



## **21 MOORE STREET CLONTARF**

**STATEMENT OF ENVIRONMENTAL EFFECTS  
FOR ALTERATIONS AND ADDITIONS TO A DWELLING  
AND A NEW SWIMMING POOL**



Report prepared for  
Rod and Natalie Pindar  
June 2022

# Contents

- 1 INTRODUCTION
- 2 THE SITE AND ITS LOCALITY
- 3 SITE PHOTOS
- 4 PROPOSED DEVELOPMENT
- 5 STATUTORY FRAMEWORK
- 6 NUMERICAL CONTROL TABLE
- 7 SECTION 4.15
- 8 CONCLUSIONS

## **1. Introduction**

- 1.1 This is a statement of environmental effects for alterations and additions to an existing dwelling at 21 Moore Street, Clontarf. The proposed development is to reconfigure the lower ground and ground floor and extend to the south (rear). In addition, an extension to the first floor is proposed to the south and east to create a 5 bedroom dwelling on the site.
- 1.2 The report describes how the application addresses and satisfies the objectives and standards of the Manly Local Environmental Plan 2013, the Manly Development Control Plan 2013 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3 This statement of environmental effects has been prepared with reference to the following:
- ◆ Site visit
  - ◆ Survey Plan prepared by Structerre Consulting,
  - ◆ Architectural drawings prepared by Natalie Scibberras Architecture and Interior Design,
  - ◆ BASIX Certificate
  - ◆ Clause 4.6 variation (FSR) prepared by Watermark Planning
- 1.3 The proposed alterations and additions are consistent with the objectives of all Council controls, considerate of neighbouring residents and will result in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

## 2. The site and its locality

- 2.1 The subject site is located on the southern side of Moore Street in Clontarf, approximately 70 metres east of its intersection with Beatrice Street. The site is legally described as Lot 7 Sec B DP2610.
- 2.2 It is a rectangular lot with front and rear boundaries of 12.215 metres and side boundaries of 40.235 metres. The lot has an area of 491.5m<sup>2</sup> and slopes to the south (towards the rear) from RL 49.1m to RL 42.82m.
- 2.3 The site is currently occupied by a 3 storey split level, rendered brick dwelling with a tile roof. There is an open double carport on the property frontage and a swimming pool in the rear yard.
- 2.4 The site is surrounded by detached residential dwellings in all directions. The subject site is in close proximity to Clontarf Beach to the west and the services and facilities in Balgowlah to the north.

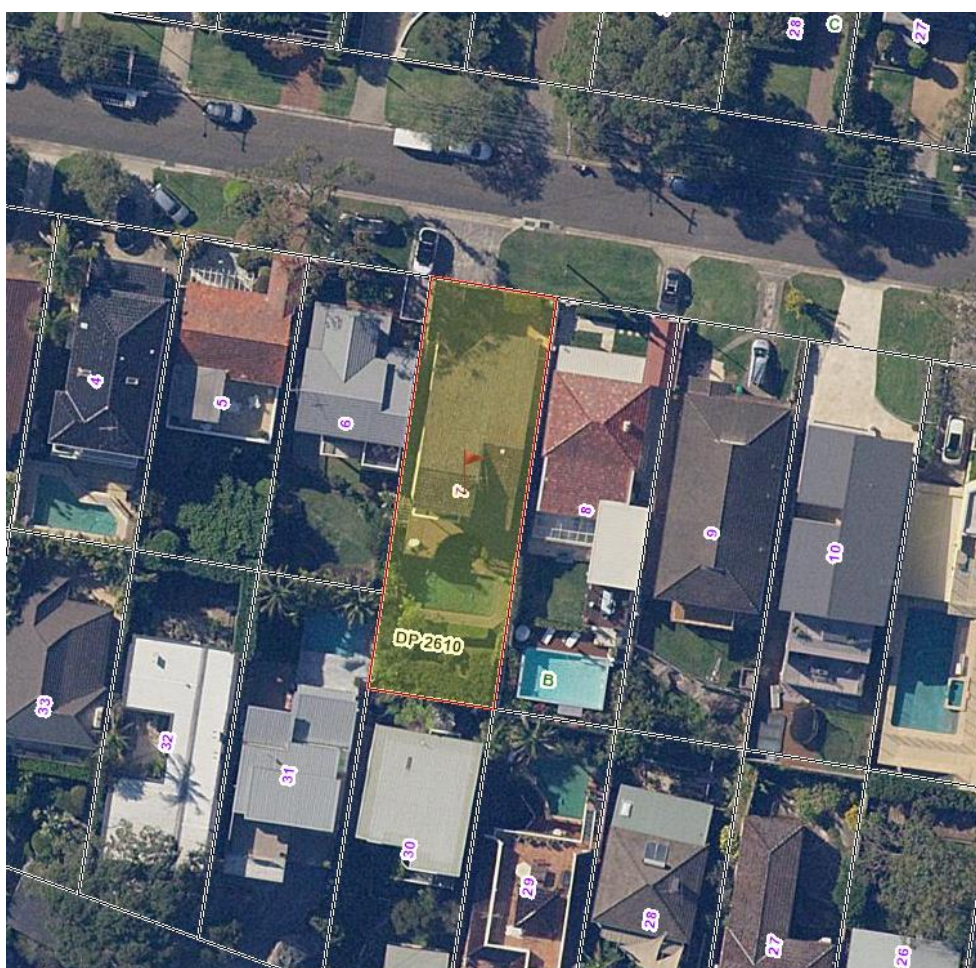
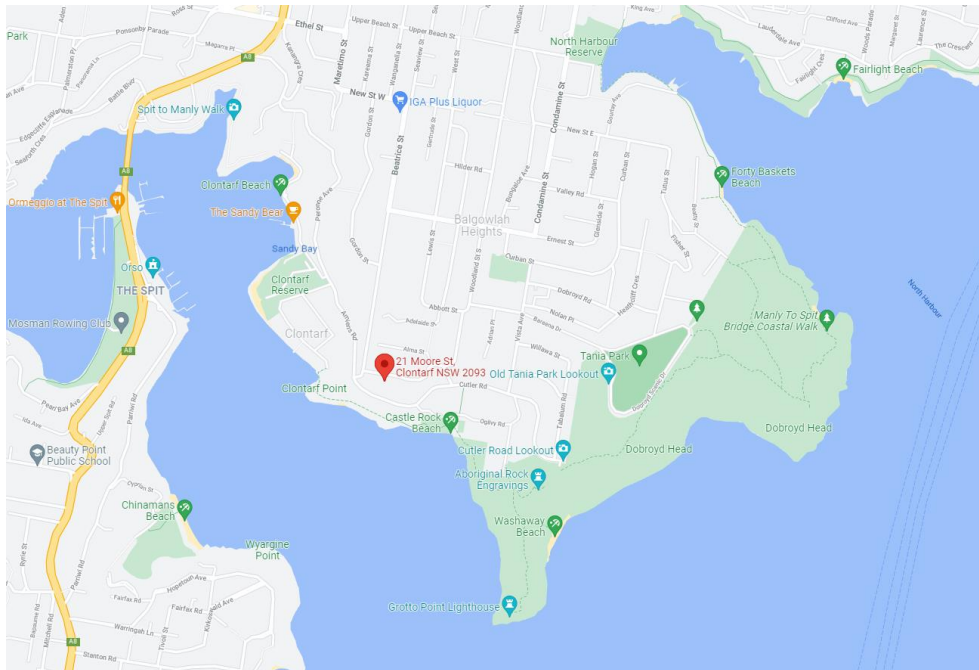
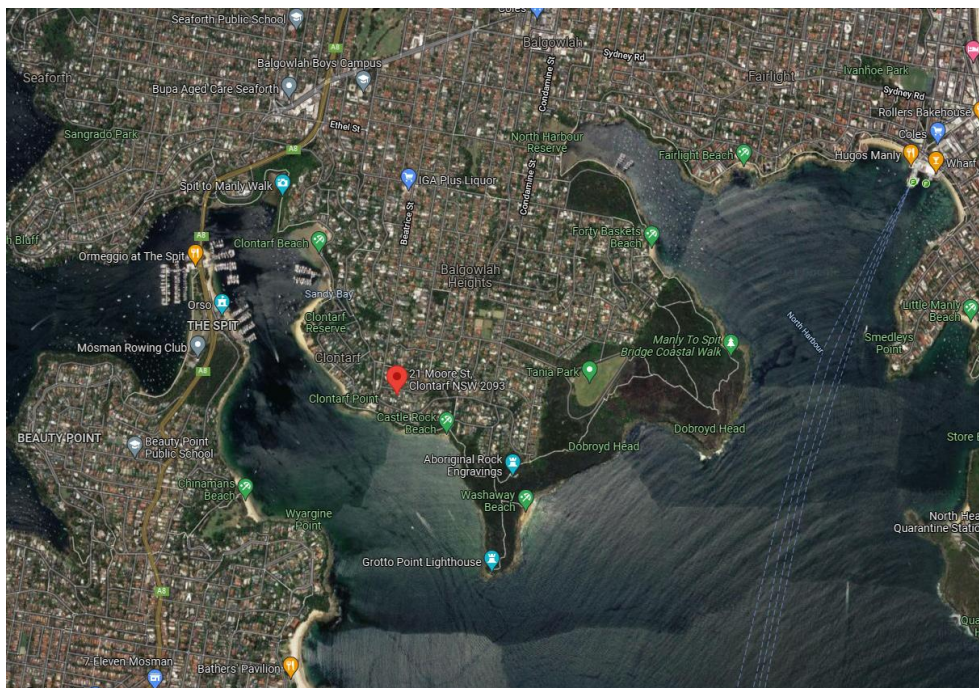


