

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Residential
Flat Building

22-24 Angle Street,
Balgowlah

Suite 1, 9 Narabang Way Belrose NSW 2085

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Statement of Environmental Effects

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22-24 Angle Street, Balgowlah

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Steve Gillespie in support of a development application proposing the demolition of the existing structures and the construction of a residential flat building comprising 8 residential apartments and carparking for 15 vehicles. The application also includes the implementation of an integrated site landscape regime and all associated infrastructure.

Wolski Coppin Architecture, the project architects, have responded to the client brief to design a contextually responsive building of exceptional quality with high levels of amenity for future occupants. In this regard, the scheme has been developed through detailed site and contextual analysis to identify the constraints and opportunities associated with the development of this site having regard to the topography, height, scale, proximity, use and orientation of surrounding development.

In addition to this SEE, the application is also accompanied by the following:

- Architectural Plans
- Survey
- Landscape Plans
- Traffic and Parking Impact Assessment Report
- BCA Compliance Report
- Access Compliance Statement
- Acoustic Report
- Stormwater Management Plans
- Arboricultural Impact Assessment Report
- Construction & Demolition Waste Management Plan
- On-Going Waste Management Plan
- QS Report
- SEPP 65 Design Verification Statement
- ADG Compliance Table
- BASIX Certificate
- Sustainability Report

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

- Environmental Planning and Assessment Act 1979 (**EP&A Act**),
- Manly Local Environmental Plan 2013 (**MLEP 2013**),
- Manly Development Control Plan 2013 (**MDCP 2013**),
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (**SEPP BASIX**),
- State Environmental Planning Policy (Biodiversity and Conservation) 2021,
- State Environmental Planning Policy (Resilience and Hazards) 2021,
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (**SEPP 65**), and
- The Apartment Design Guide (**ADG**).

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15(1) of the EP&A Act. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The accompanying plans depict a high quality and contextually appropriate built form outcome that responds to adjacent and nearby development and the surrounding environment. The proposed development is a suitable design solution in light of the zoning of the site and the slope of the land.
- The apparent height and bulk of the proposed development is compatible with that of surrounding development, and consistent with the desired future character of the locality.
- Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of *Project Venture Developments v Pittwater Council* (2005) NSW LEC 191, we have formed the considered opinion that most observers would not find the apparent size of the proposed development offensive, jarring or unsympathetic in the streetscape context.
- Whilst the proposal requires the consent authority to give favourable consideration to variations of the building height and floor space ratio development standards, strict compliance has been found to be unreasonable and unnecessary in this instance as the development is otherwise consistent with the objectives of these development standards and sufficient environmental planning grounds exist to support the variations (as outlined in the attached Clause 4.6 Variation Request).
- The minor areas of non-compliance with the dwelling density and rear setback controls prescribed by MDCP 2013 have been acknowledged and appropriately justified having regard to the associated objectives. Such variations succeed pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.
- The proposal will provide a notable increase to the supply of premium housing on a site ideally suited to increased residential densities.
- The site is assessed as suitable for the proposal having regard to the relevant considerations pursuant to the SEPP 65 - Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG).

2 Site Analysis

2.1 Site Description and location

2.1.1 The Site

The site is comprised of the following land holdings:

- Lot 7 in Section B in DP 9585 (22 Angle Street, Balgowlah)
- Lot 6 in Section B in DP 9585 (24 Angle Street, Balgowlah)

The consolidated site is highlighted in the aerial image in Figure 1 below.

