <b>Overshadowing Adjoining Open Space</b>  | to private open space of adjacent properties between 9am - 3pm on 21 <sup>st</sup> June  |   | will not be reduced to less than 2/3 existing solar access between 9am - 3pm on 21 <sup>st</sup> June                            | Refer DA 900 901 & 902          |
| <b>DCP 3.4.1.2 Maintaining Solar Access to Living Rooms of Adjacent Properties</b> | For adjacent buildings the level of solar access must not be reduced for a period of 2 hours with an east west orientation & 4 hours for a north south orientation from 9am - 3pm on 21 <sup>st</sup> June. No reduction in solar access where minimum not available |   | Adjacent property living room windows will receive not less than 4 hours solar access between 9am - 3pm on 21 <sup>st</sup> June | Complies Refer DA 900 901 & 902 |
| <b>DCP 3.4.1.3 Overshadowing Solar Systems</b>                                     | A minimum of 6 hours solar access to existing adjacent solar collectors or hot water heaters to be maintained  |   | No existing adjacent solar systems will be overshadowed  | Complies                        |
| <b>DCP 3.4.2.1 Privacy &amp; Security – Window Design &amp; Orientation</b>        | Windows close to boundaries must be off-set from those in adjacent buildings to restrict direct viewing & mitigate impacts on privacy  |   | New windows facing side boundaries to be either opaque or offset from opposite windows to provide privacy                        | Complies                        |
| <b>DCP 3.4.2.2 Privacy &amp; Security – Balconies &amp; Terraces</b>               | Screens must be provided to limit overlooking of nearby properties   | Existing party wall provides privacy to No 10 & existing balcony does not have screens to No 14 | No increased privacy issues arising  | Complies                        |
| <b>DCP 3.4.2.3 Acoustical Privacy</b>  | Consideration to be given to the protection of acoustical privacy of neighbouring bedrooms & living areas.   |   | No works resulting in increased acoustic issues are proposed   | Complies                        |
| <b>DCP 3.4.3 Maintenance of Views</b>  | Iconic, Water & District Views to be retained  | N/A   |  | N/A                             |
| <b>DCP 3.5 Sustainability</b>  | Passive Solar Access, Ventilation & Energy Efficient Appliances optimise Sustainability  |   | A Basix Certificate documenting the proposed & required energy efficiencies is included in the DA submission                     | Complies                        |
| <b>DCP 3.6 Accessibility</b>   | All residential development with more than 4 dwellings are to ensure that reasonable, achievable equitable and cost effective  |   |  | Not Applicable                  |

|  |  |   |  |  |
|--|--|---|--|--|
|  | access to buildings and facilities within buildings is provided for people with disabilities                               |   |  |  |
| <b>DCP 3.7 Stormwater Management</b>                         | All developments must comply with Council's Water Management for Development Policy  |   | The proposed storm water management system is designed by the Consulting Engineers Peninsula Consulting to comply with Council's Storm water management plan | Complies   |
| <b>DCP 3.8 Waste Management</b>                              | Waste Management Plan to be lodged   |   | The proposed Waste Management Plan is included in the DA submission  | Complies   |
| <b>DCP 3.9.2 Mechanical Plant</b>                            | Roof Top Plant is to be inconspicuous from the street and located away from neighbours and boundaries                      |   | No new roof top mechanical plant is proposed   | NA   |
| <b>DCP 4.1.1.1 Residential Density</b>                       | DCP Schedule 1 – Map A Density Area D3<br>1 unit/250m <sup>2</sup> of site area  | The existing site area is 223.2 m <sup>2</sup> (survey calc) which is an existing undersized allotment  | No change proposed to existing allotment size  | N/A  |
| <b>DCP 4.1.2.1 Height of Buildings including Wall Height</b> | Maximum Height of Buildings map HOB_003 = Zone I = 8.5m<br>Max Wall Height with site gradient 0 = 6.5m                     | Existing wall heights above ground level existing:<br>West Boundary = 6.3m  | Existing maximum wall heights to remain  | Complies   |
| <b>DCP 4.1.2.2 Number of Storeys</b>                         | Max 2 storeys  | The existing dwelling is 2 stories  | Existing to remain   | Complies   |
| <b>DCP 4.1.2.3 Roof Height</b>                               | Max 2.5m above actual wall height  | The existing roof height is 1.0m above the adjacent actual wall height  | Existing to remain   | Complies   |
| <b>DCP 4.1.3 Floor Space Ratio</b>                           | Refer Map FSR_003 Zone F Permitting<br>0.6:1 site area = 223.2 m <sup>2</sup><br>(survey calc) x 0.6 = 133.9m <sup>2</sup> | Existing GFA Gross Floor Area & FSR Floor Space Ratio = 135.9 / 223.2 = 0.61:1<br>For a floor by floor summary refer Part 3 LEP Floor Space Ratio | Proposed GFA Ground = 87.9m <sup>2</sup><br>First = 64.3m <sup>2</sup><br>Total GFA = 152.2m <sup>2</sup><br><br>Proposed FSR = 152.2/223.2 = 0.682:1        | Non-Compliant Refer SEE Part 6.4 DCP Clause 4.1.3 Non-Compliance Justification |
| <b>DCP 4.1.3.1</b>   | For sites with areas less than LSZ_003, council may consider exceptions to FSR   | Existing FSR based upon Zone C variation = 0.6/250  | Proposed FSR = 152.2/250 (zone C) = 0.609:1  | Non-Compliant Refer SEE Part 6.4 DCP Clause 4.1.3 Non-                         |



