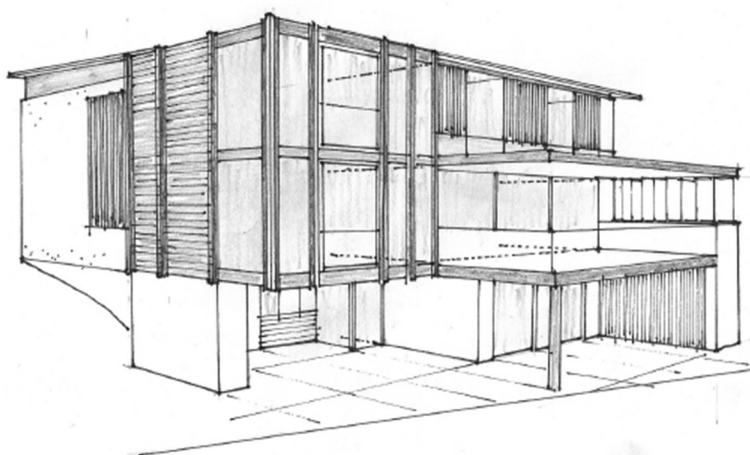




STATEMENT OF ENVIRONMENTAL EFFECTS TO THE NORTHERN BEACHES COUNCIL

# Demolition, substantial alterations & additions to the dwelling house, new garage and studio

13 Amiens Road, Clontarf



Prepared on behalf of

**Alan and Gillian Scott- Brown c/- Case Ornsby Architecture**

7 SEPTEMBER 2023



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# 1.0 INTRODUCTION

This Statement of Environmental Effects (**SEE**) is submitted to the Northern Beaches Council (the **Council**). It describes a Development Application (**DA**) seeking development consent pursuant to Section 4.16(1) of the Environmental Planning and Assessment, Act, 1979 (the **Act**) for demolition works, substantial alterations and additions to the existing dwelling house, a new garage and studio below, retention of the existing swimming pool and its surrounds, landscaping and other required site works at 13 Amiens Road, Clontarf (the **site**). A detailed description of the proposed works is provided at Section 3 of this report.

Lockrey Planning and Development Solutions Pty Ltd (**LPDS**) has prepared this report on behalf of Alan and Gillian Scott-Brown. It is based on plans and technical information as referenced below.

This report has been prepared pursuant to Section 4.12 of the Act and Part 3 (Development Applications) of the Environmental Planning and Assessment Regulation 2021 (**Regulations 2021**). The purpose of the document is to:

- provide a description of the site's context, its identification, its existing development and the character of surrounding development;
- provide a detailed description of the proposal;
- undertake an assessment of the proposal against the matters for consideration as listed under Section 4.15(1) of the Act; and
- identify and assess the issues relevant to the proposal.

It should be read in conjunction with the supporting information submitted separately:

- Council Cost Report, by Section 94;
- Height of Buildings and FSR Clause 4.6 Exception to Development Standards submissions, by LPDS;
- Survey Plan, by CMS Surveyors;
- Architectural Drawings including Site Analysis, Calculations, Shadow Diagrams, Waste Management Plan, Landscape Concept Plan, Stormwater Concept Plan, Sketches and Schedule of Materials and Finishes, and BASIX Certificate, all by Case Ornsby Architecture;
- Arboricultural Impact Assessment (**AIA**), by Complete Arborcare; and
- Geotechnical Assessment, by Ascent Geo.

Application for Construction Certificate (**CC**) will be sought separately. Landowners consent will be submitted separately.

## 1.1 Referral authorities

It is our understanding that only 'standard' referrals to Council's internal departments are required.

## 1.2 Development cost

As detailed in Council Cost Report, by Section 94 (submitted separately), the proposal has a total development cost of \$1,835,123.

## 1.3 Background

DA 2020/189 was approved by Council on 1 May 2020. Although construction has not commenced, this DA remains current. As described in Council's DA Assessment Report, the approved development comprises:

*demolition of the existing dwelling and detached garage and construction of a new part-two, part-three storey residential dwelling, detached double garage with studio and storage area beneath and associated landscaping and earthworks*

The approved development's key numerics included:

- 8.5m maximum height and a three storey dwelling house
- 422.12m<sup>2</sup> GFA and an FSR of 0.437:1;
- a wall height of 8.2m for the dwelling;
- a wall height ranging from 6.5m to 7.2m for the garage / studio;
- 715m<sup>2</sup> (74% site area) as total open space;
- 292.5m<sup>2</sup> (41% site area) as landscaped area;
- >18m<sup>2</sup> of private open space;
- 2 car parking spaces;
- setbacks:
  - 7.6m to the front boundary for the garage;
  - 8.2m to the rear boundary for the dwelling;
  - 1.7m to the northern boundary for the dwelling;
  - 1.1m to the southern boundary for the dwelling; and
  - zero building alignment to the northern and southern boundaries for the garage / studio.

The DA approved site plan is shown at **Figure 1**.



**Figure 1** – DA 2020/189 approved site plan

## 2.0 SITE DESCRIPTION AND ANALYSIS

A Site Analysis Plan is provided within the Architectural Drawings, by Case Ornsby Architecture submitted separately. For ease of reference the site's Amiens Road frontage is taken to be its eastern boundary.

The site's key characteristics are summarised below:

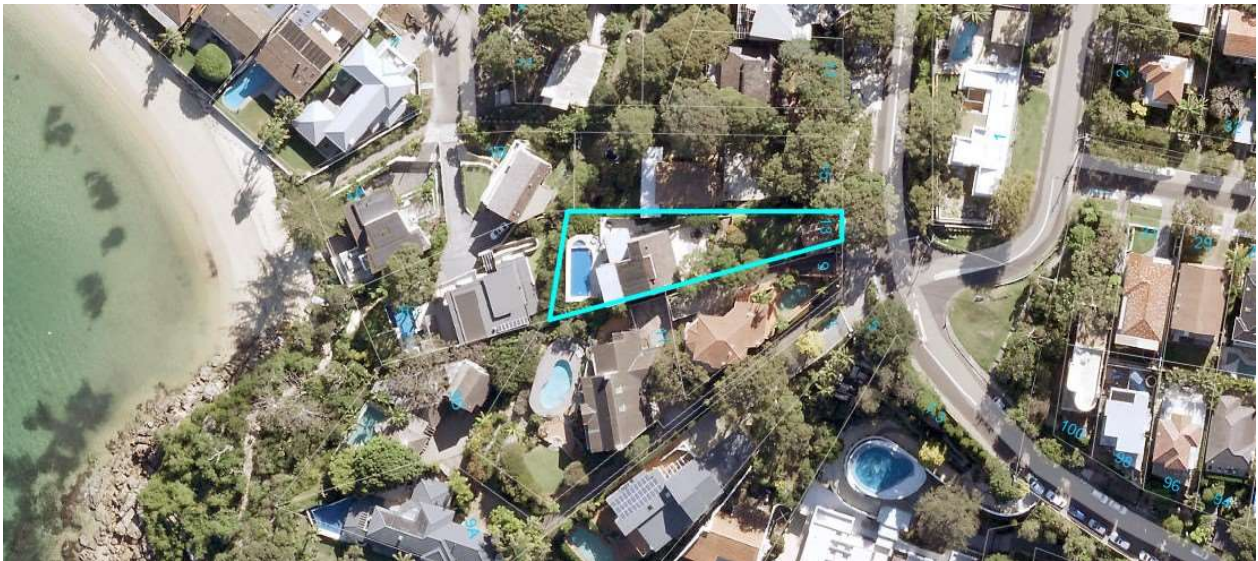
|   |   |
|---|---|
| <b>Location</b>                                 | <ul style="list-style-type: none"> <li>– The site is on the western side of Amiens Road and is adjacent its intersection with Beatrice Street to the east and Cutler Road to the south.</li> <li>– Clontarf Reserve is approximately 330m to the site's north and Clontarf Point (beach and harbour) is approximately 80m to the site's west.</li> </ul>                  |
| <b>Legal property description</b>               | – Lot 701 in DP 1133488. A Survey Plan by CMS Surveyors is submitted separately.  |
| <b>Site area</b>                                | – 967m <sup>2</sup>   |
| <b>Shape</b>                                    | – Irregular.  |
| <b>Frontage</b>                                 | – 7.01m to Amiens Road.   |
| <b>Easements</b>                                | <ul style="list-style-type: none"> <li>– The site is affected by the following easements: <ul style="list-style-type: none"> <li>- (C) to drain water 1.2m wide;</li> <li>- (X) right of way 1.2m wide;</li> <li>- (Y) right of way 1.2m wide; and</li> <li>- (D) right of way 1m wide.</li> </ul> </li> </ul>  |
| <b>Zoning</b>                                   | – The site is zoned R2 Low Density Residential pursuant to Manly Local Environmental Plan 2013 ( <b>LEP 2013</b> ).   |
| <b>Heritage and conservation</b>                | <ul style="list-style-type: none"> <li>– The site's existing dwelling house and its surrounds is not an identified heritage item and is not within a heritage conservation area.</li> <li>– The site is not within the visual catchment of any identified heritage items.</li> </ul>  |
| <b>Bushfire</b>                                 | – The site is not bushfire prone.   |
| <b>Flooding</b>                                 | – The site is not floodprone.   |
| <b>Acid sulfate soils</b>                       | – The site is Class 5 acid sulfate soils.   |
| <b>Riparian land and watercourses</b>           | – The site does not contain riparian lands or natural watercourses.   |
| <b>Scenic protection</b>                        | – The site has a scenic protection land classification.   |
| <b>Coastal use and coastal environment zone</b> | – The site is within the coastal use area and the coastal environment zone.   |
| <b>Foreshores and waterways</b>                 | – The site is within the foreshores and waterways area, but is not within the foreshores and waterways zone.  |
| <b>Terrestrial biodiversity</b>                 | – The site does not contain any terrestrial biodiversity.   |
| <b>Topography</b>                               | <ul style="list-style-type: none"> <li>– The site has a westerly aspect and is on the low side of Amiens Road. It is located towards the top of the steeper portion of the slope that rises from the harbour to the plateau above.</li> <li>– The slope drops from the road at angles between 20° and 25° (approximately 20m from the front to rear boundary).</li> </ul> |

|                              |  |
|------------------------------|--|
|                              | <ul style="list-style-type: none"> <li>– The site's surface is controlled by the underlying sandstone that steps down the slope in a series of narrow benches.</li> <li>– The existing multi level dwelling has been cut into the slope and terraced down the slope. The dwelling is supported on brick and sandstone walls and piers.</li> </ul>  |
| <b>Vegetation</b>            | <ul style="list-style-type: none"> <li>– The site contains established landscaped areas including mature vegetation and perimeter planting to each side boundary. The area between the garage and the dwelling comprises a relatively level and useable lawn area.</li> </ul>  |
| <b>Existing improvements</b> | <ul style="list-style-type: none"> <li>– Currently existing on the site is a part two, part three storey brick, stone and clad dwelling house with a tile roof (roof ridge RL 36.24).</li> <li>– The lower ground floor (FFL 24.6) contains a music room, rumpus, kitchen and shower and subfloor area. This level is provided with an external terrace (roof over) and is directly accessible to the existing swimming pool, spa and surrounds. Beyond the pool is retained gardens.</li> <li>– The ground floor (FFL 27.64) contains the primary living rooms (kitchen, living, dining and sitting), bathroom, toilet, entry portico and stairs connecting to the levels above and below. This level is provided with an external roofed terrace oriented to the harbour and an additional terrace at the front (eastern side) of the dwelling.</li> <li>– The first floor (FFL 30.94) contains four bedrooms, a bathroom and the master bedroom with ensuite. A roofed external west facing terrace is accessible from the master bedroom and bedroom 2.</li> <li>– Fencing with stone and concrete block retaining walls are provided to the site's side boundaries with additional stone and brick retaining walls provided throughout. Paved and concrete paths enable access along both side boundaries from the front to the site's rear.</li> <li>– A relatively level lawn area with established perimeter landscaping and mature vegetation is provided between the dwelling and the two storey garage built form.</li> <li>– The single vehicle garage comprises stone and is provided with a tile roof (ridge RL 43.49). Additional hardstand parking is provided in front of the garage. The garage appears as a single storey structure from the street frontage. Its FFL is 39.43. As the site drops significantly at the garage's western end, an additional level is provided below and internally viewed from the garden, the garage is two storeys in height. The lower level (FFL 36.25) comprises a large open plan storage area. Stairs on the garage's northern side enable access from the site's frontage to the mid level lawn area and beyond to the dwelling via paved / concrete pathway.</li> </ul> |
| <b>Surrounding context</b>   | <ul style="list-style-type: none"> <li>– The surrounding locality is characterised by leafy streetscapes, stone walling, landscaped gardens, street trees, and a variety of large housing types and architectural styles. The integrity of the building stock varies greatly as does the age of the built form. Generally, the adjacent built form and site characteristics are similar to that of the site.</li> <li>– To the site's north at 15 Amiens Road is a two storey dwelling (roof</li> </ul>  |

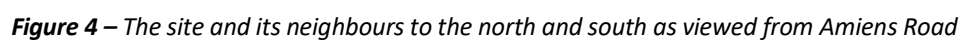
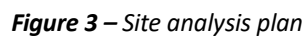


- ridge RL 30.28) occupied by Champagne Sailing Sydney. It is provided with a decked open concrete parking area and inclinator generally between the site's garage and dwelling. This property's rear built form is more to the east (Amiens Road) than the site's.
- To the site's south is a battle-axe allotment containing 9 (eastern dwelling) and 11 Amiens Road (western dwelling). A suspended concrete driveway along these property's northern boundary enables vehicular access from Amiens Road to the rear dwelling. This existing built form comprises:
    - 9 Amiens Road is a two storey plus undercroft level dwelling with a pitched tile roof (ridge RL 42.89). It is generally located between the site's dwelling and its garage. It is provided with a pool in its front yard and elevated west facing external terraces.
    - 11 Amiens Road is a two storey dwelling brick and clad dwelling with a pitched tile roof (ridge RL 33.10). It is provided with elevated west facing external terraces and swimming pool in its backyard.

