

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED DEMOLITION OF THE EXISTING DWELLING AND THE
CONSTRUCTION OF A NEW DWELLING, INCLUDING GARAGE, SWIMMING POOL AND
ASSOCIATED LANDSCAPING**

AT

69 GORDON STREET, CLONTARF

FOR

SKETCH ARC ARCHITECTS



**Prepared
May 2025**

Table of Contents

1.0	Introduction	3
2.0	Property Description.....	3
3.0	Site Description	4
4.0	Surrounding Environment.....	11
5.0	Proposed Development	12
6.0	Zoning and Development Controls	14
6.1	State Environmental Planning Policy (Resilience and Hazards)	14
6.2	State Environmental Planning Policy (Sustainable Buildings) 2022.....	14
6.4	Manly Local Environmental Plan 2013	15
6.4	Manly Development Control Plan 2013	21
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979.....	33
7.1	The provisions of any environmental planning instrument.....	33
7.2	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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and.....	33
7.3	Any development control plan	33
7.4	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	34
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),.	34
7.6	The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality	34
7.7	The suitability of the site for the development	34
7.8	Any submissions made in accordance with this Act or the regulations.....	34
7.9	The public interest	34
8.0	Conclusion.....	35

1.0 Introduction

This Statement of Environmental Effects accompanies architectural details prepared on behalf of Charles and Karen Davis by SketchArc Architects, Project No 2427, Drawings No's DA1 – DA23 dated 18 May 2025 to detail the proposed demolition of elements of the existing dwelling and construction of a new dwelling, swimming pool and associated landscaping at **69 Gordon Street, Clontarf**.

This Statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, (as amended) including:

- *The Environmental Planning and Assessment Act, 1979 as amended (EP&A Act)*
- *The Environmental Planning and Assessment Regulation 2021*
- *Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy Sustainable Buildings) 2022*
- *Manly Local Environmental Plan 2013 (MLEP 2013)*
- *Manly Development Control Plan 2013 (MDCP 2013)*

2.0 Property Description

The subject allotment is described as **69 Gordon Street, Clontarf**, being Lot 48 within Deposited Plan 165052 and is zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013.

The dwelling is not listed as a heritage item within Schedule 5 of the Manly Local Environmental Plan 2013, nor is it noted as being within a conservation area.

The site is identified as being within the Class 5 Acid Sulfate Soils Area, and this matter will be discussed further within this statement.

The site is located within a Scenic Protection Area. This will be addressed in further detail within this Statement.

No other hazards have been identified.

3.0 Site Description

The site is located on the western, lower side of Gordon Street.

The site is regular in shape with a frontage width of 18.29m, north and south side boundaries measuring 57m respectively, and a rear boundary of 18.29m. The site has a total area of 1042m² (by calculation).

The site has a fall of approximately 8 metres over its length from the eastern front boundary to the western rear boundary.

The site is currently developed with a three level dwelling with a swimming pool at the rear of the site. Car parking is available within an existing garage and with driveway access from Gordon Street.

The site includes sparse tree cover, with manicured garden and lawned areas, exposes rock features and generous front and rear setbacks.

The details of the site are included on the survey plan prepared by CMS Surveyors, Reference No. 23595detail, dated 10 July 2024, which accompanies the DA submission.

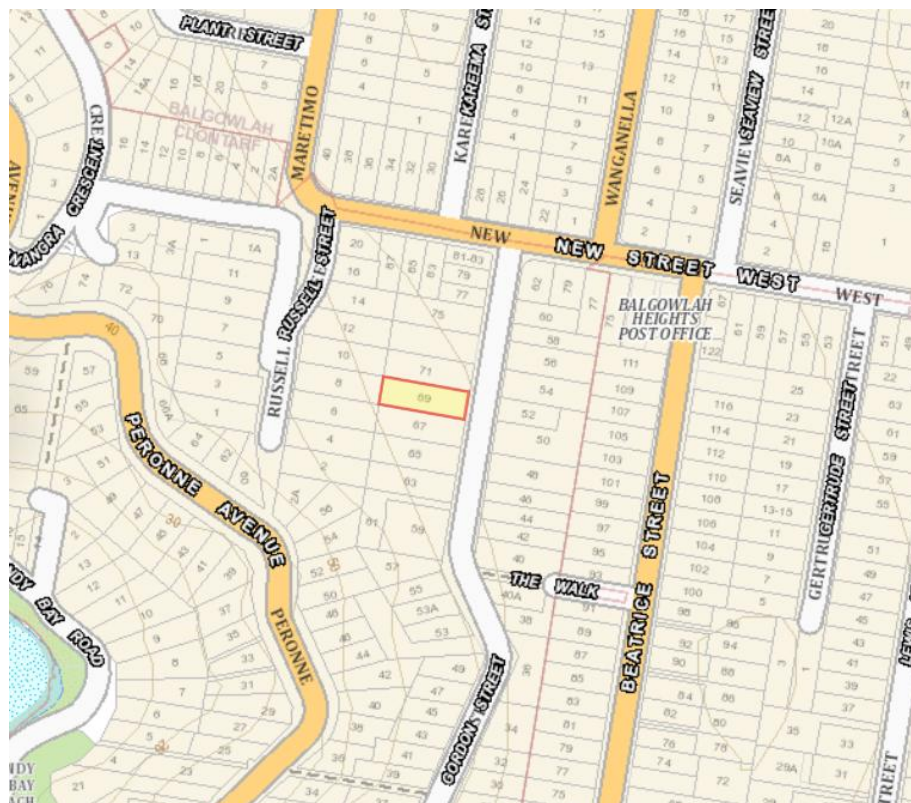


Fig 1: Location sketch
(Source: Six Maps)



Fig 2: Views of the subject site and driveway access, looking west



Fig 3: View of the subject site (LHS of view) and adjoining development to the north of the site at No 71 Gordon Street



Fig 4: View of the adjoining site to the south at No 67 Gordon Street, looking west



Fig 5: View looking south-west towards the subject site (LHS of view)



Fig 6: View of the existing development on the eastern side of Gordon Street and opposite the subject site, looking north-east



Fig 7: View of the existing dwelling and driveway access, looking east



Fig 8: View of the existing rear (western) façade of the dwelling and pool, looking east



Fig 9: View of the rear yard of the subject site and looking north-east towards the neighbouring property at No 71 Gordon Street



Fig 10: View of the rear yard of the subject site, looking south-west



Fig 11: View of the adjoining dwelling to south at No 67 Gordon Street, looking south from the rear yard of the subject site



Fig 12: View of the rear yard of the subject sit and existing shed to be removed, looking west to rear boundary



Fig 13: View of the rear yard of the subject site. Looking south-west

4.0 Surrounding Environment

The area surrounding the site is predominantly represented by residential development, comprising single dwellings between one and two storeys in height.