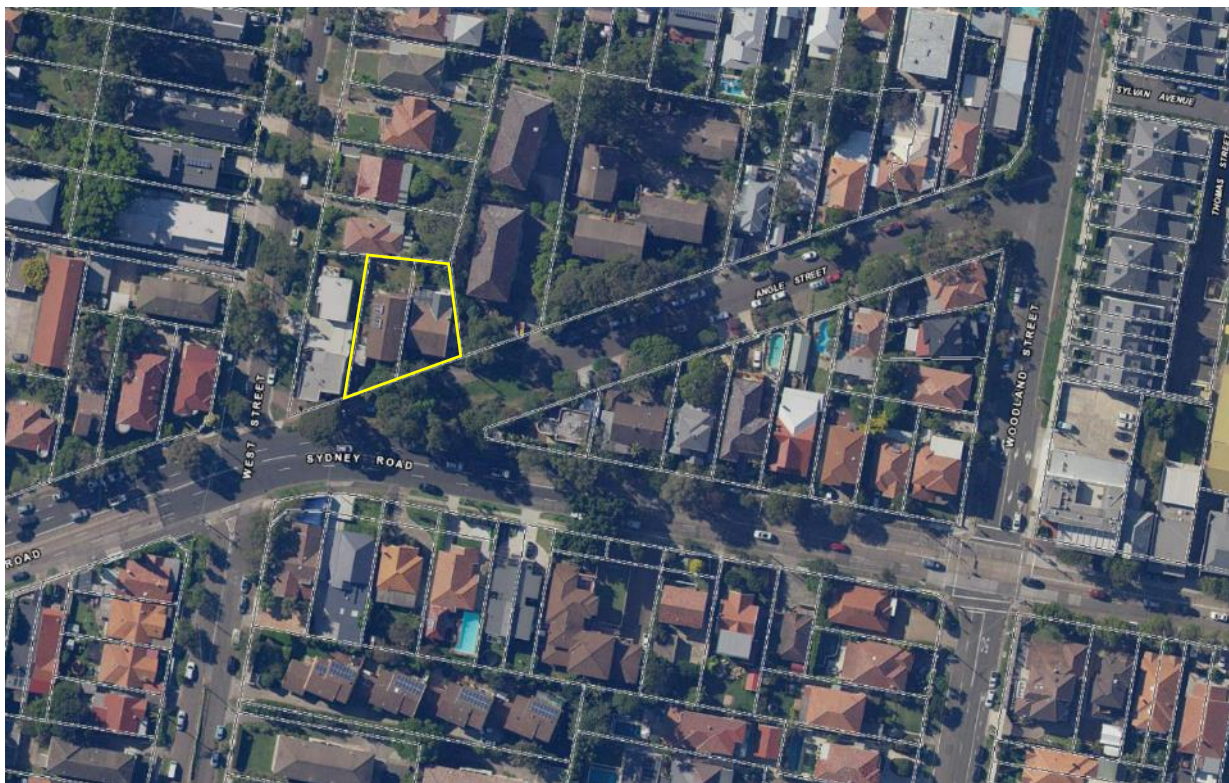


Figure 1: Aerial photograph of consolidated development site

Source: Six Maps

The consolidated allotment is irregular in shape, with a 33.53m wide frontage to an unmade portion of Angle Street to the south, a maximum depth of 28.43m and a total area of 834.6m². The site slopes from the upper front boundary down towards the rear, with a fall of approximately 3.4m.

Each lot currently contains a dwelling house, with vehicular access to 22 Angle Street gained via Angle Street and vehicular access to 24 Angle Street gained via Sydney Road. There are several existing canopy trees located on the site and in its vicinity. The physical and topographical characteristics of the site are depicted on the accompanying Survey, an extract of which is at Figure 2.

