



STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations and additions to an existing dwelling

Lot 10 DP 589949

4 Gilbert Street

Manly

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1 Introduction

This Statement of Environmental Effects accompanies a development application for the alterations to an existing dwelling on land identified as Lot 10 DP 589949, 4 Gilbert Street Manly.

The primary topics addressed in this report are:

- Site description
- Details of the proposal;
- Summary and assessment against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 (as amended).

This Statement of Environmental Effects confirms that the proposed development is suitable and appropriate in the context of the area and all relevant statutory and non statutory planning policies. As such it is considered that the proposal can be supported and approved by Council.

1.1 Site Description

The subject site is commonly known as 4 Gilbert Street, Manly and legally known as Lot 10 in DP 589949. The site is located on the northern side of Gilbert Street. The site is irregular in shape and has a frontage of 15.475m to Gilbert Street. The site has a length of 11.77m on the eastern side and 10.375m on the western side. The rear boundary is jagged and a site area of 171.7sqm. The site currently contains a one and two storey dwelling house single garage integrated into the building. The site slopes from the western side down to the eastern side.

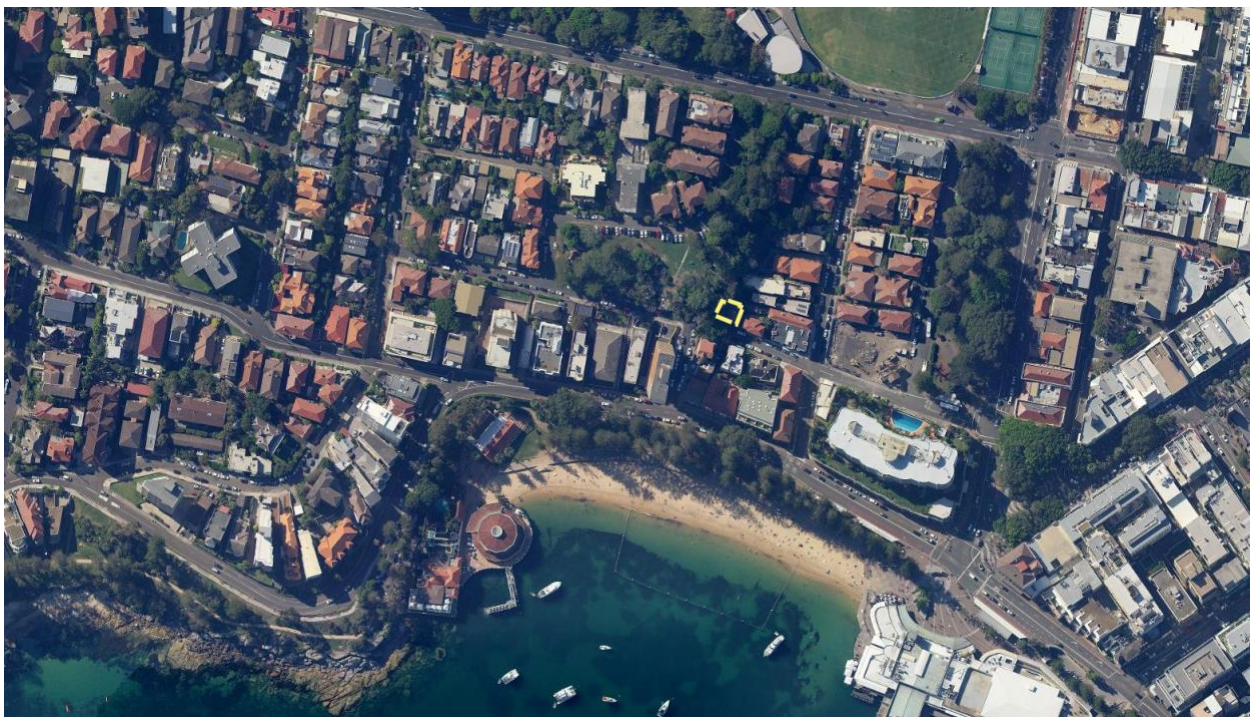


Figure 1: Aerial Image of Site & Surrounding Area



Figure 2: Map of the subject site

1.2 Proposed Development

The proposed development involves the **alterations and additions to an existing dwelling**.

The alterations and additions comprise of:

- Alterations to the lower ground floor
- Alteration to the ground floor, including an extension of the dining room
- Addition of a first floor to the dwelling, including a master bedroom, ensuite, bedroom, bathroom, and office.
- A new staircase and lift
- A swimming pool and associated landscape work
- Fencing and a gate at the front of the dwelling

1.3 Approvals Sought

The application, which this Statement of Environmental Effects supports, seeks consent under section 4.15 of the Environmental Planning and Assessment Act, 1979 for the proposed development.

2 Planning Assessment

2.1 Environmental Planning & Assessment Act 1979 (EP&A Act)

The relevant objects of the Act are:

(a) to encourage:

(ii) the promotion and co-ordination of the orderly and economic use and development of land.