The dwellings in the vicinity have been designed with living areas and associated open space that are oriented to take advantage of the expansive to Middle Harbour and the Spit Bridge.

The site is close to recreational facilities and shopping areas such as Balgowlah Heights Village shopping, Seaforth Village shopping and Clontarf beach and reserve.

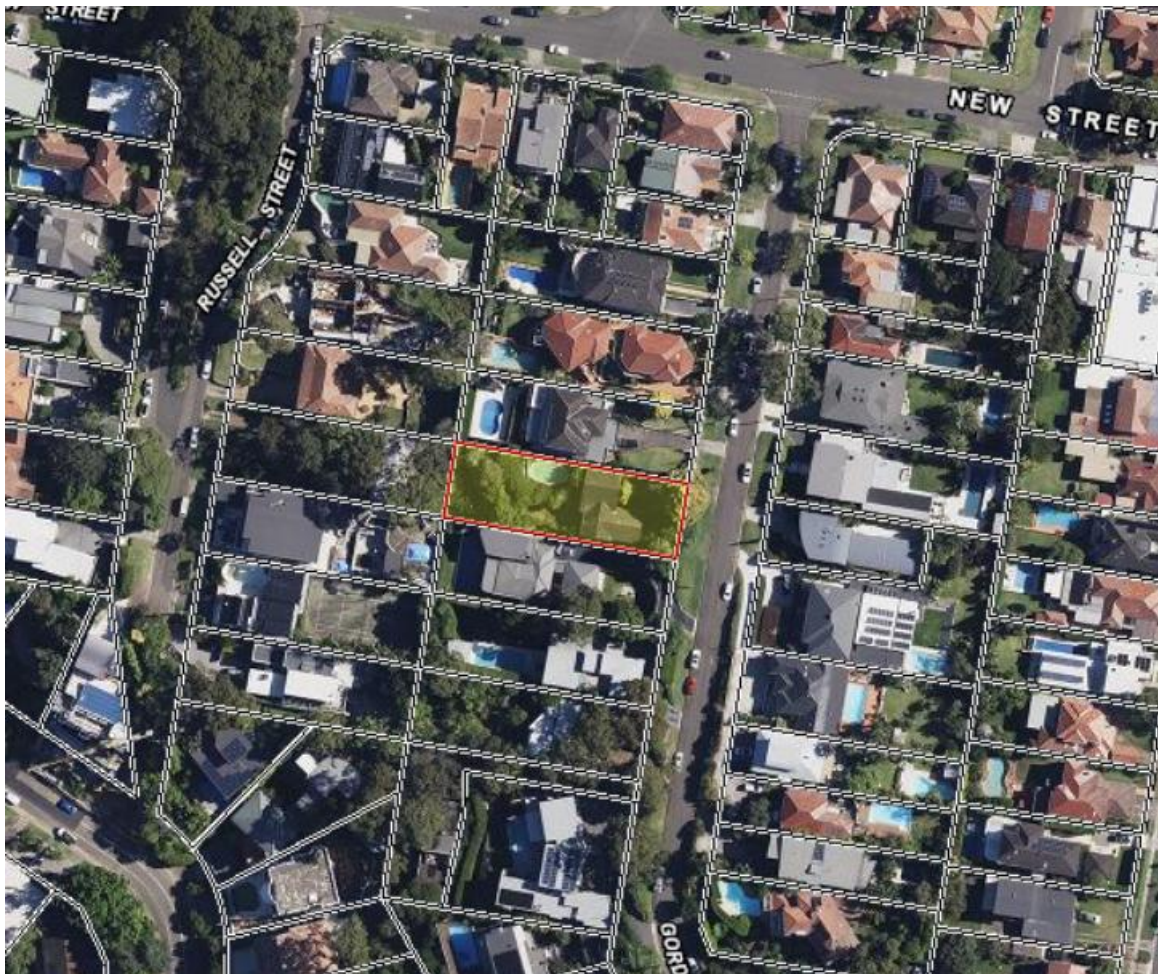


Fig 14: Aerial view of subject site
(Source: Six Maps)

5.0 Proposed Development

As detailed within the accompanying plans prepared by SketchArc Architects, the proposal seeks consent for the proposed demolition of the existing dwelling and swimming pool and the construction of a new dwelling, swimming pool and associated landscaping.

The new works comprise:

Lower Floor Level

- New rumpus and games room, media room, comms room, bathroom, internal stair access to upper levels and outdoor undercover deck

Ground Floor Level

- New entry and foyer, mudroom, open plan lounge/kitchen/dining, pantry, laundry, guest bedroom with ensuite bathroom, WC, access stairs, double garage with externally accessed bin area and outdoor covered deck

First Floor Level

- Master bedroom with ensuite and WIR, bedroom with ensuite, two further bedrooms, bathroom, access stairs and balcony servicing the master bedroom and bedroom 2

External Works

- New swimming pool with tiled area
- New pedestrian decking pathway from ground floor rear covered deck
- New driveway and entry path
- New front fence, vehicle and entry gates
- New retaining walls, raised landscaped garden beds and landscape plantings. The works will see terracing and retaining of the lower portion of the rear yard and the proposed change in levels has been discussed with the adjacent southern neighbour at No 67 Gordon Street. A letter has been provided from the adjoining neighbour in relation to the extent of the new work within the site.

The proposed works present a high-quality architectural outcome that significantly enhances the site's amenity and functionality.

The boundary setbacks are consistent with the established pattern of development for dwelling houses, swimming pools within the street and broader area. They allow for appropriate spatial separation, deep soil landscaping, privacy, solar access, and view sharing.

The siting and design of the new works will deliver excellent amenity for future occupants, without adversely impacting the residential amenity of neighbouring properties or the broader character of the Clontarf locality.

The external material palette has been selected to reflect the area's coastal setting and is sympathetic to both existing and contemporary surrounding developments.