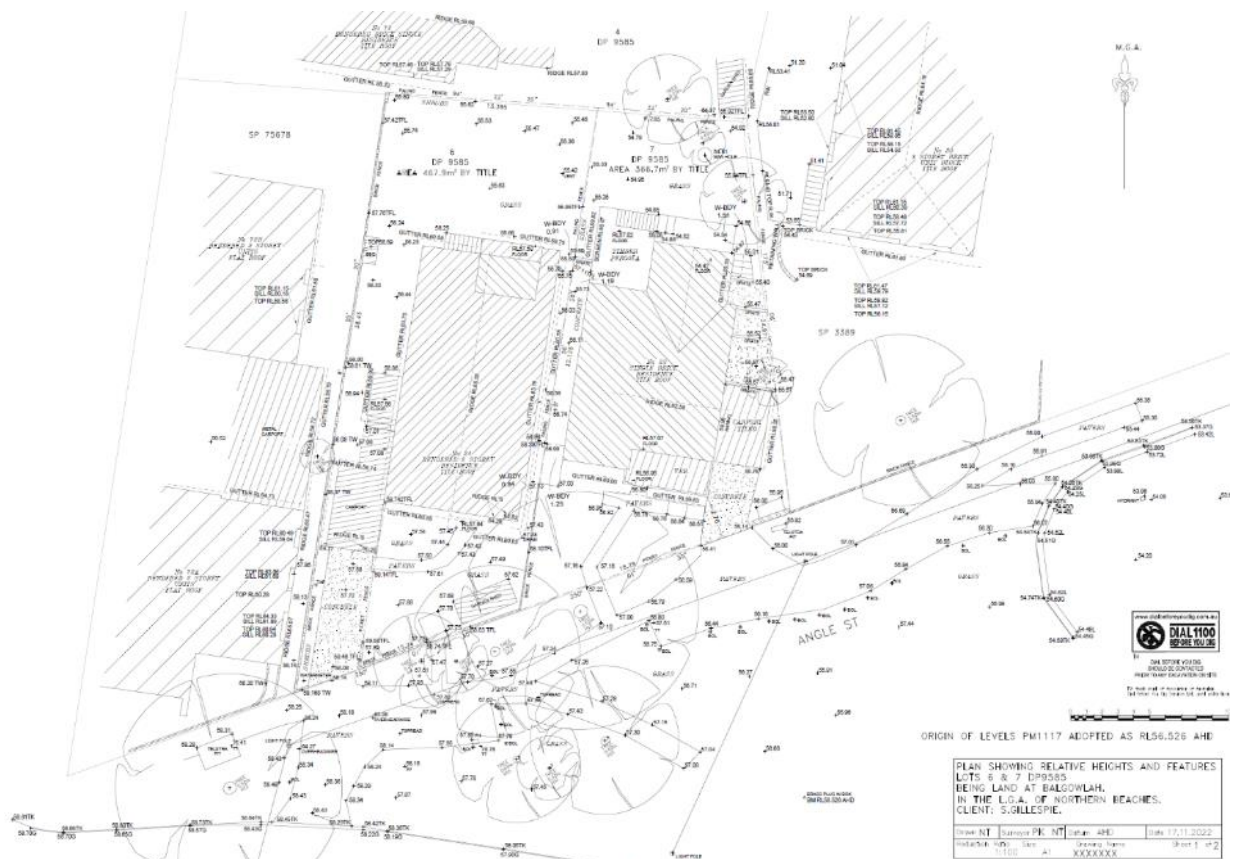


Figure 2: Site survey extract



Figure 3: Site as viewed from Sydney Road (south) with 72A West Street to the left



Figure 4: Access driveway to site (centre) as viewed from Angle Street (east) with 20 Angle Street to the right

2.1.2 The Locality

The site is located within the R1 General Residential Zone under MLEP 2013 (Figure 5).

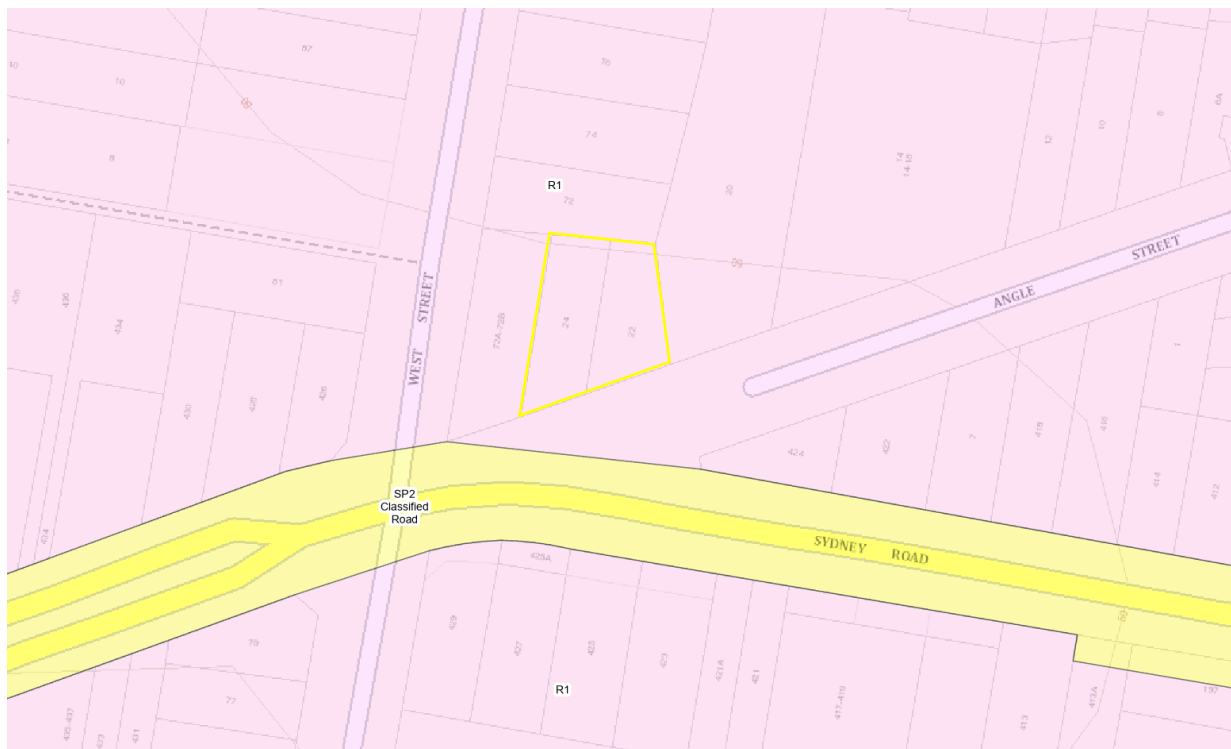


Figure 5: Extract of Zoning Map

Angle Street is a two lane local road that terminates at a cul-de-sac to the east of the subject site. A driveway extends from the cul-de-sac to the south-east corner of the site (as shown in Figure 4).

The surrounding area comprises residential development of varying scale, density, age and architectural style. A visual representation of the surrounding development, including development in the wider R1 zone is shown in Figures 6 to 8, below.



Figure 6: The adjoining residential flat building at 20 Angle Street



Figure 7: A residential flat building at 18 Angle Street (left) and a dwelling house at 12 Angle Street (right)



Figure 8: The site as seen from Sydney Road

2.1.3 Site Analysis

Detailed site analysis has been undertaken by Wolski Coppin Architecture to form the basis of the proposal now before Council. A Site Analysis Plan is included in the architectural drawings set accompanying this application, an extract of which is provided in Figure 9, below.