Figure 1. The site and its immediate surrounds





**Figure 2. The site within the locality**



**Figure 3. Aerial image of the site within the locality**

### 3. Site Photos



Figure 4. The subject site looking south from Moore Street.



Figure 5. Views between the subject site and 19 Moore Street.





Figure 6. The courtyard and carport, looking west.



Figure 7. The eastern side boundary and adjoining dwelling, looking south.



Figure 8. The rear yard and views, looking south.



Figure 9. The rear of the dwelling, looking north towards Moore Street.





Figure 10. The western side boundary and adjoining dwelling, looking north.

## 4. Proposed Development

- 4.1 The proposed development is to reconfigure the lower ground and ground floors and extend to the south (rear). In addition, an extension to the first floor is proposed to the south and east to create a 5 bedroom dwelling on the site.
- 4.2 The proposed development remains consistent with the streetscape and the locality. The development ensures views, privacy and solar access are maintained for surrounding properties and the subject site.
- 4.3 The alterations and additions to the dwelling will be made up as follows:

### Lower Level

- Retain the existing rumpus room, adding a new window on the western elevation,
- Replace the existing staircase,
- A kitchenette to the rumpus room,
- Convert the existing laundry and WC to bathroom,
- Extend undercroft to north to create media room and plant,
- Extend the existing bedroom to the rear.

### Ground Level

- Convert the porch and entry to a study,
- Convert bedroom 3 to a new entry and ensuite,
- Retain bedroom 4, adding a new window to the southern wall,
- Convert the sitting room to a laundry / mudroom and powder room,
- Demolish the existing staircase and construct a new staircase to access the lower and upper levels,
- Convert the dining room to a courtyard,
- Reconfigure the split-level kitchen, bathroom and bedroom 1, levelling the floor and realigning to the rear, to create a new kitchen / dining room and lounge
- A new timber balcony to replace the existing to the rear with a deck on eastern side.

### Upper Level

- Convert the lounge to bedrooms 2 & 3 and corridor,
- Demolish the existing staircase and construct a new staircase to access the lower level,
- Extend to the east and south and construct a bathroom and master bedroom with ensuite and built-in robe,



#### Site

- New entry gates to the front courtyard,
- New landscaping to front courtyard,
- Demolish the existing swimming pool and rear terrace and construct a new concrete pool within leveled lawn area at the rear of the site with timber pool deck
- New side (west) retaining walls
- New rear retaining wall to facilitate leveling of rear yard with dense planting of Olive trees along rear boundary.

#### 4.4 Alterations and Additions V's New Dwelling Assessment

This assessment considers the planning principle established by LEC case of *Coorey v Municipality of Hunters Hill [2013] NSW LEC 1187* and questions *what is the purpose for determining whether this application should be characterised as being for additions and/or alterations to an existing structure rather than an application for a new structure?*

In considering this question, the analytic framework considering both qualitative and quantitative considerations, are provided below and the assessment concludes that the development is considered to be alterations and additions to an existing dwelling.

#### Qualitative issues

- *How is the appearance of the existing building to be changed when viewed from public places?*

The subject site is visible from Moore Street. Glimpses to the rear of the dwelling are visible from Middle Harbour, however the site is not distinguishable as it is set among a large number of other dwellings and trees.