This application is consistent with the objects of the Act as the proposed development enables the orderly and economic use of the land.

2.1.1 Integrated Development

Section 4.46 of the EP&A Act defines integrated development as development that requires development consent by one or more approvals under another Act. **The subject proposal does not trigger integrated development as detailed under S.4.46 of the EP&A Act.**

2.1.2 Designated Development – Section 4.10

Schedule 3 of the Environmental Planning and Assessment Regulations 2000 prescribes development which, if of the relevant type and size, may be considered to be Designated Development. In this case it is our opinion that the development would not trigger any of the designated development provisions.

2.2 Section 4.15 Assessment

Section 4.15 of the EP&A Act outlines the matter for consideration in the determination of a Development Application. The relevant matters for consideration are addressed individually below.

2.2.1 Environmental Planning Instruments - Section 4.15 (1)(a)(i)

2.2.1.1 State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 is a NSW-wide planning approach to the remediation of contaminated land. When considering a Development Application, the consent authority must observe the requirements of SEPP 55. The significant clause of SEPP 55 is clause 7, which is outlined below.

Clause 7 - Contamination and remediation to be considered in determining development application

Under Clause 7, a consent authority must not consent to the carrying out of any development on land unless:

(a) It has considered whether the land is contaminated, and

(b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

In accordance with Clause 7 of SEPP 55, Council must consider whether the land is potentially contaminated. The land where the proposed development is located is in an existing residential area and shows no sign of previous contamination.

SEPP Infrastructure 2007

This policy sets out certain requirements to smooth the path of mainly large infrastructure projects. In this case the policy requires the consent authority to ensure infrastructure is adequate to accommodate the development proposal, which is held to be of the traffic-generating variety. As the development is for a residential development, 104 (2) of the SEPP is not triggered in this instance.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP SHC 2005):

The subject site is located within the Sydney Harbour Catchment therefore the provisions of this plan apply to this development. The site is not located within the foreshore and waterways area as a result only the Clause 2 of SREP SHC 2005 are applicable. The proposal is considered to be consistent with the Clause 2 Aims of SREP SHC 2005.

State Environmental Planning Policy (Coastal Management) 2018

The subject site is identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 is to:

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

(a) managing development in the coastal zone and protecting the environmental assets of the coast, and

(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and

(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*

- f) *to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- g) *to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- h) *to promote integrated and co-ordinated coastal planning, management and reporting, and*
- i) *to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- j) *to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- k) *to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- l) *to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- m) *to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under Division 5 of SEPP (Coastal Management) 2018 are:

The relevant provisions of this clause are addressed as follows:

Division 3 Coastal environment area

13 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*
- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *The development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*

- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment:

The proposal provides for the alterations and additions to the existing dwelling. The proposed works will be carried out in accordance with the recommendations of the consulting Structural Engineer, which will ensure that appropriate structural integrity for the site will be maintained. The proposed development seeks to reduce the amount of excavation on site by utilising an existing rock outcropping and the natural step in the land to provide a suitable location for the development.

The collected stormwater will be directed to the existing stormwater system. The proposed stormwater management system will comply with Council's Water Management Policy.

Sediment and erosion control measures will be carried out to minimise the impact of the works on the waterway.

Division 5 General

15 Development in coastal zone generally—development not to increase risk of coastal hazards

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.

Comment

The proposal provides for the alterations and additions to the existing dwelling. The proposed new works, due to the considerate design for the context of the site, are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment: No coastal management programs have been identified.

17 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*

- (b) *permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

Comment: Noted

18 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) *the coastal wetlands and littoral rainforests area,*
- (b) *the coastal vulnerability area,*
- (c) *the coastal environment area,*
- (d) *the coastal use area.*

Comment

Noted

2.2.1.2 Manly Local Environmental Plan 2013

The Manly Local Environmental Plan 2013 (LEP 2013) is the applicable local planning instrument for the site.

Local Environmental Plan	
Matter	Relevant Control
Zoning	R1: General Residential
Zone Objectives	<p>The objectives of this residential zone are:</p> <ul style="list-style-type: none">• To provide for the housing needs of the community.• To provide for a variety of housing types and densities.• To enable other land uses that provide facilities or services to meet the day to day needs of residents.
Permitted without consent	Home-based child care; Home occupations

Permitted with consent	Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems
Prohibited	Advertising structures; Water treatment facilities; Any other development not specified in item 2 or 3
Height of Building	The site is located in an area with an 11m height limit.
Architectural Roof	Clause 5.6 allows Height of Building exceedance.
Floor Space Ratio	The site is located in an area with a prescribed floor space ratio of 0.75:1.
Minimum Lot Size	The site is located in an area with a 250sqm minimum lot size.
Heritage	Not of heritage significance.
Acid Sulphate Soils	The site has Class 5 Acid Sulphate Soils.
Land Acquisition	Not identified for acquisition.
Mine Subsidence	Not identified as mine subsidence.
Bushfire	The site is not located within a bushfire area.
Flood Prone Land	Not identified as being flood prone land
Wetlands	Not identified as Wetlands.
Watercourses	No identified watercourses.
Scenic Protection Land	The site is identified as Scenic Protection Land.

