

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR PROPOSED ADDITIONS AND ALTERATIONS TO AN EXISTING  
DWELLING INCLUDING NEW CARPORT AND SWIMMING POOL**

**AT**

**6 LEWIS STREET, BALGOWLAH HEIGHTS**

**FOR**

**MATT & ELLY SMITH**



**Prepared  
February 2020**

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## 1.0 Introduction

This Statement of Environmental Effects accompanies architectural details prepared on behalf of Matt & Elly Smith by Brianna Emily Design, Drawing No. DA-BM-00 A – DA-BM-15 A, dated 2 March 2020 to detail proposed alterations and additions to the existing dwelling including construction of a new carport and swimming pool at **6 Lewis Street, Balgowlah Heights**.

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:

- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*

## 2.0 Property Description

The subject allotment is described as **6 Lewis Street, Balgowlah Heights**, being Lot 1 within Deposited Plan 18143 and Lot 2583 within Deposited Plan 752038 and is zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013.

The site is listed as being with the Class 5 Acid Sulfate Soils Area. This will be discussed further within this submission.

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 affected by Landslip Hazard (Area G4) on Council's DCP Mapping. This matter will be discussed further within this statement.

There are no known hazards affecting the site.

## 3.0 Site Description

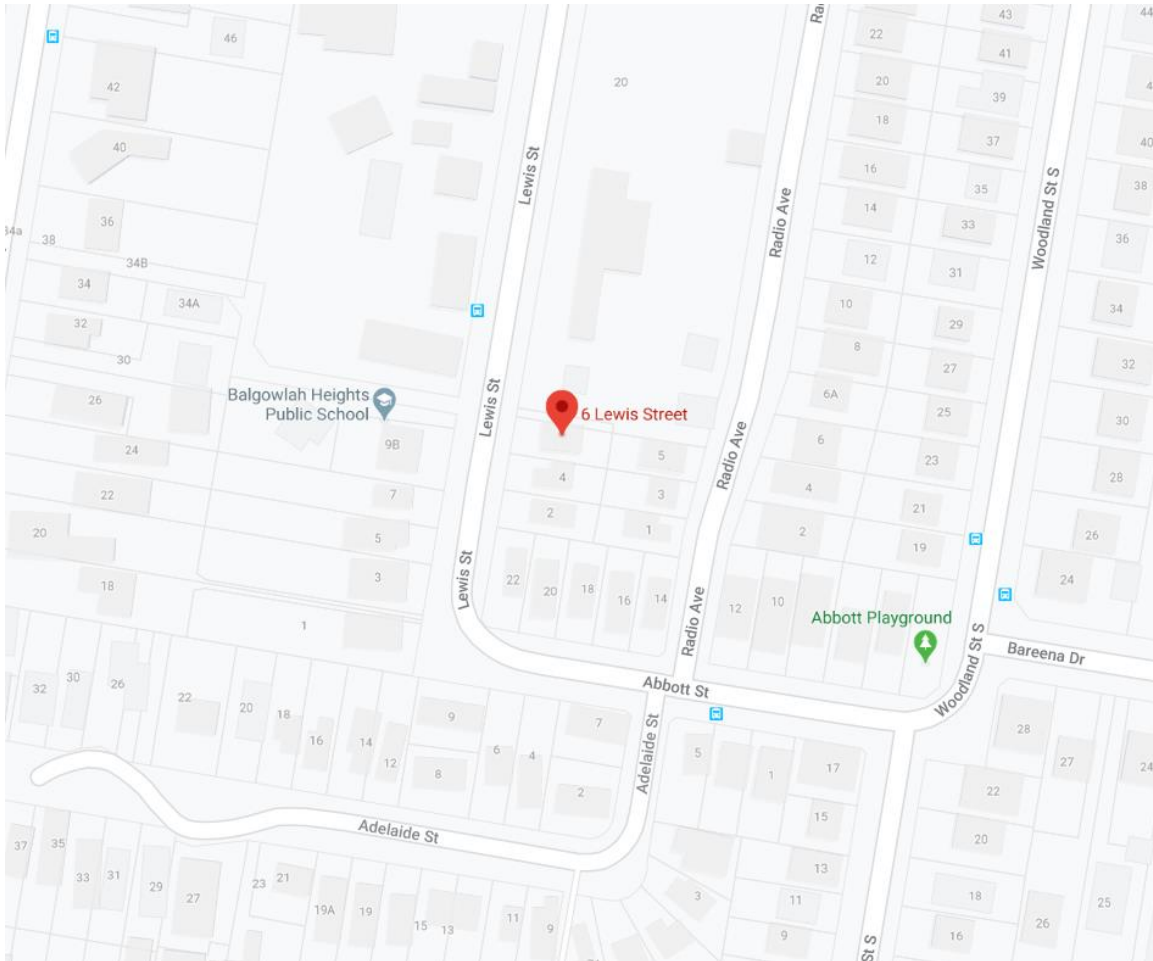
The site is located on the eastern side of Lewis Street with a general fall to the east of approximately 1.65m.