Additionally, proposed landscaping will assist in preserving privacy between properties, while softening the visual presence of the new development within its context.

The proposal is supported by an Arboricultural Impact Assessment prepared by Peake Arboriculture, prepared 20 May 2025, which addresses the impacts of the proposed works on one tree within the subject site and a tree within the neighbouring site.

The Assessment concludes that Tree #1 which is within the subject site is of low retention value and will be removed.

Tree #2 is located within the neighbouring property and whilst being an exempt species of low retention value, will be suitably retained throughout the construction.

The works will be carried out within the construction recommendations provided by the Arborist.

The development indices for the site are:

Site Area	1042m ² (by survey)
Maximum Building Height	8.5m
Proposed Building Height	9.540m
Maximum Floor Space Ratio	0.40:1 or 416.8m ²
Proposed Floor Space Ratio	0.4:1 or 416.8m ²
Required Open Space/Landscape (OS4)	60% or 625.2m ² / 40% or 258.89m ²
Proposed Open Space	62.04% or 646.56m ²
Proposed Landscape	55.8% of open space or 361.23m ²

6.0 Zoning and Development Controls

6.1 Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the Biodiversity & Conservation SEPP) establishes planning controls relating to vegetation removal in non-rural areas. The primary objectives of this chapter are to protect the biodiversity value of trees and vegetation and to preserve the visual and environmental amenity of non-rural areas through the retention and appropriate management of vegetation.

There are no trees on the subject site that are heritage-listed or identified on a Significant Tree Register. An Arboricultural Assessment Report, prepared by Peake Arboriculture, accompanies this application and assesses the proposed impact on both on-site vegetation and neighbouring trees within proximity to the works.

The report identifies that 1 tree is to be removed to facilitate the development, which has been identified as being of low retention value. The Assessment concludes that with the implementation of appropriate mitigation measures, the proposal will not have any adverse impact on neighbouring trees.

Replacement planting is proposed as part of the landscaping scheme, which will enhance the site's biodiversity and contribute to the screening and softening of the built form.

Accordingly, the proposal is not considered to negatively impact the biodiversity values of the site, adjoining land, or the surrounding public domain. No further consideration of Chapter 2 of the SEPP is required.

6.2 State Environmental Planning Policy (Resilience and Hazards)

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. Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

Overall, the proposed modified development remains consistent with the relevant provisions of SEPP (Resilience and Hazards).

6.3 State Environmental Planning Policy (Sustainable Buildings) 2022

A BASIX Certificate is submitted with the application and confirms that the proposal will comply with the water, thermal comfort, and energy efficiency requirements of the policy.

6.4 Manly Local Environmental Plan 2013

The land is zoned R2 Low Density Residential under the provisions of the MLEP 2013.

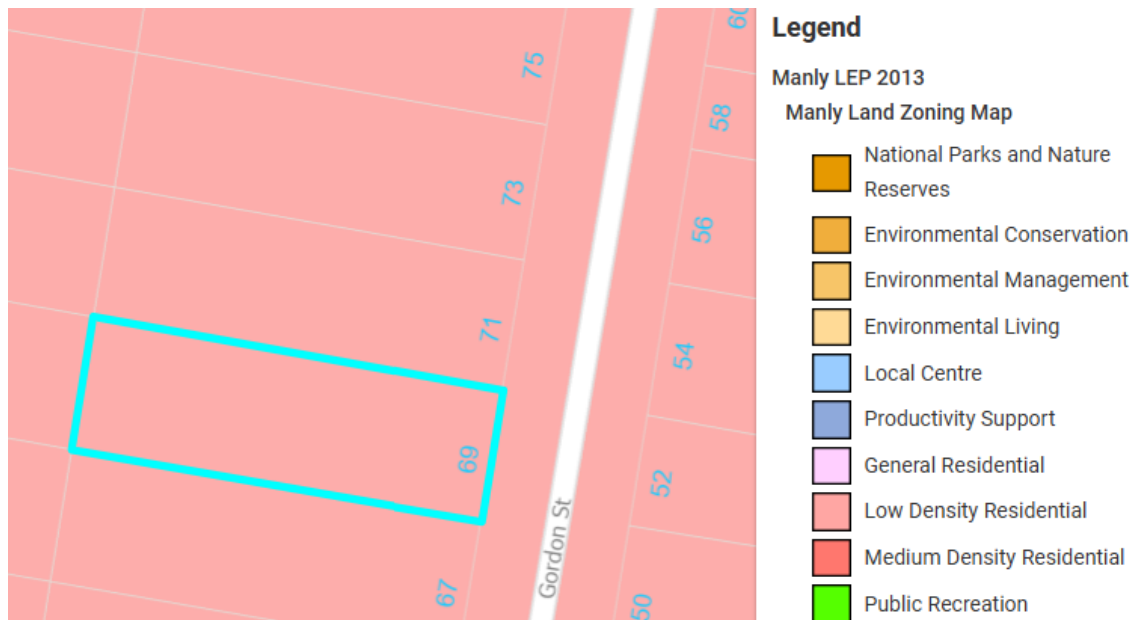


Fig 15: Extract of Manly Local Environmental Plan 2013 Zoning Map

The development of and use of the land for residential purposes is consistent with the objectives of the R2 Low Density Residential, which are noted as:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

It is considered that the proposed works will achieve the zone objectives and are consistent with the established character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other dwellings in the vicinity and therefore complements the locality.
- The setbacks are consistent with the existing development and compatible with the existing surrounding development.
- The site is utilised as housing and will continue to maintain the residential use.
- The works will provide for development which will maintain the residential scale and character of the locality.
- The proposal will maintain an appropriate level of amenity to the adjoining properties.
- The proposal does not unreasonably obstruct any significant views from private property or the public domain.

- As detailed in this report the proposal maintains appropriate solar access to the surrounding properties.

Clause 4.3 – Height of buildings

The dictionary supplement to the LEP notes building height to be:

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The building height limit for development in this portion of Clontarf is 8.5m. as a consequence of the site slope towards the rear a portion of Level 1 will be up to 9.54m in height and therefore presents a minor variation to this control.

Accordingly, a Written Request to vary the height of building development standard has been prepared pursuant to Clause 4.6 of MLEP 2013 and accompanies this submission.