| <b>Exceptions to FSR for Undersized Lots</b>     | where LEP provisions & DCP objectives are met<br>Zone C = maximum variation = 250m <sup>2</sup> lot   | = 150m <sup>2</sup>   |  | Compliance Justification   |
|--|---|---|--|--|
| <b>DCP 4.1.4.1 Front Setback</b>                 | Min 6.0m or in relation to prevailing building lines of neighbouring buildings<br>Existing dwelling @<br>No 10 = Min 3.3m<br>No 14 = Min 3.0m<br>Average = 3.15m                    | Existing Dwelling House porch setback min 3.6m  | Existing setback to remain   | N/A  |
| <b>DCP 4.1.4.2 Side Setbacks</b>                 | Boundary offset = 1/3 Wall Height   | West = Existing min 1.2m bdry offset.<br>Existing west wall height = 6.5m<br>Non-Compliant        | New east wall boundary offset = 0.9m.<br>New east wall height = 3.7m.<br>Non-Compliant<br>New west wall boundary offset = 1.3m.<br>New west wall height = 3.7m.<br>Compliant   | Non-Compliant Refer SEE Part 6.5 DCP Clause 4.1.4.2 Non-Compliance Justification |
| <b>DCP 4.1.4.4 Rear Setbacks</b>                 | Min rear Bdry setback / offset = 8.0m   | Existing minimum rear bdry offset dwelling = 12.4m & attached deck = 8.5m                         | Proposed minimum rear dwelling bdy offset = 10.3m & attached Deck = 6.8m.<br><br>Refer also Site Analysis Diagram DA005 documenting varying rear setbacks & demonstrating an inconsistent pattern of adjacent rear setbacks. | Dwelling Complies  |
| <b>DCP 4.1.5.1 Total Open Space Requirements</b> | DCP Map B - Area OS3<br>Total Open Space with minimum 3m width = min 55% of site area =<br>=55% x 223.2 =122.8m <sup>2</sup><br>Max TOS above ground = 25% TOS = 30.7m <sup>2</sup> | Existing TOS min 3m width = 112.6m <sup>2</sup> = Non complaint<br>Above ground = 0m <sup>2</sup> | Proposed TOS min 3m width = 59.7.m = Non complaint<br>Above ground = 0m <sup>2</sup>   | Non-Compliant Refer SEE Part 6.6 DCP Clause 4.1.5.1 Non-Compliance Justification |
| <b>DCP 4.1.5.2 Landscape Area</b>                | Landscaped Area with minimum 0.5m width & min 1.0m depth = min 35% of actual required Total Open Space =<br>35% x 122.8 = 43.0m <sup>2</sup>  | Existing LOS min 0.5m width = 70.66m <sup>2</sup>   | Proposed LOS min 0.5m width = 39.52m <sup>2</sup>  | Non-Compliant Refer SEE Part 6.6 DCP Clause 4.1.5.1 Non-Compliance Justification |
| <b>DCP 4.1.5.2 (c) Native trees</b>              | Existing Lot size = 223.2m <sup>2</sup> & min number of native trees for lot area   | 4x Existing Native Trees  | Existing established trees to be retained in rear garden   |  |

