

STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations and
additions to a dwelling
house

5 Barrabooka Street,
Clontarf

Suite 1, 9 Narabang Way Belrose NSW 2085

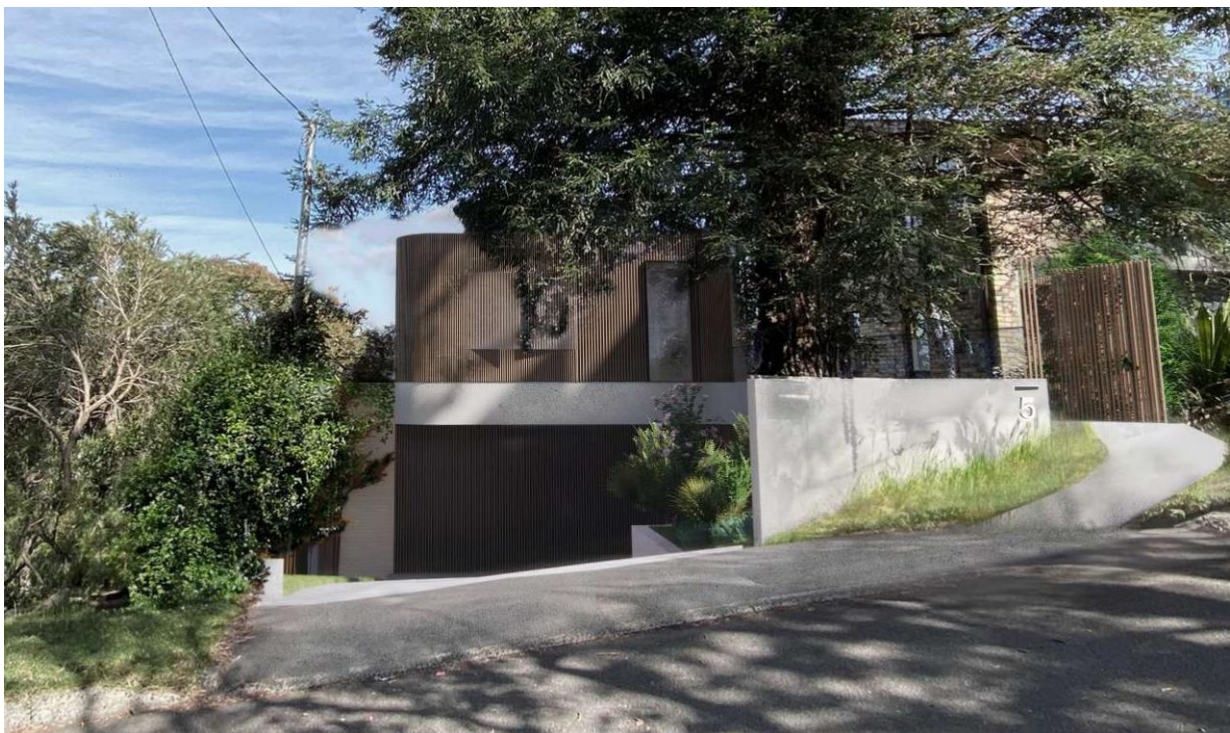
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Statement of Environmental Effects

Alterations and additions to a dwelling house

5 Barrabooka Street, Clontarf



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1 Introduction

This statement has been prepared in support of a Development Application proposing alterations and additions to the existing dwelling house located on the subject site.

The Architect has responded to the client brief to enhance the amenity and design quality of the existing dwelling house through the reconfiguration and augmentation of floor space and the provision of integrated garage accommodation. The resultant dwelling takes advantage of the sites superior locational attributes whilst responding to the established built form characteristics of adjoining development and the sites immediate proximity to Middle Harbour, Manly Scenic Walkway and Grotto Point. The design has also been developed through detailed site and context analysis and is responsive to the minutes arising from formal pre-DA discussions with Council PLM2024/0077.

The outcome is a dwelling house of exceptional design quality affording superior levels of amenity to future occupants whilst maintaining appropriate residential amenity to adjoining properties in relation to views, solar access and privacy. In addition to this Statement of Environmental Effects, the following documents also accompany the application:

- Architectural Plans by Squillace
- Survey by C&A Surveyors
- Stormwater Management Plans by C.K Engineering Services
- Landscape Plans by Lone Pine Landscapes
- Arborist Report by Urban Arbor
- Biodiversity Report by Narla Environmental Pty Ltd
- Geotechnical Report by JKGeotechnics
- Bushfire Report by Building Code and Bushfire Hazard Solutions
- Waste Management Plan
- BASIX Certificate
- Cost Report by Mitchell Brandtman

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979,
- Manly Local Environmental Plan 2013,
- Manly Development Control Plan 2013,
- State Environmental Planning Policy (Sustainable Buildings) 2022,
- State Environmental Planning Policy (Biodiversity and Conservation) 2021, and

- State Environmental Planning Policy (Resilience and Hazards) 2021.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.
- Whilst the proposal requires the consent authority to give favourable consideration to a variation to the building height and floor space ratio development standards, strict compliance has been found to be unreasonable and unnecessary having regard to the particular circumstances of the case including the development's ability to achieve the objectives of the zone and the objectives of the development standards notwithstanding the variations sought. Sufficient environmental planning grounds exist to support the variation including the attainment of an appropriate contextual fit with the accompanying clause 4.6 variation requests well founded.
- The identified non-compliances with the side boundary setback, rear boundary setback and total open space controls have been acknowledged and appropriately justified having regard to the associated objectives. Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

2 Site Analysis

2.1 Site Description and Location

The subject property is legally described as Lot 15, Section K, DP 2610, No. 5 Barrabooka Street, Clontarf. The site is rectangular in shape having frontage of 10.31 metres to Barrabooka Street, depth of 45.4 metres and an area of 467.9m². The subject property falls approximately 10 metres across its surface towards its rear foreshore reserve boundary. The subject property contains a number of trees as detailed within the accompanying arborist report prepared by Urban Arbor.