An aerial location plan is provided at **Figure 2**. The site is shown outlined approximately in blue. A site analysis plan (by Case Ornsby Architecture) is provided at **Figure 3**. Photographs of the site and its neighbouring built form are provided at **Figures 4 to 12**.



**Figure 2** – Aerial location plan with the site shown outlined approximately blue







**Figure 5** – The site (circled) and its neighbours as viewed from the opposite side of the harbour

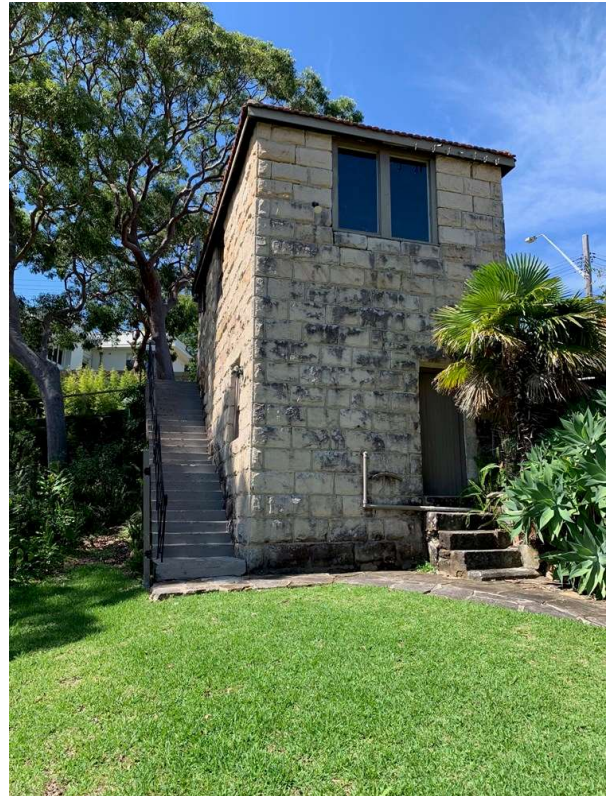


**Figure 6** – The site (circled) and its neighbours as viewed from Clontarf Point





**Figure 7** – The site's garage and dwelling as viewed from the eastern boundary of 15 Amiens Road



**Figure 8**– The garage looking east from the mid site lawn level



**Figure 9** – The site's mid level lawn area looking west between the garage and the dwelling



**Figure 10** – The site's rear elevation, swimming pool and part backyard



**Figure 11** – Side and rear lower ground level relationship between the site and 15 Amiens Road



**Figure 12** – Mid yard relationship between the site and 11 Amiens Road including its access driveway



## 3.0 DESCRIPTION OF THE PROPOSAL

### 3.1 Overview

Development data / calculations has been provided by Case Ornsby Architecture. This section has had regard to the following consultant inputs submitted separately:

- Architectural Drawings and related work, including a Landscape Concept Plan and a Stormwater Concept Plan, all by Case Ornsby Architecture;
- AIA, by Complete Arborcare; and
- Geotechnical Assessment, by Ascent Geo.

The Architectural Drawings by Case Ornsby Architectures with **all new work shown coloured** are submitted separately. Pursuant to Section 4.16 of the Act, development consent is being sought for the following works at 13 Amiens Road, Clontarf:

- nominated demolition works, shown **yellow**;
- alterations and additions to the existing dwelling house, generally consistent with the previously approved DA's envelope;
- retention of the existing swimming pool, spa and surrounds including pool fence;
- excavation and minor site recontouring works;
- nominated tree removal (#3 - #7) and retention (#1 and #2);
- reconstruction and enlargement of the garage and area below to create a double garage with storage, garage forecourt, garbage room, inclinator, separate studio with bathroom, deck and storage; and
- landscaping and required site works.

Following the alterations and additions, the dwelling will comprise:

- basement level (FFL 24.35)
  - living room, gym, bar, cellar, laundry, powder room and stairs to the levels above;
  - a covered external wrap around (north [6.062m x 6.377m] and west [8.047m x 4.821m]) terrace (RL 24.55) with BBQ area and direct access to the existing (unaltered) swimming pool and spa surrounds;
- ground floor (FFL 27.64 existing):
  - entry foyer, toilet, stairs, coat room, living room, sitting room and open plan kitchen (with butler's pantry) and dining room with a directly accessible 8.6m x 3.8mm west facing balcony (FFL 27.64) with BBQ;
- first floor (FFL 31.05 existing):
  - master bedroom with ensuite and walk in robe, bedrooms 1 and 2, guest bedroom each with ensuite, stairs and laundry.

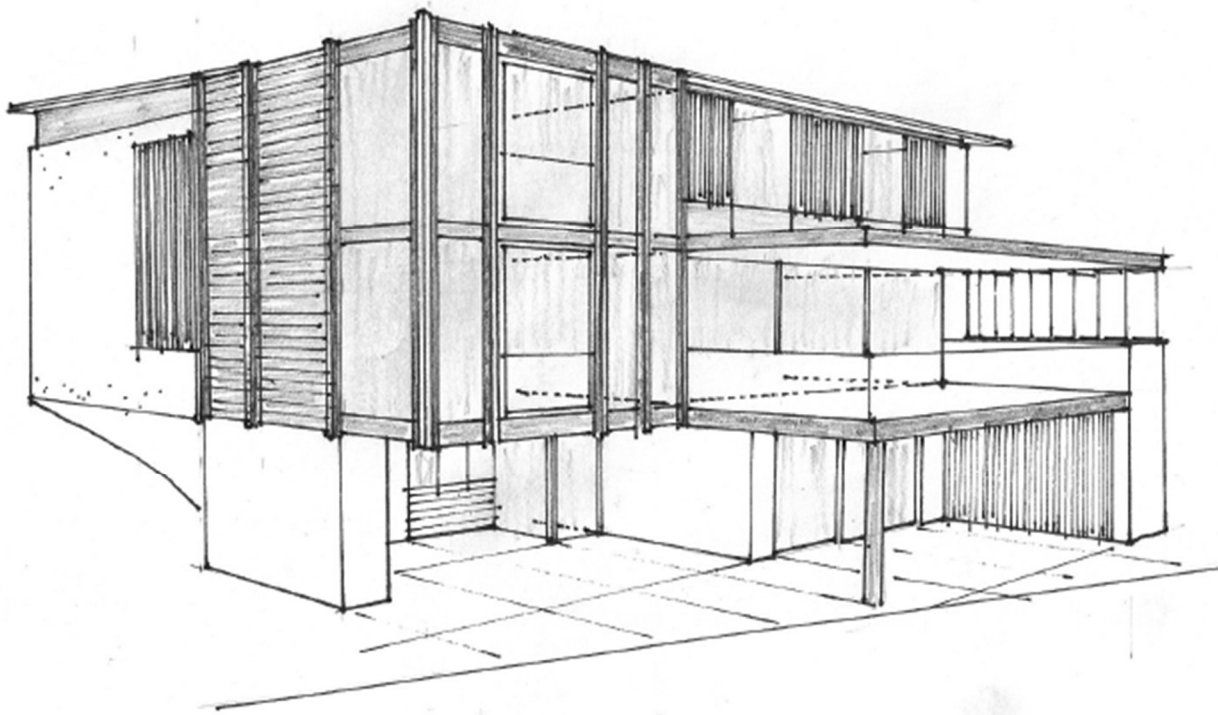
The new garage / studio is to be constructed as previously approved under DA 2020/189 and will comprise:

- garage level (FFL 39.13):
  - double garage with storage, inclinator platform, forecourt with hardstand vehicle turn platform, stone driveway, screened garbage room and external northern side stairs;
- studio (FFL 35.83):
  - open plan 57.3m<sup>2</sup> studio with bathroom, ensuite, plant and storage (within existing excavated areas) and irregular shaped (~20m<sup>2</sup>) timber deck (FFL 35.8).

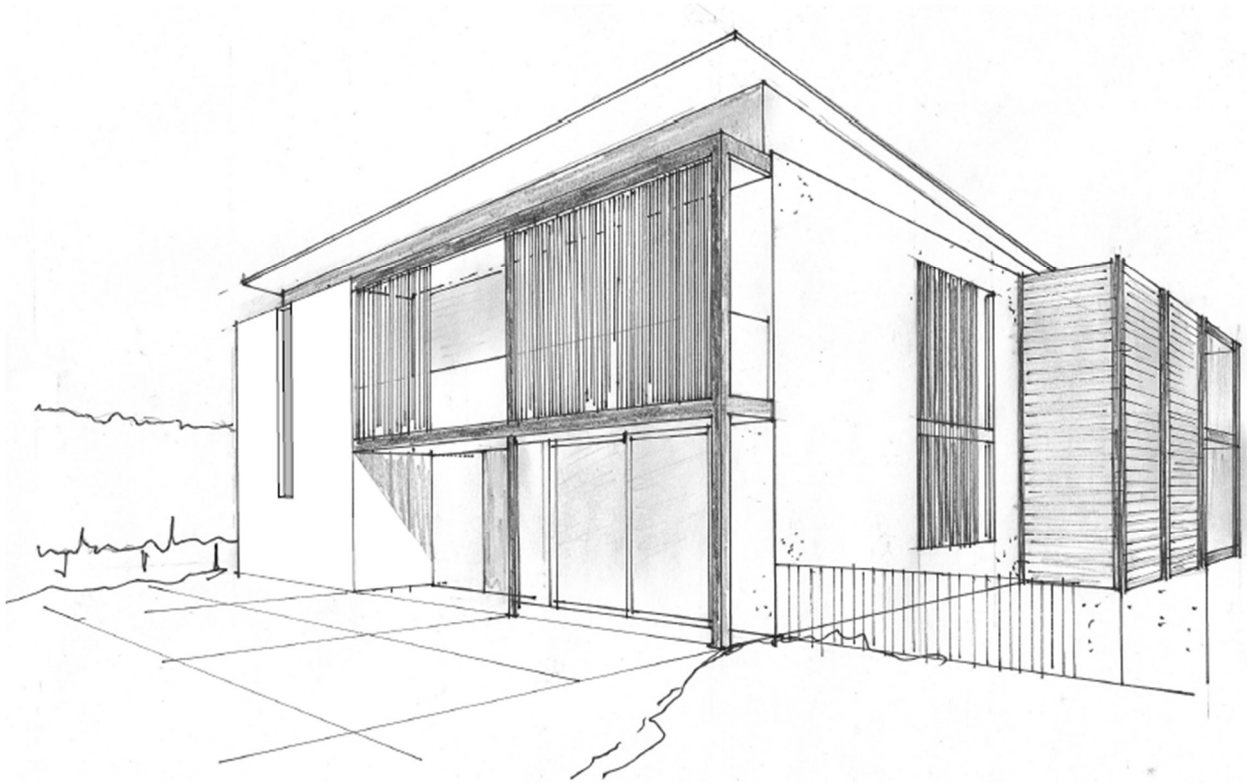
Other required (nominated) site works, including:

- feature planting and landscaping (including decking, paving, concrete steps, sandstone clad retaining walls) within the split level front yard;
- inclinator along the southern boundary between the garage and dwelling;
- new colorbond tray roofing with two skylights and 60 photovoltaic solar panels;
- new boundary fencing; and
- 3,000 litre rainwater tank (**RWT**) adjacent to the southern boundary at the basement level.

Sketches of the altered dwelling are provided at **Figures 13, 14 and 15**.



**Figure 13** – Sketch of the dwelling's western elevation (view from the swimming pool and surrounds)



**Figure 14** – Sketch of the dwelling's northern elevation (view from the lower lawn)



**Figure 15** – Sketch of the garage / studio from Amiens Road looking south west



### 3.2 External materials and finishes

Case Ornsby Architecture has prepared a swatch of the proposed external materials and finishes for the proposal. They are contained within the Architectural Drawings submitted separately. The elements of the building will be reflected in a selection of materials and colours consistent with the proposed built form. The proposed building design creates a rectilinear aesthetic. Strong proportions are counter-pointed by feature panels of different materials and colour. The built form is highly articulated.

The high quality and durable external materials and finishes are considered to positively add to the character of the surrounding locality and are durable/hardy given the site’s relative waterfront location.

### 3.3 Waste management

Council’s generic Site Waste and Recycling Management Plan by Case Ornsby Architecture is submitted separately. The proposal does not alter the site’s existing waste management practices. Collection of garbage from the site will continue in the same manner, which is by Council’s contractors along Amiens Road on the designated days. An unroofed albeit screened waste storage area is provided adjacent to the north eastern boundary within the garage forecourt area as approved under DA 2020/189.

### 3.4 Utilities

The utility services available to the site including electricity, telecommunications, sewer and stormwater may require some augmentation. It is not anticipated that the proposal will have an adverse impact on the provision or availability of these services.

### 3.5 Building height and wall height

Existing proposed height, bulk and scale calculation diagrams by Case Ornsby Architecture are contained within the Architectural Drawings submitted separately. It is noted the garage / studio is to be constructed as previously approved under DA 2020/189.

Due to substantial topographical variations, the maximum building height of the existing and proposed dwelling house and the garage / studio varies.

A comparison of the existing and proposed maximum heights for the dwelling and the garage / studio is provided at **Table 1** below.

**Table 1 – Comparison of existing and proposed maximum heights**

| Element         | Existing | Proposed      |
|-----------------|----------|---------------|
| Dwelling        | 11.64m   | 7.12m to 9.7m |
| Garage / studio | 7.6m     | 7.313m        |

The dwelling’s wall height varies from 5.8m (north eastern elevation) to 9.05m (north western elevation).

The garage / studio’s wall height varies from 7.308m to 7.313m.

### 3.6 GFA and FSR

GFA and FSR calculation diagrams by Case Ornsby Architecture are contained within the Architectural Drawings submitted separately. The existing dwelling house and garage / studio has a GFA of 333.8m<sup>2</sup>, which equates to an FSR of 0.35:1 (rounded up). The alterations and additions to the existing dwelling house and the new garage / studio will have a GFA of 426.67m<sup>2</sup>, equating to an FSR of 0.44:1.