The northern boundary of the subject site adjoins Moore Street and the proposed works will retain the existing single storey presentation to the street.



**Figure 11: The existing dwelling, viewed from Moore Street.**

The overall dwelling will present as a modern and aesthetically pleasing addition to the street and remains consistent with development in the locality.

- *To what extent, if any, will existing landscaping be removed and how will that affect the setting of the building when viewed from public places?*

The development largely retains the existing landscaping on the site, with no change proposed to the landscaping on the street frontage. A new lawn area is proposed in the rear yard.

- *To what extent, if any, will the proposal impact on a heritage item, the curtilage of a heritage item or a heritage conservation area?*

There will be no impact. The site is not a heritage item, is not located in close proximity to a heritage item and is not located within a heritage conservation area.

- *What additional structures, if any, in the curtilage of the existing building will be demolished or altered if the proposal is approved?*

The development proposes to largely retain the existing external walls, with an extension proposed to the rear of the dwelling, to the front porch and on the eastern side of the first floor. The western external wall to the dining room will be removed to create a courtyard.

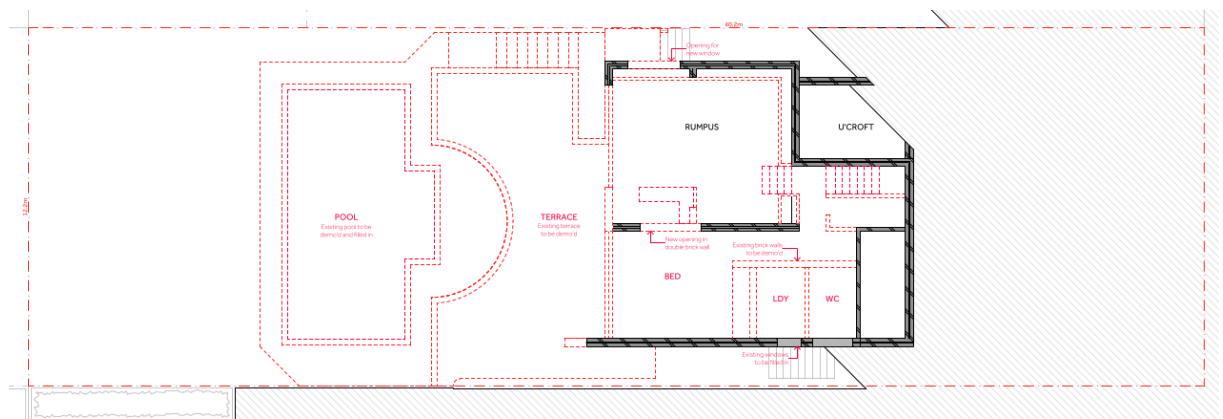
Works within the curtilage of the existing building propose to reconfigure the floor plan and create a consistent floor level to the rear of the dwelling and include:



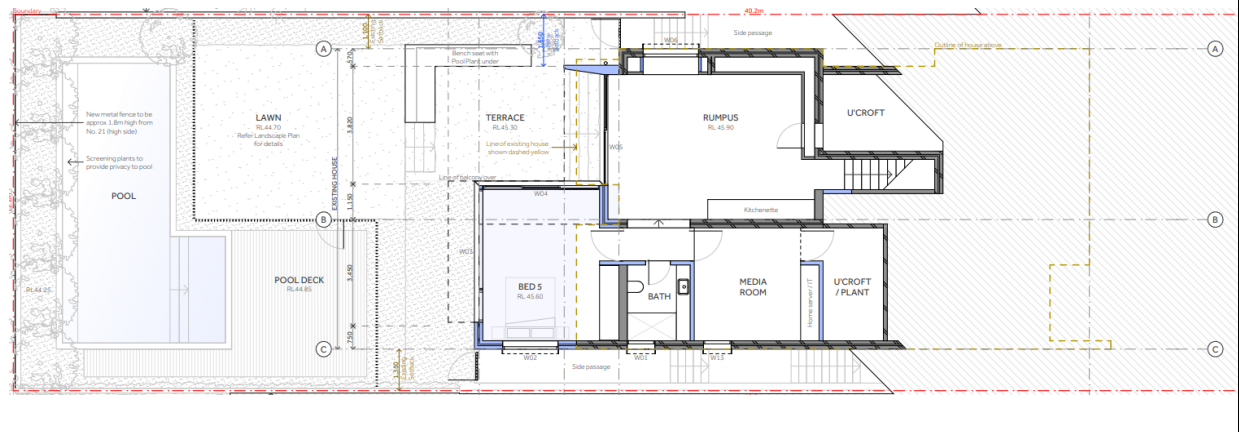
## Lower Level

- Retain the existing rumpus room, adding a new window on the western elevation,
- Replace the existing staircase,
- A kitchenette to the rumpus room,
- Convert the existing laundry and WC to bathroom,
- Extend undercroft to north to create media room and plant,
- Extend the existing bedroom to the rear.