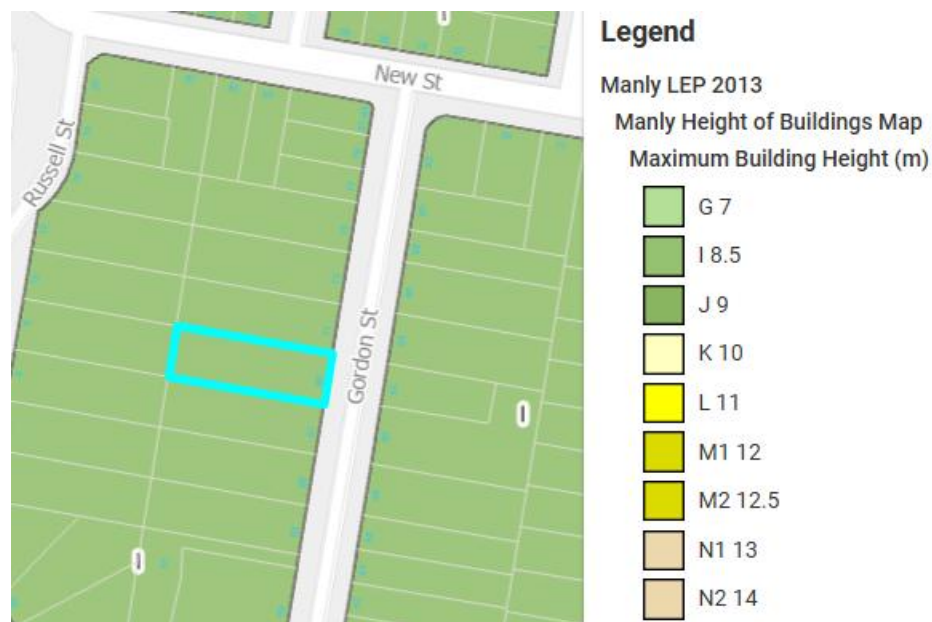


Fig 16: Extract of Manly Local Environmental Plan 2013 Maximum Building Height Map

Clause 4.4 – Floor space ratio

Manly LEP 2013 prescribes a maximum floor space ratio (FSR) of 0.40:1 (Area B).

The proposal will provide for a total FSR of 0.4:1 or 416.8m² and accordingly will comply with the control.

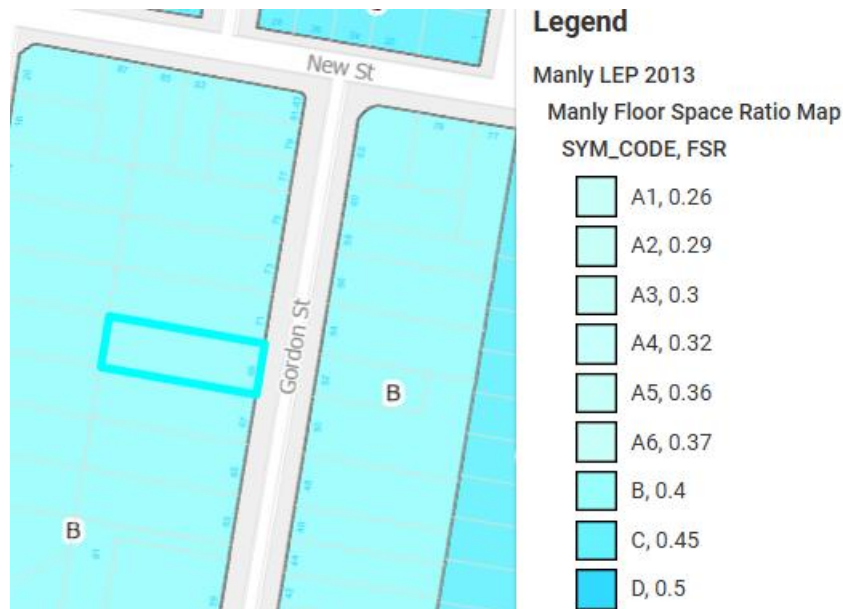


Fig 17: Extract of Manly Local Environmental Plan 2013 Floor Space Ratio Map

Clause 6.1 – Acid Sulfate Soils.

The area is identified with the Class 5 Area. As the works are not expected to disturb any acid sulfate soils, it is considered that no further investigation of the soil is warranted in this instance.

Clause 6.2 – Earthworks

The proposal, including the construction of a new ground floor level and swimming pool, will require a moderate degree of excavation to accommodate the design.

The extent of earthworks has been carefully considered and is limited to that which is necessary to achieve a functional layout and ensure appropriate building integration with the natural topography of the site. The proposed excavation is not excessive and has been designed to minimise disruption to the existing landform and surrounding environment.

The application is supported by a Geotechnical Investigation prepared by White Geotechnical Group under Report Reference J6101 dated 17 April 2025. This report provides a detailed assessment of the site conditions and confirms the suitability of the land for the proposed works, subject to standard geotechnical and structural management practices.

All excavation and associated construction activities will be undertaken in accordance with the recommendations of the Geotechnical Report and under the supervision of qualified Geotechnical and Structural Engineers. Appropriate safeguards will be in place throughout construction to ensure the structural integrity of both the subject dwelling and adjacent properties is maintained, and that any potential adverse impacts to surrounding land and buildings are avoided.

The proposed earthworks will not result in any significant adverse impact on drainage patterns, soil stability, or the visual amenity of the locality. Nor will the works lead to any negative impacts on public infrastructure, the environment, or cultural heritage.

Accordingly, the proposal is considered to comply with the objectives and provisions of Clause 6.2 of the Manly Local Environmental Plan 2013, and the earthworks are suitable for the context and constraints of the site.

Clause 6.4 – Stormwater management

The proposal meets the objectives of the clause as stated below in that:

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The proposed development complies with Clause 6.4 of the Manly Local Environmental Plan 2013, which aims to ensure that stormwater is effectively managed to protect water quality, reduce flooding risk, and avoid adverse impacts on adjoining land and the public domain.

The stormwater drainage design for the dwelling has been prepared in accordance with Council's engineering standards and relevant Australian Standards. The proposed works will incorporate a suitable on-site stormwater drainage system that collects and conveys runoff from roof areas, paved surfaces, and the swimming pool to a proposed drainage easement through the lower property facing Russell Street.

Discussions with the new purchaser of the property immediately to the west of the site I have indicated that a interop drainage easement will be provided to a level stormwater to be collected and directed to the street gutter in Russell Street.