Clause 4.1 Minimum subdivision lot size

The clause provides the minimum lot size requirements for subdivision. The minimum subdivision lot size for the site is 250sqm. The development is not for subdivision.

Clause 4.3 Height of buildings

The clause provides the maximum building height limit for the area. The maximum height of a building allowed within that area is 11m. The proposed development complies with the standard.

Clause 4.4 Floor space ratio

The site is located within the 0.75:1 FSR Ratio area of the Floor Space Ratio Map. The site has a lot size of 171.7sqm and therefore a maximum GFA of 128.83sqm. The proposed development has a GFA of 171.8sqm or a FSR of 1:1. Despite the non-compliance with the development standard the development is considered to be acceptable due to the site constraints and a variation request under clause 4.6 is provided to support the non-compliance.

Clause 4.6 Exceptions to development standards

The clause provides an avenue to seek a variation to development standards. It is noted that the development does not comply with clause 4.4 and an exception to the development standard is requested under clause 4.6.

Clause 5.10 Heritage conservation

Subclause (5) allows Council to require a heritage management plan to be prepared where a development is proposed on a site that is *within the vicinity of a heritage item*. The site is not listed as being a heritage item or in the vicinity of a heritage item.

2.2.2 Proposed Instruments - Section 4.15 (1)(a)(ii)

There are no proposed instruments that are or have been the subject of public consultation under the Act and that have been notified to Council that would have implications for this development application.

2.2.3 Manly Development Control Plan 2013 - Section 4.15 (1)(a)(iii)

Manly Development Control Plan 2013 (DCP) applies to the site and outlines specific development requirements for residential development. The provisions of the DCP must be considered in the assessment of the proposed development.

Development Control	Compliance
Part 3 General Principles of Development	
3.1.1 Streetscape	See discussion
3.1.1.1 Complementary Design and Visual Improvement	
a) Development in the streetscape (including buildings, fences and landscaping) should be designed to: 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	

<p>also paragraph 3.4 Amenity) when viewed from surrounding public and private land;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>vi. visually improve existing streetscapes through innovative design solutions; and</p> <p>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.</p>	
<p>Setback Principles in Low Density Areas</p> <p>b) In lower density areas including LEP Zones R2, E3 & E4, setbacks should be maximised to enable open space to dominate buildings, especially on the foreshore.</p> <p>c) In higher density areas (including LEP Zones R1 & R3), careful consideration should be given to minimising any loss of sunlight, privacy and views of neighbours. This is especially relevant in the design of new residential flat buildings adjacent to smaller developments. See also paragraph 3.4 Amenity.</p>	
<p>3.1.1.2 Front Fences and Gates</p>	<p>New spaced metal fencing and a gate will be included at the front of the site. The fencing and gate will not conflict with the existing</p>

<p>a) Notwithstanding maximum height provisions for fencing at paragraph 4.1.10; the siting, height and form of boundary fences and walls should reflect the fencing characteristic of the locality, particularly those of adjacent properties. All fencing and wall materials must be compatible with the overall landscape character and the general appearance of the building and the streetscape.</p> <p>b) Boundary fences or walls must not be erected where they would conflict with the local character.</p> <p>c) Front fences and gates must be constructed in materials that complement the architectural style and period of the dwelling and improve the streetscape. In particular, fencing adjacent to a public road or place must not be constructed in metal cladding, powder coated or otherwise.</p> <p>d) Gates must not encroach on public land when opening or closing.</p>	<p>characteristics of the area and will complement the alterations and additions of the dwelling.</p>
<p>3.1.13 Roofs and Dormer Windows</p> <p>a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.</p> <p>b) Roofs should be designed to avoid or minimise view loss and reflectivity.</p> <p>c) Dormer windows and windows in the roof must be designed and placed to compliment the roof structure and reflect the character of the building. In particular, such windows are not permitted on the street frontage of the building where there is no precedent in the streetscape, especially on adjoining dwellings.</p>	<p>The roofing design for the dwelling will be a low profile roof with black powder coated fascia. Underneath this will be a parapet roof created using Colourbond 'Kip-Lok' roof sheeting. The flat roof design is to ensure the development does not create any view loss or reflectivity for surrounding dwellings.</p>
<p>3.1.1.4 Garages, Carports and Hardstand areas</p> <p>a) Garages, carports and hardstand areas must be designed and sited in a manner that does not to dominate the street frontage by:</p>	<p>The existing garage will remain on the lower ground floor of the dwelling.</p>