The site comprises two lots and is rectangular in shape. Lot 1 has a depth of 33.035m and a width of 12.19m with a site area of 402.7m<sup>2</sup>. Lot 2583 has frontage to Lewis Street of 3.66m and a rear boundary measuring 3.500m. The eastern and western side boundaries measure 33.035m and 32.925m respectively, and the site area is 121.1m<sup>2</sup>. The total street frontage to Lewis Street is 15.85m, and the total site area is 523.8m<sup>2</sup>.

The existing dwelling is a two storey rendered residence with a tile roof. Vehicular access is currently available from Lewis Street via a concrete driveway to an existing basement garage.

Stormwater from the roofed areas is directed to the street gutter.

The details of the site are included on the survey plan prepared by Geomat Engineering Pty Ltd, Reference No. 17119-01DSrev0, dated 30 November 2017, which accompanies the DA submission.



**Fig 1: Location sketch**  
(Source: Google Maps)



**Fig 2: View of existing dwelling and driveway entry, looking east from Lewis Street**



**Fig 3: View of existing dwelling and looking towards Balgowlah Heights Public School, looking north-east from Lewis Street**





**Fig 4: View of existing dwelling and driveway entry, looking east from Lewis Street**



**Fig 5: View of existing dwelling and driveway entry, looking east from Lewis Street**



**Fig 6: View of streetscape to the south of the site, looking south-east**



#### 4.0 Surrounding Environment

The area to the south, east and west of the subject site is predominantly represented by a mix of residential development comprising dwellings of varying sizes. As noted in the aerial photograph below, swimming pools are a common feature within the locality.

The adjoining property to the north comprises Balgowlah Heights Public School.



**Fig 7: Aerial view of subject site**  
(Source: Google Maps)



## 5.0 Proposed Development

As detailed within the accompanying plans prepared by Brianna Emily Design, the proposal seeks consent for additions and alterations to the existing dwelling.

The site has an existing single garage at the lower ground floor level, however due to the steep access grades and lack of any vehicle access level transitions, the garage is inaccessible for safe and convenient parking.

The proposal intends to provide for a double carport at the street level, with the existing garage to be re-used as a storage area.

The new works comprise:

### Ground Floor

- Alterations and additions to existing ground floor to provide for new WC, storage and removal of internal wall

### External Works

- New concrete driveway and double carport with storage
- Inground swimming pool with paved surround
- Extension of existing terrace
- External stairs to rear yard and existing storage below terrace

The proposed works are largely external and will not see any change to the bulk and scale of the existing dwelling. The existing roof form and overall height of the dwelling will remain unchanged. In addition, the gross floor area of the dwelling will remain unchanged.

The proposal will maintain a generous area of soft landscaping, and does not seek the removal of any significant vegetation.