An aerial location photograph is provided at Figure 1 below.



Figure 1: Site Location Map
(Source: Six Maps)

The subject site is currently occupied by a three storey dwelling house with an attached carport with metal roof adjacent to the street frontage is depicted in the streetscape image and survey extract over page.



Figure 2: Subject property as viewed from Barrabooka Street

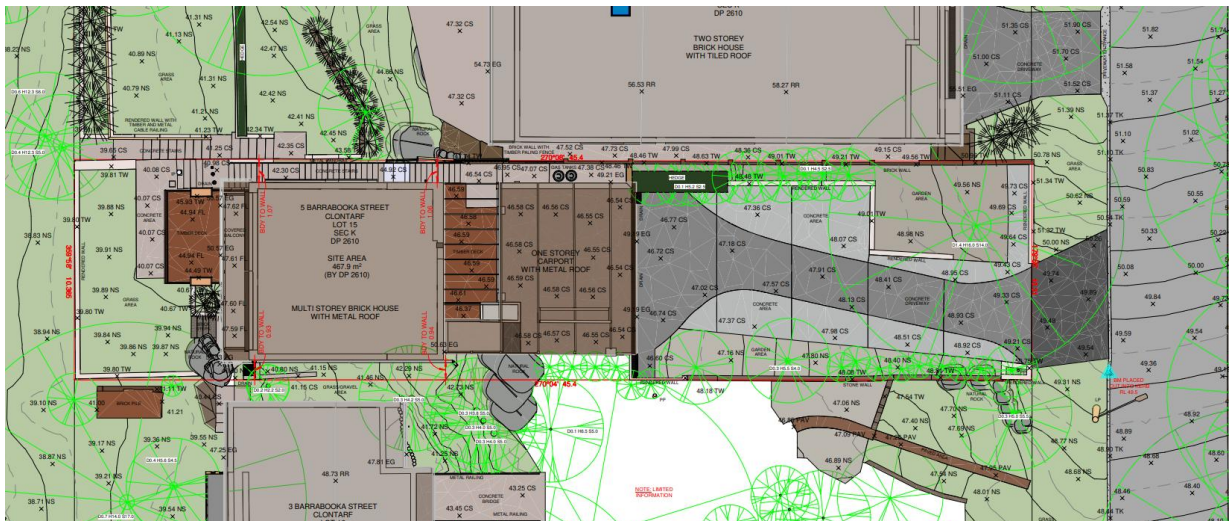


Figure 3: Survey extract

Development adjoining the property comprises large residential dwellings orientated to take advantage of harbour views. The subject site is located on a headland/point known as Grotto Point.

The site is identified as being bushfire prone.

3 Description of Development

3.1 Details of the Proposed Development

The development application proposed alterations and additions to the existing dwelling house located on the subject property as depicted on the following architectural plans prepared by Squillace Architects:

NUMBER	NAME	CURRENT REVISION
DA-001	COVER SHEET, DRAWING LIST, SITE LOCATION PLAN	A
DA-011	SITE PLAN	A
DA-100	FLOOR PLAN - BASEMENT	A
DA-101	FLOOR PLAN - LOWER GROUND	A
DA-102	FLOOR PLAN - UPPER GROUND	A
DA-103	FLOOR PLAN - LEVEL 1	A
DA-104	FLOOR PLAN - ROOF	A
DA-200	ELEVATIONS SHEET 1	A
DA-201	ELEVATIONS SHEET 2	A
DA-300	SECTIONS	A
DA-500	EXISTING GFA CALCULATIONS	A
DA-501	PROPOSED GFA CALCULATIONS	A
DA-502	MAP OF NEIGHBOURING FSR	A
DA-530	EXISTING OPEN SPACE & LANDSCAPE AREA CALCULATIONS	A
DA-531	PROPOSED OPEN SPACE & LANDSCAPE AREA CALCULATIONS	A
DA-540	HEIGHT BLANKET STUDY	A
DA-550	SHADOW STUDY PLAN WINTER SOLSTICE	A
DA-551	SHADOW STUDY PLAN WINTER SOLSTICE	A
DA-560	PRIVACY VIEW STUDY	A
DA-700	PHOTOMONTAGE	A

Specifically, the works proposed are as follows:

Basement Level

- The extension of the existing balcony and alteration of rear access stairs.

Lower Ground Floor Level

- The reconfiguration of this floor plate to accommodate the master bedroom with ensuite and walk in robe.
- Changes to fenestration.

Upper Ground Floor Level

- Additions to the east of the existing floor plate to accommodate a new double garage with integrated bin storage, office/gym, laundry and internal connection to the existing floor plate containing 3 bedrooms, 1 with ensuite, and a bathroom.

Level 1 Floor Plan

- This new floor plate incorporates an open plan kitchen living and dining area opening onto a west facing terrace and roof deck over the retained portion of the dwelling house below.
- A new pedestrian gate and bridge provides access to the formal entry at this level.

External Works

- Awnings
- Landscaping
- Driveway
- Solar panels

The proposed materials and finishes are detailed in the architectural plans by Squillace. The application does not propose the removal of any trees as detailed within the accompanying arborist report prepared by Urban Arbor with site landscaping enhanced as detailed on the accompanying landscape plans prepared by Lone Pine Landscapes.

The proposal will not give rise to unacceptable biodiversity impacts as detailed within the accompanying report prepared by Report by Narla Environmental with bushfire risk addressed in the accompanying Bushfire Report by Building Code & Bushfire Hazard Solutions Pty Limited.

The proposed excavation is addressed in the accompanying Geotechnical Report by JKGeotechnics with the application also accompanied by Stormwater Management Plans by C.K Engineering Services which provide for the appropriate disposal of stormwater via a spreader system at the rear of the property.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential environmental impacts are discussed below.