|  |  |   |   |  |
|--|--|---|---|--|
|  | <500m2 Zone C = 1 tree   |   |   |  |
| <b>DCP 4.1.5.3 Principal Private Open Space</b>      | Minimum 18m2 for each dwelling   | Existing POS private open space with min 3m width located off kitchen / dining room = 79.4m2  | Proposed POS private open space with min 3m width located off kitchen / dining room = 53.1m2  | Complies   |
| <b>DCP 4.1.6.1 Parking Requirements</b>              | DCP Schedule 3 2x Parking spaces required – Max 50% street frontage & max 6.2m wide  | Existing = 0 off street spaces with 3x on street parking spaces located between No 16 designated accessible space & street tree in front of No 10 | Proposed = 1x off street space with 2x on street parking spaces located between No 16 designated accessible space & street tree in front of No 10 | Non-Compliant Refer SEE Part 6.7 DCP Clause 4.1.6.1 Non Compliance Justification |
| <b>DCP 4.1.6.3 Bicycle Parking Requirements</b>      | Min 2 bicycles Secure storage area   | Existing bicycle parking can be located within the side path or rear garden shed  | Proposed bicycle parking can be located within the side path or rear garden shed  | Can Comply   |
| <b>DCP 4.1.6.4 Vehicular Access</b>                  | Vehicles to enter & exit site in a forward direction   | N/A   | Proposed Vehicles to enter in reverse direction & exit in the opposite forwards direction subject to direction of approach.                       | Non-Compliant Refer SEE Part 6.7 DCP Clause 4.1.6.4 Non Compliance Justification |
| <b>DCP 4.1.6.5 Driveways &amp; Crossings</b>         | Designed to maximise kerb side parking   | N/A   | No net loss of parking spaces with 3x existing on street parking spaces replaced with 2x on street & 1x off street parking space proposed         | Complies   |
| <b>4.1.7.1 First floor Additions</b>                 | A) Must complement the architectural style of the ground floor<br>B) Must retain existing scale & character of the street & must not degrade amenity of surrounding residences or quality of former Manly council area. In this regard, it may be preferable to confine addition to rear of premises or roof structure | Existing First Floor Addition   | Existing First floor addition generally to remain with new dormer built into the existing roof to address the streetscape                         | Complies   |
| <b>4.1.7.2 Habitable Rooms in the Roof Structure</b> | Permitted if other LEP & DCP controls satisfied. Additional allowances made for buildings built prior to 2007  | Existing habitable room built within existing transverse roof space   | Existing habitable room built within existing transverse roof space to be modified  | Complies   |

|                                    |   |  |  |          |
|------------------------------------|---|--|--|----------|
| <b>DCP 4.1.10 Fencing</b>          | Max 1m high or max 1.5m high with 30% transparency above 1m, unless subject to significant street noise   | Existing "picket style" front fence built to approximately 1m height | Part front fence to be retained & replaced with similar "picket style" appearance        | Complies |
| <b>DCP 5.4.3 Flood Prone Land</b>  | NBC Flood Hazard Map  | Low Risk Precinct  | Flood Management Report not required – Refer Stormwater Management Plan for Implications | Complies |
| <b>Non Applicable DCP Controls</b> | 4.1.4.5 Foreshore Building Lines<br>4.1.8 (.1.3.A) Development on Sloping Sites<br>4.1.9.1 Swimming Pools Spas & water Features<br>5.4.1 Foreshore Scenic Protection Areas<br>5.4.2 Threatened Species & Critical Habitats<br>5.4.4 Riparian Land and Watercourses<br>5.5 Road Widening & Realignment<br>Bush Fire Prone Land |  |  |          |

## 5. Pre-DA Lodgement Meeting

As the proposed development and building footprint is not significantly dissimilar from the existing condition and the rear extension works are set out to match the adjacent property @ No 14 & there are no significant loss of solar or amenity issues arising for the adjacent semi at No 10 as a result of the proposed development, a Pre Lodgement Meeting was not undertaken.

## 6. LEP Clause 4.6 Exceptions, Design Compliance Statements & DCP Non-Compliance Justifications

## 6.1 Floor Space Ratio FSR\_003 LEP Clause 4.6 Exception to Development Standard

The objectives contained within Manly LEP 2013 clause 4.6 as paraphrased below are to allow the consent authority:

- (1a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, &
- (1b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances
- (2)...even though the development would contravene a development standard imposed by the LEP or any other environmental planning instrument.