### Existing Floor Plan



### Proposed Floor Plan



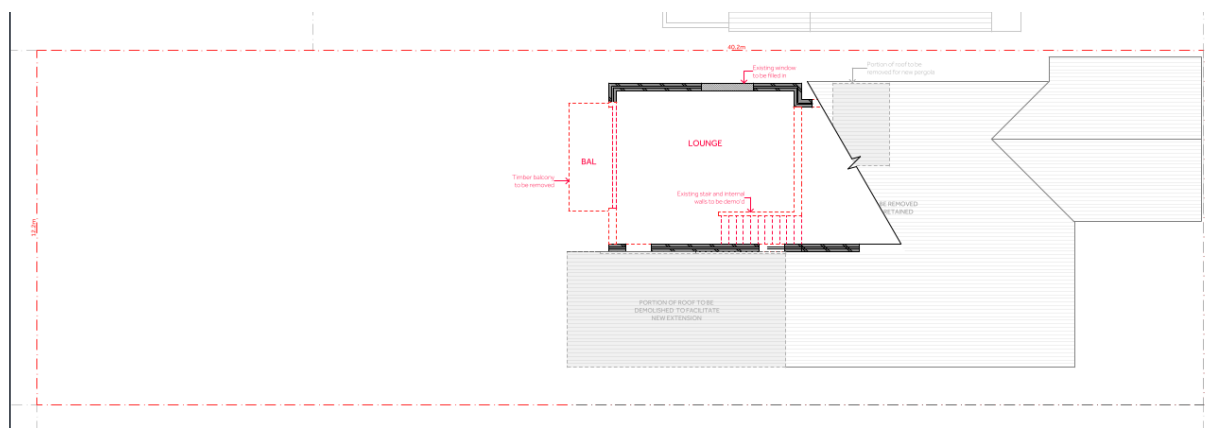




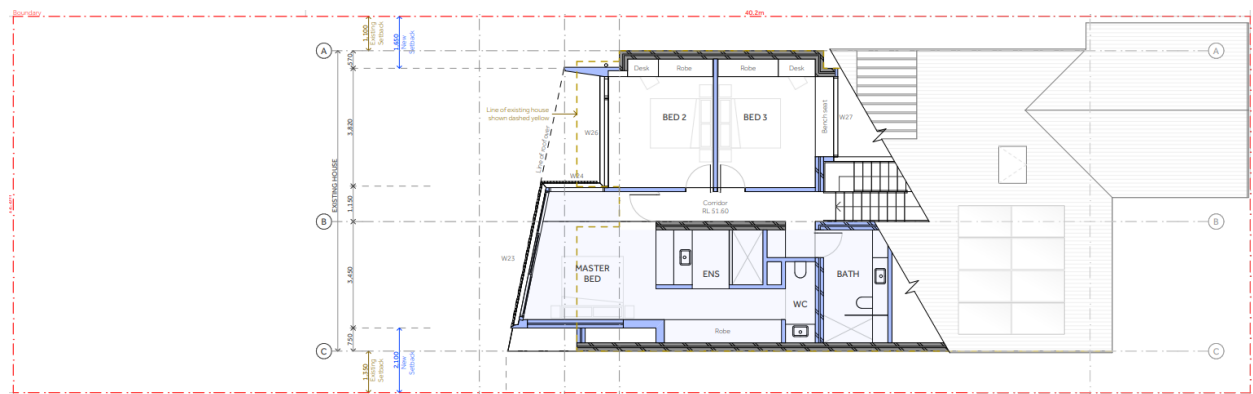
## Upper Level

- Convert the lounge to bedrooms 2 & 3 and corridor,
- Demolish the existing staircase and construct a new staircase to access the lower level,
- Extend to the east and south and construct a bathroom and master bedroom with ensuite and built-in robe,

### Existing Floor Plan



### Proposed Floor Plan



- *What is the extent, if any, of any proposed change to the use of the building?*

The use of the site as a single dwelling will be retained.

- *To what extent, if any, will the proposed development result in any change to the streetscape in which the building is located?*

The development will result in a minor, positive change to the streetscape as a result of the upgrade to the existing carport roof. The primary roof form of the dwelling will

remain unchanged, with metal roofing to replace the existing tiles. Existing landscaping and fencing will be retained.

- *To what extent, if any, are the existing access arrangements for the building proposed to be altered?*

The development proposes to retain the existing driveway, retain the existing fencing and replace the existing entry gates, in the same location. The front entry to the dwelling will be relocated to the centre of the façade, to accommodate the proposed internal alterations. There will be new landscaping in the front courtyard.

- *To what extent, if any, will the outlook from within the existing building be altered as a consequence the proposed development?*

No significant changes will result with the existing building retained and extended to the rear. Additional water views will be available from the rear extension.

- *Is the proposed demolition so extensive to cause that which remains to lose the characteristics of the form of the existing structure?*

The siting and main structural components of the dwelling are maintained, including the external walls, primary structural walls and existing roof. The rear extension is compatible with the existing dwelling and the proposed revised floor levels will allow for a modern, open plan layout.

### Quantitative issues

The following table provides a summary of the current and proposed numerical controls applicable to the site.

	Standard	Existing	Proposed	Change
<b>Manly LEP 2013</b>				
Lot Size	950m <sup>2</sup>	491.5m <sup>2</sup>	491.5m <sup>2</sup>	No change
Building Height	8.5 metres	8.8m	8.3m (New works)	0.5m less than existing maximum pitch
Floor Space Ratio	0.4:1 or 196.6m <sup>2</sup>  DCP permits GFA of 300m <sup>2</sup> (0.4:1 * 750m <sup>2</sup> )	0.47:1 or 229.8m <sup>2</sup>	0.58:1 or 284m <sup>2</sup>	Increase of 54.2m <sup>2</sup>
<b>Manly DCP</b>				



	Standard	Existing	Proposed	Change
Residential Density/ Dwelling Size	1 /950m <sup>2</sup>	1	1	No change
Wall Height	Dependant on slope – 7.4 m (slope 1:6.8)	8.9m (west elevation)	9.3m	Increase of 0.4m due to the slope of the site.
Number of Stories	2	3	3	No change
Side Boundary Setbacks	1/3 wall height  East Front – 0.8m Easy Rear – 3.1m  West Front -0.9m West Rear – 2.9m	East – 1.35m   West 1.1m	East 1.35m   West 1.65m – 5.5m	No change   Increased setback of 0.55m – 4.4m
Primary Front Boundary Setback	Prevailing building line or 6m	5m to dwelling  0m to carport	5m to dwelling  0m to carport	No change
Rear Boundary Setbacks	8 metres	18.3m	13.7m	Reduction of 4.6m
Parking	2 spaces	2 spaces	2 spaces	No change
Open Space O/S Area 4	Total O/S – 60% 294.9m <sup>2</sup>  Landscaped Area 40% of O/S 117.96m <sup>2</sup>  Above Ground - no more than 25% of Total O/S – 74m <sup>2</sup>	TOS – 55.34% or 272m <sup>2</sup>  Landscaped Area – 35% or 104m <sup>2</sup>  Above Ground 3.7% or 11m <sup>2</sup>	TOS – 57.9% or 285m <sup>2</sup>  Landscaped Area - 41% or 122m <sup>2</sup>  Above Ground 10.1% or 30m <sup>2</sup>	Increase of 13m <sup>2</sup>  Increase of 18m <sup>2</sup>  Increase of 19m <sup>2</sup>
Solar Access (adjoining P o/s)	1/3 sunlight retained between 9am and 3pm on June 21.	Existing non-compliance to southern neighbour (88 Cutler Road)	Minor increase to 86 Cutler Road	Minor Increase to 86 Cutler Road

	Standard	Existing	Proposed	Change
Solar Access (Living rooms)	East-west orientation, the level of <a href="#">solar access</a> 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 the winter solstice (21 June)	No impact	No impact	No change

- *To what extent is the site coverage proposed to be changed?*

The proposed rear addition to the dwelling will result in an increased site cover of 14m<sup>2</sup>.