<p>i) its roof form, material choice and detailing by being subservient to the associated dwelling; and</p> <p>ii) being compatible with the streetscape and the location in relation to front setback criteria.</p> <p>b) Exceptions to setback criteria referred to in this paragraph may be considered where parking structures are a positive element of the streetscape.</p>	
<p>3.1.1.5 Garbage Areas</p> <p>Buildings with more than 1 dwelling require garbage storage enclosures which are:</p> <p>a) not visible off site;</p> <p>b) integrated into the building design; unobtrusive and blend in with the design of front fences and walls when forward of the building;</p> <p>c) located and designed with consideration given to the amenity of adjoining properties.</p>	<p>The existing garbage area of the dwelling will remain.</p>
<p>3.1.3 Townscape</p> <p>3.1.3.1 Design Principles</p> <p>The following design principles and requirements at paragraphs 3.1.3.1.a) to i) should be achieved in all development involving the erection of a new building or external alterations to an existing building in order to:</p> <ul style="list-style-type: none"> maintain and enhance the townscape of the former Manly Council area's LEP Business Zones; achieve the townscape objectives of this plan; and consider that the development exhibits design excellence in accordance with considerations of LEP clause 6.13(4) (as a statutory consideration for land in 	<p>The alterations and additions for the dwelling have been designed to maintain and enhance the existing surrounding areas.</p>

Zone B2 Local Centre and as a DCP consideration in other zones)	
<p>3.3 Landscaping</p> <p>3.3.1 Landscaping Design</p> <p>Landscape Character</p> <p>a) The design, quantity and quality of open space should respond to the character of the area. In particular:</p> <ul style="list-style-type: none"> i. In low density areas: (including LEP Zones R2 Low Density, E3 Environmental Management and E4 Environmental Living) open space should dominate the site. Setbacks of buildings from open space should also be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshore. ii. In higher density areas: the provision of adequate private open space and landscaped areas are to maximise residential amenity. Site works must be minimised to protect natural features. iii. In areas adjacent to native vegetation: the design of development should be sympathetic to the natural environment in order to protect and enhance the area as habitat for native fauna. iv. In areas of habitat for the long-nosed bandicoot: (see paragraph 5.4.2), landscape design must include native plant species to provide new and/or improved low dense clumping habitat to provide for potential foraging and nesting. The planting schedule should comprise species such as Lomandra sp., Dianella sp., Banksia spinulosa, Caustis sp., Xanthorrhoea sp., Isolepis sp., Juncus sp., Adiantum sp., Calochlaena sp., Callistemon sp., Grevillea juniperina, Gleichenia sp., Grevillea 	<p>The existing landscaped area of the dwelling is 19.9sqm. This landscaped area will be enhanced as a result of the development.</p>

<p>‘Robyn Gordon’ and tussocky native grasses (eg. Kangaroo Grass)</p>	
<p>3.4 Amenity Views</p> <p>3.4.1 Sunlight Access and Overshadowing</p> <p>3.4.1.1 Overshadowing Adjoining Open Space</p> <p>In relation to sunlight to private open space of adjacent properties:</p> <ul style="list-style-type: none"> a) 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) ; or b) Where there is no winter sunlight available to open space of adjacent properties from 9am to 3pm, the calculations for the purposes of sunlight will relate to the equinox in March and September from 9am to 3pm. 	<p>The proposed alterations and additions will not increase the existing overshadowing of the dwelling. The development will not impact the sunlight access to the dwelling or neighbouring dwellings. Highlight windows have also been included to increase sunlight access.</p> <p>Areas of private open space are included in the development with adequate sunlight access.</p>
<p>3.4.1.2 Maintaining Solar Access into Living rooms and Adjacent Properties</p> <p>3.4.2.1 Window design and Orientation</p> <ul style="list-style-type: none"> a) Use narrow, translucent or obscured glass windows to maximise privacy where necessary. b) When building close to boundaries, windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy. 	<p>A 1.8m timber privacy screen is included in the development to maximise privacy on the east side of the site. A rendered and painted block wall also increases privacy to the dwelling.</p>
<p>3.4.2.2 Balconies and Terraces</p> <ul style="list-style-type: none"> a) Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties. Architectural screens must be fixed in position and suitably angled to protect visual privacy. 	<p>The development does not include a balcony and the rear yard/terrace provides a privacy screen to provide privacy.</p>

<p>b) Recessed design of balconies and terraces can also be used to limit overlooking and maintain privacy.</p>	
<p>3.4.3 Maintenance of Views</p> <p>a) The design of any development, including the footprint and form of the roof is to minimise the loss of views from neighbouring and nearby dwellings and from public spaces.</p> <p>b) Views between and over buildings are to be maximised and exceptions to side boundary setbacks, including zero setback will not be considered if they contribute to loss of primary views from living areas.</p> <p>c) Templates may be required to indicate the height, bulk and positioning of the proposed development and to assist Council in determining that view sharing is maximised, and loss of views is minimised. The templates are to remain in place until the application is determined. A registered surveyor will certify the height and positioning of the templates.</p>	<p>The development will not cause any view loss to neighbouring dwellings. The roof form of the dwelling is flat as to minimise view loss for surrounding dwellings.</p>
<p>3.5.1 Solar Access</p> <p>a) The building and site layout is to maximise northern orientation to optimise solar access. Achieving passive solar energy efficiency is an important consideration in design, but it must be balanced with responding to desired streetscape character; promoting amenity for both the proposed development and neighbouring properties (including views, overshadowing and noise considerations), retaining trees and responding to topography.</p> <p>b) Whilst the design of buildings should take advantage of winter sun, there is an equal need to provide protection from the severity of summer sun. There is a need to control summer sun</p>	<p>The proposed alterations and additions have been designed to minimise any overshadowing and maximise sunlight access to the dwelling.</p>