The development indices for the site are:

Site Area	523.8m <sup>2</sup>
Open Space/Landscaping (OS3)	Min 55% of site area/35% of open space
Open Space Proposed	58% or 303.44m <sup>2</sup>
Landscaping Proposed	62% or 190.98m <sup>2</sup>

## 6.0 Zoning and Development Controls

### 6.1 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is located such that this proposal requires consideration against the provisions of State Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005 (SREP 2005).



**Fig 13: Extract from NSW Planning Portal**

The proposed works are assessed against the requirements of this Policy as follows.

The subject site is located within the Sydney Harbour Catchment, however it is not identified as being within the Foreshores and Waterways Area.

The site does not adjoin any “Strategic Foreshore Sites”.

Clause 13 provides the planning principles for land within the Sydney Harbour Catchment and these are noted as:

- (a) *development is to protect and, where practicable, improve the hydrological, ecological and geomorphological processes on which the health of the catchment depends,*
- (b) *the natural assets of the catchment are to be maintained and, where feasible, restored for their scenic and cultural values and their biodiversity and geodiversity,*
- (c) *decisions with respect to the development of land are to take account of the cumulative environmental impact of development within the catchment,*
- (d) *action is to be taken to achieve the targets set out in Water Quality and River Flow Interim Environmental Objectives: Guidelines for Water Management: Sydney Harbour*

- and Parramatta River Catchment (published in October 1999 by the Environment Protection Authority), such action to be consistent with the guidelines set out in Australian Water Quality Guidelines for Fresh and Marine Waters (published in November 2000 by the Australian and New Zealand Environment and Conservation Council),*
- (e) development in the Sydney Harbour Catchment is to protect the functioning of natural drainage systems on floodplains and comply with the guidelines set out in the document titled Floodplain Development Manual 2005 (published in April 2005 by the Department),*
  - (f) development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour,*
  - (g) the number of publicly accessible vantage points for viewing Sydney Harbour should be increased,*
  - (h) development is to improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off, prevent the risk of increased flooding and conserve water,*
    - (i) action is to be taken to achieve the objectives and targets set out in the Sydney Harbour Catchment Blueprint, as published in February 2003 by the then Department of Land and Water Conservation,*
    - (j) development is to protect and, if practicable, rehabilitate watercourses, wetlands, riparian corridors, remnant native vegetation and ecological connectivity within the catchment,*
  - (k) development is to protect and, if practicable, rehabilitate land from current and future urban salinity processes, and prevent or restore land degradation and reduced water quality resulting from urban salinity,*
  - (l) development is to avoid or minimise disturbance of acid sulfate soils in accordance with the Acid Sulfate Soil Manual, as published in 1988 by the Acid Sulfate Soils Management Advisory Committee.*

As the proposal is seeking to provide for modest additions and alterations to an existing dwelling which is physically and visually removed from the waterway, with minimal site disturbance, the proposal is considered to be consistent with the relevant aims of the Clause.

The works are largely within the existing built footprint and as such, the stormwater characteristics of the site will be generally unchanged, with no increased stormwater loading to the public foreshore or waterway.

Any impacts resulting from the minor site disturbance associated with the reconstruction of the garage will be addressed through the installation of sediment barriers.

**Part 3, Division 2** details the *Matters for Consideration* to be considered by the consent authority in the assessment of a proposal within the land subject to SREP 2005. As the works seek consent for alterations and additions to the existing dwelling, which are well removed from the waterfront, the following Clauses of Division 2 are considered to be relevant to the proposal.

**Clause 20 - General** requires that Council take into consideration the Division prior to granting consent.



## **Clause 21 - Biodiversity, ecology and environment protection**

*The matters to be taken into consideration in relation to biodiversity, ecology and environment protection are as follows:*

- (a) development should have a neutral or beneficial effect on the quality of water entering the waterways,*
- (b) development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),*
- (c) development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),*
- (d) development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access,*
- (e) development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation,*
- (f) development should retain, rehabilitate and restore riparian land,*
- (g) development on land adjoining wetlands should maintain and enhance the ecological integrity of the wetlands and, where possible, should provide a vegetative buffer to protect the wetlands,*
- (h) the cumulative environmental impact of development,*
- (i) whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance.*

As the works will not have any physical impact on the waterway or the land adjoining the waterfront, the proposal is considered to be reasonable. No significant vegetation is to be removed to facilitate the construction.