- *To what extent are any existing non-compliances with numerical controls either increased or diminished by the proposal?*

The numerical controls relevant to the site are set out in the table above. The existing site has a number of non-compliances including lot size, building height, FSR, wall height, side setbacks, total open space and landscaped area.

The development will retain the existing lot size, maximum building height and minimum side setbacks. New works comply with the building height control. The development will result in a minor increase to the FSR, wall height, total open space and landscaped area non-compliances.

- *To what extent is the building envelope proposed to be changed?*

The building envelope proposed will be increased at the rear of the site, to accommodate the proposed additions. No changes are proposed to the building envelope as viewed from the street.

- *To what extent are boundary setbacks proposed to be changed?*

The existing front setback and minimum side setbacks will be retained, with an increased side setback (west) proposed to the new works. The rear setback will be reduced, however remain compliant with current controls.

- *To what extent will the present numerical degree of landscaping on the site be changed?*

The site has an existing landscaped area of 35% or 104m<sup>2</sup>. The rear addition will result in an increase of 18m<sup>2</sup>, resulting in a landscaped area of 41% or 122m<sup>2</sup>.

- *To what extent will the existing floor space ratio be altered?*

The development will result in an increased floor area of 54.2m<sup>2</sup>, resulting in a total GFA of 284m<sup>2</sup> or 0.58:1.

- *To what extent will there be changes in the roof form?*

The existing roof from will be retained and a new roof provided to the rear addition.

- *To what extent will there be alterations to car parking/garaging on the site and/or within the building?*

The development proposes to retain the existing double carport and driveway on the site.

- *To what extent is the existing landform proposed to be changed by cut and/or fill to give effect to the proposed development?*

The existing landform to the rear, is proposed to be altered to fill in the existing swimming pool and excavate to accommodate the pool plant room. The majority of cut and fill proposed is typically less than 1 metre to provide a level lawn area, as illustrated on the attached excavation and fill plan.

- *What relationship does the proportion of the retained building bear to the proposed new development?*

The siting and main structural components of the dwelling are maintained, including the external walls, primary structural walls and existing roof. The rear extension is compatible with the existing dwelling and the proposed revised floor levels will allow for a modern, open plan layout.



## **5. Statutory Framework**

### **5.1 State Environmental Planning Policies**

#### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The development remains consistent with the provisions of the SEPP as it does not propose to remove any trees.

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

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings but, does not include a hotel or motel. SEPP BASIX applies to the proposal and a compliant BASIX certificate is provided with this application.

#### **State Environmental Planning Policy No. 55 – Remediation of Land**

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.

## 5.2 Manly Local Environmental Plan 2013

The relevant clauses of the Manly Local Environmental Plan 2013 are addressed below.

### Zoning

The site is zoned R2 – Low Density Residential, pursuant to the provisions of the Manly Local Environmental Plan 2013. The proposed development is for alterations and additions to the existing dwelling house and dwelling houses are permissible with development consent in the R2 zone.



Figure 13. Extract from Manly LEP 2013 zoning map

### Demolition

Demolition works are proposed, as described above and illustrated in the attached DA plan set, to allow for the construction of the proposed alterations and additions.

### Minimum Lot Size

The site is mapped with a minimum subdivision lot size of 950m<sup>2</sup>. The subject site is an existing undersized parcel comprising an area of 491.5m<sup>2</sup> and no subdivision is proposed.

### **Building Height**

Clause 4.3 of the LEP restricts the height of any development on the subject site to 8.5 metres.

The existing dwelling has a maximum height of 8.8 metres to the roof pitch and no change is proposed. The new works propose a compliant building height 8.3 metres.

### **Floor Space Ratio**

The site is mapped with a maximum FSR of 0.4:1. This equates to a maximum Gross Floor Area (GFA) of 196.6m<sup>2</sup> for the site area of 491.5m<sup>2</sup>.

The DCP permits a GFA, based on a lot size of 750m<sup>2</sup>, for this undersized lot, which equates to a maximum GFA of 300m<sup>2</sup>.

The development proposes a GFA of 284m<sup>2</sup> or FSR of 0.58:1, a variation of 87.4m<sup>2</sup> or 36.4% to the LEP control however, compliant with the DCP control.

However as the subject site is an existing undersized parcel, clause 4.1.3 of the DCP, permits an FSR calculation based on a 750m<sup>2</sup> lot size, which equates to 300m<sup>2</sup> for the site. As noted above, the proposed gross floor area is 284m<sup>2</sup> and therefore complies with the provision of DCP Clause 4.1.3. Based on these calculations an FSR of 0.37:1 is proposed, which would be easily compliant.

A clause 4.6 variation is provided with this application.

### **Heritage Conservation**

The site is not a heritage item, is not located in proximity to a heritage item and is not located in a heritage conservation area.

### **Flood Planning**

The subject site is not identified on the flood planning map.

### **Acid Sulfate Soils**

The site is mapped with class 5 acid sulfate soils. The proposed works are not located on land that is below 5 metres AHD and is not likely to lower the watertable by more than 1 metre.

### **Earthworks**

Earthworks are proposed to prepare the site for construction and to fill in the existing swimming pool area. The majority of cut and fill is typically less than 1 metre as illustrated on the attached excavation and fill plan.



Standard erosion and sediment control measures will be implemented to ensure best practice procedures are followed.

### **Stormwater Management**

All stormwater collected on site will be connected to the existing stormwater main line that runs within the southern verge on Moore Street via a charged system. A rainwater re-use tank is proposed to be located under the existing car parking.

### **Foreshore Scenic Protection Area**

The subject site is mapped as foreshore scenic protection area, as such, development consent must not be granted unless the consent authority has considered the matters set out in clause 6.9 of LEP 2013:

*(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,*

The proposed development is designed and sited to complement the locality in Moore Street. The dwelling will retain its current single storey presentation to the street, increasing to 3 stories at the rear as the site slopes to the south.

The resulting dwelling remains consistent with surrounding properties and will be barely visible from the foreshore. There will be no overshadowing of the foreshore or loss of views from a public place to the foreshore.

*(b) measures to protect and improve scenic qualities of the coastline,*

The site is barely visible from the coastal foreshore and as explained above, blends with the surrounding development when viewed from the coast. The proposed development is consistent with the character of surrounding dwellings and in keeping with the coastal location, while maintaining the scenic quality of the coastal foreshore.

Proposed materials and finishes are in keeping with a coastal aesthetic including light colours and natural materials such as timber and stone.