All stormwater will be directed to an approved connection point in accordance with Council requirements, with appropriate measures in place to control the quality, volume, and velocity of runoff. This ensures there will be no adverse impacts on the stormwater systems of adjoining properties or the natural drainage patterns of the area.

In addition, the development includes permeable landscaped areas that assist in promoting groundwater infiltration and minimising the extent of impervious surfaces across the site.

The disposal of stormwater from the development is addressed within the hydraulic details prepared by Taylor Consulting Engineers.

Overall, the proposal demonstrates a compliant and sustainable approach to stormwater management and satisfies the provisions and objectives of Clause 6.4 of the MLEP.

Clause 6.8 – Landslide risk

The subject site is not identified on Council’s DCP mapping as being within a designated Landslip Hazard Area. Notwithstanding, to ensure best practice and compliance with Clause 6.8 of the MLEP, a Geotechnical Investigation has been prepared White Geotechnical Group under Report Reference J6101 dated 17 April 2025. And submitted in support of the development application.

The report assesses the stability of the site and the suitability of the land for the proposed development. It confirms that the site is capable of accommodating the proposed works, subject to compliance with the recommendations outlined within the report.

All excavation and construction works will be undertaken in accordance with the guidance of a qualified Structural Engineer and the recommendations of the Geotechnical Report. This approach ensures the ongoing stability of the site and safeguards the structural integrity and amenity of both the subject dwelling and adjoining properties.

As such, the proposal is considered to be consistent with the objectives and provisions of Clause 6.8 of the Manly LEP, ensuring that any potential risks associated with landslip are appropriately mitigated through informed and professionally supervised construction practices.



Fig 18: Extract of Manly Potential Geotechnical Landslip Hazard Areas

Clause 6.9 - Foreshore scenic protection area

The subject site is located within the designated Foreshore Scenic Protection Area as identified under Clause 6.9 of the Manly Local Environmental Plan 2013. The clause seeks to ensure that development within the foreshore area is sympathetic to the existing natural and built environment, maintains the scenic and visual quality of the foreshore setting, and minimises adverse visual impacts when viewed from public areas, waterways, and neighbouring properties.

The proposed new dwelling has been carefully designed to respond sensitively to the site’s topography, natural features, and its coastal setting. The architectural form adopts a contemporary design with a well-articulated building envelope that avoids excessive bulk or scale. The development remains consistent with the established built form character of the surrounding area.

The siting of the dwelling ensures that view corridors to the south-west of the building location will be preserved and visual connections to the foreshore and surrounding landscape are retained, with the proposed building stepping with the slope and presenting a low-profile roof form. The external material palette consists of natural tones and textures that blend with the coastal and vegetated backdrop, contributing to visual cohesion within the locality.

Substantial landscaping is proposed across the site, particularly to the front and rear boundaries, which will assist in softening the built form and ensuring that the development integrates into its foreshore environment. No significant vegetation will be removed as part of the proposal.

The development will not result in any adverse overshadowing or loss of outlook to neighbouring properties, nor will it dominate the natural landscape or result in adverse visual impacts from public vantage points.

Accordingly, the proposal is considered to be consistent with the objectives of Clause 6.9 and represents a high-quality design outcome that respects the visual and environmental sensitivities of the Foreshore Scenic Protection Area.

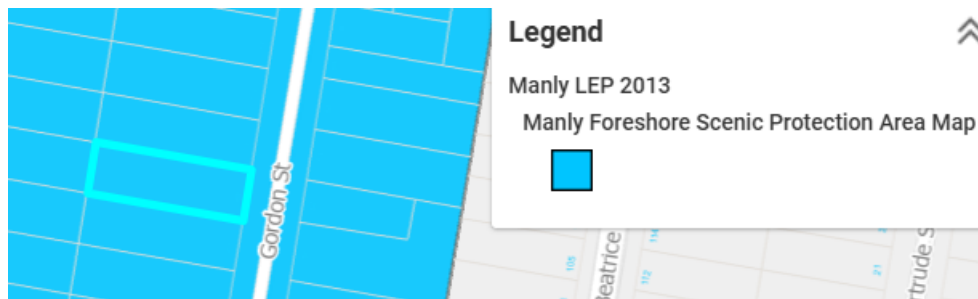


Fig 19: Extract of Manly Local Environmental Plan 2013 Foreshore Scenic Protection Area Map

Clause 6.12 – Essential services

The services available for the existing dwelling on site will be made available for the proposed new dwelling.

There are no other clauses of the MLEP 2013 that are considered to be relevant to the proposed development.

It is considered that the proposal achieves the requirements of the MLEP.

6.4 Manly Development Control Plan 2013

Council's DCP Development Control Plan 2013 – Amendment 14 provides the primary control for development within the area.

The DA submission will address the Council's submission requirements outlined in Part 2 – Process.

The primary areas which are applicable to the proposed works are detailed within Part 3 – General Principles of Development & Part 4 – Development Controls and Development Types.

Clause 3.1.1 Streetscape (Residential Areas)

The proposed development will maintain a two and three storey scale which is stepped to follow the siting topography of the site, which minimises the visual bulk of the development.

The intended outcomes are noted as:

- i) *complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;*
- ii) *ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed from surrounding public and private land;*
- iii) *maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys;*
- iv) *avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like. See also paragraph 4.1.8 Development on Sloping Sites and paragraph 4.1.9 Swimming Pools, Spas and Water Features;*
- v) *address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also paragraph 3.2 Heritage Considerations;*
- vi) *visually improve existing streetscapes through innovative design solutions; and*
- vii) *Incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged. See also paragraph 3.5.7 Building Construction and Design*

The proposal will see the demolition of the existing dwelling and swimming pool with the construction of a new dwelling house, swimming pool and associated landscaping.