<p>penetration and prevent the overheating of the building. This can be achieved using appropriate solar shading devices. The most effective way of controlling overheating of a dwelling is to prevent summer sun from reaching glazed areas.</p>	
<p>4 Development Controls and Development Types</p>	
<p>4.1 Residential Development Controls</p> <p>4.1.1 Dwelling Density, Dwelling Size and Subdivision</p> <p>4.1.1.1 Residential Density and Dwelling Size</p> <p>Residential Density Areas Minimum Residential Density</p> <p>a) The maximum permissible residential density control at Figure 24 - Minimum Residential Density applies to land identified in Residential Density Areas on the Minimum Residential Density Map at Schedule 1 - Map A in this plan.</p> <ul style="list-style-type: none"> - D1 50 sqm of site area required per dwelling - D2 150 sqm of site area required per dwelling - D3 250 sqm of site area required per dwelling - D4 300 sqm of site area required per dwelling - D5 500 sqm of site area required per dwelling - D6 600 sqm of site area required per dwelling - D7 750 sqm of site area required per dwelling - D8 	

<p>950 sqm of site area required per dwelling</p> <ul style="list-style-type: none"> - D9 <p>1150 sqm of site area required per dwelling</p> <p>Dwelling Size Dwellings are required to have the following minimum internal areas:</p> <p>Studio dwellings: 35sqm 1 bedroom dwellings: 50sqm 2 bedroom dwellings: 70sqm 3 bedroom dwellings: 90sqm</p>	
<p>4.1.2 Height of buildings</p> <p>4.1.2.1 Wall Height</p> <p>a) Within the LEP Height of Buildings development standard, the maximum external wall height is calculated based on the slope of the land under the proposed wall. Figures 26, 27 and 28 provide guidelines for determining the maximum height of external walls based on the particular slope of the land along the length of these proposed walls. The maximum wall height control will also vary from one building, elevation or part elevation to another depending on the slope of land on which the wall is sited. Within the range of maximum wall heights at Figures 26 and 28, the permitted wall height increases as the slope of the land increases up to a gradient of 1 in 4, at which point the permitted maximum wall height is capped according to Figure 26.</p>	<p>The maximum wall height for the dwelling is 9.4m on the western side and 9.8m on the eastern side of the lot. The proposed development provides a wall height of 10.44 on the eastern elevation and 6.55m on the western elevation. It is noted that the development does not comply with the wall height on the eastern elevation due to the existing fall of the land as a result of the rock outcropping. The development however is acceptable on merit as the eastern elevation is considerably less in height than the development adjoining the eastern boundary and therefore will not dominate the streetscape. It is requested that Council consider the non-compliance on merit.</p>
<p>4.1.2.3 Roof Height</p> <p>a) Pitched roof structures must be no higher than 2.5m above the actual wall height *, calculated in accordance with Figure 29.</p> <p>b) Roof parapets may extend up to 0.6m above the actual wall height where Council considers that a parapet is considered to be appropriate to the design of the development and satisfies the objectives of this DCP and the LEP. For example, a parapet roof should not result in the</p>	<p>The development includes a parapet roof.</p>

<p>appearance of lift structures and the like that protrude above the roof.</p>	
<p>4.1.4 Setbacks</p> <p>4.1.4.1 Street Front Setbacks</p> <p>a) Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.</p> <p>b) Where the street front building lines of neighbouring properties are variable and there is no prevailing building line in the immediate vicinity i.e. where building lines are neither consistent nor established, a minimum 6m front setback generally applies. This street setback may also need to be set further back for all or part of the front building façade to retain significant trees and to maintain and enhance the streetscape.</p> <p>c) Where the streetscape character is predominantly single storey building at the street frontage, the street setback is to be increased for any proposed upper floor level. See also paragraph 4.1.7.1.</p> <p>d) Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun- hoods, chimneys, meter boxes and the like, where no adverse impact on the streetscape or adjoining properties is demonstrated to Council's satisfaction.</p>	<p>The existing front setback of the site will remain and will be improved slightly with the removal of the front porch area. It is noted that the development will provide a fence and gate at the front of the property for privacy reasons due to the pedestrian walkway.</p>
<p>4.1.4.2 Side Setbacks and Secondary Street Frontage</p> <p>a) Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building.</p> <p>b) Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sun- hoods, and the like, if it can demonstrate there will be no adverse</p>	<p>The existing east side setback will remain. The west side setback will decrease from 4.456m to 2m. The development complies. It is noted that the development is pushed towards the western side boundary as it will not impact any adjoining neighbours due to the development adjoining the public reserve.</p> <p>Side setbacks and setback to land zoned RE1</p> <p>The proposed development is non-compliant with the numeric setback requirements on the western elevation and is in part non-compliant with the required numeric setback requirements on the eastern elevation. The development also is non-</p>