The proposal is considered to have a neutral effect on the waterway.

## **22 Public access to, and use of, foreshores and waterways**

The proposed works will not have any direct effect on the public use of the waterfront and will not diminish the public's ability to have access to and utilise the waterway.

## **23 Maintenance of a working harbour**

The proposal will not have any impact on the harbour and will not affect the principles encouraging the maintenance of the harbour as a functional, working harbour.

## **24 Interrelationship of waterway and foreshore uses**

The proposed works will not impact on the relationship between the public land and the waterway. The proposal is not inconsistent with the identified principles within Clause 24.

## **25 Foreshore and waterways scenic quality**

*The matters to be taken into consideration in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways are as follows:*

- (a) the scale, form, design and siting of any building should be based on an analysis of:
  - (i) the land on which it is to be erected, and*
  - (ii) the adjoining land, and*
  - (iii) the likely future character of the locality,**
- (b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries,*
- (c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores.*

The bulk and scale of the proposed works is compatible with the surrounding development along Lewis Street and due to the modest form will not have any detrimental impact on the visual qualities of the harbour and the foreshore area. The continued residential use of the land is a characteristic of the area and the anticipated future character of this locality.

## **26 Maintenance, protection and enhancement of views**

By observing the objectives of Council's maximum height controls and allowing for views to and from the public spaces, the proposal will not have any detrimental effects on views to and from Sydney Harbour or the waterway.

## **27 Boat storage facilities**

The proposed works are within private land and will not have any impact on boat storage facilities in the locality.

There are no other provisions of SREP (Sydney Harbour Catchment) 2005 that applies to the proposed development. It is considered that the proposal complies with SREP (Sydney Harbour Catchment) 2005.

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

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the 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.

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

The proposal has been designed to respect the water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

#### 6.4 Manly Local Environmental Plan 2013

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



Fig 13: 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 additions and alterations to the existing dwelling 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 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 alterations and additions to an existing dwelling 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 Balgowlah is 8.5m. The proposed new carport will present a maximum building height of approximately 4.5m which complies with this control.

#### **Clause 4.4 – Floor space ratio**

The proposal will not see any change to the existing gross floor area of the dwelling.

#### **Clause 6.1 – Acid sulfate soils**

The site is within the Class 5 Acid Sulfate Soils area. The proposed works will not require any substantial disturbance of the existing site conditions, and therefore no further investigation is deemed necessary in this instance.

#### **Clause 6.2 – Earthworks**

The proposed works are largely contained within the existing building footprint and will not require any substantial disturbance of the existing site conditions, with the exception of the minor excavation required to accommodate the proposed pool.

All works will be carried out under the supervision and direction of a Structural Engineer and will be managed to ensure that the amenity and safety of the subject and neighbouring dwellings will be protected.

#### **Clause 6.4 – Stormwater management**

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

- (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 new roof areas will be connected to the existing stormwater system which directs roofwater to the street gutter. As the extent of hard and soft areas will remain unchanged, the proposal will not see any change to the existing stormwater arrangements.

#### **Clause 6.8 – Landslide risk**

The site is identified on Council's DCP mapping as being within Area G4 on the Landslip Hazard Map. All works will be carried out under the supervision and direction of a Structural Engineer and will be managed to ensure that the amenity and safety of the subject and neighbouring dwellings will be protected. The proposal will therefore satisfy the provisions of this clause.

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.

## 6.5 Manly Development Control Plan 2013

Council's DCP Development Control Plan 2013 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 alterations to the dwelling will enhance the street view of the site. The proposed works to the dwelling are well set back from the front boundary, thereby reducing the visual impact of the development on the streetscape. The proposed works are mostly to the rear and side of the dwelling and will not be highly visible from the streetscape.