*(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,*

The proposed development is for alterations and additions to an existing dwelling. The site is zoned residential and the use remains permissible in the zone. The proposed works will not impact on the foreshore.

*(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.*

The subject site is located over 100 metres from the water, within an existing residential lot. The proposed works will not create conflict between land-based and water-based coastal activities.

### **Essential Services**

All essential services are existing on the site.

### **5.3 Manly Development Control Plan 2013**

The relevant sections of the DCP are addressed below.

#### **3. General Principles of Development**

##### **3.1 Streetscapes and Townscapes**

###### **Streetscape (Residential Areas)**

The subject site has frontage to and is visible from Moore Street. This section of Moore Street is characterised by 2 and 3 storey detached dwelling houses, with a number of dwellings having undergone recent renovations.

###### **Garbage Areas**

The existing dwelling has compliant bin storage areas and no change is proposed.

###### **Complementary Design and Visual Improvement**

The proposed development remains consistent with the local character and streetscape in the locality. The proposed works will be constructed of materials consistent with the residential use and are of an appropriate scale for the locality. Details are provided in the attached materials and finishes schedule.

###### **Front Fences and Gates**

The development proposes to retain the existing solid front fence and replace the existing entry gates.

###### **Roofs and Dormer Windows**

The development proposes to retain the existing roof presenting to Moore Street. No dormer windows are proposed.

###### **Garages, Carports and Hardstand Areas**

The existing vehicular access and carport will be retained.

##### **3.2 Heritage Considerations**

As described above the site is not a heritage item, is not located in proximity to a heritage item and is not located in a heritage conservation area.

##### **3.3 Landscaping**



The development proposes a new patio, swimming pool, lawn area and landscaping in the front courtyard and the rear yard.

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

#### **Overshadowing**

The DCP requires that new development not eliminate more than 1/3 of existing sunlight to the private open space of adjoining properties between 9am and 3pm on 21 June.

In addition, as the subject site and adjoining lots have an east-west orientation, the DCP requires a minimum 2 hours solar access be maintained to the glazing in living rooms of adjacent properties, between 9am and 3pm on 21 June.

The following observations are made of the shadow diagrams included with this application:

**9am** – The development will result in a minor increase in shadowing across the roof on 90 Cutler Road.

**12pm** - The development will result in a minor increase in shadowing to the side yard of 86 Cutler Road and 19 Moore Street.

**3pm** – The development will result in a minor increase in shadowing across the rear yard of 19 Moore Street.

It is concluded that the development will result in a minor increase in shadowing to the side yard, which is not the key private open space area, of 86 Cutler Road and 19 Moore Street at 12pm and a minor increase in shadowing across the rear yard of 19 Moore Street at 3pm and compliant solar access is achieved.

The living room windows of surrounding dwellings at 86, 88 & 90 Cutler Rd all face south, towards the water views, as such the development will not result in any overshadowing impacts to living room glazing.

#### **Overshadowing Solar Collector Systems**

The proposed development will not overshadow neighbouring solar collector systems.

#### **Overshadowing Clothes Drying Areas**

The proposed development will not overshadow neighbouring clothes drying areas.

#### **Excessive Glare or Reflectivity Nuisance**

All external material and finishes will be constructed of non-reflective materials in keeping with this clause.

### **Privacy and Security**

Privacy will be retained for neighbours with appropriate setbacks and no overlooking into key living areas. There is some existing overlooking between properties at the rear, due to the slope of the site.

The existing side boundary fencing and landscaping provides privacy between dwellings on the lower level and in the rear yard. A number of privacy measures have been incorporated into the design including offset windows, orienting glazing to the rear of the lot, the use of skylights, fin walls to the new balcony and privacy glazing.

### **Acoustical Privacy (Noise Nuisance)**

The development is appropriate and will not result in noise levels inappropriate to a residential area. The site is not located in proximity to a noise generating activity.

### **Maintenance of Views**

A site visit has been undertaken and it is considered the proposed development will not result in any significant view loss impacts as works are located within the existing building footprint and to the rear of the site, below the existing maximum roof height.

The subject site and surrounding properties enjoy water views to middle harbour to the south. There is no impact on views to properties adjacent or to the south of the subject site.

### **View Loss Analysis**

*Tenacity Consulting v Warringah Council (2004) NSWLEC 140. The Planning Principle established a four-step process for considering the impact of a development on views.*

#### ***Step 1. An assessment of the value of views to be affected by reference to their nature, extent and completeness.***

The view subject to this assessment is from No. 24 Moore Street, Clontarf, which is located immediately opposite the subject site to the north and considered most likely to be affected by the proposed works. The nature of the views under assessment are water views to middle harbour to the south.



**Figure 14: Aerial Image of the subject site and views subject to this assessment**

***Step 2. A consideration of how views are obtained and what part of the property the views are obtained from.***

Access to the neighbouring site was not possible, however observations from the public street and desktop research on realestate.com, identifies that the views subject to this assessment are obtained from a living room and deck On the ground floor and bedroom and balcony on the first floor.

***Step 3. A qualitative assessment of the extent of the impact in terms of severity particularly as to whether that impact is negligible, minor, moderate, severe or devastating.***

The extent of the impact in terms of severity is considered negligible for as assessed and illustrated below.

24 Moore Street enjoys broad water views across middle harbour. The proposed development will result in a negligible impact on a small section of views where the roof is adjusted, as illustrated below. We note that following consultation with Council the original proposed roof form has been reduced, and further views are retained for the neighbour with lowering of the existing roof.





Figure 15: View across the subject site from 24 Moore Street

***Step 4. An assessment of the reasonableness of the proposal causing the impact particularly in terms of compliance with applicable planning controls and whether a different or complying design must produce a better result. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.***

It is concluded that the proposed alterations will result in a reasonable impact on views from surrounding properties.

The proposal will have a negligible impact, to a very small portion of water views from no 24 Moore Street Avenue. This is considered reasonable as the vast majority of the broad water views and views to Middle harbour are retained for this property and some additional views also provided where the existing roof is lowered over the proposed hall.

### **3.5 Sustainability**

A compliant BASIX Certificate is provided with the attached plan set.

The proposed alterations and additions provide compliant solar access and ventilation.

Proposed works include:

- solar panels and battery storage commensurate with the likely energy needs of the dwelling.
- rain water re-use tank

- low water use planting selections

### **3.7 Stormwater Management**

All stormwater collected on site will be connected to the existing stormwater main line that runs within the southern verge on Moore Street via a charged system. A rainwater re-use tank is proposed to be located under the existing car parking.