4.1 Manly Local Environmental Plan 2013

4.1.1 Zoning and Permissibility

The subject site is Zoned C3 Environmental Management. The objectives of C3 Environmental Management zone are as follows:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To protect tree canopies and provide for low impact residential uses that does not dominate the natural scenic qualities of the foreshore.*
- *To ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation.*
- *To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate, and minimise the impact of hard surfaces and associated pollutants in stormwater runoff on the ecological characteristics of the locality, including water quality.*
- *To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.*

Dwelling houses are permissible with consent in the C3 Environmental Management zone. The development is sensitive to the environmental value of this foreshore area with tree protection measures and additional landscaping proposed as part of the application. The scale of development is commensurate with development along the foreshore area, and the works have been designed to appropriately respond to the fall of the land.

4.1.2 Height of Buildings

Pursuant to clause 4.3 of MLEP 2013 the height of any building on the land shall not exceed a height of 8.5 metres. The objectives of the control are as follows:

- a) *to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*
- b) *to control the bulk and scale of buildings,*
- c) *to minimise disruption to the following:*
 - i. *views to nearby residential development from public spaces (including the harbour and foreshores),*
 - ii. *views from nearby residential development to public spaces (including the harbour and foreshores),*
 - iii. *views between public spaces (including the harbour and foreshores),*
- d) *to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,*
- e) *to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses*

We note that the western edge of the existing upper ground floor level including the projecting awning breaches the building height standard with the proposed alterations and additions compliant with the building height standard with the exception of a small section of roof top plant, adjacent terrace and awning over as depicted in the following plan extracts.