The proposed new dwelling has been designed to complement and enhance the existing streetscape character of the residential area, key elements include:

- **Built Form and Scale:**
The dwelling maintains a bulk, and scale that is consistent with surrounding residential properties, preserving the rhythm and character of the street. The two storey form when

- viewed from street level has been carefully articulated to avoid visual dominance and ensure a sympathetic relationship with neighbouring homes.
- **Setbacks and Orientation:**
Front and side setbacks have been designed to align with prevailing setback patterns within the street, contributing to visual consistency and preserving open space between dwellings. This reinforces the sense of openness and rhythm along the street frontage.
 - **Façade Articulation and Materials:**
The façade incorporates a mix of high-quality materials, textures, and architectural features that reflect the local character and contribute positively to the streetscape. Window placements, roof forms, and entry elements have been thoughtfully considered to maintain human scale and street activation.
 - **Landscape Integration:**
Landscaping has been integrated into the front setback to soften the building edge and provide a green buffer to the street, consistent with the landscaped character of Gordon Street. Existing significant vegetation has been retained where possible.
 - **Fencing and Front Boundaries:**
The proposed front fencing is from 1.2m to 1.8m corresponding with the slope of the site, combined with open timber panelling that maintains passive surveillance and a positive relationship with the public domain.

In summary, the proposed dwelling respects the established streetscape through sensitive design with the new dwelling being complementary to the existing locality and the surrounding development, and are therefore worthy of Council's support.

Clause 3.3 Landscaping

The proposed new dwelling has been designed with careful consideration to ensure landscaping contributes to the environmental, aesthetic, and functional quality of the site and its surrounds.

The landscaping is integrated into the overall site layout to soften the appearance of new dwelling while enhancing the streetscape, and create a welcoming interface between the private and public domain.

Where possible, existing significant trees and vegetation on the site have been retained and protected particularly in the front setback, in order to support local biodiversity and preserve the established green character of the area.

The proposal more than meets the minimum 60% open space requirement and 40% landscape requirement at 62.04% or 646.56m² and 55.8% or 361.23m² respectively.

A comprehensive Landscape Plan for the managed replanting of the site and the new terrorist areas within the rear yard has been prepared by Serenescapes, Project No 251290, Sheets No's L01-12, Revision D dated 14 May 2025, which provides for landscaping in in all setbacks particularly the front and rear setbacks which enhances the visual amenity and contribute to stormwater management and thermal comfort.

The landscaping species scheme ensures a diverse range of native and drought-tolerant species has been selected to complement the natural environment, with layered planting to provide

visual interest and effective screening where necessary.

Accordingly, the landscaping strategy for the new dwelling promotes a balance between built form and green space, enhancing the visual appeal of the site, and contributing to the Clontarf area.

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

The objectives of the clause are noted as:

- Objective 1) To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties.*
- Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.*

The impact on view lines was considered during the design of the proposal. In determining the extent of potential view loss to adjoining and nearby properties, particularly No 67 Gordon Street, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.

1: Nature of the views affected "The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

Comment to Principle 1: A view sharing analysis has been undertaken from the properties on the south and western high side of the site, which enjoy views towards Ther Spit, Balmoral & Chinamans Beach and the Spit waterway. The view is obviously one that is highly valued by the occupants.

The view is achieved primarily over the subject site's northern side boundary, towards the south and south-west.

It is understood that views and outlook to the south and south-west are available from the ground floor main living areas and rear principal private open space. The first floor level of the and neighbouring dwelling at No 71 Gordon Street has more expansive views from the first floor bedroom areas, I with the views to the main bedroom and the rear deck area looking directly south and south-west.

Of particular relevance with this application is that the proposed new dwelling intends to extend west of its current location and will impact on the views directly south from the first floor bedroom. Views to the south-west and from the rear balcony from the main bedroom level will be retained.

The views are of Balmoral and the Spit waterway and Middle Harbour, together with the interface between the land and the ocean water are considered to be highly valuable in the context of these principles.

2. What part of the affected property are the views obtained “The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic”.

Comment to Principle 2: Views are primarily obtained from the south and south-western facing primary living rooms and outdoor entertaining space and from the first floor master bedroom at the rear.

The views directly south from the first floor master bedroom will be impacted however the south-westerly views and views from the rear balcony off the main bedroom will be largely preserved when looking to the south.

Views from a bedroom level which are enjoyed across a side boundary would be given less importance when compared to the retention of views from principal living areas. The views to be r bedroom level to the south-west balcony in both a standing and seated position.

3. Extent of impact “The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.

Comment to Principle 3: As previously discussed, the proposal will see the construction of a new dwelling which seeks to extend to the rear its current location. The building complies with Council floor space ratio and critically, the height of the rear of the dwelling when measured above existing ground level at the north-western corner will be 6.5m, comfortably compliant with Council’s maximum 8.5m overall height. Additionally, the proposed side setback of 2.2m, also complies with Council’s side setback control of one third of the proposed wall height ($6.5\text{m} / 3 = 2.166\text{m}$).

Notwithstanding that direct views to the south would be affected by the proposed master bedroom portion of the upper floor level, views through the rear terrace from the master balcony from the master bedroom and views to the south-west of the new dwelling location will be preserved for the neighbouring property at No 71 Gordon Street.

Given the totality of view available for No 71 Gordon Street and which are to be retained,, it is considered that the proposal does result in adequate view sharing being achieved.

4. Reasonableness of the proposal that is causing the impact “The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. 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. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

Comment to Principle 4: The question of a more skilful design has been considered in that the design by adopting a flat roof and by limiting the western lateral extent of the first floor level to ensure that view sharing is retained to the south west of the new building footprint and also directly south from the most westerly portions of the neighbouring dwelling.

The proposed development complies with the required building height and provides varied and generous side setbacks. Of relevance to view sharing, the development presents a flat roof form in lieu of a pitched roof form which retains the opportunity for more views and sky to be enjoyed for the northern neighbours, directly to the south from the rear upper floor deck and ground floor rear living areas and to the south-west.

Conclusion

The current view lines for the northern property will be affected at the first floor level however views past the rear of the proposed development and towards the south-west will be otherwise be preserved. Views to the south and south-west from the rear upper floor deck and rear ground floor level outdoor recreation spaces will be maintained across the rear yard of the subject premises.

The proposal’s compliance with the building height and side setback controls at its north-western southern perimeter combined with design features such as a flat roof form and open rear balcony at the upper level, maintains a reasonable view sharing corridor with the additional view loss considered to be reasonable and view sharing acceptable.

The proposed development complies with the principles of view sharing and demonstrates adequate design solutions in an attempt to facilitate appropriate view sharing.

The proposed new dwelling has been designed to maintain and enhance the amenity of both the future occupants and neighbouring properties.