However, to grant development consent the consent authority must be satisfied that the applicant has demonstrated:

- (3a) that compliance with the development standard is unreasonable & unnecessary in the circumstances of the case; &
- (3b) that there are sufficient environmental planning grounds to justify contravening the development standard; and that the consent authority is satisfied that

(4a(ii)) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out and the planning secretary must consider

(5b) the public benefit of maintaining the development standard.



In this particular case, the applicant requests a variation to the **Floor Space Ratio** FSR standard, clause 4.4 of Manly Local Environmental Plan LEP 2013.

The proposed development is located within Zone F of the Manly LEP Floor Space Ratio Map FSR\_003 which has a floor space ratio to site area control for the zone of 0.6:1. With only 223.2m<sup>2</sup> of site area, the allowable floor space permitted on the site is 133.9m<sup>2</sup>. The site of the existing semi-detached dwelling on Lot 37A of DP 438218 is an undersized allotment for Zone LSZ\_003 which for Zone C has a minimum site area of 250m<sup>2</sup>. The existing GFA gross floor area of 136.0m<sup>2</sup> results in an existing floor space ratio of 0.609:1 which has a percentage variation of 101.5% of the development standard.

The proposed development includes a new hardstand driveway & first floor roof dormer facing the street front and a new ground floor 4m wide rear extension of only 2m beyond the existing party wall location to align with the adjacent neighbouring semi-detached dwelling at No 14. The total proposed additional floor space over 2 levels = 16.2m<sup>2</sup>. As per the table below, the proposed new GFA gross floor area = 152.2m<sup>2</sup> which increases the floor space to site ratio to 0.682:1 for this undersized allotment. The proposed alterations and additions to the existing semi-detached dwelling represents a 113.7% variation to the development standard.

| Development Control                         | LEP Requirements   | Existing                   | Proposed                |
|---|--|----------------------------|-------------------------|
| Floor Space Ratio FSR_003                   | Zone F =<br>0.6:1 site area =<br>223.2 m <sup>2</sup><br>(survey calc) x 0.6 = 133.9m <sup>2</sup> | 135.9 / 223.2 =<br>0.609:1 | 152.2 / 223.2 = 0.682:1 |
| GFA =<br>Gross Floor<br>Area m <sup>2</sup> | GFA –<br>Ground Floor  | 72.5m <sup>2</sup>         | 87.9                    |
|   | GFA –<br>First Floor   | 63.5m <sup>2</sup>         | 64.3                    |
|   | Total GFA  | 136.0m <sup>2</sup>        | 152.2m <sup>2</sup>     |
|   | % Variation from LEP<br>Standard   | 101.5 %                    | 113.7 %                 |

|  |   |
|--|---|
|                     |                     |
| <p>Existing 2 Storey Semi Detached Dwelling viewed from Pacific Parade – exceeds permissible FSR</p> | <p>Existing 2 Storey Semi Detached Dwelling viewed from the rear garden – exceeds permissible FSR</p> |

|  |   |
|--|---|
|    |                                        |
| <p>Proposed Street View – Substantially the same development with dormer shown behind street tree – Refer also ppmbc_DA200</p> | <p>Proposed Rear Garden View – Substantially the same development with ground floor addition – Refer also ppmbc_DA200</p> |

As both the existing building and the proposed development cannot achieve numerical compliance with Manly LEP 2013 clause 4.4 Floor Space Ratio, strict numerical compliance with clause 4.4 is considered unreasonable & unnecessary, in this particular case. Referencing Manly LEP 2013 clause 4.6 allows the consent authority some degree of flexibility to provide consent if the objectives of the clause and the objectives of the zone can be met.

**The objectives of LEP clause 4.4 Floor space ratio and the proposed development response to the objectives are:**

Objective (1a) to ensure the bulk and scale of development are consistent with the existing and desired streetscape character

Proposed Development Response – The proposed works visible from the streetscape include a new driveway crossing & hardstand with a first floor roof dormer which does not provide any significant additional bulk & the will result in a development that is “substantially the same”. The proposed bulk and scale of the development will remain consistent with the existing and desired streetscape character.

The design proposals are consistent with Floor Space Ratio objective (1a).