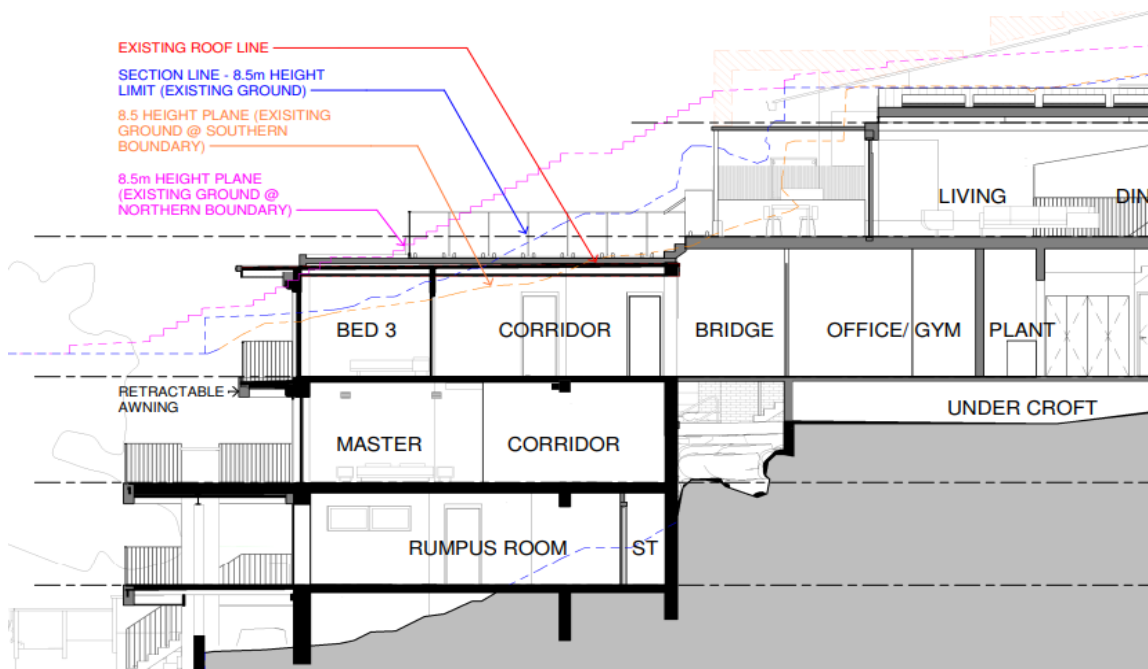


Figure 4: Plan extract showing 8.5 metre building height breaching elements

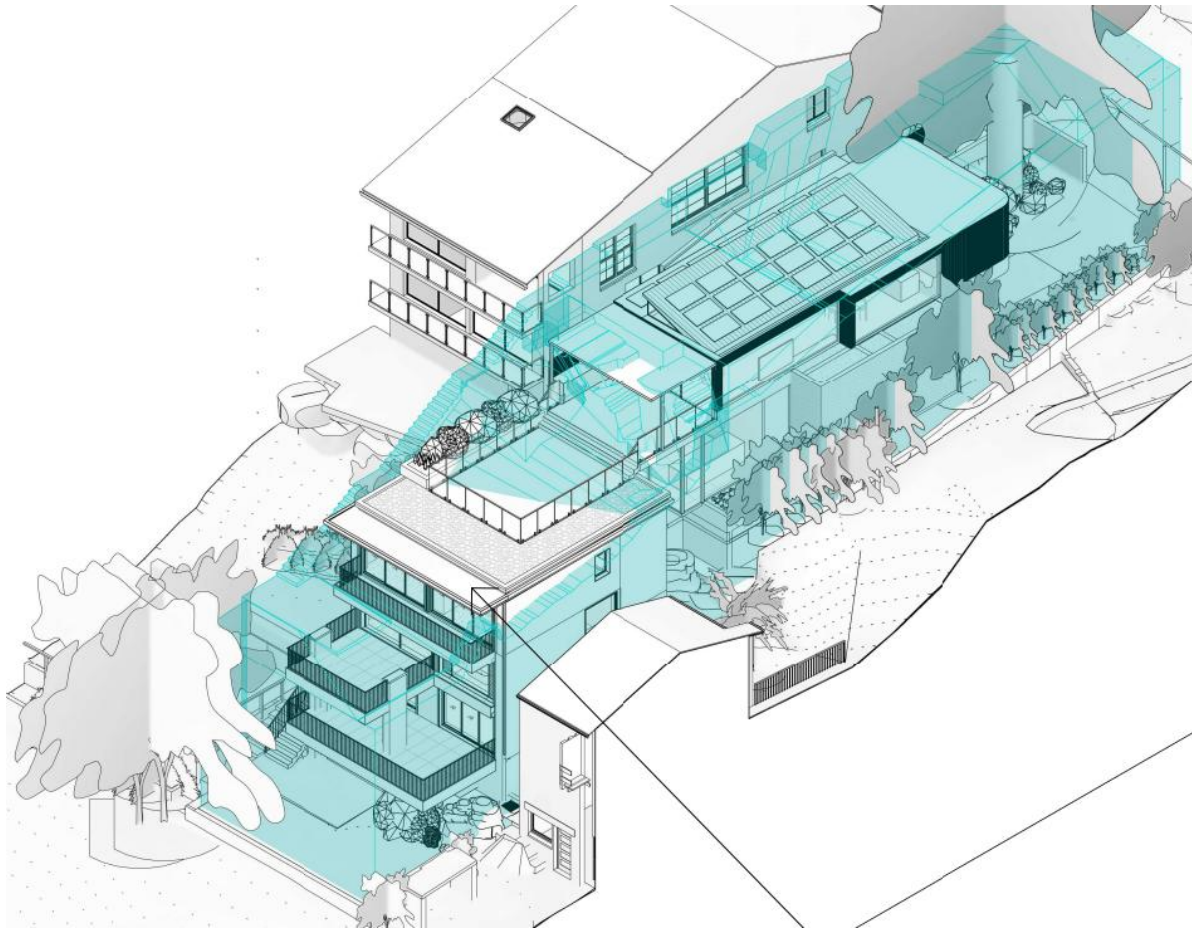


Figure 5: Plan extract showing 8.5 metre building height breaching elements

The retained portion of the existing dwelling breaches the building height standard by a maximum of 1.1 metres or 12.9%, the balustrade around the rooftop terrace by a maximum of 1.8 metres or 21.1% and the proposed Level 1 awning by a maximum of 900mm or 10.58%. The balance of the proposed works sit comfortably below the 8.5 m building height standard.

Clause 4.6 of MLEP 2013 provides a mechanism by which a development standard can be varied. The objectives of this clause are:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Having regard to these provisions, strict compliance has been found to be unreasonable and unnecessary having regard to the particular circumstances of the case including the ability to satisfy the objectives of the development standard, the attainment of an appropriate contextual fit and general paucity of streetscape impacts.

Sufficient environmental planning grounds existing to support the variation proposed including the legitimacy of the alterations and additions proposed and the topography of the land which contributes to the extent of building height non-compliance. The accompanying clause 4.6 variation request at **Attachment 1** is well founded.

4.1.3 Floor Space Ratio

Pursuant to clause 4.4 in the LEP, the site has a maximum floor space ratio (FSR) control of 0.4:1. Based on a site area of 467.9 m² the maximum GFA for development on the land is 187.16m². The objectives of the FSR control are as follows:

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

It has been determined that the proposal result in a total gross floor area on the site of 298.5 square metres. This represents a floor space ratio of 0.63:1 and therefore non-compliant with the FSR standard by 111.34 square metres or 59.4%.

We note that clause 4.1.3 of Manly Development Control Plan 2013 contains FSR exemption provisions applicable to land where the site area is less than the minimum Lot size required on the LEP Lot size map provided the relevant LEP objectives and the provisions of the DCP are satisfied.

The Lot size map identifies the subject site as being in sub zone "U" in which a minimum Lot area of 1150m² is required. The site having an area of only 467.9m² is well below the minimum Lot area provision and accordingly the clause 4.1.3 Manly DCP FSR variation provisions apply.

Clause 4.1.3.1 states that the extent of any exception to the LEP FSR development standard pursuant to clause 4.6 of the LEP is to be no greater than the achievable gross floor area for the lot indicated in Figure 30 of the DCP. We confirm that pursuant to Figure 30 the calculation of FSR is to be based on a site area of 750m² with an achievable gross floor area of 300m².

In this regard, the 298.5m² of gross floor area proposed, representing an FSR of 0.398:1 (based on 750m²), is below the maximum prescribed gross floor area of 300m² and as such complies with the DCP variation provision. We note that such provision contains the following note:

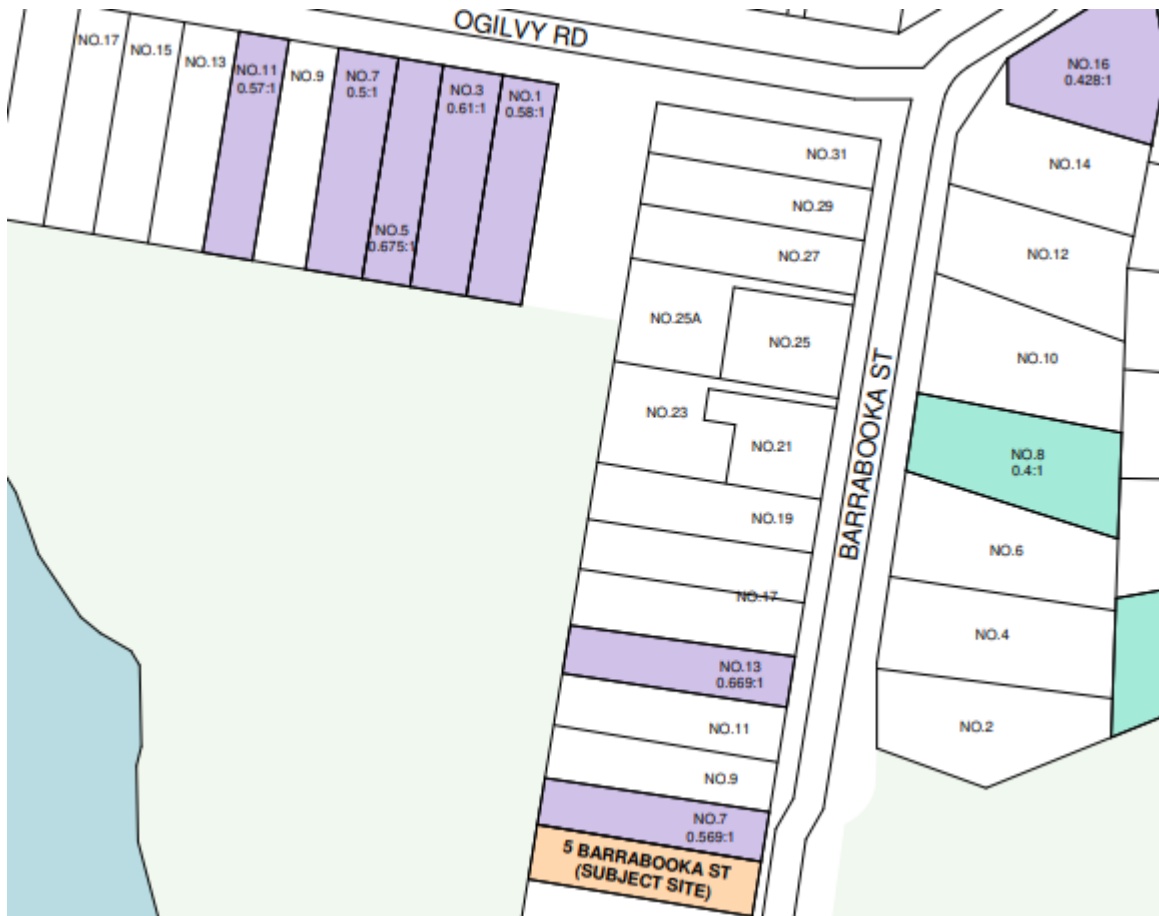
Note: FSR is a development standard contained in the LEP and LEP objectives at clause 4.4(1) apply. In particular, Objectives in this plan support the purposes of the LEP in relation to maintaining appropriate visual relationships between new development and the existing character and landscape of an area as follows:

- Objective 1) To ensure the scale of development does not obscure important landscape features.*
- Objective 2) To minimise disruption to views to adjacent and nearby development.*
- Objective 3) To allow adequate sunlight to penetrate both the private open spaces within the development site and private open spaces and windows to the living spaces of adjacent residential development.*

As the proposed GFA/ FSR complies with clause 4.1.3.1 MDCP numerical provision it is also “deemed to comply” with the associated objectives as outlined which, if complied with, demonstrate the maintenance of an *appropriate visual relationships between new development and the existing character and landscape of an area.*

We also note that Council has applied a degree of flexibility in relation to FSR on undersize lots as depicted in the following table which details a number of approvals within proximity of the site where FSR variations were granted on undersize allotments.

	YEAR OF DETERMINATION	SITE AREA	GFA	FSR	FSR AS UNDERSIZED LOT (MEASURED AGAINST 750SQM LOT SIZE)
ABOVE FSR CONTROL					
• 7 BARRABOOKA STREET	2023	470.5	267.7	0.569:1	0.357:1
• 13 BARRABOOKA STREET	2022	470.4	315	0.669:1	0.42
• 16 BARRABOOKA STREET	2022	669.3	286.1	0.428:1	0.38:1
• 1 OGILVY ROAD	2013	472.6	275.38	0.58:1	0.365:1
• 3 OGILVY ROAD	2013	472.6	246.6	0.522:1	0.32:1
• 5 OGILVY ROAD	2012	452	319.3	0.675:1	0.425:1
• 7 OGILVY ROAD	2016	478	239.7	0.5:1	0.319:1
• 11 OGILVY ROAD	2015	269	271	0.57:1	0.356:1
• 39A CUTLER ROAD	2022	472	257.3	0.545:1	0.34:1
• 25 CUTLER ROAD	2020	678.7	331.71	0.488:1	0.44:1
• 2A CASTLE ROCK CRES	2021	479	192.5	0.41:1	0.257:1



Clause 4.6 of MLEP 2013 provides a mechanism by which a development standard can be varied. The objectives of this clause are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Having regard to these provisions, strict compliance has been found to be unreasonable and unnecessary having regard to the particular circumstances of the case including the ability to satisfy the objectives of the zone and the objectives of the development standard, the attainment of an appropriate contextual fit and general paucity of streetscape impacts. Sufficient environmental planning grounds existing to support the variation proposed with the accompanying clause 4.6 variation request at **Attachment 2** is founded.

4.1.4 Earthworks

The application is supported by a Geotechnical Report prepared by JKGeotechnics that provides a series of recommendations to ensure that the proposed excavation can be undertaken appropriately. The consent authority can be satisfied that the excavation proposed to accommodate the basement will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, consistent with the provisions of clause 6.2 of MLEP 2013.

4.1.5 Stormwater Management

The application is supported by detailed Stormwater Management Plans by C.K Engineering Services which provide for the appropriate disposal of stormwater via a spreader system at the rear of the property. Accordingly, the consent authority can be satisfied that the proposed development—

- (a) has been designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
- (b) includes on-site stormwater retention for use as an alternative supply to mains water, and
- (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters.

As such, the consent authority can be satisfied that the proposal is consistent with the provisions of clause 6.4 of MLEP 2013.

4.1.6 Terrestrial Biodiversity

The site is mapped as being within a Biodiversity Area as shown on the Biodiversity Map of MLEP 2013. The application is supported by a Biodiversity Report by Narla Environmental Pty Ltd that considers whether the development is likely to have—

- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and

- (iv) any adverse impact on the habitat elements providing connectivity on the land.

Further, the report recommends appropriate measures to avoid, minimise or mitigate the impacts of the development.