The dwelling has been oriented and designed to maximise natural light to internal living areas and private open spaces. Shadow diagrams submitted with the application demonstrate that adequate solar access is maintained to adjoining properties, particularly their private open space and key living areas, with shadow cast from the new development to be largely subsumed by the existing shadow impacts.. Internal layouts are designed to ensure adequate cross-ventilation and natural daylighting, promoting energy efficiency and occupant comfort.

The design minimises overlooking and maintains visual privacy for adjacent dwellings through the use of screening, appropriate window placement, and generous side setbacks. Upper-floor

windows facing neighbouring properties are either highlight or positioned so to prevent direct sightlines.

The layout of indoor and outdoor recreational and high use areas has been planned to reduce noise impacts on neighbouring properties by being located away from sensitive boundaries, and elements such as privacy screening to create acoustic buffering are used where appropriate.

The building form of the new dwelling is well-articulated, with varied setbacks, rooflines, and materials that reduce perceived bulk and integrate the structure into the surrounding context. This contributes positively to both site amenity and streetscape character.

The siting and design of the dwelling respect existing view corridors from neighbouring properties, avoiding unnecessary obstruction of significant vistas.

In summary, the new dwelling complies provides a high standard of residential amenity while protecting the reasonable amenity expectations of neighbouring properties.

Clause 3.5 Sustainability

A BASIX certificate is provided with the application. Other sustainability features such as green roofing, solar panels and choice of materials are also incorporated into the new dwelling design.

Clause 3.7 Stormwater Management

All stormwater infrastructure has been designed in accordance with Northern Beaches Council's stormwater drainage design specifications and is supported by a hydraulic engineer's report, prepared by Taylor's Consulting Engineers, Drawing No STORM – 1/A & STORM -2?A dated 14 May 2025, ensuring compliance with relevant technical standards.

The proposed new stormwater management system has been designed in accordance with Councils requirements to ensure effective stormwater management.

The proposed works incorporates an on-site stormwater detention system designed to manage runoff from impervious surfaces, and a drainage system directed to a proposed stormwater easement over the western property, which will be provided in conjunction with the new owner of the rear western allotment, in order to reduce the impact on downstream infrastructure.

The landscape design reduces hard surface coverage by incorporating green roofing and landscaped areas to promote natural infiltration and reduce peak runoff volumes.

In summary, the proposed stormwater management system effectively manages runoff, protect surrounding properties and the natural environment, and comply with Council requirements.

Part 4 – Residential Development Controls**Site Area 1042m² - Density Sub Zone R (750m² per lot)****Compliance Table**

Control	Required	Proposed	Compliance
Clause 4.1.1 Residential Density & Subdivision	Density Area R – 1 dwelling per 750m ²	Site area 1042m ²	Yes – existing site and dimensions are unchanged
Clause 4.1.2 Height of Buildings	Maximum height – 8.5m Wall height – INSERT (site gradient 6m) Max two storeys Roof height – 2.5m above wall height	Maximum height of new works – 9.54m Max proposed wall height 9.54m which presents a minor variation to this clause. Three storeys proposed Roof height <2.5m	Yes – See Clause 4.6 Written Request Yes – on merit (see below) Yes – on merit (see below) Yes
Clause 4.1.13 Floor Space Ratio (FSR)	0.40:1	Proposed FSR 0.4:1	Complies with control
Clause 4.1.4 Setbacks (front, side and rear) Side Boundary setback – 1/3 of wall height	<u>Front</u> a) Relate to neighbouring sites and the prevailing building lines or 6m <u>Side</u> 1/3 x wall height North side – 6.5m wall height /2.166m setback required South side	Proposed front setback of dwelling 17.568m The side setbacks of the proposal are as follows: North side – 2.2m – 3.13 - Complies	Yes Yest

Control	Required	Proposed	Compliance
Rear setback – 8m	<p>LGF – wall height $3.5\text{m}/3 = 1.16\text{m}$</p> <p>GF Wall height – $7.6\text{m}/3 = 2.53\text{m}$</p> <p>FF wall height – $9.54\text{m}/3 = 3.18\text{m}$.18m setback required</p>	<p>South side LGF – 1.028m – 4.087m</p> <p>GF - 2.287m – 4.087m</p> <p>FF – 4.791m</p> <p>The ground floor deck and swimming pool titled area is located on the northern boundary.</p> <p>The proposed new dwelling is 20.521m and the outdoor terrace area sites 15m from the rear setback and therefore complies with this control.</p> <p>New retaining walls and terraced landscaped areas are provided within the rear setback</p>	<p>Yes – on merit</p> <p>Yes – on merit</p> <p>Yes</p> <p>Yes</p>
Clause 4.1.5 Open space and Landscaping	<p>Area OS 3</p> <p>Open space: Min 60% site area</p> <p>Landscaping: 40% of open space</p>	<p>Proposed open space 62.04% or 646.56m² and of which, the proposed landscaping is 55.8% or 361.23m².</p>	Yes
Clause 4.1.6 Parking	Min 2 spaces	<p>The proposal will provide for two (2) off- street car spaces in the new double garage, thereby complying with the minimum two (2) spaces.</p>	Yes

<p>Clause 4.1.6.4 Vehicular Access</p>	<p>a) All vehicles should enter and leave the site in a forward direction.</p> <p>b) Vehicular access and parking for buildings with more than 1 dwelling is to be consolidated within one location, unless an alternative layout/design would better reflect the streetscape or the building form.</p> <p>c) Vision of vehicles entering and leaving the site must not be impaired by structures or landscaping.</p> <p>d) Particular attention should be given to separating pedestrian entries and vehicular crossings for safety.</p>	<p>A new driveway is provided from Gordon Street to provide access to the proposed new garage.</p> <p>The proposed vehicular access point will not be obscured by structures or landscaping.</p> <p>Forward entry and exit is not available due to constraints in the available area.</p>	<p>Yes</p>
<p>Clause 4.1.8 Development on Sloping Sites</p>	<p><i>Area G24 – Potential Hazards</i> Potential Geotechnical hazards in this area include:</p> <ul style="list-style-type: none"> • Rock falls and slumping of soil and fill materials from unsupported cuts and natural cliffs onto public and private pathways and roadways • Possible creep of talus materials on 	<p>The site is not identified on Council's DCP mapping as being within the Landslip Hazard Map. However, due to the sloping terrain and the excavation for the lower ground floor and swimming pool a Geotechnical investigation has been prepared by White Geotechnical Group, under Report Reference J6010 dated</p>	<p>Yes</p>