Objective (1b) to control building density and bulk in relation to site area to ensure that development does not obscure important landscape and townscape features

Proposed Development Response – The proposed works will result in a development that is “substantially the same” and the development will not obscure important landscape and townscape features. The front building setbacks shall remain as existing and the heritage listed street trees will not be obscured by the proposed development. The rear building setback will be

increased by 2m to align with the neighbour at No 14, but as demonstrated on Site Analysis Plan ppmbc\_DA006, the proposed rear setback is equal to or further back than similar nearby rear development setbacks and the building bulk is not inconsistent with the adjacent buildings. No important townscape or landscape features are impacted by the proposed rear extension & the screening cluster of trees on the rear boundary shall remain. The proposed building density and bulk in relation to site area is controlled & does not obscure important landscape and townscape features

The design proposals are consistent with Floor Space Ratio objective (1b).

Objective (1c) to maintain an appropriate visual relationship between new development and the existing character & landscape of the area

Proposed Development Response – Similar to objective (1b) the proposed works will result in a development that is “substantially the same” and the visual relationship between new development and the existing character & landscape of the area will remain. The front alignment & street trees are not impacted by the proposed works & the rear setback is not inconsistent with similar rear development setbacks. The screening cluster of trees on the rear boundary shall remain and a usable area of turfing shall be retained for private use in the rear garden. An appropriate visual relationship is maintained between the proposed new development and the existing character & landscape of the area. The design proposals are consistent with Floor Space Ratio objective (1c).

Objective (1d) to minimize adverse environmental impacts on the use or enjoyment of adjoining land and the public domain

Proposed Development Response – The proposed works will result in a development that is “substantially the same” and there are no new adverse environmental impacts anticipated for the use or enjoyment of adjoining land and the public domain. The street front public domain is not impacted by the proposed development including driveway hardstand & first floor roof dormer & the rear extension is proposed to align with the adjacent western neighbour at No 14. With north to the rear of the property, there are no visual or solar impacts anticipated to arise to the western neighbour at No 14 as a result of the proposed development.

With the 4m wide rear addition proposed to extend 2m beyond the existing party wall of the eastern neighbouring semi-detached dwelling at No 10, the proposals have been carefully designed to mitigate any possible impacts arising from the new addition. The new rear works are proposed to be only single storey & are proposed to be inset 900mm from the party wall boundary. As a result, the neighbouring eastern property at No 10 shall retain 4 hours of solar access to north facing living rooms between 9am & 3pm on the winter solstice and the design proposals provide compliant solar access and overshadowing. The No 10 rear deck and garden shall retain its existing outlook and solar access to the No 10 POS shall not be reduced by more than 1/3 of the currently available solar access.

The proposals are carefully designed to minimize adverse environmental impacts on the use of and enjoyment of adjoining land and the public domain.

The design proposals are consistent with Floor Space Ratio objective (1d).

Objective (1e) to provide for the viability of Zone E1 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

Proposed Development Response – The proposed works will not impact the viability of Zone E1 and Objective (1e) is not applicable to this development application.

**The objectives of Land Zone R1 General Residential and the proposed development response to the objectives are:**

Objective (1) to provide for the housing needs of the community

Proposed Development Response – The proposed alterations & additions to the existing residential semi-detached dwelling will maintain the existing housing supply & will continue to provide for the housing needs of community.

The design proposals are consistent with Land Zone R1 General Residential objective (1).

Objective (2) to provide for a variety of housing types & densities

Proposed Development Response – The proposed alterations & additions to the existing residential semi-detached dwelling will maintain the existing housing housing type and densities. The design proposals are consistent with Land Zone R1 General Residential objective (2).

Objective (3) to enable other land uses that provide facilities or services to meet the day to day needs of residents

Proposed Development Response – The proposed alterations & additions to the existing residential semi-detached dwelling will not impact other land uses that provide facilities or services to meet the day to day needs of residents.

The design proposals are consistent with Land Zone R1 General Residential objective (3).

Given that the existing building and proposed works do not achieve numerical compliance for floor space ratio but have been carefully designed to mitigate impacts upon the streetscape, landscape character & adjoining properties and do achieve compliance with the objectives for both the General Residential R1 zoning and the objectives of Manly LEP clause 4.4 for Floor Space Ratio, strict compliance is considered unreasonable & unnecessary in this particular case.