The garage / studio is to be constructed in accordance with that previously approved under DA 2020/189.

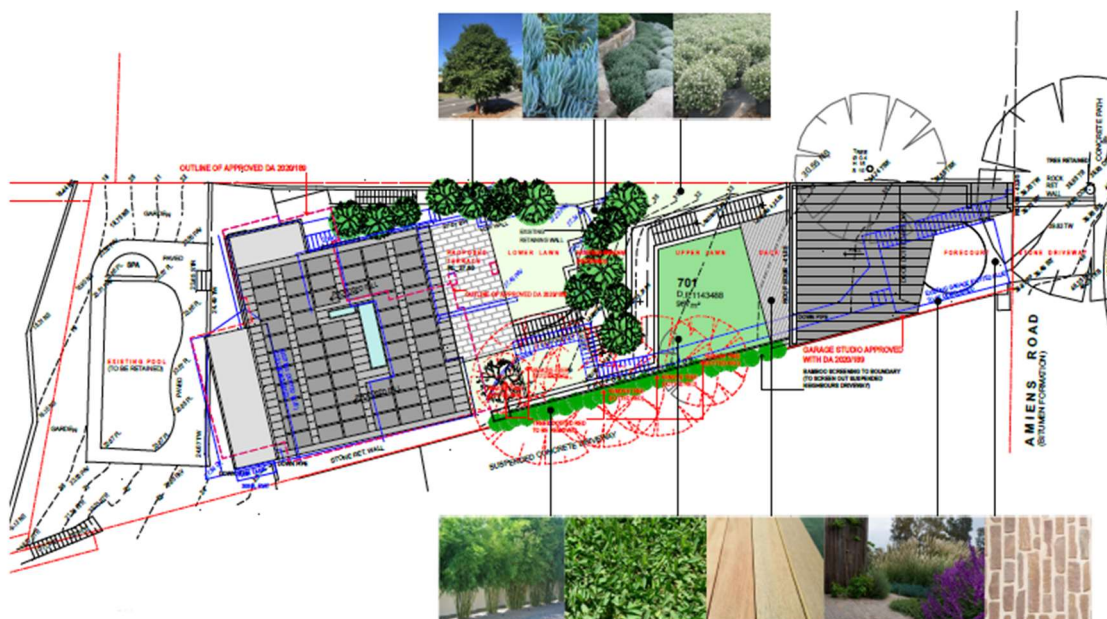
### 3.7 Open space

It is proposed to provide:

- 317.97m<sup>2</sup> (33% site area rounded up) as landscaped area;
- 117.19m<sup>2</sup> as deep soil zones (excluding the 119.25m<sup>2</sup> garden surrounding the unaltered swimming pool);
- 368.4m<sup>2</sup> private open space; and
- approximately 703.2m<sup>2</sup> total open space (excluding side boundary accessways).

The fundamental characteristics of the site's landscaped area generally remain unaltered, that is the useable terraced grassed areas are retained between the dwelling and the garage. This area promotes infiltration and absorption. In addition to the ground level landscaped areas, the site is provided with various external terraces (east and west facing and at each level) of the dwelling and the studio. These areas are directly accessible from the rooms they are connected to, which enable indoor/outdoor living. The existing swimming pool, spa and surrounds (including garden, retaining walls, steps, fencing etc) is to remain unaltered. Nominated removal of existing vegetation is required to facilitate the inclinator along the southern boundary. Complementary perimeter planting to each side boundary between the dwelling and the garage/studio is proposed.

A Landscape Plan by Case Ornsby Architecture is submitted separately and is reproduced below at **Figure 16.**



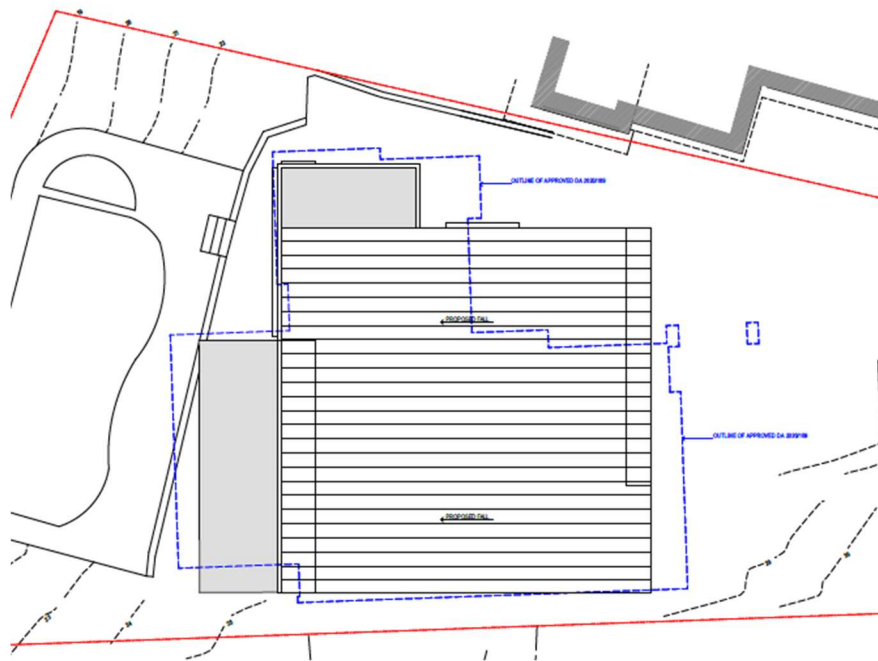
**Figure 16 – Proposed landscape plan**

### 3.8 Setbacks

The altered proposed dwelling house and the reconstructed garage / studio generally follow the site's existing / approved built form alignment relative to setbacks. A comparison of the previously approved DA 2020/189 and proposed alignment is shown at **Figure 17**, being the proposed roof plan. The approved built form is shown **dashed blue** over the proposed site plan.

The dwelling is provided with the following side boundary setbacks (rounded accordingly):

- ranging from 2.5m to 3.3m (BBQ) and 4.8m (bar and powder room) at the basement level to the northern boundary;
- typically 1.2m to the southern boundary at the basement, ground and first floor levels;
- 1.613m to the southern boundary at the ground floor level for the new balcony;
- ranging from 2.5m to 3.6m (sitting) and 3.1m (living - existing) at the ground floor to the northern boundary;
- ranging from 2.5m to 3.5m (master bedroom) and 3m to 4.8m (master bedroom walk in robe and ensuite) at the first floor level to the northern boundary; and
- ranging between 10.4m (northern side) to 17m (southern side) to the western (rear) boundary for the principal façade line.



**Figure 17** – Overlay of DA 2020/189 approved and proposed to be altered dwelling roof plan

The construction of the garage / studio is to be in accordance with that previously approved under DA 2020/189, which is:

- a setback of 7.5m to the site's Amiens Road front boundary. This enables the provision of a hardstand with turntable forecourt and screened waste storage area;
- a zero building alignment to its southern and northern boundaries (in part at both levels). Immediately adjacent are the driveway for the neighbouring properties to the site's north and south.

A minimum separation of 21.44m is provided between the dwelling and the garage/studio. Within this area is the terraced lawn area.

### **3.9 Access and car parking**

The existing garage and storage area below is to be demolished. A new double garage (FFL 39.13) with associated storage is proposed. In front of the garage is a stone forecourt area which will also contain a vehicle turn platform to enable views to leave the site in a forward direction, a desirable outcome given the relative poor sight distances, topographical variations and intersection location. Below the garage will be a separate studio and plant / storage area within the already excavated zone. Stairs on the northern side of the garage enable access to the studio level and backyard below. Alternative access to the dwelling along the southern boundary is provided via the proposed inclinator.

Existing stairs within the terraced mid front yard are retained and enable direct access to the ground floor level's entry foyer. The northern boundary pedestrian accessway is retained to enable access from the site's front to its backyard.

### **3.10 Stormwater management**

Case Ornsby Architecture has prepared a Stormwater Concept Plan (submitted separately). The key aspects of the stormwater design include:

- the site's permeability has generally been maintained, which promotes infiltration and absorption;
- provision of 600mm x 600mm stormwater pits (x 6);
- as the site is within Zone 3 of Council's stormwater control zones, on site detention (**OSD**) is not required;
- the provision of a 3,000 litre RWT at the basement level adjacent to the south western extent of the dwelling for storage and reuse (connecting to an outdoor tap and toilets); and
- the provision of 100mm diameter PVC piping at a minimum 1% grade to connect to existing stormwater infrastructure.

### **3.11 BCA / NCC compliance**

Case Ornsby Architecture has prepared the Architectural Drawings (submitted separately) in compliance with the relevant provisions of the BCA / NCC. Subject to further refinement as part of the CC process, the proposed works are capable of compliance with the relevant requirements of the BCA / NCC.

## 4.0 STATEMENT OF ENVIRONMENTAL EFFECTS

The following is our assessment of the environmental effects of the proposed development as described in the preceding sections of this report. The assessment includes only those matters under Section 4.15 that are relevant to the proposal as identified in **Table 2**.

**Table 2** – Section 4.15 Checklist

| Matter for Consideration  | Comment  |
|---|--|
| – Provisions of relevant Environmental Planning Instruments         | – Refer to Sections 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, and 4.1.6 |
| – Provisions of relevant Draft Environmental Planning Instruments   | – N/A  |
| – Provision of relevant Development Control Plans                   | – Refer to Section 4.1.7   |
| – Provisions of relevant Planning Agreements                        | – N/A  |
| – Any matters pursuant to the Regulations 2021                      | – N/A  |
| – Provisions of any relevant Coastal Management Plans               | – N/A  |
| – The likely impacts of the development                             | – Refer to Section 4.2   |
| – The suitability of the site for the development                   | – Refer to Section 4.3   |
| – Any submission made in accordance with the Act or the Regulations | – Refer to Section 4.4   |
| – The public interest   | – Refer to Section 4.5   |

### 4.1 S4.15(1)(a) Statutory considerations

The following environmental planning instruments and development control plan are relevant to the proposal:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (**BASIX**);
- State Environmental Planning Policy (Biodiversity and Conservation 2021) 2017 (**Biodiversity and Conservation SEPP 2021**);
- State Environmental Planning Policy (Resilience and Hazards) 2021 (**Resilience and Hazards SEPP 2021**);
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (**Transport and Infrastructure SEPP 2021**);
- State Environmental Planning Policy (Housing) 2021 (**Housing SEPP 2021**);
- Manly Local Environmental Plan 2013 (**LEP 2013**); and
- Manly Development Control Plan 2013 (**DCP 2013**).

An assessment of the proposal's compliance with the relevant provisions of these plans follows overleaf.

### **4.1.1 BASIX**

BASIX applies to the proposal. A BASIX Certificate by Case Ornsby Architecture demonstrating compliance with the relevant BASIX requirements of water, thermal and energy is submitted separately.

### **4.1.2 Biodiversity and Conservation SEPP 2021**

#### **4.1.2.1 Chapter 2 - Vegetation in non-rural areas**

Chapter 2 applies to the site. It aims to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The site contains established landscaped areas including mature vegetation and perimeter planting to each side boundary. The area between the garage and the dwelling comprises a relatively level and useable lawn area

The key landscape and tree management features of the proposal are:

- it has been developed to integrate the development's landscape to respect the surrounding locality's landscape identity, whilst responding to the site's context and the building's function and character;
- to create an appropriate scale and bulk of built form set in a comprehensive landscape setting, and as an appropriate response to the site setting;
- to create an informal landscape edge to the building, that is substantially a landscape screen for aural and visual privacy and retention of the rear yard lawn area for passive or active recreation;
- a mixture of the existing trees enhance the habitat values, as well as maintaining visual interest and suitability for the various landscape uses, and associated microclimates; and
- existing and proposed plant material has been selected for hardiness, ease of maintenance and proven ability in the area. Of importance are the foliage characteristics and floral habitats throughout the year. This is achieved through the use of indigenous canopy plantings and the inclusion of flowering understorey plants planting.

The fundamental characteristics of the site's landscaped area remain unaltered, that is the useable terraced grassed areas are retained between the dwelling and the garage / studio. This area promotes infiltration and absorption. Nominated removal of existing vegetation is required to facilitate the inclinator along the southern boundary. Appropriate new perimeter planting is proposed to each side boundary between the dwelling and the garage/studio. The dwelling will sit within a garden like setting. A Landscape Concept Plan and Species List by Case Ornsby Architecture is submitted separately.

There are no trees within the site that have been identified as Heritage Items or identified within a Significant Tree Register. The proposal does not impact on the numerous mature vegetation on neighbouring properties or the surrounding public domain.

The proposal is consistent with the requirements of Chapter 2 of SEPP 2021.

#### **4.1.2.2 Chapter 6 - Water catchments**

The now approved development was considered consistent with the former relevant provisions of Sydney Regional Environmental Plan 2005.

Part 6.2 of Chapter 6 (Development in regulation catchments) now applies to the site as it is within a regulated catchment, being Sydney Harbour. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour (Clontarf Point / Middle Harbour).

The site is within the Foreshores Waterways Area, however, is not within the Foreshores and Waterways Zone or adjacent to a waterway. In deciding whether to grant or modify a development consent to development on land in a regulated catchment, the consent authority must consider matters relating to water quality and quantity, aquatic ecology, flooding, recreation and public access and total catchment management.

The proposal is unlikely to create adverse effects on the following:

- waterways, natural waterbodies, water table, ground water and environmental impacts on the Sydney Harbour Catchment;
- terrestrial, aquatic or migratory animals or vegetation, aquatic reserves and wetlands;
- erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody;
- water quality of a natural waterbody if flooding were to occur;
- natural recession of floodwaters into wetlands or other riverine ecosystems;
- recreational land uses or public access to and around foreshores;
- is consistent with the prevailing character of neighbouring buildings and is not incompatible considering the hillside to harbour context the site is located;
- provides a modern and contemporary architectural design solution which does not negatively influence the character of the waterfront locality;
- the proposal will not affect the foreshore and waterways scenic quality of Sydney Harbour nor will it affect views from the site and the surrounding properties; and
- the Sydney Harbour Catchment area overall.