As such, the consent authority can be satisfied that the development is designed, sited and will be managed to avoid any significant adverse environmental impact, consistent with the provisions of clause 6.5 of MLEP 2013.

4.1.7 Scenic Protection Area

Pursuant to clause 6.9 of the MLEP 2013 the subject site is located within the foreshore scenic protection area. The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly.

It is considered that the proposed development is consistent with the bulk and scale of development within the visual catchment of the site and the foreshore area. Development is characterised by multi storey residential dwellings that step down the sloping topography. The dwelling will integrate with existing development along the foreshore and will not result in an unreasonable visual impact when viewed from public places or the harbour.

4.2 Manly Development Control Plan 2013

The relevant provisions of the Manly Development Control Plan 2013 in relation the proposed works are detailed as follows:

Control	Requirements	Proposed	Compliance
<p>Streetscape (Residential Areas)</p> <p>3.1</p>	<p>Streetscape is defined and represents the inter-relationship between buildings, landscape and open spaces in the street scene. Local amenity and identity are closely linked to streetscape character. Development should recognise predominant streetscape qualities, such as building form, scale, patterns, materials and colours and vegetation which contributes to the character of the local area.</p>	<p>To the extent that the proposed works will be visible from the Barrabooka Street extension the 2 storey streetscape presentation will ensure that the development will not be perceived as inappropriate or jarring in the context of the bulk and scale of surrounding development and the form of development anticipated through compliance with the front setback and building height standard.</p>	<p>Yes</p>
<p>Landscape Design</p> <p>3.3.1</p>	<p>To encourage appropriate tree planting and maintenance of existing vegetation.</p> <p>To retain and augment important landscape features and vegetation remnant populations of native flora and fauna.</p>	<p>Detailed Landscape Plans prepared by Lone Pine Landscapes accompany this application.</p> <p>A range of native trees and plants are proposed to complement the architectural form of the dwelling and to ensure that the development blends with the adjacent public reserve.</p>	<p>Yes</p>

Control	Requirements	Proposed	Compliance
<p>Preservation of Trees 3.3.2</p>	<p>To protect and enhance the urban forest of the Northern Beaches.</p> <p>To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.</p>	<p>The application does not propose the removal of any trees as detailed within the accompanying arborist report prepared by Urban Arbor with site landscaping enhanced as detailed on the accompanying landscape plans prepared by Lone Pine Landscapes.</p>	<p>Yes</p>
<p>Sunlight Access and Overshadowing 3.4.1</p>	<p>New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June).</p>	<p>The proposed development will not result in any unreasonable impacts with regard to overshadowing as analysis plans DA-550(A) and DA-551(A). In this regard, all east and west facing fenestration within the southern adjoining dwelling at 3 Barrabooka Street will continue to receive 3 hours of solar access throughout the day with additional shadowing to the neighbouring private open space limited to a maximum of 7.5m² representing a reduction of 2.2%.</p>	<p>Yes</p>

Control	Requirements	Proposed	Compliance
<p>Privacy and Security</p> <p>3.4.2</p>	<p>To minimise loss of privacy to adjacent and nearby development by:</p> <ul style="list-style-type: none"> • appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings; • mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings. <p>To increase privacy without compromising access to light and air. To balance outlook and views from habitable rooms and private open space.</p> <p>To encourage awareness of neighbourhood security.</p>	<p>The alterations and additions will maintain reasonable levels of privacy to adjoining dwellings.</p> <p>The architectural plans include a privacy study DA-560(A) which demonstrates that reasonable privacy will be maintained between the proposed rooftop deck and both immediately adjoining properties. In this regard, all properties along this section of Barrabooka Street are orientated to take advantage of available harbour views with a degree of mutual overlooking currently available between properties. In this regard, it is apparent that a trade-off has been accepted between absolute privacy and cross views.</p> <p>Reasonable levels of visual privacy are maintained.</p>	<p>Yes</p>
<p>Maintenance of Views</p> <p>3.4.3</p>	<p>To provide for view sharing for both existing and proposed development and existing and future Manly residents.</p>	<p>Having inspected the site and its immediate surrounds and determined the juxtaposition of adjoining development</p>	<p>Yes</p>

Control	Requirements	Proposed	Compliance
	<p>To minimise disruption to views from adjacent and nearby development and views to and from public spaces including views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths).</p> <p>To minimise loss of views, including accumulated view loss ‘view creep’ whilst recognising development may take place in accordance with the other provisions of this Plan.</p>	<p>and available view lines we are of the opinion that the proposal will not give rise to unacceptable view impacts with a view sharing outcome maintained.</p> <p>In forming this opinion, we note that views will continue to be available across the proposed roof deck given its open nature and noting the primary view across the rear boundary of the adjoining property will be preserved.</p>	
<p>Stormwater Management</p> <p>3.7</p>	<p>To manage urban stormwater within its natural catchments and within the development site without degrading water quality of the catchments or cause erosion and sedimentation.</p> <p>To manage construction sites to prevent environmental impacts from stormwater and protect downstream properties from flooding and stormwater inundation.</p>	<p>The application is accompanied by Stormwater Management Plans by C.K Engineering Services which provide for the appropriate disposal of stormwater via a spreader system at the rear of the property</p>	<p>Yes</p>

Control	Requirements	Proposed	Compliance
<p>Waste Management</p> <p>3.8</p>	<p>To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD).</p> <p>Encourage the ongoing minimisation and management of waste handling in the future use of premises.</p> <p>To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.</p>	<p>The waste generated from the demolition will be sorted and disposed of appropriately. Materials will be recycled or reused where appropriate.</p> <p>Bin storage is located within the proposed garage for easy access to the street for collection.</p> <p>A Waste Management Plan accompanies this application.</p>	<p>Yes</p>
<p>Safety and Security</p> <p>3.10</p>	<p>To ensure all development are safe and secure for all residents, occupants and visitors of various ages and abilities.</p> <p>To ensure that the design process for all development integrate principles of 'Safety in Design' to eliminate or minimise risk to safety and security.</p> <p>To contribute to the safety and security of the public domain.</p>	<p>The dwelling will provide appropriate levels of safety and security to the future occupants.</p>	<p>Yes</p>