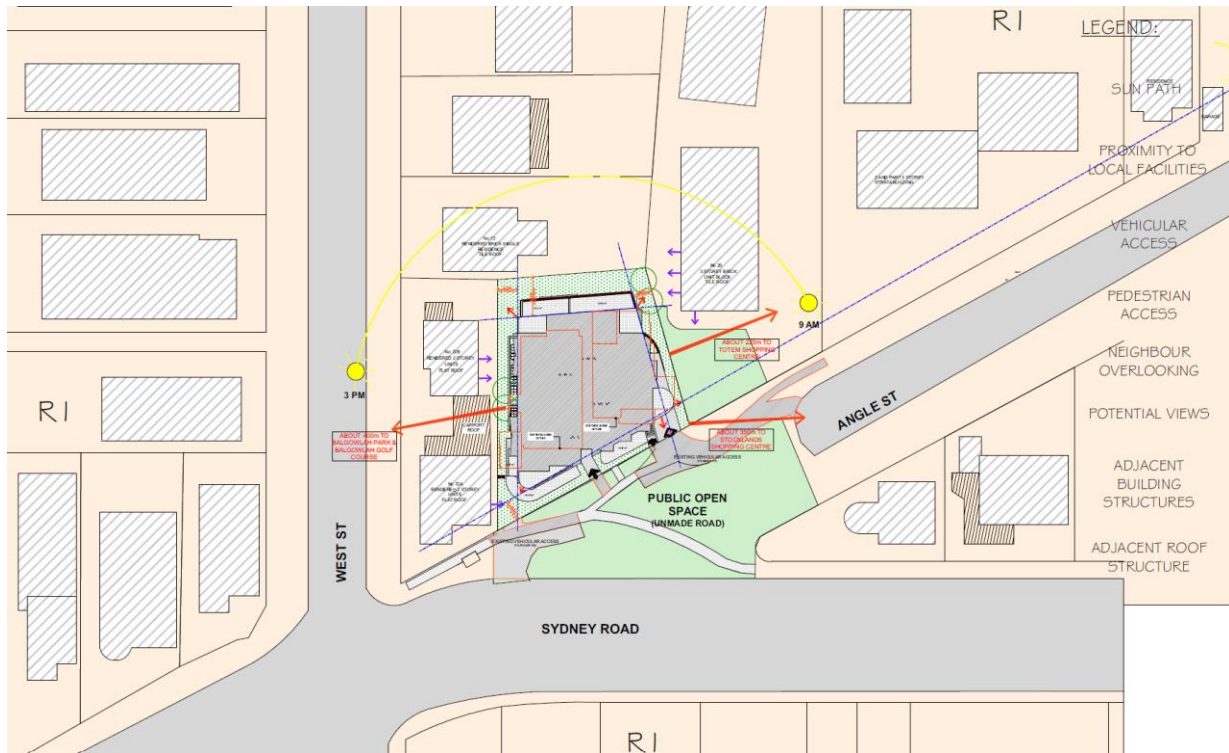


Figure 9: Site Analysis Plan by Wolski Coppin Architecture

The relationship of the proposed development to the adjacent sites provides for appropriate and anticipated built form separation. The development does not result in any unacceptable impacts upon the amenity of surrounding developments and is complementary and compatible in the streetscape context.

3 Description of Proposed Development

3.1 Details of the proposed development

The proposed development is depicted in the architectural plans set prepared by Wolski Coppin Architecture. This application provides for the following built form and land use outcomes:

- Demolition of the existing site structures,
- Tree removal,
- Construction of a 2 storey residential flat building, comprising:
 - 1 x 2 bedroom apartments and 7 x 3 bedroom apartments,
 - carparking for 15 vehicles, comprising 13 residential and 2 visitor spaces, accessed via the driveway to Angle Street,
- Internal lift and stair access,
- Landscaping, and
- Stormwater infrastructure,

The proposal features a refined and contextually responsive materials palette, as shown in the External Finishes Schedule by Wolski Coppin Architecture.

Consideration of the Design Principles of SEPP 65 and the assessment of the proposal's performance against the relevant criteria of the ADG is provided with the accompanying SEPP 65 Report and ADG Compliance Table by Wolski Coppin Architecture.

The residential flat building will sit in a landscaped setting, as shown on the Landscape Plans prepared by Wallman Partners Pty Ltd. Impacts upon existing canopy trees is addressed in the Arboricultural Impact Assessment prepared by Dr Treegood.

The acceptability of the access, car parking and servicing arrangements are detailed within the accompanying Traffic and Parking Assessment Report prepared by Transport Strategies with the proposal's acceptability in relation to accessibility addressed in the accompanying Statement of Compliance by Accessible Building Solutions.

The proposal's readiness to comply with the relevant provisions of the BCA is detailed in the Design Compliance Report prepared by Private Certificates Australia.

Stormwater Management is detailed in the Stormwater Management Plans by NB Consulting Engineers, with water to be collected and directed to onsite detention systems and rainwater tanks, become being dispersed to West Street via the downslope property.