The proposed development is considered to satisfy the provisions of Part 6.2 by not materially altering the site's approved stormwater strategy or infrastructure (refer to Section 3.10 for further information) or its overall relative permeability.

### **4.1.3 Resilience and Hazards SEPP 2021**

#### **4.1.3.1 Chapter 2 – Coastal management**

The site is within the coastal environment and coastal use zone. An assessment of the proposal's consistency with the relevant clauses of Chapter 2 are addressed below.

##### **Clause 2.10 – Development on land within the coastal environmental area**

The site is within the Foreshores and Waterways Area, and therefore, this section does not apply under S2.10(3). However, for completeness:

*The consent authority is to consider whether the proposal 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.*

The proposal has an acceptable outcome in relation to the above as:

- it does not affect the site's or locality's hydrological environment;
- the site does not contain any terrestrial biodiversity;
- the site does not contain riparian land;
- it has no identifiable impact on marine vegetation or native vegetation;
- the site is not a waterfront location and therefore has negligible potential for impact on water quality within the marine estate (the harbour);
- the site's existing vegetation is retained where required with appropriate new plantings proposed;
- it does not impact any aboriginal cultural heritage, practices or places;
- it does not alter access to and along the foreshore; and
- it is not in the surf zone.



**Clause 2.11 – Development on land within the coastal use area**

The site is within the Foreshores and Waterways Area, and therefore, this section does not apply under S2.11(3). However, for completeness:

*The consent authority is to be satisfied that:*

- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
  - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
  - (iv) *Aboriginal cultural heritage, practices and places,*
  - (v) *cultural and built environment heritage, and*

The proposal has an acceptable outcome in relation to the above as:

- refer to the assessment at Clause 2.10 above;
- the site and adjacent properties do not have any heritage significance;
- the site is not within a heritage conservation area;
- it does not result in the loss of views to the foreshore from the surrounding public domain;
- there is no overshadowing impact of the foreshore or waterway; and
- it provides for an acceptable visual impact when viewed from the harbour or Clontarf Point as the site's altered built form sits is not incompatible considering its established and likely future built form context (i.e. its neighbouring properties).

**Clause 2.12 – Development in coastal generally – development not 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. The proposal for alterations and additions to an existing dwelling is not considered likely to increase risk of coastal hazards on the site or any other land, given its relative distance to Clontarf Point with built form provided in between.

**4.1.3.2 Chapter 4 - Remediation of land**

Pursuant to Clause 4.6, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether it is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

The Resilience and Hazards SEPP 2021 guidelines state that as an indicator of potential contamination, an initial evaluation of the history of land use of a site is essential to determine whether contamination is an issue. The initial evaluation can be based on readily available information. Where there is no reason to suspect contamination after acting substantially in accordance with the guidelines, the proposal may be processed in the usual way.

The following assessment has been undertaken substantially in accordance with the initial evaluation process contained in the Resilience and Hazards SEPP 2021. To our knowledge, no previous investigations of contamination on the land have been undertaken. Also, to our knowledge:

- the site is currently occupied by a dwelling house and has not in the past, been regulated through licensing or other mechanisms in relation to any activity listed in Table 1 of the Contaminated Land Planning Guidelines; and
- there are no land use restrictions on the site relating to possible contamination, such as notices issued by any regulatory authority.

The site is zoned R2 Low Density Residential pursuant to the provisions of LEP 2013 and has been zoned for the same, or similar purpose for many years. Although a range of development is permissible with consent in the R2 Low Density Residential zone, to our knowledge, the land has not at any time been specifically zoned for an industrial or agricultural purpose.

Having regard to the initial evaluation of the site detailed above, there is no evidence to suggest that the land might be contaminated or that further inquiry in relation to potential land contamination is warranted in this instance.

#### **4.1.4 Transport and Infrastructure SEPP 2021**

##### **4.1.4.1 Chapter 2 Infrastructure**

###### **Clause 2.48 – Determination of DA's other development**

Pursuant to Clause 2.48 a consent authority is to refer (give written notice) for development carried out within 5m of an exposed overhead electricity power line (amongst other things).

Considering the above, it is assumed that Council will refer the DA to the appropriate authority and if no response is received within the 21 day requirement, Council can assume concurrence and impose appropriate conditions of consent.

#### **4.1.5 Housing SEPP 2021**

##### **4.1.5.1 Chapter 3 Diverse Housing, Part 1 Secondary dwellings**

The studio below the garage may be interpreted as a secondary dwelling, although its use is not intended as an independent dwelling and kitchen facilities have not been provided. Separate access has been provided. An assessment against the relevant provisions of Chapter 3, Part 1 of the Housing SEPP 2021 follows at **Table 3**.

**Table 3 – Compliance with the Housing SEPP 2021**

| Clause                              | Requirement   | Proposal/Compliance   |
|-------------------------------------|---|---|
| <b>Cl. 50 – Application of part</b> | – This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument. | ✓ Noted. The site is zoned R2 Low Density Residential (see <b>Table 4</b> below).<br>✓ A dwelling house is specifically permissible with development consent. |
| <b>Cl. 50 – No subdivision</b>      | – Development consent must not be granted for the subdivision of a lot on which development has been carried out under this Part.   | ✓ Subdivision is not sought.  |

| Clause  | Requirement   | Proposal/Compliance  |
|---|---|--|
| <b>Cl. 52 – Development may be carried out with consent</b> | <p>– Development consent must not be granted for development to which this Part applies unless:</p> <p>(a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and</p> <p>(b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and</p> <p>(c) the total floor area of the secondary dwelling is:</p> <p>(i) no more than 60m<sup>2</sup>, or</p> <p>(ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.</p> | <p>✓ Alterations and additions to the principal dwelling are proposed. Consent is also sought for the construction of a new double garage with a studio (secondary dwelling) below.</p> <p>X An FSR of 0.44:1 is proposed. Refer to <b>Table 4</b> and the FSR Exception to Development Standards submission by LPDS submitted separately for further information.</p> <p>✓ The GFA of the secondary dwelling (studio) is 57.3m<sup>2</sup>.</p> |
| <b>Cl. 53 – Non-discretionary standards – the Act S4.15</b> | <p>– The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies:</p> <p>(a) for a detached secondary dwelling, a minimum site area of 450m<sup>2</sup>,</p> <p>(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.</p>   | <p>✓ The secondary dwelling is detached from the principal dwelling.</p> <p>✓ The site has an area of 967m<sup>2</sup>.</p> <p>✓ A double garage is proposed.</p>  |

### 4.1.6 LEP 2013

The relevant provisions of LEP 2013 are addressed at **Table 4**.

**Table 4** – Compliance with LEP 2013

| Clause   | Requirement   | Proposal/Compliance   |
|--|---|---|
| Cl. 2.1 – Land use zones and Cl. 2.2 - Zoning of land to which this plan applies | – Pursuant to the zoning map, the site is located within the R2 Low Density Residential Zone.   | ✓ Noted.  |
| Cl. 2.3 – Zone objectives and land use table                                     | <p>– The following development is permissible with development consent in the R2 Low Density Residential zone:</p> <p><i>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Centre-based child care facilities; Community facilities; Dual occupancies; <b>Dwelling houses</b>; 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); Respite day care centres; Roads; <b>Secondary dwellings</b>; Semi-detached dwellings; Shop top housing; Signage; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems (my emphasis)</i></p> <p>– The objectives of the R2 Low Density Residential zone are:</p> <ul style="list-style-type: none"> <li>- to provide for the housing needs of the community within a low density residential environment.</li> <li>- to enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul> | <p>✓ The site contains a single dwelling house. The land use is not being altered. Alterations and additions to the existing dwelling house and construction of a garage and studio (secondary dwelling) are proposed. The proposal is specifically permissible with development consent.</p> <p>✓ The proposal is consistent with the objectives of the R2 Low Density Residential zone as it:</p> <ul style="list-style-type: none"> <li>- maintains the existing dwelling house on an existing low density residential allotment of land;</li> <li>- provides flexible accommodation for a family through the provision of the studio below the new double garage;</li> <li>- maintains the existing subdivision pattern and therefore the existing allotment density within an established residential locality;</li> <li>- there are no unreasonable amenity impacts to neighbouring and nearby properties and the surrounding public domain. The environmental amenity of the neighbours has been preserved;</li> <li>- maintains and enables a built form that is not incompatible with the existing and likely future built form context;</li> <li>- undertakes works which are not visually intrusive or bulky when viewed from the</li> </ul> |

| Clause   | Requirement  | Proposal/Compliance   |
|--|--|---|
|  |  | <p>surrounding public domain and maintains a built form that sits comfortably within the site's locational built form context.</p> <ul style="list-style-type: none"> <li>- is located on a site of sufficient size to appropriately accommodate the overall built form; and</li> <li>- the occupants of the dwelling can work from home as/if required and utilise other land uses that provide facilities or services meeting their day to day needs. There is no identifiable impact to other local centres or non-residential precincts.</li> </ul>   |
| <b>Cl. 2.7 – Demolition requires development consent</b> | – Development consent required for demolition.   | ✓ Nominated demolition works are shown on the Architectural Drawings by Case Ornsby Architecture submitted separately.  |
| <b>Cl. 4.3 – Height of buildings</b>                     | – 8.5m maximum building height   | <p>X As existing the dwelling house has a maximum height of 11.64m (ridge RL 36.24 as measured from ground level existing, the basement FFL 24.60). Through a different roof design, the dwelling house has a reduced maximum height of 9.7m. Refer to the Clause 4.6 discussion below for further information.</p> <p>✓ The garage / studio has a maximum height of 7.313m. Its overall envelope is the same as that originally approved under DA 2020/189.</p>  |
| <b>Cl. 4.4 – FSR</b>                                     | – 0.4:1 maximum FSR.   | X An FSR of 0.44:1 is proposed. The proposed FSR is the same as that previously approved on the site under DA 2020/189. Refer to the Clause 4.6 discussion below for further information.   |
| <b>Cl. 4.6 – Exception to development standards</b>      | <p>– Consent may be granted for development which does not comply with a development standard imposed under LEP 2013.</p> <p>– Consent must not be granted for development which departs from a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the departure by demonstrating:</p> <ul style="list-style-type: none"> <li>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</li> <li>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</li> </ul> <p>– Consent must not be granted for development that departs from a development standard unless:</p> <ul style="list-style-type: none"> <li>(a) the consent authority is satisfied that: <ul style="list-style-type: none"> <li>(i) the applicant's written request has adequately addressed the matters required above, and</li> <li>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular</li> </ul> </li> </ul> | <p>X/v Noted. The proposed development departs from the height standard at Clause 4.3 (existing departure, albeit reduced) and also departs from the FSR standard at Clause 4.4. A Clause 4.6 Exception to Development Standards submission for each departure (height and FSR) by LPDS is submitted separately and which demonstrates that:</p> <ul style="list-style-type: none"> <li>- compliance with each standard is unreasonable and unnecessary;</li> <li>- the proposal does not result in any material environmental impacts to neighbouring properties and the surrounding public domain;</li> <li>- the proposal is in the public interest;</li> <li>- the proposal is consistent with the relevant zone objectives;</li> <li>- the proposal is consistent with the stated objectives of the standard; and</li> <li>- there are sufficient environmental planning grounds to support each variation.</li> </ul> |

| Clause   | Requirement   | Proposal/Compliance  |
|--|---|--|
|  | <p>standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Director-General has been obtained</p>   |  |
| <b>Cl. 5.4 – Controls relating to miscellaneous permissible uses</b> | <p>– If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:</p> <p>(a) 60m<sup>2</sup>,</p> <p>(b) 30% of the total floor area of the principal dwelling.</p>  | <p>✓ The total floor area of the secondary dwelling (studio) is 57.3m<sup>2</sup>.</p>   |
| <b>Cl. 6.1 – Acid sulfate soils</b>                                  | <p>– The site is subject to Class 5 acid sulfate soils.</p>   | <p>✓ Whilst excavation is proposed, the proposed works are not likely to lower the water table below 1m AHD on any land within 500m of a Class 1, 2 and 3 land classification. Accordingly, further assessment is not required as acid sulfate soil affectation is unlikely. Refer below.</p>  |
| <b>Cl. 6.2 – Earthworks</b>  | <p>– Council is to consider the following in relation to earthworks:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> | <p>✓ A Geotechnical Assessment by Ascent Geo is submitted separately. Refer to Section 4.2 for further information.</p> <p>✓ The amount of excavation is consistent with that previously approved under DA 2020/189 and therefore the requirements of Clause 6.2 as:</p> <ul style="list-style-type: none"> <li>- the extent of site disturbance is not materially different from that already permitted on the site under DA 2020/189;</li> <li>- the adjacent properties are at similar elevations and have similar geomorphology. No geotechnical hazards adversely affect the site and the proposed excavation is unlikely to have an adverse impact relative to natural watercourses, natural drainage patterns and landform in general;</li> <li>- the site's existing topography is generally respected despite being terraced;</li> <li>- it is typically sited away from the site's boundaries or if in proximity is not adjacent habitable built form but rather driveways. There is no impact the structural integrity of the neighbour's built form and appropriate conditions of consent can be imposed in this regard;</li> <li>- the impact on existing vegetation is minimal and complementary new landscaping is proposed. The built form sits within a garden setting;</li> <li>- the site's permeability is maintained promoting infiltration and absorption; and</li> <li>- the site is not known to contain any items of historical, aesthetic, social or cultural</li> </ul> |

| Clause  | Requirement  | Proposal/Compliance  |
|---|--|--|
|   |  | significance; and<br>- A Drainage Concept Plan by Case Ornsby Architecture is submitted separately. All drainage works will accord with the requirements of AS 3500.3.   |
| <b>Cl. 6.4 – Stormwater management</b>            | <ul style="list-style-type: none"> <li>– Council is to consider the following in relation to stormwater management: <ul style="list-style-type: none"> <li>(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</li> <li>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</li> <li>(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.</li> </ul> </li> </ul>  | <ul style="list-style-type: none"> <li>✓ Case Ornsby Architecture has prepared a Drainage Concept Plan (submitted separately) for the proposal in accordance with Council's standard requirements. Refer to Section 3.10 for further information.</li> </ul> |
| <b>Cl. 6.5 – Terrestrial biodiversity</b>         | <ul style="list-style-type: none"> <li>– The site is affected by the terrestrial biodiversity map. Council is to consider the following: <ul style="list-style-type: none"> <li>(a) whether the development is likely to have: <ul style="list-style-type: none"> <li>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</li> <li>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</li> <li>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</li> <li>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</li> </ul> </li> <li>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>✓ The site is not affected by any terrestrial biodiversity. It is noted such affectation is adjacent the site's western boundary.</li> </ul>  |
| <b>Cl. 6.9 – Foreshore scenic protection area</b> | <ul style="list-style-type: none"> <li>– Council is to consider the following in relation to the impacts on the foreshore scenic protection area: <ul style="list-style-type: none"> <li>(a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,</li> <li>(b) measures to protect and improve scenic qualities of the coastline,</li> <li>(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,</li> <li>(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.</li> </ul> </li> </ul>   | <ul style="list-style-type: none"> <li>✓ Noted, refer to the detailed assessment under Chapter 6 of the Biodiversity and Conservation SEPP 2021 at Section 4.1.2.2 and Chapter 2 of the Resilience and Hazards SEPP 2021 at Section 4.1.3.1.</li> </ul>      |

| Clause                         | Requirement  | Proposal/Compliance   |
|--------------------------------|--|---|
| Cl. 6. 12 – Essential services | – Development cannot be granted unless adequate infrastructure (utilities) is available. | ✓ The utility services available to the site including electricity, telecommunications, sewer and stormwater may require some augmentation. It is not anticipated that the proposal will have an adverse impact on the provision or availability of these services. |

#### 4.1.7 DCP 2013

An assessment of the proposal against the specifically relevant guidelines of DCP 2013 is addressed at **Table 5** overleaf.