Control	Requirements	Proposed	Compliance
Wall Height 4.1.2.1	Approximately 7.9m based on the slope of the land.	The proposed development has been designed to appropriately respond to the slope of the land and is consistent with the maximum wall height prescribed by this control. The 2 storey additions are compliant with the wall height control.	Yes
Number of Storeys 4.1.2.2	2 storeys	Whilst the existing dwelling is 3 storeys in height as defined the proposed additions maintain a 2 storey built form presentation to the street and adjoining development. 2-3 storeys	Yes
Roof Height 4.1.2.3	Max 2.5m	Achieved	Yes
FSR 4.1.3	0.4:1	0.63:1	No A clause 4.6 request supports this application.
Front Setback 4.1.4.1	Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing	The proposed front setbacks are consistent with those established	Yes

Control	Requirements	Proposed	Compliance
	building lines in the immediate vicinity.	by the adjoining properties.	
<p>Side Setbacks</p> <p>4.1.4.2</p>	<p>Side boundary setbacks are to be 1/3rd of adjacent wall height.</p> <p>All new windows from habitable rooms of dwellings that face the side boundary are to be setback at least 3m from side boundaries.</p>	<p>The subject property is only 10.31 metres in width making strict compliance with the 1/3rd wall height setback control extremely difficult particularly in the context of legitimate alterations and additions.</p> <p>That said, with the exception of the proposed entry foyer and adjacent circulation space the majority of the proposed additions are compliant with the setback control. The proposed side boundary setbacks are entirely consistent with those established by adjoining development on similarly constrained allotments being the maintenance of appropriate residential amenity in terms of views, privacy and solar access and the maintenance/provision of appropriate landscaping.</p> <p>The proposed non-compliance with the side boundary setback requirement does not detract from consistency</p>	<p>No Acceptable on merit</p>

Control	Requirements	Proposed	Compliance
		with the objectives of this control.	
<p>Rear Setback</p> <p>4.1.4.4</p>	<p>8m</p> <p>Land adjoining C2 zoned land (8m prevails)</p>	<p>Whilst the proposed basement level balcony extension is located within 8 metres of the rear boundary it maintains the setback established by the pre-existing balcony element and to that extent will not be perceived as inappropriate or jarring adjacent C2 zoned land.</p> <p>The balance of works are setback well beyond the 8 metre rear setback control.</p> <p>In the context of an application seeking legitimate alterations and additions to an existing dwelling and the general absence of adverse environmental consequences a variation to the rear setback control is considered warranted in this instance.</p> <ul style="list-style-type: none"> • site disturbance is minimised. • The reduced setback does not result in any impacts upon vegetation. 	<p>No Acceptable on merit</p>

Control	Requirements	Proposed	Compliance
		<p>Overall, the proposed development achieves consistency with the objectives of the rear setback control, despite non-compliance.</p>	
<p>Open Space and Landscaping 4.1.5.1</p>	<p>60% Total Open Space</p> <p>40% Soft Landscaping</p>	<p>33% existing 42% proposed</p> <p>35% soft landscaping</p> <p>Whilst proposed development does not comply with the total open space control it does provide for betterment in terms of increased total open space across the site.</p> <p>We note that 36m² of area compliant with the landscaped area definition is located outside the area of total open space as defined.</p> <p>In the context of legitimate alterations and additions to an existing dwelling house on an undersized allotment strict compliance is considered to be unreasonable and unnecessary particularly in circumstances where the overall landscape outcome for the site is</p>	<p>No Acceptable on merit</p> <p>No Acceptable on merit</p>

Control	Requirements	Proposed	Compliance
		<p>enhanced as a consequence of the landscape regime proposed.</p> <p>The proposed non-compliances with the total open space and landscaped area requirements does not detract from consistency with the objectives of this control and accordingly strict compliance is unreasonable and unnecessary.</p>	
<p>Parking Design 4.1.6.1</p>	<p>The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain the desired character of the locality.</p>	<p>The proposed garage accommodates two compliant off-street carparking spaces with the garage accommodation integrated into the overall architectural design of the dwelling. The proposed garage accommodation will not be perceived as inappropriate or jarring in a streetscape context.</p>	<p>Yes</p>
<p>Development on Sloping Sites 4.1.8</p>	<p>The design of development must respond to the slope of the site, to minimise loss of views and amenity from public and private spaces.</p> <p>Developments on sloping sites must be designed to</p>	<p>The proposed works have been designed to follow the slope of the land and are limited to 2 storeys in height.</p>	<p>Yes</p>

Control	Requirements	Proposed	Compliance
	<p>generally step with the topography of the site; and avoid large undercroft spaces and minimise supporting undercroft structures by integrating the building into the slope whether to the foreshore or a street.</p>	<p>A Geotechnical Report accompanies this application. These provisions are satisfied.</p>	
<p>Swimming Pools 4.1.9</p>	<p>Swimming pools and spas must be built on or in the ground and not elevated more than 1m above natural ground level. Consideration of any exception to exceed the height above ground must demonstrate that any swimming pools and/or spa and their curtilage and/or concourse more than 1m above natural ground level:</p> <ul style="list-style-type: none"> i) would not detract from the amenity or character of the neighbourhood; and ii) is a minimum distance from any side boundary equivalent to the height of the swimming pools and/or spa and their curtilage and/or concourse at any point above existing ground level. <p>The setback of the outer edge of the pool/spa concourse from the side and rear boundaries must</p>	<p>N/A</p>	<p>N/A</p>

Control	Requirements	Proposed	Compliance
	be at least 1m, with the water line being at least 1.5m from the boundary.		