The application is supported by an Acoustic Report by Acoustic Logic that provides a series of detailed recommendations to ensure that the acoustic amenity of future occupants is maximised and that any impacts to adjoining properties associated with mechanical plant is minimised.

The application is supported by a BASIX Certificate and an Energy Efficiency Report prepared by Senica Consultancy Group, confirming that the building performs well with regard to sustainability and meets and/or exceeds relevant industry standards.

Finally, the application is supported by a Waste Management Plan by Stephen Gillespie detailing how waste is to be managed during construction and throughout the life of the development.

4 Statutory Planning Framework

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

4.1 Manly Local Environmental Plan 2013

An assessment of the relevant provisions of MLEP 2013 is undertaken, below.

4.1.1 Zoning

MLEP 2013 applies to the subject site and this development proposal. The subject site is located within the R1 General Residential zone and the proposed residential flat building is permissible with consent.

The proposal is consistent with the stated objectives of the R1 General Residential zone, as follows:

- *To provide for the housing needs of the community.*

Comment: The proposed development comprises 8 residential apartments that will positively contribute to housing supply in the Balgowlah area and provide additional housing for the Northern Beaches community.

- *To provide for a variety of housing types and densities.*

Comment: The proposed development will complement the existing supply of housing within the R1 zone, providing a premium housing product that takes advantage of the proximity of the site to the Balgowlah Town Centre and public transport services along Sydney Road. The proposed development provides a mix of generously proportioned 2 and 3 bedroom apartments.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: This objective is not applicable as the application proposes residential/housing development.

Accordingly, there is no statutory zoning or zone objective impediment to the granting of approval to the proposed development.

4.1.2 Height of buildings

Pursuant to the Height of Buildings Map of MLEP 2013, the site has a maximum building height limit of 8.5m.

The objectives of this control are as follows:

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

Building height is defined as follows:

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

Whilst the vast majority of the proposed development is maintained at or below the 8.5m height plane, a minor portion of the development protrudes above the height plane, with a maximum building height of 9.18m. The non-compliance occurs as a result of localised historical excavation, with full compliance achieved when measuring from surrounding natural ground levels.

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

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

Having regard to these provisions, strict compliance has been found to be unreasonable and unnecessary having regard to the particular circumstances of the case including the ability to satisfy the objectives of the zone and the objectives of the development standard. Sufficient environmental planning grounds exist to support the variation proposed, as outlined in the accompanying clause 4.6 variation request.

4.1.3 Floor space ratio

Clause 4.4 of MLEP 2013 prescribes a maximum floor space ratio of 0.5:1 with respect to the subject site. The objectives of this clause are:

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

The proposed development has a gross floor area of 793.4m² and a floor space ratio of 0.95:1 resulting in non-compliance with the FSR development standard prescribed by clause 4.4 of MLEP 2013.

Strict compliance with the 0.5:1 FSR development standard has been found to be unreasonable and unnecessary having regard to the particular circumstances of the case including the ability to satisfy the objectives of the zone and the objectives of the development standard. Sufficient environmental planning grounds exist to support the variation proposed, as outlined in the accompanying clause 4.6 variation request.

4.1.4 Earthworks

The consent authority can be satisfied that the excavation proposed to accommodate the basement will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, consistent with the provisions of clause 6.2 of MLEP 2013.

4.1.5 Stormwater management

The consent authority can be satisfied that the proposed development—

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

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

4.1.6 Essential Services

Pursuant to clause 6.12 development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

The consent authority can be satisfied that these services will be available prior to occupation, and conditions of consent can be imposed in this regard.

4.2 Manly Development Control Plan 2013

4.2.1 Townscape (Local and Neighbourhood Centres)

The proposed development is consistent with the requirements and objectives of clause 3.1.1 of MDCP 2013, as follows:

- The proposed residential flat building has been designed to sensitively respond to the context of the site, to ensure that the bulk of the development does not detract from the scenic amenity of the area as seen from the street and nearby properties.
- The development has a highly articulated two storey presentation to Sydney Road and the unmade portion of Angle Street, ensuring that the apparent size of the development is reasonably reduced.
- The front setback of the development is responsive to the setbacks of adjoining and nearby development, to positively contribute to the established streetscape setting.
- The proposed garage entrance has been minimised and appropriately integrated into the design of the development to ensure that the street frontage is not dominated by garages and parking areas.
- The proposed fence is complementary to the existing streetscape and will not detract from the character of the locality.

4.2.2 Landscaping

The application is supported by detailed Landscape Plans prepared by Wallman Partners Pty Ltd that demonstrate a highly considered landscape solution for the site. The landscaping complements the proposed architectural form and positively contributes to the amenity of the proposed development and the surrounding environment.

The proposed landscaping is consistent with the requirements and objectives of clause 3.3.1 of MDCP 2013.

4.2.3 Sunlight Access and Overshadowing

Clause 3.4.1.1 of MDCP 2013 prescribes that new development must not eliminate more than one-third of the existing sunlight accessing the private open space of adjacent properties between 9am and 3pm in midwinter. Further, clause 3.4.1.2 prescribes that the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for at least 4 hours between 9am and 3pm in midwinter.