Northern Beaches Council, as the consent authority can exercise it's degree of flexibility under clause 4.6 to achieve a better outcome & grant consent to the development as it has been demonstrated that the development proposals comply with both the objectives for the Land Use Zone R1 General Residential and the objectives of clause 4.4 for Floor Space Ratio.

The proposed works to the existing semi-detached dwelling will result in a development that is "substantially the same" and the environmental impacts of the proposed development are minimal. The proposed development will be in the public interest because it has been demonstrated that the proposed development is consistent with both the objectives of the standard and the objectives of the land use zone and there are sufficient environmental grounds to justify contravening the development standard to achieve a better outcome.

In this particular case, there is no public benefit to maintaining the development standard and the consent authority can use their degree of flexibility to grant development consent under clause 4.6 of Manly Local Environment Plan to permit a variation to development standard clause 4.4 of Manly Local Environment Plan 2013, in this particular case.

## 6.2 DCP Design Compliance Statement – Acid Sulphate Soils

The subject site is identified on Manly Local Environmental Plan 2013 Acid Sulphate Soils Map CL1\_003 as being land within Acid Sulphate Soils Class 4. The objectives of LEP Acid Sulphate Soils Clause 6.1 are to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.

The existing 2 storey semi-detached dwelling was constructed in the mid 1900's and the proposed new works include a new ground floor addition & deck to the rear garden. The proposed new works also include a new permeable side path, front hardstand & driveway. The estimated depth of new footings and stormwater pits will be up to 700mm below the existing ground level of RL 4.370 resulting in an excavation to approximately RL 3.670 AHD.

As per geotechnical investigation infiltration & ground testing reports J5771 & J5771A prepared by White Geotechnical Group, the water table was encountered at a depth of 3.0m to be at RL 1.40 AHD. With a proposed maximum excavation depth of approximately 700mm below existing ground level it is unlikely that the proposed new works will alter the existing water table level by more than 1m & disturb, expose or drain acid sulphate soils & potentially cause environmental damage. As a result of the proposed works, the water table level will not be lowered below 1 meter AHD on adjacent class 4 land and the LEP objectives for protection of Acid Sulphate Soils clause 6.1 can be met.

## 6.3 DCP Design Compliance Statement – Heritage Impact

The subject site is identified on Manly Local Environmental Plan 2013 Heritage Map HER\_003 as being adjacent to Heritage items of local significance I 119 for the Pacific Parade Street Trees - Local. The subject site does not have a heritage listing. As per survey reference 24020 prepared by Altitude Surveys, the Pacific Parade street tree nearest to the proposed works is located within the road carriageway in front of No 10 Pacific Parade. A second heritage listed street tree is located on the opposite side of the road carriageway in front of No 12 Pacific Parade.

The works proposed nearby the heritage listed Camphor Laurel street trees include a new driveway & vehicular crossing leading to a new hardstand located in the front garden of the subject site. The proposed works do not contact the heritage listed street trees and the subject works do not directly impact the heritage significance of the street trees.

However, to mitigate any proposed arboricultural impact posed to the Heritage listed street tree referred to as T1, the proposed works have been assessed by Margot Blues Consulting Arborist. The assessment concludes in part 3.3.1 of the report that the construction impact to the trees shall be low – less than 10% as per AS4970.

Recommendations for investigation & protection of the street tree during the proposed works have been documented. Refer to consulting arborist report included with this DA submission reference Margot Blues Consulting Arborist AIA Report dated 04 October 2024.

The proposed new hardstand will provide the builder access to the site and with appropriate site management, tree protection sedimentation control and a designated materials handling area as shown on site analysis drawing DA006, no adverse impacts to the street trees are anticipated.

The objectives of LEP Heritage Conservation clause 5.10 are to conserve the environmental heritage of Manly and the significance of any heritage items. With effective site management & good building practices undertaken by a reputable & licensed builder the objectives of LEP Heritage Conservation Clause 5.10 to conserve the Pacific Parade Street Trees can be met.

## 6.4 DCP Clause 4.1.3 Non-Compliance Justification - Floor Space Ratio

Refer to Part 6.1 - Floor Space Ratio FSR\_003 LEP Clause 4.6 Exception to Development Standard



### **6.5 DCP Clause 4.1.4.2 Non-Compliance Justification – Side Setback**

The new single storey eastern ground floor addition is proposed to extend 2m beyond the existing footprint & is proposed to be inset from the party wall & site boundary by 900mm. The proposed eastern parapet wall height allows for a consistent ceiling height within the existing dwelling which is timber framed and raised above natural ground level to provide a ventilated timber subfloor as per Australian Standard 3660 & NCC part 3.4.1 for subfloor ventilation. The proposed new wall height to the top of the parapet is less than the adjacent existing first floor veranda floor level and is proposed at 3.7m above natural ground level, including the elevated subfloor floor level, which is similar to the existing deck and neighbours adjacent deck height.