4.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

4.3.1 Sydney Harbour Catchment

The site is identified as being within the Foreshores and Waterways Area of the Sydney Harbour Catchment and is subject to the provisions of Chapter 10 of SEPP (Biodiversity and Conservation) 2021.

An assessment of the proposal against the relevant aims of the chapter has been undertaken, and the consent authority can be satisfied in this regard. The design of the proposed dwelling as seen from the waterway was of utmost importance, and as demonstrated by the photomontages provided to support the application (Figures 2 and 3 earlier in the report), the proposed dwelling sits comfortably in a landscaped setting as seen from the waterway.

Whilst referral to the Foreshores and Waterways Planning and Development Advisory Committee is at the discretion of Council, it is our opinion that referral is not warranted in the circumstances of this application.

4.4 State Environmental Planning Policy (Resilience and Hazards) 2021

4.4.1 Coastal Management

Chapter 2 of SEPP (Resilience and Hazards) aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner that is consistent with the objects of the *Coastal Management Act 2016*.

The site is identified as “coastal environmental area” on the Coastal Environment Area Map and as “coastal use area” on the Coastal Use Area Map and the provisions of Chapter 2 of this policy are applicable to the proposal. However, the provisions of clauses 2.10 and 2.11 of this policy are not applicable, as the land is the site is identified as being within the Foreshores and Waterways Area of the Sydney Harbour Catchment.

Clause 2.12 of SEPP (Resilience and Hazards) prescribes that development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. The proposed development is not likely to cause increased risk at the site or for adjoining land, and the consent authority can be satisfied in this regard.

4.4.2 Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The site has been used for residential purposes for an extended period of time with no known prior land uses. In this regard, the potential for contamination is considered to be extremely unlikely.

The site is not identified as a contaminated site on the NSW EPA's list of notified sites, nor is it in the vicinity of any listed sites. The consent authority can be satisfied that the subject site is suitable for the proposed development.

As such, the proposed development is consistent with the provisions of Chapter 4 of this policy.

4.5 State Environmental Planning Policy (Sustainable Buildings) 2022

This policy applies to the development and aims to encourage sustainable residential development.

A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

4.6 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as Amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended):

(i) The provision of any planning instrument

The proposal is permissible and generally in conformity with the provisions of MLEP 2013.

The proposal is also consistent with all applicable SEPPs, including the relevant provisions of SEPP (Building Sustainability Index: BASIX), SEPP (Resilience and Hazards) and SEPP (Biodiversity and Conservation) 2021.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

N/A

(iii) Any development control plan

MDCP 2013 is applicable to this application and has been considered in detail in this report.

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

N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

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

[The assessment considers the Guidelines (in italics) prepared by the Department of Planning and Environment in this regard].

Context and Setting

i. 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

The proposed new dwelling is entirely commensurate with that established by adjoining development and development generally within the visual catchment of the site, with no adverse residential amenity impacts in terms of views, privacy or overshadowing to adjoining properties.

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

Relationship and compatibility of adjacent land uses?

sunlight access (overshadowing)

visual and acoustic privacy

views and vistas

edge conditions such as boundary treatments and fencing

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

Access, transport and traffic:

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

Travel Demand

dependency on motor vehicles

traffic generation and the capacity of the local and arterial road network

public transport availability and use (including freight rail where relevant)

conflicts within and between transport modes

Traffic management schemes

Vehicular parking spaces

The proposed development would not result in any adverse impacts upon access, transport and traffic.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

Existing utility services will be connected to service the new dwelling.

Flora and Fauna

The application is accompanied by a Biodiversity Report.

Waste Collection

Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

The site is located within a landslip risk area and is identified as being prone to bushfire. As such a Geotechnical Report and a Bushfire Report are provided.

Economic Impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

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

size, shape and design of allotments

The proportion of site covered by buildings

the position of buildings

the size (bulk, height, mass), form, appearance and design of buildings

the amount, location, design, use and management of private and communal open space

Landscaping

These matters have been discussed in detail earlier in this report. The potential impacts are minimal and within the scope of the general principles, desired future character and built form controls.

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. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

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

The environmental planning issues listed above

Site safety

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

Does the proposal fit in the locality

Are the constraints posed by adjacent development 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

Are the site attributes conducive to development

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The proposed works are permissible and consistent with the intent of the LEP and DCP controls as they are reasonably applied to the proposed development. The development would not be contrary to the public interest.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly, approval of the development would be in the public interest.

5 Conclusion

The Architect has responded to the client brief to enhance the amenity and design quality of the existing dwelling house through the reconfiguration and augmentation of floor space and the provision of integrated garage accommodation. The resultant dwelling takes advantage of the sites superior locational attributes whilst responding to the established built form characteristics of adjoining development and the sites immediate proximity to Middle Harbour, Manly Scenic Walkway and Grotto Point. The design has also been developed through detailed site and context analysis and is responsive to the minutes arising from formal pre-DA discussions with Council PLM2024/0077.

The outcome is a dwelling house of exceptional design quality affording superior levels of amenity to future occupants whilst maintaining appropriate residential amenity to adjoining properties in relation to views, solar access and privacy.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.
- Whilst the proposal requires the consent authority to give favourable consideration to a variation to the building height and floor space ratio development standards, strict compliance has been found to be unreasonable and unnecessary having regard to the particular circumstances of the case including the development's ability to achieve the objectives of the zone and the objectives of the development standards notwithstanding the variations sought. Sufficient environmental planning grounds exist to support the variation including the attainment of an appropriate contextual fit with the accompanying clause 4.6 variation requests well founded.
- The identified non-compliances with the side boundary setback, rear boundary setback and total open space controls have been acknowledged and appropriately justified having regard to the associated objectives. Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

Boston Blyth Fleming Pty Limited



Greg Boston

B Urb & Reg Plan (UNE) MPIA

Director

Attachment 1

Clause 4.6 variation request – Height of buildings

Circulated separately

Attachment 2

Clause 4.6 variation request – Floor space ratio

Circulated separately