Section 4.15(3A) of the Act states:

*If a development control plan contains provisions that relate to the development that is subject of a development application, the consent authority:*

- (a) if those provision set standards with respect to an aspect of the development and the development application complies with those standards – is not to require more onerous standards with respect to that aspect of the development, and*
- (b) if those provisions set standards with respect to an aspect of the development and the development does not strictly comply with those standards – **is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and***
- (c) may consider those provisions only in connection with the assessment of that development application. (our emphasis)*

The proposal relies on some minor variations to DCP 2013. The proposal is consistent with development already permitted on adjacent land and under the circumstances, dispensation from strict adherence to the controls will enable a better outcome for the site.

**We note that Sections 3.42 and 4.15(3A) of the Act clarify that a DCP is only to act as a guideline, and that Council's are to be flexible and allow for alternative solutions where an application does not meet the applicable guidelines in a DCP.**



**Table 5 – Compliance with DCP 2013**

| Element  | Control   | Proposal/Compliance   |
|--|---|---|
| <b>Part 3 – General Principles for Development</b> |   |   |
| <b>Landscaping</b>                                 | – 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. | ✓ The altered dwelling and the new garage / studio (as previously approved under DA 2020/189) are clearly not incompatible considering their established and likely future built form context when viewed from the surrounding public domain, including Amiens Road, Clontarf Point or the harbour generally. The height, bulk and scale of the dwelling is consistent with that existing on adjacent properties. The locality is characterised by substantial multi level dwelling houses that are influenced by the locality's topographical characteristics. There will be no visual built form dominance when viewed from the surrounding public domain. The dwelling and its surrounds sit within an appropriate landscape / garden setting. |
|  | – Developments must maximise the retention and protection of natural landscape features including significant rock outcrops and vegetation including canopy trees and under-storey vegetation, which would require a tree permit under this plan.   | ✓ Existing natural features and outcrops on the site will be retained. The site does not contain any significant vegetation that cannot be removed (refer to Section 4.2 for further information). Established landscaping within the site's backyard area is not altered. Appropriate new perimeter landscaping will be provided in the mid level front yard. The site's positive contribution to the landscape and scenic quality of the locality is maintained.  |
| <b>Amenity</b>                                     | – Careful design consideration should be given to minimise loss of sunlight, privacy and views of neighbouring properties.  | ✓ Refer to Section 4.2 for further information.   |
|  | – Development should not detract from the scenic amenity of the area. In particular, the apparent bulk and design of a development should be considered and assessed from surrounding public and private view points.   | ✓ The altered dwelling and the new garage / studio (as previously approved under DA 2020/189) are clearly not incompatible considering their established and likely future built form context when viewed from the surrounding public domain, including Amiens Road, Clontarf Point or the harbour generally. The height, bulk and scale of the dwelling is consistent with that existing on adjacent properties. The locality is characterised by substantial multi level dwelling houses that are influenced by the locality's topographical characteristics. There will be no visual built form dominance when viewed from the surrounding public domain. The dwelling and its surrounds sit within an appropriate landscape / garden setting. |
|  | – For adjacent buildings with an east-west orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at least 2 hours from 9am to 3pm on 21 June.  | ✓ The proposal does not result in adverse overshadowing impacts to neighbouring properties or the surrounding public domain. Refer to Section 4.2 for further information.  |

| Element                               | Control   | Proposal/Compliance   |
|---------------------------------------|---|---|
|                                       | – Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties.   | ✓ Refer to Section 4.2 (Privacy) for further information. Appropriate landscaping and design related screening elements are proposed to ensure privacy internal to the site and for the neighbouring properties.  |
| <b>Stormwater management</b>          | – Stormwater management plan required.  | ✓ A Drainage Concept Plan by Case Ornsby Architecture is submitted separately. Refer to Section 3.10 for further information.   |
| <b>Waste management</b>               | – Waste management plan required.   | ✓ A Waste Management Plan by Case Ornsby Architecture is submitted separately. It has been prepared in accordance with Council's standard practices and guidelines. The proposal does not alter the site's existing waste management practices. Collection of garbage from the site will continue in the same manner, which is by Council's contractors along Amiens Road on the designated days. An unroofed albeit screened waste storage area is provided adjacent to the north eastern boundary within the garage forecourt area. |
| <b>Mechanical plant and equipment</b> | – External mechanical plant systems (for pools, air conditioning and the like) must be acoustically enclosed and located centrally and away from neighbours living areas of neighbouring properties and side and rear boundaries. | ✓ The proposed development has been designed to ensure appropriate levels of noise/sound transmission in accordance with relevant BCA requirements and Australian Standards. Mechanical plant and equipment including that for the pool and spa and inclinor is contained either within the dwelling's basement or the at the rear of the studio within the existing excavated zone. Adverse acoustic impacts are therefore not anticipated.  |
| <b>Safety and security</b>            | – Development is to have regard to CPTED principles.  | ✓ The proposal is consistent with CPTED principles as existing and secure access points are maintained / proposed. The site's entries provide architectural, landscape and spatial interest and a clear address. The clear definition of the private and public domain and the sequences of the front and side landscaped areas and the site's built form generally will positively contribute to the occupants levels of residential amenity.  |

| Element  | Control  | Proposal/Compliance   |
|--|--|---|
| <b>Part 4 – Development Types and Development Controls</b> |  |   |
| <b>Part 4.1 – Residential development controls</b>         |  |   |
| <b>Wall height</b>   | <p>– Maximum wall height determined by gradient and as per Council's report on DA 2020/189 is 7.8m for the dwelling based on a gradient of 1:4.5 and ranging between 7.3m and 7.7m on a varied gradient of 1:5 and 1:7.5 for the studio.</p> | <p><b>v/X</b> The dwelling's wall height varies from 5.8m (north eastern elevation) to 9.05m (north western elevation).</p> <p><b>v/X</b> The garage / studio's wall height varies from 7.308m to 7.313m.</p> <p><b>v</b> Notwithstanding the proposal's partial departure, it is nonetheless consistent with the guideline's objectives and provides for an appropriate and equitable planning outcome for the following reasons:</p> <ul style="list-style-type: none"> <li>- the dwelling's overall height is less than that existing;</li> <li>- the existing dwelling is three storeys and the basement FFL is existing and remains unaltered. All existing FFL's for the dwelling remain unaltered and are as approved for the garage / studio;</li> <li>- the height, form and envelope of the garage / studio is in accordance with that approved under DA 2020/189;</li> <li>- the overall building envelope is not materially different from that previously approved under DA 2020/189. Refer to <b>Figure 17</b> for further information;</li> <li>- the dwelling's height and wall height is like other redeveloped properties in the site's vicinity;</li> <li>- a similar front and rear building alignment is maintained. Curtilage to the neighbouring properties is respected;</li> <li>- The surrounding area contains a mix of roof forms including many examples of skillion form. A skillion form is proposed to complement with this character;</li> <li>- the non complying wall height element does not materially add to the bulk and scale of the dwelling or the garage / studio. The overall built form is not dissimilar to neighbouring properties and built form along the eastern ridgelines of Clontarf point generally. The site's overall built form is not incompatible considering the established and likely future locational built form context;</li> <li>- appropriate setbacks are maintained to the neighbouring properties to the site's north and south. The wall height has no environmental impact in this regard;</li> <li>- appropriate landscaped areas are proposed which maintain the landscape and scenic quality/characteristics of the locality;</li> <li>- the proposed external wall height will not set an undue precedent and will not</li> </ul> |

| Element | Control | Proposal/Compliance   |
|---------|---------|---|
|         |         | <p>preclude appropriate redevelopment of neighbouring properties. The architecture provides an appropriate height and mass relationship to the locality's existing and likely future character;</p> <ul style="list-style-type: none"> <li>- it provides a built form that is appropriate to its locational context as a basis for innovative and imaginative design;</li> <li>- it provides an urban framework that supports the principles of ecological sustainable development, particularly promoting cross flow and stack effect ventilation and solar access to primary living areas;</li> <li>- the expression of the built form is adjusted to respond to: <ul style="list-style-type: none"> <li>- the site's topography;</li> <li>- solar access and the site's orientation;</li> <li>- the design and character of neighbouring development;</li> <li>- internal and external amenity for the future occupants;</li> </ul> </li> <li>- the works that will exceed the wall height guideline will not result in material environmental impacts to neighbouring properties and the surrounding public domain. The resultant built form provides for an acceptable and equitable planning outcome in relation to: <ul style="list-style-type: none"> <li>- solar access and overshadowing;</li> <li>- access to natural daylight and ventilation;</li> <li>- aural and visual privacy;</li> <li>- views and vistas; and</li> <li>- visual and streetscape impact.</li> </ul> </li> </ul> |

| Element                         | Control   | Proposal/Compliance   |
|---------------------------------|---|---|
| Number of storeys               | – 2 storeys maximum   | <p><b>X</b> The existing dwelling is three storeys in height. The number of storeys is not altered. All existing FFL's for the dwelling remain unaltered and are as approved for the garage / studio</p> <p><b>✓</b> The dwelling's overall height has been reduced given the new alternate skillion form roof design. This is a desirable outcome.</p> <p><b>✓</b> The height and overall building envelope of the two storey garage / studio is the same as that originally approved under DA 2020/189.</p> <p><b>✓</b> The dwelling and the garage / studio are not incompatible considering their established and likely future built form context when viewed from the surrounding public domain, including Amiens Road, Clontarf Point or the harbour generally. The height, bulk and scale of the dwelling is consistent with that existing on neighbouring. The locality is characterised by substantial multi level dwelling houses that are influenced by the locality's topographical characteristics. Refer <b>Figures 5 and 6</b> and the context images within the Architectural Drawings submitted separately.</p> |
| Roof height                     | – Pitched roof structures must be no higher than 2.5m above the actual wall height  | <p><b>✓</b> A parapet and skillion roof form is proposed. This roof form reduces the apparent height, bulk and scale of the dwelling. It also maintains or improves views, vistas and outlook from neighbouring properties and the surrounding public domain.</p>   |
| FSR                             | – 0.4:1   | <p><b>X</b> An FSR of 0.44:1 is proposed. Refer to the Exception to Development Standards submission by LPDS submitted separately.</p>  |
| Setbacks – front, side and rear | – Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity. | <p><b>✓</b> A comparison of the overall relatively consistent building alignment / envelope with that originally approved under DA 2020/189 is provided at <b>Figure 17</b>. An existing varied front building line to Amiens Road is provided between the site and its neighbours to the north and south. A similar front building alignment is proposed. It is generally expected and enables the retention of the useable mid level front yard. The garage / studio is to be reconstructed in the same location as previously approved under DA 2020/189. Garaging forward of the building line is prevalent. The DA 2020/189 7.5m setback to the front boundary for the garage itself is maintained. This enables an open forecourt area, improving sight lines external to the site. The studio sited below the garage is generally not visible from the surrounding public domain and therefore there is no perception of visual built form dominance.</p>  |

| Element | Control   | Proposal/Compliance  |
|---------|---|--|
|         | <ul style="list-style-type: none"> <li>– 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.</li> <li>– As per Council's assessment under DA 2020/189, a 2.7m setback to each side boundary for the dwelling is required.</li> <li>– As per Council's assessment under DA 2020/189, a 2.15m setback to each side boundary for the garage / studio is required.</li> </ul> | <p><b>X/v</b> A comparison of the overall relatively consistent building alignment / envelope with that originally approved under DA 2020/189 is provided at <b>Figure 17</b>. Proposed setbacks are nominated at Section 3.8. The dwelling is appropriately articulated and provided with cut outs to avoid excessive bulk and scale. Despite the technical departure from the FSR standard, as there are two separate built forms proposed with a minimum separation of 20m, the actual GFA/FSR of the dwelling if calculated in isolation would comply with the standard. Its built form is therefore anticipated by the relevant controls. The garage / studio is proposed with the same DA 2020/189 approved near zero building alignment to the side boundaries. This type of built form is expected and most of which is not visible from the surrounding public domain. In addition, the following is noted:</p> <ul style="list-style-type: none"> <li>- the side boundary setbacks do not have any identifiable impact on the use and amenity of the private open spaces or primary living rooms of the neighbouring dwellings. The garage adjoins long elevated driveways on each neighbouring property to the north and south;</li> <li>- most openings are appropriately provided to the front (eastern elevation) and rear (western elevation), being the predominant areas used for passive and active recreation;</li> <li>- the benchmark architectural design minimises environmental impacts to neighbouring properties relative to aural and visual privacy, overshadowing, visual, solar access, access to natural daylight and ventilation; views and streetscape (including bulk and scale). Refer to Section 4.2 for further information;</li> <li>- it provides a built form that is appropriate to its context as a basis for innovative and imaginative design and furthermore encourages housing diversity rather than reproduction in design;</li> <li>- clear sight lines are maintained;</li> <li>- the built form location does not preclude appropriate maintenance of neighbouring dwellings;</li> <li>- side boundaries are typically used as accessways and/or plant and equipment storage.</li> <li>- the varied subdivision pattern and subsequent built form and the topographical variations results in closely</li> </ul> |