The objectives of DCP clause 4.1.4 for setbacks include ensuring and enhancing local amenity by providing privacy, equitable access to light & sunshine and to facilitate view sharing. The permitted wall height for a 0.9m boundary offset is 2.7m. The proposed wall height of 3.7m exceeds the DCP control but there are no significant adverse bulk, privacy, overlooking or loss of solar access issues arising from the proposed development. Refer to Shadow diagrams DA900 DA901 & DA902 demonstrating that compliant solar access is maintained to both adjoining properties at Nos 10 & 14.

In this particular case, strict compliance with DCP clause 4.1.4.2 for side setback for the new 2m long eastern ground floor addition is considered unreasonable & unnecessary.

### **6.6 DCP Clauses 4.1.5.1 & 4.1.5.2 Non-Compliance Justification – Total Open Space & Landscape Open Space**

The TOS total open space requirement for the subject site located within area OS3 with a minimum dimension of 3m = 55% of the site area including a maximum of 25% of required TOS above ground. The required TOS for the 223.2m<sup>2</sup> site = 122.8m<sup>2</sup>. For the existing semi-detached dwelling and side path, the existing total open space is 112.6m<sup>2</sup> including 0m<sup>2</sup> above ground level. With the small extension proposed to the rear garden & the new hardstand & off street car parking space proposed, the available TOS is reduced to 59.7m<sup>2</sup> which is non-compliant with DCP clause 4.1.5.1 for TOS total open space. The required LOS Landscape Open Space is 35% of required Total Open Space TOS = 122.8 x 0.35 = 43.0m<sup>2</sup>. The LOS proposed is 39.5m<sup>2</sup>.

The objectives of DCP clauses 4.1.5.1 & 4.1.5.2 for total open space & landscape open space include retaining and maintaining landscape features and soft landscape areas for native flora & fauna, as well as enhancing amenity through access to sunlight and facilitating water infiltration, whilst minimising stormwater runoff.

Whilst the front & rear garden areas are proposed to be smaller, the rear garden remains fully capable of providing usable open space for resident and native use and is consistent with the quantity & character of the local area & the predominant but varied rear setbacks. The use of the front garden area shall also remain open and accessible for native flora & fauna. The retained landscaped areas allow established trees and vegetation to remain and with a sand-based substrate as identified in the White Geotechnical Infiltration Reports J5771 & J5771A, large permeable areas shall remain. The total & landscape open space areas proposed comply with the objectives of the DCP for TOS total open space and LOS landscape open space and strict numerical compliance is considered unreasonable & unnecessary in this particular case.

### **6.7 DCP Clause 4.1.6.1 & 4.1.6.4 Non-Compliance Justification – Parking Requirements**

DCP clause 4.1.6.1 in reference to DCP schedule 3 prescribes that 2x onsite carparking spaces are required for each dwelling with a maximum 50% street frontage dedicated to parking and a maximum width for parking facilities of 6.2m wide. The subject site is only 6.095m wide which prevents 2x onsite parking spaces occupying less than 50% of the site width. As a result of the site's restricted width, only 1x onsite car parking space is proposed on site.

As shown on ppmbc\_DA006 Site Analysis Diagram and prior to development, there are 3x existing on-street car parking spaces located between the street tree in front of No 10 & parallel to the angled accessible parking space designated for No 16 Pacific Parade Manly. The design proposals include removal of 1x on street angled car parking space & replacing that space with the proposed onsite parking space / hardstand on the subject site, resulting in no net loss of currently available proposed car parks.

DCP Clause 4.1.6.4 prescribes that vehicles should enter & exit the site in a forwards direction. However, the intention of this clause is to increase safety for manoeuvring of vehicles and as the subject site is in a low-density residential area where traffic volumes on the street and on site are generally low, the resultant parking manoeuvres do not create any significantly unusual difficulty or danger to residents, pedestrians or motorists. Refer to drawing DA300 demonstrating access is available to the proposed hardstand using the B99 vehicle template and compliance with Australian Standard AS2890 can be achieved.