The application is supported by Solar Access Diagrams and View from the Sun Diagrams by Wolski Coppin Architecture to demonstrate that suitable levels of solar access is retained to neighbouring sites.

4.2.4 Privacy and Security

The proposed dwellings are primarily oriented towards the front or rear of the site. Windows located along side elevations are pocket-style windows or comprise screens, where necessary. Where balconies are proposed in close proximity to adjoining dwellings, screens are also proposed.

The proposed development is consistent with the objectives and requirements of clause 3.4.2 of MDCP 2013.

4.2.5 Maintenance of Views

District views are available in a northerly direction from the subject site and other sites on the northern side of Angle Street. Following an inspection of the site and upon review of the architectural plans, the primary northern views from the adjoining dwelling at 2/72B West Street will remain unaffected by the proposed development, and Council can be satisfied that the proposal will not result in any unreasonable disruption of views from nearby properties, consistent with the objectives and requirements of clause 3.4.3 of MDCP 2013.

4.2.6 Sustainability

The design provides for sustainable development, utilising passive solar design principles, thermal massing and achieves cross ventilation to a complying number of dwellings within the development. The application is supported by BASIX Certificate and a Sustainability Report to confirm that the proposed development meets or exceeds necessary requirements and industry standards.

4.2.7 Accessibility

Clause 3.6.1 of MDCP 2013 requires all new development to meet the relevant requirements of the Disability (Access to Premises – Buildings) Standards 2010 and the BCA with respect to the design of equitable access. Further, at least 2 apartments (25%) within the development, including associated parking and access thereto, is to comply with the provisions of with AS4299 – Adaptable Housing.

The application is supported by an Access Compliance Statement that confirms compliance with the provisions of this clause.

4.2.8 Stormwater Management

Clause 3.7 of MDCP 2013 requires the management of stormwater to comply with the provisions of Council's *Water Management for Development Policy*.

Stormwater is to be collected from the site, directed to the required on-site detention and filtration systems and piped to West Street via a new inter-allotment drainage easement burdening 72 West Street. The proposed stormwater management solution developed for the site is detailed in the Stormwater Plans prepared by NB Consulting Engineers.

4.2.9 Waste Management

Clause 3.8 of MDCP 2013 requires all development to comply with the appropriate sections of Council's Waste Management Guidelines, with all development applications to be accompanied by a Waste Management Plan.

The application is supported by a Waste Management Plan detailing how waste is to be managed during construction and throughout the life of the development.

4.2.10 Mechanical Plant Equipment

The proposed lift overrun is centrally located on the roof and is appropriately integrated into the design of the development. Plant equipment will be sited and maintained to prevent adverse acoustic impacts for future occupants of the development and adjoining properties.

The application is supported by an Acoustic Report by Acoustic Logic that provides a series of detailed recommendations to ensure that the acoustic amenity of future occupants is maximised and that any impacts to adjoining properties associated with mechanical plant is minimised.

The proposed development is consistent with the requirements and objectives of clause 3.9 of MDCP 2013.

4.2.11 Safety and Security

The proposed residential flat building has been designed to appropriately respond the CPTED principles, providing an environment that is safe and secure for all future residents and visitors, consistent with the provisions of clause 3.10 of MDCP 2013.

4.2.12 Residential Built Form Controls Compliance Table

A table demonstrating compliance with the relevant provisions of the DCP is detailed as follows:

Control	Requirement	Proposed	Compliance
Part 4 – Residential Development Controls			
4.1.1.1 Residential Density & Size	2.7 dwellings (D4 – 1 dwelling per 300m ²)	8 Dwellings The proposed exceedance does not detract from consistency with the objectives of this clause, with a variety of dwelling types and dwelling sizes proposed with high levels of internal amenity. The proposed dwelling density is not inconsistent with that of surrounding properties also within the D4 Density Area, noting that the adjoining site at to the west comprises 4 dwellings, with residential flat buildings on the properties to the east.	Acceptable on merit
	Dwelling size 2 bed & 2 bath= 75m ² 3 bed & 2 bath= 95m ²	2 bed & 2 bath = 82.53m ² 3 bed & 2 bath = 95.13m ² - 98.99m ²	Yes
4.1.2.1 Wall Height	East 6.8m West: 7.0m	East: 7.1m - 7.8m West: 5.2m - 7.0m The eastern side elevation extends marginally above the prescribed wall height. This is considered acceptable in this specific context, where the non-compliance occurs immediately adjacent to an existing four storey residential flat building, with wall heights well in excess of 9m.	Acceptable on merit