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 construction of alterations and additions to the existing dwelling including a new carport and swimming pool.

The proposed works will not see any change to the bulk and scale of the existing dwelling. The proposed carport is modest in height and scale, and the pool is sited to the rear of the carport, and therefore will not be visible from the streetscape.



The new works are complementary to the existing locality and the surrounding development. The proposal is in keeping with the character of existing surrounding development along Lewis Street, and is therefore worthy of Council's support.

### **Clause 3.3 Landscaping**

The proposed new works will continue to retain generous areas of soft landscaping within the site. The new works will present an appropriate form and footprint, which is appropriately set back from the street, side and rear boundaries.

The existing landscaping on site will continue to minimise overlooking to neighbouring properties.

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

The objectives of the clause are noted as:

- |                     |   |
|---------------------|---|
| <i>Objective 1)</i> | <i>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.</i> |
| <i>Objective 2)</i> | <i>To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.</i>  |

It is suggested that the works will achieve these objectives as:

- The proposed alterations and additions to the dwelling comprise a new carport and swimming pool. The bulk and scale of the existing dwelling remains unchanged, and the modest additions ensure that the development on site maintains consistency with the extent of existing surrounding development in the locality.
- The existing boundary fencing acts as privacy screening and will ensure that the proposed works will not result in any impacts on the privacy of neighbouring dwellings and the adjacent Balgowlah Heights Public School grounds.
- The proposed additions will not see any unreasonable diminution of the solar access enjoyed by the neighbouring properties.

### **Clause 3.5 Sustainability**

A BASIX Certificate has been prepared to support the new works and confirm that the additions will achieve the appropriate thermal performance criteria.

### **Clause 3.7 Stormwater Management**

It is proposed to retain the existing stormwater arrangements which directs water to the street gutter. The works will not see any increase in the built footprint.

## Part 4 – Residential Development Controls

Site Area 523.8m<sup>2</sup> - Density Sub Zone D5 (500m<sup>2</sup> per lot)

### Compliance Table

Control	Required	Proposed	Compliance
<b>Clause 4.1.1</b> Residential Density & Subdivision	Density Area D5 – 1 dwelling per 500m <sup>2</sup>	Site area 523.8m <sup>2</sup>	Yes - existing site and dimensions are unchanged
<b>Clause 4.1.2</b> Height of Buildings	Maximum height – 8.5m  Wall height  Max two storeys  Roof height – 2.5m above wall height	Maximum height of new works – 4.5m  Wall height unchanged  Max two storeys (existing)  Roof style <2.5m (1.9m)  New roofing to match existing.	Yes  N/A – unchanged  N/A – unchanged  N/A – unchanged
<b>Clause 4.1.13</b> Floor Space Ratio (FSR)	0.45:1	No change to existing gross floor area.	Yes
<b>Clause 4.1.4</b> Setbacks (front, side and rear)	<u>Front</u> a) Relate to neighbouring sites and the prevailing building lines or 6m  c) Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun-hoods,	Nil setback	N/A – refer to assessment under Clause 4.1.6

Control	Required	Proposed	Compliance
<p>Side Boundary setback – 1/3 of wall height</p> <p>Rear setback – 8m</p>	<p>chimneys, meter boxes and the like, where no adverse impact on the streetscape or adjoining properties is demonstrated to Council's satisfaction.</p> <p><u>Side</u> 1/3 x wall height</p>	<p>The new carport will present a nil setback to the north-eastern side boundary. As the proposed carport is an open structure with a modest single storey scale, its location is considered appropriate. The proposed location of the carport will not result in any adverse impacts for the adjacent Balgowlah Heights Public School grounds in terms of privacy or general amenity.</p> <p>The existing rear setback of the dwelling remains unchanged. The proposed carport and swimming pool exceed 8m to the rear boundary.</p>	<p>Yes – on merit</p> <p>Yes</p>
<p><b>Clause 4.1.5</b> Open space and Landscaping</p>	<p>Area OS 3 Open space: Min 55% site area</p> <p>Landscaping: 35% of open space</p>	<p>Proposed open space - 58%</p> <p>Proposed soft open space - 62%</p>	<p>Yes</p>