<p>impact on adjoining properties including loss of privacy from a deck or balcony.</p> <p>c) All new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries;</p> <p>d) For secondary street frontages of corner allotments, the side boundary setback control will apply unless a prevailing building line exists. In such cases the prevailing setback of the neighbouring properties must be used. Architecturally the building must address both streets.</p> <p>e) Side setbacks must provide sufficient access to the side of properties to allow for property maintenance, planting of vegetation and sufficient separation from neighbouring properties. See also paragraph 4.1.4.3.b.vi.of this plan.</p>	<p>compliant with the 6m setback control from land zoned RE1. It is noted that:</p> <ul style="list-style-type: none"> • The setbacks of the proposed development match that of the existing development on the site. • The small size of the site makes compliance with the numeric setback controls unrealistic to comply with. • The proposed setbacks are considered to be consistent with the streetscape noting the amended plans that have been submitted. • The proposed development is considered to be acceptable in terms of its impacts on visual and acoustic privacy of the surrounding properties. • The proposal does not result in significant view loss. • The proposal maintains the available part of the site for landscaping.
<p>4.1.4.4 Rear Setbacks</p> <p>a) The distance between any part of a building and the rear boundary must not be less than 8m.</p> <p>b) Rear setbacks must allow space for planting of vegetation, including trees, other landscape works and private and/or common open space. The character of existing natural vegetated settings is to be maintained. See also paragraph 3.3 Landscaping.</p> <p>c) On sloping sites, particularly where new development is uphill and in sensitive foreshore locations, consideration must be given to the likely impacts of overshadowing, visual privacy and view loss.</p> <p>d) Rear setbacks must relate to the prevailing pattern of setbacks in the immediate vicinity to minimise overshadowing, visual privacy and view loss.</p>	<p>The existing rear setback of the dwelling are existing and will remain unchanged.</p> <p>The proposed development includes a small plunge pool that will be located within the rear boundary setback area. It is noted that the site is a small site with a steep gradient and compliance with the setbacks is difficult. It is considered that the non-compliance with the rear setback is acceptable as there are no buildings located behind the site and due to the narrowness of the rear portion or the northern adjoining property there is little likelihood of future building being built within this area. It is considered that the development complies with the outcomes of the control and the non-compliance is acceptable on merit as the development achieves the outcomes of the control as follows:</p> <ul style="list-style-type: none"> • The development is consistent with the height of buildings development standard within the Manly LEP 2013. • The site has a very significant cross fall and as a result it is difficult to construct a dwelling that achieved the maximum FSR without some variation to the wall height development control. • The non-compliance does not result in a building height that is inconsistent with the prevailing and desired future character of the locality.

	<ul style="list-style-type: none"> • The apparent visual bulk of the proposed development is considered to be acceptable in its context. • The proposal does not result in significant view loss from surrounding properties or public spaces. • The proposal does not result in significant overshadowing of public spaces or adjoining properties. • The height and bulk of the proposal is not considered to have a significant impact on the adjoining open space.
<p>4.1.5 Open Space and Landscaping</p> <p>4.1.5.1 Minimum Residential Total Open Space Requirements</p> <p>a) Open Space must be provided on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground.</p> <p>b) Minimum dimensions and areas for Total Open Space Total Open Space (see Dictionary meanings including landscape area, open space above ground and principal private open space) must adhere to the following minimum specifications:</p> <p>i) horizontal dimension of at least 3m in any direction; and</p> <p>ii) a minimum unbroken area of 12sqm.</p> <p>iii) A variation to the minimum specifications in i) and ii) above may only be considered for Above</p> <p>Ground Open Space where it can be demonstrated that lesser dimensions or areas will better serve to minimise amenity impacts on neighbours. A lesser areas of above ground open space may be included or calculated under the minimum requirements in the circumstances of the case. In all other cases open space that does not comply with the minimum specification is not included or calculated under the minimum requirements for total open space.</p>	<p>The proposed development is non-compliant with the numeric controls for open space. It is noted that:</p> <ul style="list-style-type: none"> • The development only reduces the numeric amount of open space by a small amount. • The proposal has minimal increase in the footprint of the development and does not from a • technical point of view increase the existing non-compliance. • The lot is significantly undersized. • Much of the surrounding development on the site is non-compliant with the numeric control • for open space. • The development maintains the existing natural feature of the site. • The proposal complies with the required landscape area. <p>Given the above, it is considered that the development is consistent with the objectives for open space and landscaping contained within paragraph 4.1.5 of the Manly DCP 2013 and acceptable on merit.</p>