| Element                           | Control  | Proposal/Compliance  |
|-----------------------------------|--|--|
|                                   |  | spaced housing with limited side boundary setbacks.  |
|                                   | <ul style="list-style-type: none"> <li>– 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 impact on adjoining properties including loss of privacy from a deck or balcony.</li> </ul> | <ul style="list-style-type: none"> <li>✓ Noted, refer to the above comment.</li> </ul>   |
|                                   | <ul style="list-style-type: none"> <li>– The distance between any part of a building and the rear boundary must not be less than 8m.</li> </ul>  | <ul style="list-style-type: none"> <li>✓ The rear boundary setback ranges from 10.4m (northern side) to 17m (southern side).</li> </ul>  |
| <b>Open space and landscaping</b> | <ul style="list-style-type: none"> <li>– 60% site area (580m<sup>2</sup>) is to comprise open space.</li> </ul>  | <ul style="list-style-type: none"> <li>✓ Approximately 73% (703.2m<sup>2</sup>) total open space is proposed. An equitable outcome is provided as follows:               <ul style="list-style-type: none"> <li>- all open space has a high level of useability and functionality;</li> <li>- the overall built form exhibits an appropriate height, bulk and scale. It sits comfortably within the established and likely future streetscape character and maintains a general dominance of landscape over buildings;</li> <li>- the landscaping maintained and proposed complements the locality's scenic and landscape quality and maintains the curtilage to its neighbouring properties;</li> <li>- the proposal maintains and enhances the vegetated and landscape and townscape character of the surrounding locality and maintains and enhances existing vegetation;</li> <li>- the open space and landscaping reduces any perception of visual built form dominance over landscaping. The landscape theme and character is consistent with that established on neighbouring properties;</li> <li>- there is no loss of mature vegetation worthy of retention. High quality and locality specific new plantings are proposed which will positively contribute to the locality's landscape and scenic quality;</li> <li>- the site's overall permeability is maintained, encouraging infiltration and absorption rather than runoff and encourages vegetation growth;</li> <li>- the proposed development exhibits ESD through compliance with the BASIX requirements and represents an imaginative and improved landscape design;</li> <li>- the site's topographical variations restrict the amount of available landscaped area. Significant additional areas of useable landscaped area could be provided if the site had different topographical characteristics;</li> <li>- private open space is provided at all levels of the dwelling. It is directly accessible from both primary and secondary living rooms</li> </ul> </li> </ul> |

| Element  | Control  | Proposal/Compliance  |
|--|--|--|
|  |  | <p>and serves as an indoor/outdoor extension;</p> <ul style="list-style-type: none"> <li>- the swimming pool, spa and its surrounds remains unaltered and enable outdoor living and/or outdoor recreation and which is directly accessible from and adjacent to a covered external basement level terrace and its living room;</li> <li>- the site is in proximity to significant public open spaces useable for both passive and active recreation.</li> </ul> <p>✓ Council has considered applications favourably which depart from the landscaped area guidelines. The proposal is supportable as it exhibits a superior architectural design solution and contributory landscape condition without adverse environmental impacts to neighbours and the surrounding public domain. Furthermore, the proposed landscaping, particularly at the site's frontage, will improve the site's contribution to the locality's landscape and scenic quality.</p> |
|  | – 40% of open space is to comprise landscaped area.  | ✓ 317.97m <sup>2</sup> (33% site area rounded up) as landscaped area. This equates to 45% of the site's total open space (703.2m <sup>2</sup> ).   |
|  | – 18m <sup>2</sup> minimum private open space.   | ✓ Substantial private open space is maintained / proposed. It is directly accessible from primary living rooms, serves as an extension to the rooms, has a purposeful functionality and can be used in varying climatic conditions.  |
| <b>Parking, design and location of garages</b> | – 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 location and design of the garage / studio is the same as that approved under DA 2020/189. Garaging forward of the building line is prevalent. An increased setback to the front boundary for the double garage itself is proposed as compared to that currently existing. This enables an open forecourt area (with vehicle turning platform), improving sight lines external to the site and enabling vehicles to exit the site in a forward direction, a desirable outcome. The studio sited below the garage is generally not visible from the surrounding public domain and therefore there is no perception of visual built form dominance. High quality and durable external materials and finishes are proposed which will positively contribute to the streetscape character of the locality.   |



| Element                        | Control  | Proposal/Compliance  |
|--------------------------------|--|--|
|                                | <ul style="list-style-type: none"> <li>– Garage and carport structures forward of the building line must be designed and sited so as not to dominate the street frontage. In particular:               <ul style="list-style-type: none"> <li>i) garages and carports adjacent to the front property boundary may not be permitted if there is a reasonably alternative onsite location;</li> <li>ii) carports must be open on both sides and at the front.</li> </ul> </li> <li>– The maximum width of any garage, carport or hardstand area is not to exceed a width equal to 50% of the frontage, up to a maximum width of 6.2m.</li> </ul> | <ul style="list-style-type: none"> <li>✓ Refer to the above comment.</li> <li>✓ The garage provides a considerate form to the more public side of the house. All attempts have been made to minimise the visual disruption of a garage facing the street. It is the only possible location for the provision of on site car parking.</li> </ul>  |
|                                |  | <p>X/✓ The location, design and siting of the garage / studio is the same as that approved under DA 2020/189. It is to be built with a near zero building alignment to the side boundaries, however, this type of built form is expected, most of which is also not visible from the surrounding public domain. It has a setback of 7.5m from the site's Amiens Road boundary. This area is provided with an open forecourt area (with vehicle turning platform), improving sight lines external to the site and enabling vehicles to exit the site in a forward direction, a desirable outcome. In addition, a screened (unroofed) garbage storage area is provided adjacent to the front boundary, representing only 26% of the site's frontage (7.01m). Whilst the garage technically departs from the guideline in terms of overall width, it is setback from the Amiens Road boundary and does not result in any adverse visual impact or built form dominance.</p> |
| <b>Bike storage</b>            | <ul style="list-style-type: none"> <li>– Secure bicycle storage is required for residential accommodation in accordance with Schedule 3 Part 2 Bicycles. Bicycle storage areas should be of sufficient dimensions to comply with Australian Standards.</li> </ul>  | <ul style="list-style-type: none"> <li>✓ Secure bicycle storage can be provided within the garage.</li> </ul>  |
| <b>Vehicular access</b>        | <ul style="list-style-type: none"> <li>– All vehicles should enter and leave the site in a forward direction.</li> </ul>   | <ul style="list-style-type: none"> <li>✓ The location, design and siting of the garage / studio is the same as that approved under DA 2020/189. An increased setback to the front boundary for the double garage itself is proposed as compared to that currently existing. This enables an open forecourt area (with vehicle turning platform), improving sight lines external to the site and enabling vehicles to exit the site in a forward direction, a desirable outcome. The proposal reduces the potential for vehicular and pedestrian conflict.</li> </ul>   |
|                                | <ul style="list-style-type: none"> <li>– Vision of vehicles entering and leaving the site must not be impaired by structures or landscaping.</li> </ul>  | <ul style="list-style-type: none"> <li>✓ Refer to the above comment. Access to and egress from the site is unquestionably improved from that existing.</li> </ul>  |
|                                | <ul style="list-style-type: none"> <li>– Particular attention should be given to separating pedestrian entries and vehicular crossings for safety.</li> </ul>  | <ul style="list-style-type: none"> <li>✓ Refer to the above comment.</li> </ul>  |
| <b>Driveways and crossings</b> | <ul style="list-style-type: none"> <li>– Driveway crossovers/ gutter crossings should be minimised and spaced to maximise kerb-side car parking spaces.</li> </ul>   | <ul style="list-style-type: none"> <li>✓ The existing driveway crossing is to remain. On street car parking is not possible so there will be no loss of car parking spaces.</li> </ul>   |

| Element                      | Control   | Proposal/Compliance   |
|------------------------------|---|---|
|                              | <ul style="list-style-type: none"> <li>– 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.</li> </ul> | <ul style="list-style-type: none"> <li>✓ Refer to the above comment.</li> </ul>   |
| Development on sloping sites | <ul style="list-style-type: none"> <li>– The design of development must respond to the slope of the site, to minimise loss of views and amenity from public and private spaces.</li> </ul>  | <ul style="list-style-type: none"> <li>✓ The existing dwelling is three storeys in height and this characteristic is not altered, although the dwelling's maximum height is reduced from that existing, a desirable outcome. Existing FFL's have been retained for the dwelling at the ground floor and first floor levels and the FFL's for the garage / studio are the same as that approved under DA 2020/189. Excavation is typically minimised other than for elements of the studio below the garage (and not visible) and to slightly recontour and lower the dwelling's basement floor level.</li> <li>✓ The dwelling and the garage / studio are clearly not incompatible considering their established, previously approved and likely future built form context when viewed from the surrounding public domain, including Amiens Road, Clontarf Point or the harbour generally. The locality is characterised by substantial multi level dwelling houses that are influenced by the locality's topographical characteristics. The altered built form will not unreasonably impact views and amenity from private and public places.</li> </ul> |
|                              | <ul style="list-style-type: none"> <li>– Developments on sloping sites must be designed to:               <ul style="list-style-type: none"> <li>i) generally step with the topography of the site; and</li> <li>ii) avoid large undercroft spaces and minimise supporting undercroft structures by integrating the building into the slope whether to the foreshore or a street.</li> </ul> </li> </ul>        | <ul style="list-style-type: none"> <li>✓ Refer to the above comment.</li> </ul>   |
| Fencing                      | <ul style="list-style-type: none"> <li>– 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.</li> </ul>  | <ul style="list-style-type: none"> <li>✓ A front boundary fence is not proposed. The garage acts as the site's secure entrance point.</li> </ul>  |
| Earthworks                   | <ul style="list-style-type: none"> <li>– Earthworks must be limited to that part of the site required to accommodate the building and its immediate surrounds to protect significant natural features of the site including vegetation and prominent rock outcrops.</li> </ul>  | <ul style="list-style-type: none"> <li>✓ Noted. Refer to the earthworks assessment at <b>Table 4</b>.</li> </ul>  |
|                              | <ul style="list-style-type: none"> <li>– Natural and undisturbed ground level must be maintained within 0.9m of side and rear boundaries</li> </ul>   | <ul style="list-style-type: none"> <li>✓ Noted. Refer to the above comment.</li> </ul>  |
|                              | <ul style="list-style-type: none"> <li>– On steeply sloping sites, pier and suspended slab or an equivalent non-invasive form of construction technique must be used to minimise earthworks and vegetation loss and retain natural features.</li> </ul>   | <ul style="list-style-type: none"> <li>✓ Noted. Refer to Section 4.2 for further information and the Geotechnical Assessment submitted separately.</li> </ul>   |

| Element                                 | Control   | Proposal/Compliance   |
|---|---|---|
|   | <ul style="list-style-type: none"> <li>– Excavation is generally limited to 1m below natural ground level with the exception of basement parking areas and swimming pools;</li> </ul> | <ul style="list-style-type: none"> <li><b>X</b> The amount of excavation proposed is greater than 1m below existing ground level. Refer to Section 4.2 for further information and the Geotechnical Assessment by Ascent Geo submitted separately.</li> <li><b>✓</b> The required excavation will not materially alter the site's topography or natural drainage patterns. Substantial permeable areas remain which enable infiltration and absorption rather than runoff.</li> </ul> |
|   | <ul style="list-style-type: none"> <li>– Filling must not exceed 1m above natural ground level</li> </ul>   | <ul style="list-style-type: none"> <li><b>✓</b> Fill is not proposed.</li> </ul>  |
| <b>Foreshore scenic protection area</b> | <ul style="list-style-type: none"> <li>– Reinforces controls from LEP 2013.</li> </ul>  | <ul style="list-style-type: none"> <li><b>✓</b> Noted, refer to the detailed assessment under Chapter 6 of the Biodiversity and Conservation SEPP 2021 at Section 4.1.2.2 and Chapter 2 of the Resilience and Hazards SEPP 2021 at Section 4.1.3.1.</li> </ul>  |

## 4.2 S4.15(1)(b) Impact on the environment

### 4.2.1 Context, character and streetscape

The site is located in an atypical low density residential environment within the R2 Low Density Residential zone that is heavily influenced by its topographical variations and mature vegetation and screen planting. The site and its adjacent built form are part of a varied subdivision pattern (battle-axe allotment to its south) that results in a range of elevated two and three storey dwellings (see **Figure 5**). Elevated external open space by nature of the topographical characteristics of each property is a common feature. Additional context images are provided within the Architectural Drawings (submitted separately) that demonstrate the locality contains numerous multi storey unarticulated (continuous three storey vertical walls) side elevations with substantial areas of glazing and elevated external space on large modern and contemporary dwellings.

The proposal responds and contributes to its context by engaging its desired future character as envisaged by the proposed land uses and densities permissible in the surrounding locality. The locality is undergoing a period of regeneration and the future character is critical. A variety of housing types and architectural styles are provided within a subdivision pattern that winds around the existing local road network. The neighbouring built form's age and integrity varies. It does not contain any aesthetic, cultural, social or historical significance.