There is 1x parking space proposed on site and the requirement for vehicles to enter & exit the site in a forwards direction is inconsistent with the local area & pattern of the streetscape where cars enter the site in either a forwards or reverse direction & then due to the small site areas are required to then leave the site via the opposite direction from which the vehicle entered the site. Typically, the available space between the dwellings and the street front to turn vehicles around on sites fronting Pacific Parade is insufficient. The subject site is consistent with the local street width & the pattern of parking in the streetscape and strict compliance with DCP clause 4.1.6.1 for the required number of car spaces & DCP clause 4.1.6.4 for entering & exiting the site in a forwards direction is considered unreasonable & unnecessary, in this particular case.

## 7. Architectural Drawing List

|        |                                    |
|--------|------------------------------------|
| DA 000 | Notification Plan                  |
| DA 001 | Cover Sheet                        |
| DA 002 | Site Plan                          |
| DA 003 | Floor Plans Existing               |
| DA 004 | Elevations Existing                |
| DA 005 | Sections Existing                  |
| DA 006 | Site Analysis Plan                 |
| DA 100 | Ground Floor Plan                  |
| DA 101 | First Floor Plan                   |
| DA 102 | Roof Plan                          |
| DA 200 | Elevations 01                      |
| DA 201 | Elevations 02                      |
| DA 202 | Colours Finishes & Materials       |
| DA 250 | Sections 01                        |
| DA 300 | B99 Vehicle Swept Path Diagram     |
| DA 900 | Shadow Diagrams 01                 |
| DA 901 | Shadow Diagrams 02                 |
| DA 902 | Shadow Diagrams 03                 |
| DA 950 | Statement of Environmental Effects |

## 8. Conclusion

The alterations & additions proposed to the existing semi-detached dwelling at 12 Pacific Parade Manly are described in Part 2 of this SEE & generally include a new first floor roof dormer & new front driveway & hardstand addressing Pacific Parade, with a new 2m long x 4m wide glazed rear extension to align with the neighbouring property at No 14, and a new rear deck and permeable side path.

The proposed new works being the subject of this DA Development Application are generally minor in nature and have only minor environmental impacts to adjacent neighbouring properties. However, as the existing site is both small in area at 223.2m<sup>2</sup> and an undersized allotment within its residential density area D3, there are a number of justifications required & provided for this development application to demonstrate that the proposals are indeed fair & reasonable for the subject site and the adjacent properties.

There are only minor changes proposed to the existing building height, building bulk and side setbacks and an LEP clause 4.6 exception addressing the existing and proposed FSR floor space ratio non-compliance is included in SEE part 6.1 to allow the authority to provide consent to the proposed development which is "substantially the same" development and not inconsistent with character of the neighbourhood.

As included in SEE Part 6.2 Acid Sulphate Soils Compliance Statement, the minor excavations and new footings proposed for this development application will comply with the LEP objectives for the protection of Acid Sulphate soils arising as a result of the proposed development.

The proposed driveway & crossing works are nearby the heritage listed Camphor Laurel street trees which are identified as Heritage items of local significance I 119 for the Pacific Parade Street Trees - Local. To mitigate any proposed arboricultural impact posed to the Heritage listed street tree the proposed works have been assessed by Margot Blues Consulting Arborist and recommendations for investigation & protection of the street tree during the proposed works have been documented.

Justifications for the existing and proposed building's DCP non-compliances are included in SEE parts 6.4 Floor Space Ratio, 6.5 Side Setback, 6.6 Total & Landscape Open Space and 6.7 Carparking, to allow the authority to provide consent to this development application.

A basix certificate has been obtained for the works with sustainable building commitments for building fabric, water conservation & energy use.

The proposed new works that are the subject of this DA Development Application have minimal environmental impacts to any adjacent neighbouring properties and are generally minor in nature and the proposed development is "substantially the same" development.

It has been demonstrated that the proposed development is consistent with both the objectives of the standard and the objectives of the land use zone and there are sufficient environmental grounds to justify contravening the development standard to achieve a better outcome.

Justifications for providing approval for the proposed development have been documented and the consent authority can & should grant development consent & approval for the proposed alterations & additions to the existing semi-detached residential dwelling at 12 Pacific Parade Manly.

## 9. Appendix

Nil

**END**