### **3.8 Waste Management**

Appropriate waste management will be undertaken during the demolition and construction process. All demolished materials will be recycled where possible, with details provided in the accompanying Waste Management Plan.

### **3.10 Safety and Security**

The dwelling maintains clear property boundaries and visual surveillance of the street, which is of benefit to the safety and security of residents.

## **Part 4 Development Controls and Development Types**

### **4.1 Residential Development Controls**

#### **Dwelling Density, Dwelling Size and Subdivision**

No change is proposed to the existing residential density which comprises of a single dwelling house.

#### **Height of Buildings (incorporating wall height, number of storeys and roof height)**

Clause 4.3 of the LEP restricts the height of any development on the subject site to 8.5 metres. The existing dwelling has a maximum height of 8.8 metres to the roof pitch and no change is proposed. The new works propose a compliant building height 8.3 metres.

The site has a gradient of 1:6.8, as such the DCP permits a maximum wall height of 7.4 metres on the subject site. The existing dwelling has a non-compliant maximum wall height of 8.9 metres and the development proposes a maximum wall height of 9.3 metres.

A variation to the wall height control is considered appropriate, as the variation is the result of the slope of the site, which is common in this location. In addition, the new works are located below the maximum height of the existing dwelling and will not result in any negative amenity impacts for surrounding properties. Compliant solar access is achieved and there will be no view loss or privacy impacts.

The DCP permits a maximum of 2 stories on the subject site and the development proposes to retain the existing 3 stories. A variation to the wall height and number of stories controls is considered appropriate, as the development will retain the existing 3 storey dwelling.

The DCP permits a maximum roof height, 2.5 metres above the actual wall height. The development proposes to retain the existing maximum roof height of 1.5 metres above the wall height and the existing roof pitch.

### **Floor Space Ratio (FSR)**

As described above the site is mapped with a maximum FSR of 0.4:1. This equates to a maximum Gross Floor Area (GFA) of 196.6m<sup>2</sup> for the site area of 491.5m<sup>2</sup>. The development proposes a GFA of 284m<sup>2</sup> or FSR of 0.58:1, a variation of 87.4m<sup>2</sup> or 36.4%.

The DCP provides exceptions to floor space ratio for undersized lots. The subject site is an undersized lot, mapped with a minimum lot size of 950m<sup>2</sup> and comprising an area of 491.5m<sup>2</sup>, as such it qualifies for consideration as an exception.

In this regard the DCP permits an FSR calculation based on a 750m<sup>2</sup> lot size, which equates to 300m<sup>2</sup> for the site. As noted above, the proposed gross floor area is 284m<sup>2</sup> and therefore complies with the provision of Clause 4.1.3.

A clause 4.6 variation request is provided with this application.

### **Setback (front, side and rear) and Building Separation**

#### **Street Front setbacks**

A front setback consistent with the prevailing setback, or a minimum 6 metres, is required on the site by the DCP.

The development proposes to retain the existing front setback of 5 metres to the dwelling and 0 metres to the carport.

#### **4.1.4.2 Side setbacks and secondary street frontages**

A side boundary setback equivalent of 1/3 of the wall height is required on the site which equates to 0.8m (east – front), 3.1m (east – rear) and 0.9m (west – front) and 2.9m (west (rear)).

The development proposes to retain the existing 1.35 metre side setback on the eastern boundary and minimum 1.1 metre side setback on the western boundary.

New works proposed side setbacks of 1.35 metres (east) and 1.65 metres – 5.5 metres (west). A variation to the side setback control is considered appropriate, as the

development remains consistent with the objectives of the control, despite the variation, as addressed below:

*Objectives of the control:*

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

Comment

The development proposes to retain and extend the existing eastern side setback and retain and increase the western side setback towards the rear of the lot, thus maintaining the existing spatial proportions to the street. The rear addition ensures the amenity of neighbours will be retained and the streetscape view will be complementary to the desired character for the location.

2. *To ensure and enhance local amenity by:*
  - *providing privacy;*
  - *providing equitable access to light, sunshine and air movement; and*
  - *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
  - *defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
  - *facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.*

Comment

As described above the design of the dwelling ensures privacy and solar access is maintained for both the subject site and the adjoining properties. There will be no view impacts and the proposal remains consistent with the residential density in the locality.

3. *To promote flexibility in the siting of buildings.*

Comment

Flexibility in the application of the side setback control is considered appropriate, in this case, as the development utilises the existing side setbacks of the dwelling, increasing the western side setback to the rear addition.

4. *To enhance and maintain natural features by:*
  - *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
  - *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*



- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

#### Comment

The proposed side setback variation will have no impact on the landscaped area in this location and does not require the removal of any additional trees.

5. *To assist in appropriate bush fire asset protection zones.*

#### Comment

Not relevant. The subject site is not bushfire prone land.

It is concluded that the proposed variation will have no impacts on neighbouring properties and remains consistent with the objectives of this clause, despite the non-compliance.

### **Variations to Side Setbacks in Residential Density Areas D3 to D9**

This clause allows for the consideration of variations to the side setback. The proposed minor non-compliance is considered appropriate as it retains the existing side setback in this location and allows the streetscape view to be complementary to the location.

### **Rear Setback**

A minimum rear setback of 8 metres is required on the site and the development proposes a compliant rear setback of 13.7 metres.

### **Open Space and Landscaping**

#### **Minimum Residential Total Open Space Requirements**

The subject site is located in Open Space Area OS4, as such the DCP requires a total of 60% of the site to be open space with a minimum 40% of that open space to be landscaped area and a maximum 25% of open space located above ground.

This equates to a minimum 294.9m<sup>2</sup> of total open space for the site area of 491.5m<sup>2</sup>, a minimum 117.96m<sup>2</sup> of landscaped area and maximum 73.73m<sup>2</sup> of open space above ground level.

The existing dwelling is non-compliant with a total open space area of 272m<sup>2</sup> or 55.34 and a landscaped area of 104m<sup>2</sup> or 35%. The development proposes an increased total open space area of 285m<sup>2</sup> or 57.9%, a landscaped area of 122m<sup>2</sup> or 41% and an open space above ground level of 30m<sup>2</sup> or 10.1%.

The small variation the total open space area is completely reasonable in this instance as it presents an increase from what is existing and provides an increase to the landscaped area. The usable and soft space on site is vastly improved and improvements to landscaping and drainage. The objectives of this control are met with an improved open space and landscape area resulting.