<p>4.1.5.3 Private Open Space</p> <p>a) Principal private open space is to be provided in accordance with the following minimum specifications:</p> <ul style="list-style-type: none"> i. Minimum area of principal private open space for a dwelling house is 18sqm; and ii. Minimum area of principal private open space for residential accommodation with more than 1 dwelling on the site is 12sqm for each dwelling. 	<p>The proposed alterations and additions continue to provide sufficient private open space.</p>
<p>4.1.6 Parking, Vehicular Access and Loading</p> <p>4.1.6.1 Parking Design and the Location of garages, carports or hardstand areas</p> <p>a) 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>b) Garage and carport structures forward of the building line must be designed and sited so as not to dominate the street frontage. In particular:</p> <ul style="list-style-type: none"> i. garages and carports adjacent to the front property boundary may not be permitted if there is a reasonably alternative onsite location; ii. carports must be open on both sides and at the front; and <p>c) the maximum width of any garage, carport or hardstand area is not to exceed a width equal to 50 percent of the frontage, up to a maximum width of 6.2m.</p> <p>d) in relation to the provision of parking for dwelling houses, Council may consider the provision of only 1 space where adherence to the requirement for 2 spaces would adversely impact on the streetscape or on any heritage significance identified on the land or in the vicinity.</p>	<p>The existing garage is located on the lower ground floor of the dwelling to minimise visual impact on the streetscape. The existing dimensions of the garage will remain.</p>

<p>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>e) Vehicular access will not be permitted from pedestrianised areas in Manly Town Centre.</p>	<p>The existing driveway will remain. This driveway gives access to the existing garage located on the lower ground floor of the dwelling.</p>
<p>4.1.6.5 Driveways and Crossings</p> <p>Driveway crossovers/ gutter crossings should be minimised and spaced to maximise kerb-side car parking spaces. An appropriate means of minimising impacts in this regard may involve relocation of garages or carports away from the front property boundary if there is a reasonable alternative location.</p>	<p>The existing driveway on site will remain. The garage is located on the lower ground level of the dwelling to minimise visual impact.</p>
<p>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>Spaced metal fencing and a gate will be included in the development at the front of the site.</p>

2.2.4 DCP Control Discussion

2.2.4.1 DCP Control 3.1.1 Streetscape

Complementary Design and Visual Improvement

- a) Development in the streetscape (including buildings, fences and landscaping) should be designed to:
- complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;
 - 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.

Comment:

Building form and Character: The site is situated at the end of Gilbert Street and is situated straddling an existing rock outcropping with a public access way at the front of the property providing a pedestrian link between Gilbert Street and Upper Gilbert Street. It is noted that the existing dwelling is one storey in height and the immediate neighbouring building to the east is a four storey, red brick, residential flat building with the majority of the buildings in the street being 3 or more storeys. The street scape of the street is a piecemeal of architectural designs that do not set a defined character for the street. It is noted that two new residential flat buildings of a modern design that are similar to the proposed development are located on the corner of Gilbert and Eustace Street.





Bulk and scale: It is noted that the site is small in size and currently contains an existing dwelling. The size constraint of the site reduces the opportunity for the development to expand out and therefore the owners have no choice but to extend the dwelling upwards. The design of the dwelling has been chosen to be reminiscent of the buildings on the corner of Gilbert and Eustace street in regards to the bulk and scale and it is considered that that residential flat building at 2 Gilbert Street obscures the building from general viewing. It is considered that the bulk and scale of the development is acceptable as the proposed development will not impact the views or vistas of adjoining properties, will not result in privacy impacts and will comply with the overshadowing control of the DCP.

Maintain Compatible Building Height: The proposed development is a three storey development with the lower storey of the development being a garage and storage area. The lower storey of the development is existing and comes about due to the topography of the site and existing rock outcropping. It is considered that as the average storey height within the street is three storeys that the development is compatible with the building height of the area. It is noted that the development also complies with the LEP requirement.



Elevated structures on columns: The proposed development does not include any elevated structures on extended columns and does not dominate the streetscape.

Heritage Built Form: The site is not located within a heritage area and as mentioned the site contains a variety of different building designs and types and does not have a clear character for the street. The proposed development is a modern, minimalistic design that is considered to be on

accordance with the character of the area as it results in a good design outcome when compared to other buildings in the locality. The building does not detract from any heritage value of the area.



Visually improve existing streetscapes: It is considered that the development improves the streetscape with a modern design that does not result in visual impact from neighbouring properties or public places. The design of the dwelling is visually attractive and responds to the changing character of the area through modern innovative design solutions.

Building materials and finishes: The proposed development uses concrete, glass and metal for its main building materials and it is considered to be common for the Manly area with a vast number of residential flat buildings and dwelling houses utilising these materials to create visually attractive buildings.

Compatibility of the site to the surrounding development

The proposed development is considered to be compatible with the surrounding development. The Planning Principle, *Project Venture Developments Pty Ltd v Pittwater Council 2005*, provides a clear assessment path to determine whether a development is compatible with the surrounding development. The Principle establishes the following two questions to be answered to determine whether a proposal is compatible with its context:

- Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposal's appearance in harmony with the buildings around it and the character of the street?