The height, bulk and scale of the built form is generally the same as that previously approved under DA 2020/189. The altered dwelling's height is less than that existing reducing the departure to the LEP 2013 height standard. Furthermore, and if treated in isolation (as it can be given the dwelling and the garage / studio are separated by a minimum 20m), the dwelling's FSR would also comply with the LEP 2013 FSR standard. The departure from the standard is a consequence of the studio below the garage which does not in any contribute to adverse environmental impacts or a poor streetscape outcome. The proposed envelope, siting, design and location of the garage / studio is the same as that previously approved under DA 2020/189. The site's altered and new built form is consistent with that existing and neighbouring and complements the varied hillside streetscape character along the western side of Amiens Road. The

dwelling's massing responds accordingly as well as considering the neighbouring dwellings. The scale is broken down by the articulation of facades with the use of different materials and elements (including large open areas) which helps reduce the perception of any apparent bulk.

The building volume has been designed to be articulated, and to facilitate a contextually appropriate massing. The elevations are articulated in response to the form and size of the dwelling. The proposed design is re-interpreting established roof shapes and slopes, whilst integrating contemporary materials and an architectural aesthetic.

The resultant built form will positively add to the visual character of the locality. In terms of architecture, urban design and streetscape, the proposal will have a positive impact on the built environment in that:

- the scale of the proposal is characterised by the desired future character for the area. The altered dwelling's height is reduced from that existing and its bulk and scale (compliant FSR of dwelling if viewed in isolation) of the built form does not influence or set a precedent for future buildings along the western side of Amiens Road. This is aptly demonstrated at **Figure 5**;
- a single storey structure is maintained to the site's Amiens Road frontage;
- the visual catchment contains several buildings that will present a similar bulk and scale and which set the character. Consequently, the dwelling's height does not result in a scale of building that is out of character with the surrounding development (see **Figure 5**);
- the proposal conforms to and reflects the site's natural landforms. Excessive excavation is not proposed and existing FFL's have been retained for the dwelling at the ground and first floor levels with a slight recontouring of the existing basement level. The proposed FFL's of the garage / studio are the same as that previously approved under DA 2020/189;
- the expression of the built form is adjusted to respond to:
  - solar access and the site's orientation;
  - the site and surrounding locality's topographical characteristics;
  - the design and character of neighbours;
  - maintaining the amenity of the neighbours;
  - internal and external amenity for the future occupants;
- high quality and durable (given the site's relative coastal location) external materials and finishes are proposed which positively contribute to the residential character and visual amenity of the locality;
- the altered dwelling's design ensures a high level of residential amenity for the occupants in terms of access, solar access, natural, cross flow and stack effect ventilation, visual and acoustic privacy, overlooking, overshadowing, outlook and views; and
- the building design creates a modern facade treatment to the elevations with a variation of materials, colours, patterns and textures which assist in the delineation of zones within the building and create an aesthetically pleasing development that is consistent with desired future character.

## **4.2.2 Environmental amenity**

### ***Solar access and passive solar design***

The design of the proposal seeks to take advantage of the site's solar access potential as follows:

- the site has an elevated westerly orientation;
- generous floor to ceiling heights internally with an envelope relative to the dwelling that is anticipated by the planning controls;
- the proposal provides significant natural light penetration and solar exposure throughout the dwelling through the introduction of an open floorplan, windows, openings, including those openings to the west which take advantage of the views;
- shading devices will serve to protect the dwelling and its occupants from heating effect of solar radiation;
- primary living areas are connected to the external facades and glazing. These areas will benefit from the ability to make use of trapped solar heat gain through its glazing during the winter months;
- higher latitude winter solar rays will reach large portions of the western facades for lengthy periods during the early afternoon permitting solar heat gain. Similarly higher latitude winter solar rays will also reach the eastern facade for lengthy periods during the morning permitting solar heat gain;
- the design minimises reliance on artificial lighting and mechanical ventilation as follows:
  - an open floor plan is provided;
  - the dwelling benefits from both cross and stack effect ventilation, which results in enhanced thermal comfort and reduced reliance on artificial/mechanical cooling in the summer months; and
  - provision of operable doors and windows enables the use of natural ventilation for summer month cooling and at the same time, the opportunity to close these openings will allow adequate control to moderate the impact of higher than normal winds.

### ***ESD***

In addition to the standard BASIX requirements (refer Section 4.1.1), the design intent is to create an open plan dwelling house that has excellent access to natural light and ventilation. The site organisation and the building form have been designed to respond to, not only with urban design rationale, but also to make the dwelling efficient in terms of its energy use. The following is noted:

- retention of a large portion of the existing built form and materials enables ESD;
- retention of existing openings and provision of new openings;
- new floor to ceiling glazing;
- the site's relative permeability has been maintained;
- the provision of a 3,000 litre RWT for water storage and reuse;
- the provision of stair voids;
- areas of soft landscaping allow for infiltration/absorption and re-use rather than runoff;
- the construction materials proposed provide high thermal mass to minimise heating and cooling loads;

- the use of water and energy efficient fixtures and finishes; and
- the engagement with the outdoors, the natural ventilation, the increase in natural light and the passive solar controls will reduce energy consumption.

### **4.2.3 Landscaping and scenic quality**

The provision of landscaped area on the site adds to its landscape and scenic quality in the following manner:

- the provision of landscaping on the site reduces any perception of visual built form dominance over landscaping. The dwelling and the garage / studio sit comfortably within the established and likely future streetscape and maintain a general dominance of landscape over buildings;
- existing, retained and new landscaping complements the locality's scenic and landscape quality;
- the site's relative permeability has been maintained through an appropriate provision of deep soil permeable surfaces;
- the proposed landscaping (and built form location) does not result in the loss of any mature vegetation (worthy of retention – see below). Additional new plantings are proposed which will positively contribute to the locality's landscape and scenic quality;
- the proposed development exhibits ESD principles (see above) and an innovative landscape design;
- high quality, durable and appropriate planting is proposed relative to the site's location and adjacent context;
- substantial private open space is proposed / maintained (swimming pool, spa and surrounds); and
- the site is near significant public open spaces.

### **4.2.4 Vegetation**

The site and neighbouring properties contain established mature vegetation. Of relevance to the proposal is the proposed removal of existing vegetation adjacent the southern boundary to enable the construction and use of the proposed inclinator and the removal of the existing driveway crossover. Given the proposed vegetation removal, an AIA by Complete Arborcare is submitted separately.

The AIA identifies seven trees as follows:

- Trees 1 and 2 – mature 10m high Sydney Red Gums with high retention values;
- Tree 3 – a mature 6m high Tee Tree with a low retention value;
- Tree 4 – a mature 7m high Jacaranda, an exempt species; and
- Trees 5, 6 and 7 – mature 6m and 7m high Cheese Trees with low retention values.

The recommendations / conclusions of the AIA states:

- *It is recommended that arborist supervision is undertaken when the removal of the existing driveway crossover is conducted. The method of removal must be non-destructive and guided by the arborist. Stem protection around tree T1 must be installed before any works commence and stay in place until the completion of the project.*

- *It has been concluded that trees T3-T7 will require removal (subject to Northern Beaches Council approval) to allow for the installation of the proposed inclinor. These trees have been assessed to have low retention values.*
- *Tree removal works must be undertaken by an AQF2 level 3 arborist in accordance with the Work Cover Amenity Code of Practice-1998 and the Work Safe Guide to tree Trimming and Removal-2006.*

#### **4.2.5 Internal amenity**

The built form is appropriate to the site with the design of the development positively contributing to the future character of the streetscape and providing internal amenity and outlook. The design:

- offers excellent amenity to its occupants and users. The dwelling is provided with excellent solar access;
- ensures occupants will enjoy good amenity through the separation of living, sleeping, and service zones;
- provides useable and functional open space areas to take advantage of vistas and outlook;
- maintains the terraced mid front yard lawn area;
- provides enlarged openings to maximise direct solar access and westerly vistas whilst minimising openings to side elevations;
- maintains curtilage to the adjacent properties with no amenity impacts to the neighbours;
- provides the opportunity for outlook;
- exhibits ESD through compliance with the BASIX requirements and other specific ESD measures (see above);
- separation (and provision of architectural elements and screen planting) between the dwelling and adjacent properties assists in maintaining appropriate levels of aural and visual privacy;
- external areas are directly accessible from the rear ground floor level. These areas provide for significant amenity and useability for the occupants without compromising the amenity of adjacent properties given side boundary screening;
- provision of an open floorplan for both the dwelling and the studio;
- the provision of an integrated two vehicle garage and studio below, a desirable planning outcome, given the site's topographical characteristics;
- vehicular entry is separate to the pedestrian entry;
- provision of adequate storage space;
- ensures that private open space is generous in size, appropriately oriented and directly accessible from primary living rooms;
- retention of the existing swimming pool, spa and surrounds for active and passive recreation; and
- provides generous floor to ceiling heights and established FFL's remain generally unaltered or as previously approved.

## **4.2.6 Overshadowing**

Case Ornsby Architecture has prepared Shadow Diagrams for the existing and proposed development at 9am, 12 noon and 3pm during the winter solstice. In summary the proposed development will have the following overshadowing impacts:

- as a similar building alignment to that approved under DA 2020/189 and reduced overall building height is proposed, the shadows cast by the altered and new built form is not materially different nor do they affect different areas of the neighbouring properties. Generally existing levels of sunlight is retained to the neighbours and their primary living rooms and private open space areas;
- the design is consistent with the objectives of the control as it ensures the form and scale of the dwelling is not excessive and it also maintains a relative continuity of building form. By this the proposal exhibits a similar height, bulk and scale to that of its neighbours;
- the site's open plan primary living rooms will receive more than adequate levels of direct solar access and natural ventilation which will have a positive impact on levels of residential amenity;
- a large portion of the site's landscaped and private open space area receives satisfactory levels of direct solar access and thus has a positive impact in relation to residential amenity. Furthermore, the private open space areas of the neighbouring properties maintain appropriate levels of solar access and their useability and functionality is not compromised;
- notwithstanding the above, the proposed development casts relatively additional shadows at varying times during the winter solstice, however, in this instance and the given circumstances of the case, this overshadowing is considered immaterial and acceptable for the following reasons:
  - any area to the south of any built form will always be overshadowed irrespective of the built form to its north;
  - shadows cast by the dwelling house are expected given the proposed built form is typically anticipated by the planning controls. In this regard the dwelling's height is less than that existing, its curtilage is maintained to the neighbouring properties and its FSR would comply if treated in isolation as two separate built forms are proposed with substantial curtilage provided in between;
  - the design is consistent with the objectives of the control as it ensures the built form's bulk and scale is not excessive. By this the proposal exhibits a height, bulk and scale which is generally like adjacent redeveloped properties;
  - the site's topographical characteristics are not altered;
  - due to the existing development density, fencing, topographical and vegetative characteristics of the area, the adjacent development is already overshadowed. The proposed built form does not fully block solar access to any western elevation openings (those which provide significant outlook and amenity) or external elevated open space;
  - the shadow cast by the built form is generally expected and typical of existing development in the locality, particularly given the locality's topographical characteristics;
  - openings are provided to more than one elevation on the neighbouring properties;
  - primary living rooms generally remain unaffected as they are logically provided with a westerly orientation (and more than one opening) for significant outlook and amenity;



- small areas of land (typically the highly elevated battle-axe driveway) are affected and their relative useability is not materially compromised;
- the resultant overshadowing impact of the proposal is unlikely to preclude an appropriate redevelopment or the redevelopment potential of the neighbouring properties;
- approval of the proposal which relates to the locality's existing (established) and the area's likely future character will not set a precedent for non-complying applications;
- development on neighbouring properties overshadows itself; and
- additional solar access would clearly be provided during the equinox, which is often the true test of the acceptability of a building envelope.

The limited overshadowing of the proposal is acceptable in the circumstances of the case as it occurs for short periods of time and in the winter arc of the sun. Overshadowing within a relatively dense locality is inevitable due to the closeness and type of built form, fencing, associated vegetation, topographical and landscape characteristics. Separation between the site and the adjoining property has been maintained.

#### **4.2.7 Privacy**

The site is located in an atypical low density residential environment within the R2 Low Density Residential zone that is heavily influenced by its topographical variations and mature vegetation and screen planting. The site and its adjacent built form is generally part of a typical subdivision pattern (albeit with a battle-axe allotment to its south) that results in a range of elevated two and three storey dwellings. Elevated external open space by nature of the topographical characteristics of each property is a common feature. Resulting from the locality's topographical characteristics and as is the case in most residential neighbourhoods, overlooking of adjacent properties is inevitable.

Relative to the previously approved DA 2020/189, Council made the following observations (pg 19/45):

*It is considered that privacy impacts caused by the proposed studio and deck can be appropriately managed as to limit the impact on the adjacent properties. The location of the studio and deck is further west than the rear of the existing garage with a proposed floor level close to the existing ground level.*

*Any potential overlooking of 15 Amiens Road would be concentrated to the hardstand parking area and roof of the dwelling. A condition is included in the consent to ensure it is not used as a separate occupancy to the dwelling. This will have the effect of limiting the user traffic of the area, leading to a lessened impact to overlooking and privacy. No privacy impact is expected to 11 Amiens Road as an elevated driveway is located immediately adjacent the studio and deck.*

*The floor-to-ceiling windows of the dwelling are considered acceptable as the orientation of the dwelling compared to adjacent dwellings is not expected to cause any direct overlooking into the internal living spaces of those dwellings. While some upper level have the potential to cause direct overlooking of the private open space of adjacent properties, the rooms associated with the windows are not living spaces and will not generally be occupied for long periods of time. As such, the privacy impact from the upper level windows is considered to be reasonable.*

Considering the above, the specific design measures proposed to maintain existing aural and visual privacy between the site and its neighbours, includes:

- a generally consistent building envelope with that existing and that previously approved under DA 2020/189;

- provision of screen planting to the northern side of the eastern ground floor level external terrace;
- retention of existing timber screen fencing along the northern boundary (refer **Figure 11**);
- provision of screen planting to each side boundary between the front dwelling alignment and the rear alignment of the garage/ studio;
- retention of either existing (dwelling) or previously approved (garage / studio) FFL's;
- all primary living rooms are oriented internal to the site;
- provision of innowood timber screens to the northern and western elevation of the garage / studio;
- provision of a steel screen to the:
  - external stairs on the northern side of the garage / studio;
  - the garbage enclosure;
- side elevation openings are not proposed for the garage or the studio;
- provision of sandstone blade walls to the dwelling and garage / studio;
- limited (and where provided opaque) southern elevation openings other than to service areas for the dwelling at each level;
- the existing dwelling is provided with a west facing balcony at the first floor level. A balcony is not proposed at this level of the new dwelling;
- provision of privacy and innowood screens to the:
  - ground and first floor level at the northern elevation;
  - southern extent of the ground floor level balcony
  - western elevation at the first floor level;
  - master bedroom's eastern elevation openings;
  - living room's eastern elevation's northern most opening;
- provision of steel window hood surrounds;
- the height, bulk and scale of the site's built form is not dissimilar to that of the adjacent dwellings;
- the dwelling's reduced overall maximum height as compared to existing
- location, orientation and design of windows and openings to avoid the incidence of direct overlooking between the site and those adjoining and adjacent. Most openings are logically oriented to the west to take advantage of the available panoramic views and vistas;
- internalisation of all required plant and equipment;
- retention of the swimming pool, spa and surrounds in their current location; and
- the land use as a single dwelling house is retained.