Control	Requirement	Proposed	Compliance
		<p>The height of the proposed development sites comfortably in the streetscape context and is also suitably stepped and responsive to the natural fall of the land.</p> <p>The eastern elevation is highly articulated and is to be softened by high-quality landscaping within the eastern side setback to ensure that the visual appearance of the proposed development is appropriately minimised.</p>	
4.1.2.2 Number of storeys	2 storeys	<p>2-3 storeys</p> <p>The proposed development has a two storey presentation to Sydney Road and the unmade extension of Angle Street. The majority of the development is limited to 2 storeys in height, with a minor three storey portion towards the rear, where the proposed basement carpark extends partially above ground. The bulk and scale of the proposal is consistent with surrounding development.</p>	Acceptable on merit
4.1.2.3 Roof Height	Parapet: 0.6m (max.)	<p>Parapet: 0.3m - 0.9m</p> <p>The proposed parapet is generally limited to a height of 300mm, with the exception of the minor corner elements that are proposed to provide architectural interest and articulation to the front façade of the development.</p>	Acceptable on merit
4.1.4.1 Street Front Setbacks	Established building line	<p>Setback to front façade: 2.0m - 3.0m</p> <p>Setback to at-grade balconies: 1.0m</p>	Yes

Control	Requirement	Proposed	Compliance
		<p>The setback of the development is consistent with the predominant setback of development along Angle Street and the building at 72A West Street.</p> <p>The front setback of the development is also appropriate in light of the lack of direct street frontage and in consideration of the public reserve which screens the site from view.</p>	
4.1.4.2 Side Setbacks	<p>Setbacks to the side boundary must not be less than 1/3 of the wall height.</p> <p>Window setback: 3.0m (min.)</p>	<p>A minimum setback of 3 metres is generally maintained to both side boundaries, with only minor articulation elements extending within the setback area.</p> <p>All windows are setback at a minimum distance of 3.0m from the site setbacks or comprise fixed screening to minimise any potential overlooking.</p>	Yes
4.1.4.4 Rear Setbacks	Rear setback: 8.0m (min.)	<p>Setback to rear facade: 6.0m</p> <p>Setback to balconies & basement: 3.4m</p> <p>The proposed rear setback has been designed to align with the setbacks of the neighbouring buildings, whilst also providing sufficient space for deep soil landscaping and screen planting.</p> <p>The ground floor balconies incorporate sufficient screening to mitigate overlooking of the adjoining property to the north.</p> <p>The 6m setback to the rear façade is consistent with the provisions of the ADG, which confirms that a 6m setback provides sufficient spatial</p>	Acceptable on merit

Control	Requirement	Proposed	Compliance
		separation to ensure appropriate levels of visual privacy between properties is achieved.	
4.1.5.1 Minimum Total Open Space	<p>Total Open Space = 55% of site area (min.)</p> <p>Landscaped Area = 35% of total open space (min.)</p>	<p>Total Open Space = 337m² or 40%</p> <p>Landscaped Area = 216m², being 64% of actual total open space or 46% of the required area of total open space.</p> <p>The proposed development does not provide the required area of total open space. Nonetheless, each unit comprises sufficient areas of private open space, and the proposed landscaped area meets both the landscaped area requirement of this control and the deep soil requirements of the ADG.</p>	Acceptable on merit
4.1.6.1 Parking Design and Location of Garages	<p>The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain the desired character of the locality.</p> <p>Max. garage width = 6.2m</p> <p>Residential Spaces: 12</p> <p>Visitor Spaces: 2</p>	<p>The garage has been appropriately integrated into the development and will not be readily visible from the public domain.</p> <p>The width of the garage door is limited to 3.6m.</p> <p>Residential Spaces = 13 spaces</p> <p>Visitor Spaces = 2 spaces</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Proposed	Compliance
4.1.6.4 Vehicular Access	All vehicles should enter and leave the site in a forward direction.	All vehicles will be able to enter and existing the site in a forward direction.	Yes
	Vehicular access and parking for buildings with more than 1 dwelling is to be consolidated within one location.	Vehicle access for the 8 dwellings is consolidated into one access driveway.	Yes
4.1.6.6 Tandem, Stacked and Mechanical Parking Areas	The design location and management of parking facilities involving tandem, stacked and mechanical parking must consider the equitable access and distribution of parking spaces to all occupants and visitors to the building	The acceptability of the access, car parking and servicing arrangements are detailed within the accompanying Traffic and Parking Assessment Report prepared by Transport Strategies with the proposal's acceptability in relation to accessibility addressed in the accompanying Statement of Compliance by Accessible Building Solutions.	Yes
4.1.10 Fencing	In relation to open/ transparent fences, height may be increased up to 1.5m where at least 30 percent of the fence is open/ transparent for at least that part of the fence higher than 1m.	The height of the front fence is stepped and does not exceed 1.5m in height.	Yes

4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

4.3.1 Remediation of Land

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

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

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

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

4.4 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the residential component of the development and aims to encourage sustainable residential development. A BASIX Assessment accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

4.5 State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve the design quality of residential flat developments to provide sustainable housing in social and environmental terms that is a long-term asset to the community and presents a better built form within the streetscape.