Control	Required	Proposed	Compliance
<b>Clause 4.1.6</b> Parking	Min 2 spaces	Parking for two cars will be provided in the new double carport.	Yes
	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.	The proposed carport is modest in bulk and scale, and by being sited to the rear of the existing front fence, will not be prominently viewed within the street.	Yes
	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:		
	i) garages and carports adjacent to the front property boundary may not be permitted if there is a reasonably alternative onsite location;	Due to the location of the existing dwelling, it is not considered that there is a suitable alternative location for the parking structure.	Yes
	ii) carports must be open on both sides and at the front; and	Proposed carport is open on all sides.	Yes
	c) the maximum width of any garage, carport or hardstand area is not to exceed	Proposed width 49.6% or 6.4m and therefore presents a minor variation to	Yes – on merit

Control	Required	Proposed	Compliance
	a width equal to 50 percent of the frontage, up to a maximum width of 6.2m.	this control. As the proposed carport is modest in bulk and scale, and will not be overbearing within the streetscape, the proposed width is considered worthy of support on merit.	
<b>Clause 4.1.6.4</b> Vehicular Access	<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>Forward entry and exit is not available due to the siting of the existing development and as the street is not a main road, reversing movements are not dangerous to the passing traffic. With the carport and parking location being elevated to the street level, improved visibility to see pedestrians will be available to the owners as they leave the site.</p> <p>The proposal is considered to provide safe entry and exit via the proposed new driveway.</p> <p>Only one driveway is provided.</p>	Yes – on merit



<p><b>Clause 4.1.6.6</b> Tandem, Stacked and Mechanical Parking Areas</p>	<p>The design location and management of parking facilities involving tandem, stacked and mechanical parking (including car stackers, turntables, car lifts or other automated parking systems) must consider the equitable access and distribution of parking spaces to all occupants and visitors to the building. In this regard:</p> <p>a) all parking spaces in any tandem or stacked arrangement are to be allocated to the same dwelling/strata unit and must not be used as visitors parking; and</p> <p>b) where the proposed development involves a tandem, stacked and mechanical parking arrangement which necessitates more than one parking space being attributed to a single dwelling unit under paragraph i) above; Council must be satisfied that sufficient parking spaces are</p>	<p>N/A – double carport provided.</p>	<p>N/A</p>
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	reasonably allocated to all other dwelling units within the development.		
<b>Clause 4.1.7</b> First Floor and Roof Additions	<p>a) First floor additions must complement the architectural style of the ground floor and where possible retain existing roof forms. Notwithstanding setback provisions, the addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.</p> <p>b) The dwelling and the form of alterations and additions must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences or the aesthetic quality of Manly. In this regard, it may be preferable that the addition be confined to the rear of the premises or be contained within the roof structure.</p>	N/A	N/A



	<p>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 proposed pool readily complies with the rear boundary control.</p> <p>Compliance with the side setback control is constrained by the location of the existing dwelling, with limited space available in the north-eastern setback to accommodate the proposed pool.</p> <p>The existing boundary fencing will serve as privacy screening to the north-eastern neighbour, and the siting of the proposed pool is therefore considered acceptable on merit.</p> <p>&lt;30%</p>	<p>Complies</p>
<p><b>Clause 4.1.10</b> 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>Existing fencing maintained</p>	<p>N/A</p>

## **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 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 side setback requirements for the carport and swimming pool, and the width of the carport, is a reasonable alternative solution to compliance where the site conditions



results in a challenge to designing for new development which fully respects the landscaped area 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 proposed construction of alterations and additions to an existing dwelling including a new pool and carport, 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 construction of alterations and additions to an existing dwelling including a new pool and carport, which respects and complements the site's location.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbours 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.

### **VAUGHAN MILLIGAN**

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)