### **Parking, Vehicular Access and Loading (Including Bicycle Facilities)**

The existing dwelling has vehicular access from Moore Street and a double carport providing 2 onsite carparking spaces and no change is proposed.

### **First Floor Additions and Roof Additions**

The style of the extension to the existing first floor, is consistent with the scale and character of the existing dwelling and the area. The design is architecturally designed with finessed detailing, a contemporary coastal aesthetic and high quality materials and finishes. The proposed development will have a positive impact on the aesthetic quality of the neighbourhood.

### **Swimming Pools, Spas and Water Features**

The new swimming pool is proposed to be located in the rear yard stepping down from the dwelling level to a level yard. A maximum height above ground level from the new lawn is 0.15 metres. The maximum height above existing ground is 1.8 metres, to accommodate the slope of the site which falls away significantly at the rear of the dwelling. . It should be noted that rear fencing and proposed screen planting is consistent in height with the existing hedges that surround the rear of the property.

The swimming pool comprises a compliant area of 44m<sup>2</sup> or 14.9% (less than the 30% of the total open space area permitted).

Side setback are provided to the pool of 1.34 metres to coping and 1.5 metres to waterline to the east. A setback of 1.4 metres to pool coping and 1.54 metres to waterline is provided to the west.

The development proposes a rear setbacks of 1.4 metres to the coping and 1.5 metres to the water line. This is compliant with Council controls. We note that ample screen planting is provided as detailed in the landscape plan ensuring that this area is well screened from neighbours.

Pool plant will be located in a free-standing enclosure adjacent to the proposed built-in BBQ.

## **Fencing**

New side (east) and rear retaining walls are proposed to allow for the levelling of the lawn and extensive screen planting around the pool. The existing retaining wall to the west (No 19 Moore St) is to be replaced as part of the works in a mutual agreement with the existing owner of the property. 1.8m high timber fencing is proposed to both side boundaries.

A 1.8m high metal fence is proposed to the rear boundary. It should be noted that rear fencing and proposed screen planting is consistent in height with the existing hedges that surround the rear of the property.

## **Alterations and Additions**

The proposal is consistent with the DCP definition of alterations and additions.

## 6. Numerical Control Table

The following table provides a summary of the development proposal, in accordance with the relevant numerical planning controls contained in the Manly LEP 2013 and the Manly DCP 2013.

	Standard	Proposed	Compliance
<b>Manly LEP 2013</b>			
Lot Size	950m <sup>2</sup>	491.5m <sup>2</sup>	No change
Building Height	8.5 metres	8.8m (existing) 8.3m (new works)	No change Yes
Floor Space Ratio	0.4:1 or 196.6m <sup>2</sup>  DCP permits GFA 300m <sup>2</sup> (0.4:1 * 750m <sup>2</sup> )	0.58:1 or 284m <sup>2</sup>	No Clause 4.6 variation provided.  Complies with DCP
<b>Manly DCP</b>			
Residential Density/ Dwelling Size	1 /950m <sup>2</sup>	1	No change
Wall Height	Dependant on slope – 7.4 m	8.9m (existing) 9.3m (new work)	No change Merit assessment
Number of Stories	2	3	No change
Side Boundary Setbacks	1/3 wall height  East Front – 0.8m East Rear – 3.1m  West Front - 0.9m West Rear – 2.9m	East 1.3m   West 1.65m – 5.5m	Retain existing minimum / merit assessment   Retain existing minimum / merit assessment
Primary Front Boundary Setback	Prevailing building line or 6m	5m to dwelling 0m to carport	No change
Rear Boundary Setbacks	8 metres	13.7m	Yes
Parking	2 spaces	2 spaces	Yes



	Standard	Proposed	Compliance
Open Space O/S Area 4	<p>Total O/S – 60% 294.9m<sup>2</sup></p> <p>Landscaped Area 40% of O/S - 117.96m<sup>2</sup></p> <p>Above Ground - no more than 25% of Total O/S or 74m<sup>2</sup></p>	<p>TOS – 57.9% or 285m<sup>2</sup></p> <p>Landscaped Area - 41% or 122m<sup>2</sup></p> <p>Above Ground 10.1% or 30m<sup>2</sup></p>	<p>Merit - increased</p> <p>Yes</p> <p>Yes</p>
Solar Access (adjoining POS)	1/3 sunlight retained between 9am and 3pm on June 21.	Minor increase to 86 Cutler Road	Yes
Solar Access (Living rooms)	East-west orientation, the level of <a href="#">solar access</a> 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 the winter solstice (21 June)	No impact	Yes

## 7. Section 4.15 Considerations

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

### 7.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complimentary and compatible with adjoining development. The proposal achieves the aims of the Manly LEP and DCP.

The development is permissible in the zone.

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

#### ***Context and Setting***

*What is the relationship to the region and local context in terms of:*

- the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement.

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

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

The proposed alterations and additions have been designed to complement the site and its surrounds. The proposal is appropriate and will have negligible impact on adjacent properties.

### ***Access, transport and traffic***

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

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

No conflict or issues will arise as a result of the proposed development.

### ***Public domain***

The proposed development will have a positive impact on the public domain.

### ***Utilities***

There will be no impact on the site, which is already serviced.

### ***Flora and fauna***

There will be no impact.

### ***Waste***

There will be no impact.

### ***Natural hazards***

The natural hazard of acid sulfate soils has been assessed and can be effectively mitigated to allow the development to proceed.

### ***Economic impact in the locality***

There will be no impact, other than the possibility of a small amount of employment during construction.

### ***Site design and internal design***

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

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

The proposed development is highly appropriate to the site with regard to all of the above factors. The proposal fits well within the context of the surrounds and is an appropriate scale.

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

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

The proposed development will comply with the provisions of the Building Code of Australia and all relevant Council controls.

### **Construction**

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

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

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

## **7.3 The suitability of the site for the development**

*Does the proposal fit in the locality?*

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



The adjacent development does not impose any unusual development constraints.

*Are the site attributes conducive to development?*

The site is appropriate for the proposed alterations and additions.

#### **7.4 Any submissions received in accordance with this Act or the regulations**

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

#### **7.5 The public interest**

It is considered that the proposal is in the public interest as it allows for appropriate use of the residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

## **8. Conclusions**

- 8.1 The proposed development for alterations and additions to the existing dwelling at 21 Moore Street Clontarf is appropriate considering all State and Council controls.
- 8.2 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 8.3 Considering all the issues, the proposed development is considered worthy of Council's consent.