	<p>steeper soil covered slopes.</p> <ul style="list-style-type: none"> Possible movement of detached blocks of sandstone. Limited to moderate damage of some or part of structures (for example dwelling or roadway), with part of site requiring some stabilisation works. Large scale stabilisation works unlikely to be required. 	<p>17 April 2025 the report provides recommendations for good design and building practice is to be followed to ensure that site remains stable.</p> <p>The proposal will be carried out in accordance with the recommendations contained within the report and therefore satisfy the provisions of this clause.</p>	
<p>Clause 4.1.9 Swimming pools, spas and Water features</p>	<p>Height above ground not more than 1m</p> <p>Setback of outer edge of pool concourse from side and rear boundaries must be at least 1m with water line being at least 1.5m from the boundary.</p> <p>Pool not to exceed 30% of total open space</p>	<p>The proposal seeks to provide a new inground swimming pool in the rear yard.</p> <p>The proposed pool is up to approximately 3.33m above ground level within the rear yard however as the pool is set a substantial distance from the southern and western side boundaries, the elevated nature of the pool does not introduce any significant visual or amenity impacts to neighbouring properties.</p> <p>The pool comprises less than 30% of the site area.</p>	<p>Yes – on merit (see below)</p>

<p>Clause 4.1.10 Fencing</p>	<p>Freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point.</p> <p>In relation to open/transparent fences, height may be increased up to 1.5m where at least 30 percent of the fence is open/ transparent for at least that part of the fence higher than 1m.</p>	<p>The front fencing is 1.2m to 1.8m above the natural ground level.</p> <p>The proposed fence, ranging from 1.2m to 1.8m in height, responding appropriately to the site's slope. The design steps with the natural ground level to maintain a consistent appearance and minimise visual bulk. The front fence preserves streetscape openness and sightlines, while providing necessary privacy and security, using materials that complement the dwelling and local character.</p>	<p>Yes – on merit</p>
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Clause 4.1.2 Height of Buildings

The building height variation is addressed via the MLEP clause 4.6 written request submitted with the application.

The existing dwelling house is three storeys, with the new dwelling house reflecting the existing storeys on the site. The upper level is recessed and articulated to reduce visual bulk, with the roof form, varied setbacks and external finishes to integrate harmoniously with the streetscape and reduce the perception of height. The dwelling will continue to present as a two storey dwelling house when viewed from the Gordon Street frontage, therefore maintaining consistency with the visual presentation of the existing streetscape.

Despite the numerical non-compliance, the wall planes are well-articulated, with the new dwelling design utilising a varied roof form and high-quality materials to minimise visual bulk. There are no significant impacts in terms of overshadowing, privacy, or view loss for adjoining properties as a result of the building height non-compliance.

The variations cannot be viewed from the public streetscape, therefore the streetscape character is maintained.

The design response reflects a sensitive and practical solution to the site's topography, and the proposed variations are considered to be consistent with the objectives of the control and acceptable on merit.

Clause 4.1.4 Setbacks (front, side and rear)

The proposed new dwelling includes a minor variation to the side setback control for elements of the southern wall, however the minor variations responds appropriately to the site's constraints and surrounding context.

The reduced side setback has been carefully considered in the design to ensure that key amenity outcomes are still achieved. The building is articulated, with varied wall planes and window placement to minimise visual bulk and avoid overlooking.

Privacy impacts have been addressed through high sill or privacy screening where necessary, and no unreasonable overshadowing occurs on adjacent properties, with solar access retained during key required daylight hours.

The sloping nature of the site allows for the external recreational areas to sit well below the adjoining neighbouring site, minimising any potential overlooking.

The variation also allows for a more efficient and functional use of the site without compromising landscaping, visual separation between dwellings, or streetscape character. Accordingly, the proposal maintains a consistent rhythm and spacing with neighbouring developments, particularly where existing buildings also feature varied side setbacks due to the area's diverse built form due to the sloping topography of the site.

In this context, the variation to the side setback is minor in nature and does not result in any adverse impact to adjoining properties or the public domain and is acceptable on merit.

Clause 4.1.9 Swimming Pool

The proposed elevated swimming pool is appropriately designed for a sloping site. The pool is positioned to minimise visual and privacy impacts on neighbouring properties, with generous setbacks that respect adjoining boundaries. The elevation has been carefully managed through terracing and screening to reduce bulk and integrate with the natural topography.

Swimming pool equipment is acoustically treated and located away from sensitive areas to minimise noise impacts.

Adequate drainage is provided to manage water runoff downslope, and safety fencing is both compliant and visually unobtrusive.

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

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

There are no draft instruments applying to the land.

7.3 Any development control plan

The development has been designed to largely comply with the requirements of Council's Manly Development Control Plan 2013.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular, we consider that the variation to the wall height and side setback controls are a reasonable alternative solution

to compliance where the site conditions results in a challenge to designing for new development which fully respects the criteria.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 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

No matters of relevance are raised in regard to the proposed development.

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

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks consent for the proposed demolition of the existing dwelling and construction of a new dwelling including swimming pool and associated landscaping, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's MLEP 2013 and Council's Codes and Policies, in particular the Manly DCP 2013.

7.7 The suitability of the site for the development

The subject land is currently zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013 and is considered suitable for the proposed development.

7.8 Any submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The principal objective of this development is to provide for the proposed demolition of the existing dwelling and construction of a new dwelling, which will incorporate a new swimming pool and associated landscaping, which respects and complements the site's location.

The proposal is a site-specific design response which takes advantage of the properties locational attributes whilst respecting the environmental characteristics of the site and the amenity of adjoining development.

The outcome is a modernised dwelling of exceptional design quality which displays a highly articulated building form which appropriately responds to the sites existing dwelling, geometry and the environmental constraints. The design responds appropriately in relation to privacy, solar access and views.

The proposals floor area is appropriately distributed across the site in order to retain generous landscaped area. The building displays a complimentary and compatible building form when compared to other development located along this section of Gordon Street and within the site's visual catchment generally.

The articulated side boundary setbacks maintain the rhythm of development and building setbacks within the street and provide appropriately for spatial separation, deep soil landscape opportunity, privacy, solar access and view sharing.

The new internal design and arrangement will afford exceptional amenity and functionality to future occupants without unreasonably compromising the amenity of surrounding residential properties or the foreshore scenic attributes of the locality.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbour's amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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