The locality's topography and resultant building proximity creates privacy impacts. The site is within an established residential precinct that contains a mixture of elevated multi level dwellings. Given the built form proposed (and previously approved) there will be a degree of mutual overlooking, however, due to the above design measures, it is considered the proposal will not increase mutual overlooking to an unacceptable level. The site's proposed built form is consistent with that already considered acceptable on nearby properties by Council and the site itself under DA 2020/189.

The nature of such an urban environment is that all future development seeks to maximise levels of residential amenity and density through design. The proposed built form is consistent with or less than the established and likely future built character of the surrounding locality. Privacy concerns have not impacted on the redevelopment of adjacent properties and it is not considered the proposal will materially increase privacy concerns to unacceptable levels.

#### **4.2.8 Views**

Dwellings are adjusted to the natural topography and are typically oriented to take advantage of their panoramic westerly views and vistas of the harbour, including land and water interface. The site's only real built form neighbours are to the north and south respectively. These are typically two or three storey dwellings with elevated external spaces that are also logically oriented to take advantage of their westerly vistas, generally with minimal interruption. View context images for the neighbouring property to the site's north across a side boundary and from southern (side) elevation openings demonstrate that there is no currently no view as a result of the existing built form.

Notwithstanding, Council's view assessment of the now approved DA 2020/189 made the following observations:

*The proposed development has the potential to impact upon existing views enjoyed by the occupants of 15 Amiens Road.*

*As raised by the objector, the view that has the potential to be impacted is one of Chinamans Beach on the western foreshore of Middle Harbour. As this is a view that includes the interface between land and water, the view is considered to be highly valuable. However, there are a number of obstructions to this view which reduces its retention value.*

*The view of Chinamans Beach is obtainable from the rear living area and sunroom of the dwelling at 15 Amiens Road. The view is mostly obtainable from a standing position across the side boundary. The view is generally not attainable from a seating position as the side boundary fencing and hedging completely obscures the view.*



*As the view of Chinamans Beach is obtained across a side boundary, the complete retention of such a view is generally unrealistic. In the context of the development site, the rear of the site is wider than the front meaning that siting of the dwelling further towards the front is not considered to be feasible.*

*When considering the full extent of view enjoyed by 15 Amiens Road, the proposed development will have a negligible impact as the existing view towards the west and northwest will not be impacted. This view corridor also contains highly valuable elements including the interface between land and water.*



*While the proposed development has the potential to cause an impact to part of the existing view enjoyed by 15 Amiens Road, the extent of impact is very minor. The existing view towards the west and northwest is not impacted by the proposed development. While the proposed development incorporates non-compliant side boundary setbacks, the repositioning of the building to demonstrate setback compliance will not fundamentally alter the level of view loss caused by the development. As such, it is considered the view impact caused by the proposed development is reasonable.*

Additionally, it is noted the setbacks to the northern boundary are greater than that previously approved under DA 2020/189 (see **Figures 13** and **17**). Any additional built form adjacent to this boundary is at the front (eastern side) of the altered dwelling. Westerly and north westerly views from this property remain completely unaffected.

The dwelling and its surrounds is not incompatible considering the established and likely future built form relative to height, bulk, scale and envelope including setbacks locational context (see **Figures 5, 6** and **17**). The proposal exhibits a high quality architectural, urban and landscape design solution for the site and which appropriately responds to the site's constraints. Notwithstanding the departure to the height standard, the dwelling's height has been reduced from that existing and it remains highly articulated and visually interesting. It has large open areas at the basement level which enable views through the site and beyond. The dwelling's actual GFA/FSR would comply with the LEP 2013 FSR standard if it was separated from the garage / studio as it realistically can be given the substantial separation (21.44m) between the built forms. Its resultant height, bulk and scale is therefore relatively anticipated by the planning controls. The dwelling maintains a human scale given its locational context. Adjacent properties will continue to be provided with vistas out, over and across the site (sometimes via side boundary), particularly those to the site's north and south.

Views from the Amiens Road carriageway (i.e. the public domain) will be improved due to the proposed dwelling's decreased height and skillion roof design. These views are significant and include land and water interface.

Although other than the wall height departure, the proposal is consistent with Council's other relevant built form standards and guidelines, the NSW Land and Environment Court planning principle (*Tenacity*) requires that the question be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the available views. It is contended that the altered built form has been designed following detailed consideration of the site constraints. The building form, building envelope and footprint (all similar to that previously approved under DA 2020/189) and centrally located structures positively responds to view sharing principles in a highly urbanised city environment that is heavily influenced by topographical variations. Typically, westerly views have been retained and with the expansive undercroft north western portion of the dwelling remaining free of external enclosing walls.

The overall bulk and scale and building envelope of the proposed built form is generally consistent with that of neighbouring and nearby hillside properties and does not in any way preclude the appropriate redevelopment of these properties.

Based on the above, the proposal is entirely satisfactory in terms of view impacts and vista sharing given the circumstances of the case and the established and likely future built form on adjacent properties.

#### **4.2.9 Geotechnical / excavation**

The site is mapped as G1 landslide risk/geotechnical hazard with reference to Schedule 1 – Map C – Potential Geotechnical Landslip Hazard Areas in DCP 2013. The site has a westerly aspect and is on the low side of Amiens Road. It is located towards the top of the steeper portion of the slope that rises from the harbour to the plateau above.

The slope drops from the road at angles between 20° and 25° (approximately 20m from the front to rear boundary). The site's surface is controlled by the underlying sandstone that steps down the slope in a series of narrow benches. The site is underlain by Hawkesbury sandstone that outcrops across the site. The sand grains are mainly quartz with some sand grade claystone fragments. The existing multi level dwelling has been cut into the slope and terraced down the slope. The dwelling is supported on brick and sandstone walls and piers.

Based on the above, Ascent Geo has prepared a Geotechnical Assessment (submitted separately) for the proposal. In relation to geotechnical hazards, the report notes, the following:

- due to the steep gradient of the slope and the presence of fill, the Site is classified as 'P' in accordance with AS 2870–2011. A classification of 'A' may be adopted for footings taken to confirmed sandstone bedrock;
- no groundwater was encountered during testing. Due to the position of the site relative to the slope and the underlying geology, no significant standing water table is expected to influence the site;
- normal groundwater seepage is expected to move downslope through the soil profile along the interface with underling bedrock or any impervious horizons in the profile such as clays;

- overland or surface flows entering the site from the adjoining areas were not identified at the time of inspection; however, normal overland runoff could enter the site from adjacent areas during heavy or extended rainfall;
- no significant geotechnical hazards were identified above, beside or below the subject site, including but not limited to the immediately adjoining residential properties, and the road reserve;
- the scope of the proposed excavations on site, and the local geology make this site susceptible to instability during the proposed construction works. Careful control of all site works will be required during the installation of any required retention systems, excavations, and the construction of the proposed structures to maintain the stability of the block, and adjacent land; and
- based on observation made during our site assessment, the following geological/geotechnical hazards have been identified in relation to the proposed works:
  - Hazard One: Failure of the proposed excavations;
  - Hazard Two: Vibrations from the proposed works damaging adjacent structures.

Having regard to the above, the conclusion of the report states:

*The proposed development is considered to be suitable for the site. The existing conditions and proposed development are considered to constitute an 'ACCEPTABLE' risk to life and a 'LOW' risk to property provided that the recommendations outlined in Table 6 in Section 3.7 below are adhered to during design and construction.*

The recommendations in Table 6 relate to:

- soil excavation;
- rock excavation;
- vibrations;
- excavation support;
- retaining structures;
- footings;
- fills;
- sediment and erosion control;
- stormwater disposal;
- inspections; and
- conditions relating to design and construction monitoring.

#### **4.2.10 Demolition**

The following is noted relative to demolition works:

- nominated demolition works will be undertaken in accordance with the requirements of AS2601 – The Demolition of Structures;
- civil construction works associated with the proposed built form will utilise normal (standard) site management practices to ensure that waste material is minimised and that excess material generated by the works is re-used on site, or disposed of suitably;

- a Waste Management Plan by Case Ornsby Architecture is submitted separately;
- erosion and sediment control measures, dust control (watering, shade cloth etc), waste containers, fencing, hoarding, toilet facilities, stockpiling, materials handling etc will be in place at times to Council's standards;
- all existing services will be located, capped off or demolished / replaced in accordance with the relevant authority requirements. Further all pathways, kerbs, gutters, and existing services in the footpath reserve zone will be maintained and protected at all times;
- Council can impose standard conditions of consent in relation to the payment of bonds and rectification works to Council land (kerbs, gutters, footpaths, nature strips etc) in accordance with Council's standard requirements / specifications; and
- Council can impose standard conditions of consent in relation to construction hours and management plans.

#### **4.2.11 Biodiversity**

There is no critical habitat or threatened species, populations or ecological communities, or their habitats on or around the site that will be affected by the proposed development.

#### **4.2.12 Social and economic issues**

The provision of improved housing close to public transport, employment opportunities and services, will enable improved accommodation that is suitable for the occupants. The altered dwelling has been designed to cater for a household which in turn enriches residential diversity. The garage / studio provides further flexibility for a family and its design, siting, envelope and location is the same as that previously approved under DA 2020/189.

The altered dwelling will unquestionably provide an appropriate or expected level of amenity for its occupants. This is however not at the unreasonable expense or impact to neighbouring and nearby owners or the surrounding public domain generally. This is an appropriate social and economic impact and an equitable planning outcome.

A well-designed and socially responsive development will always attract a socially diverse mix of people and in turn improve and enhance for a much richer community life in the area.

### **4.3 S4.15(1)(c) The suitability of the site for the proposed development**

Having regard to the characteristics of the site and its location, the proposed development is considered appropriate in that:

- the site is zoned to accommodate the proposal;
- the size and dimensions of the land are appropriate for the accommodation of the proposal;
- it will not result in any unreasonable environmental impacts to the neighbouring properties or surrounding public domain. Environmental amenity will be maintained;
- the site has good access to amenities, facilities and services;
- the site is fully serviced and existing infrastructure can be extended if required;

- the retained land use, density and scale is generally consistent with that of the surrounding development (and that existing / previously approved on the site) and likely future built form; and
- it is consistent with Council's planning controls and where it departs it is still nonetheless consistent with the established and likely future built form and landscape context.

As detailed within this SEE, and as previously assessed / demonstrated under DA 2020/189, the proposal has numerous positive impacts whilst not resulting in an adverse or unreasonable environmental impacts. The site is clearly suitable to accommodate the proposal in its current form.

#### **4.4 S4.15(1)(d) Any submissions made in accordance with the Act or Regulations**

It is expected that Council will notify the proposal in accordance with its notification policy and will consider submissions (if any) made during the period of public exhibition and will afford the applicant to respond to such submissions as/if required.

#### **4.5 S4.15(1)(e) The public interest**

The public interest is an overarching concept. Approval of the proposal will result in an altered modern and contemporary dwelling and garage / studio that has a high level of architectural design and an appropriate landscape condition (including environmental design initiatives). It clearly is not incompatible considering its locational (built form, landscape and scenic) context. There are no reasons why the proposal is not in the public interest, considering that previously deemed acceptable under DA 2020/189.



## 5.0 CONCLUSION

An assessment of the relevant planning issues reveals the proposal has appropriate planning merit and does not result in any adverse or unreasonable environmental impacts to the neighbouring properties and the surrounding public domain.

Through the demonstration of a quality architectural design solution, a largely maintained landscape condition, albeit with improved use of external areas, a high level of internal amenity will be afforded to the dwelling's occupants. Furthermore, the technical studies of the site's capacity for redevelopment do not indicate any significant obstacles to development of the site for the purposes proposed.

Council can approve the development with confidence that its merits are sound. The Council as the determining authority unquestionably has the power to approve the proposal as it is empowered to approve a development that departs from a the LEP 2013 height and FSR standards, where the departure is existing and reduced (height), reasonable, technical, consistent with that previously approved under DA 2020/189 (FSR), consistent with the neighbouring and nearby context and fully justified in the presented circumstances of the case. Compliance has also been maintained with all other relevant LEP 2013 local provisions, including those relating to demolition, earthworks, acid sulfate soils, scenic protection land, biodiversity, essential services and stormwater management.

Where the proposal departs from DCP 2013 guidelines, the departure from the guideline is generally similar to that previously approved under DA 2020/189, existing, reasonable, is consistent with the context of the surrounding locality and fully justified in the presented circumstances of the case. Relative to the DCP 2013 assessment, it is considered there are sufficient planning grounds for the proposal's justification as an appropriate and equitable planning outcome results which is not inconsistent with that already permitted on neighbouring and nearby land.

Considering the above, the proposal is worthy of Council's consent.