An assessment against the planning principle follows:

1. Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

The proposed development presents itself as a dwelling house of a modern design that has been designed to not restrict development potential for surrounding sites or impact on adjoining developments. Due to the site constraints, with the site being a small, steep site, the development responds to the constraints without impacting on views, privacy or overshadowing of adjoining developments.

2. Is the proposal's appearance in harmony with the buildings around it and the character of the street?

As mentioned above, the development is located within a street that has no clear, defined character with a variety of different development types and designs. The two newest developments within the street are shown to be of a modern design that is similar to the proposed development. It is noted that the height of the building, building materials and the visual impact of the building is in accordance with the surrounding development. It is therefore considered to be in harmony with the buildings within the street.



2.2.5 The likely impacts of that development – Section 4.15(b)

2.2.5.1 Aboriginal Archaeology

The requirement for an Aboriginal Heritage Impact Assessment (AHIA) is based on Part 2 of the NPWS Guidelines for Aboriginal Heritage Impact Assessments. Part 2 states that an AHIA is generally not required where:

a) The proposed development is on land previously subject to intensive ground disturbance and the development will impact only on the area subject to the previous disturbance;

b) The impact of the proposed activity is unlikely to cause any additional damage to Aboriginal objects than that which has already occurred; and

c) The proposed development is in an area that has been identified in strategic planning, rezoning or other assessment studies as having low Aboriginal heritage potential.

Based on the abovementioned points it is noted that the proposed development is not likely to cause any damage to Aboriginal objects as the development is located within an existing residential area with existing site disturbances.

2.2.5.2 CONTEXT AND SETTING

The proposed development has demonstrated consistency of the surrounding locality through the environmental planning regulations and site features informing the overall development design.

2.2.5.3 VISUAL IMPACT

The development has been designed in a way and style that complements the area and is a design that is becoming increasingly common for the locality. The development is not expected to create an eye sore to the surrounding community and is considered to result in an attractive streetscape due to the modern design within an area with no clearly defined character.

2.2.5.4 ACCESS, TRANSPORT AND TRAFFIC

Due to the small nature of the development it is not considered to cause any impact on the local road network.

2.2.5.5 PUBLIC DOMAIN

The proposed development will not have an impact on any public domain. The development contributions derived from this development in providing infrastructure and public domain improvements.

2.2.5.6 SERVICES

Electricity, telephone and physical, legal and emergency service access exists to the existing development. The site has reticulated (town) water supply and reticulated sewer service available.

2.2.5.7 EUROPEAN HERITAGE

The site is not within a heritage area or close to any existing heritage items. It is noted that the proposed development seeks to retain the existing sandstone of the garage and retain the outcropping of the site. The new building design is considered to be integrated with the design of buildings within the area and to not diminish the heritage value of nearby heritage items.



2.2.5.8 FLOODING

The site is not located within a flood prone area.

2.2.5.9 LANDSLIP RISK HAZARD

The site is not mapped as being a landslip hazard under Council mapping.

2.2.5.10 BUSHFIRE

The site is not located within a bushfire zone.

2.2.5.11 NOISE AND VIBRATION

No potential noise or vibration impacts have been identified. Construction noise will be as per normal construction times/processes.

2.2.5.12 SOCIAL AND ECONOMIC IMPACT

The proposed development is for the alterations and additions to an existing dwelling unit and should have no social or economic impact on the area.

2.2.6 Suitability of the Site – Section 4.15(c)

The subject site is considered suitable for the proposed use as the area is surrounded by similar buildings of a similar and greater size. As such it is considered that the development is suitable for the site and the surrounding area.

2.2.7 The Public Interest – Section 4.15(e)

The proposed development is considered to be in the public interest.

3 Conclusion

This Statement of Environmental Effects comprehensively demonstrates that the proposed *alterations and additions comprising changes to the lower ground, ground, addition of a first floor, swimming pool and landscaping of the dwelling* is an appropriate and suitable development when tested against the relevant heads of consideration detailed within the section 4.15(C) of the *Environmental Planning & Assessment Act, 1979*.

This report has identified all key issues associated with the proposal and demonstrated that the proposal can be developed appropriately with respect to these issues. The proposal is consistent with the zone objectives and other planning provisions and will make a positive contribution to the area.

The proposal is considered acceptable and should be approved because:

- The site is suitable for the proposal;
- The SoEE has identified all constraints associated with the land and demonstrated that the proposal can be undertaken whilst effectively minimising these constraints;
- The proposal will generate positive social and economic impacts;
- The proposal will generate only negligible environmental impacts; and
- The proposal is within the public interest.

The proposal has been assessed in accordance with S.4.15 of the EP&A Act 1979. This assessment has concluded that under the zone the development is a permissible land use.

Manly Council's Development Control Plan has also been considered and proposal complies with the DCP in all respects of the controls.

This report has assessed environmental considerations of the proposal, including heritage, flooding, access, ecological considerations, waste management, stormwater runoff, Aboriginal archaeology and servicing, and has concluded that there are no likely adverse environmental impacts associated with the proposal and that infrastructure either is, or can be developed to support the proposal.