It also aims to better provide for a range of residents, provide safety, amenity and satisfy ecologically sustainable development principles. In order to satisfy these aims, the plan sets design principles in relation to context, scale, built form, density, resources, energy and water efficiency, landscaping, amenity, safety and security, social dimensions and aesthetics to improve the design quality of residential flat building in the State.

SEPP 65 applies to new residential flat buildings that are at least 3 or more storeys in height and that contain at least 4 dwellings.

As the proposed development is for the erection of a 2/3 storey residential flat building development containing 8 dwellings, the provisions of SEPP 65 are applicable to the proposed development.

Clause 28(2)(b) SEPP 65 requires the proposal to be assessed against the 9 design quality principles contained in Schedule 1. The proposal's compliance with the design quality principles is detailed in the SEPP 65 Report prepared by Wolski Coppin Architecture provided to support this application.

Clause 28(2)(c) of SEPP 65 requires the consent authority to take into consideration the Apartment Design Guide. In this regard, an Apartment Design Guide compliance table prepared by Wolski Coppin Architecture accompanies this application.

4.6 Matters for Consideration pursuant to section 4.15(1) of the EP&A Act

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the EP&A Act (as amended):

(i) any environmental planning instrument

The proposed residential flat building is permissible and consistent with the intent of the relevant provisions of MLEP 2013 and MDCP 2013 as they are reasonably applied to the proposed works given the constraints imposed by the site's location, environmental and topographical characteristics.

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

There are no draft environmental planning instruments relevant to the proposed development.

(iii) Any development control plan

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

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

N/A

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

N/A

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

N/A

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

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

Context and Setting

i. What is the relationship to the region and local context in terms of:

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

These matters have been discussed in the body of this report.

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

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report. The potential impacts are considered to be acceptable with regard to SEPP 65 and the ADG.

Access, transport and traffic:

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

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

These issues have been discussed in detail in the report. The development provides adequate carparking facilities in conformity with the policy controls.

Public Domain

The proposed development will have no adverse impact on the public domain. Rather, the proposal will result in a significant enhancement of the public domain, by virtue of the high-quality architectural design solution proposed.

Utilities

This matter has been discussed in detail in the body of this report.

Flora and Fauna

The proposal will result in a significant improvement to the quality and quantity of landscaping across the site, providing increased habitat value for fauna.

Waste Collection

Waste will be managed appropriately on the site with regard to Council's DCP controls. An On-Going Waste Management Plan accompanies this application.

Natural hazards

N/A

Economic Impact in the locality

The proposed development will generate temporary employment during construction. On-going employment will be provided through the employment of building and strata managers for the building and on-going maintenance requirements.

Site Design and Internal Design

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

- *size, shape and design of allotments*
- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

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

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

(c) *The suitability of the site for the development*

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The adjacent development does not impose any unusual or impossible development constraints. The development will not cause excessive or unmanageable levels of transport demand.

The development responds to the topography and constraints of the site, is of adequate area, and is a suitable design solution for the context of the site.

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

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

(e) The public interest

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

5 Conclusion

The proposal is permissible and in conformity with the objectives of MLEP 2013 as they reasonably relate to this form of development on this particular site. The proposed development appropriately responds to the guidelines contained within the MDCP 2013 and the massing and built form established by nearby contemporary residential developments. The proposal satisfies the design quality principles contained within SEPP 65 and the design guidance within the Apartment Design Guide.

Wolski Coppin Architecture, the project architect, have responded to the client brief to design a contextually responsive building of exceptional quality with high levels of amenity for future occupants. In this regard, the scheme has been developed through detailed site and contextual analysis to identify the constraints and opportunities associated with the development of this site having regard to the topography, height, scale, proximity, use and orientation of surrounding development.

It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The accompanying plans depict a high quality and contextually appropriate built form outcome that responds to adjacent and nearby development and the surrounding environment. The proposed development is a suitable design solution in light of the zoning of the site and the slope of the land.
- The apparent height and bulk of the proposed development is compatible with that of surrounding development, and consistent with the desired future character of the locality.
- Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of *Project Venture Developments v Pittwater Council* (2005) NSW LEC 191, we have formed the considered opinion that most observers would not find the apparent size of the proposed development offensive, jarring or unsympathetic in the streetscape context.
- Whilst the proposal requires the consent authority to give favourable consideration to variations of the building height and floor space ratio development standards, strict compliance has been found to be unreasonable and unnecessary in this instance as the development is otherwise consistent with the objectives of these development standards and sufficient environmental planning grounds exist to support the variations (as outlined in the attached Clause 4.6 Variation Request).
- The minor areas of non-compliance with the dwelling density and rear setback controls prescribed by MDCP 2013 have been acknowledged and appropriately justified having regard to the associated objectives. Such variations succeed pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

- The proposal will provide a notable increase to the supply of premium housing on a site ideally suited to increased residential densities.
- The site is assessed as suitable for the proposal having regard to the relevant considerations pursuant to the SEPP 65 - Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG).

Having given due consideration to the matters pursuant to Section 4.15(1) of the EP&A Act as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

Boston Blyth Fleming Pty Limited



Greg Boston

Director