



*Planning Direction Pty. Ltd.*  
*Town Planning & Development Services*

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Proposed Ground Floor Alterations &  
Addition and an Upper Level Addition to an  
Existing Dwelling**

**at**

**No 42 Peacock Street Seaforth**

Prepared by: Nigel White - Bachelor of Applied Science  
(Environmental Planning)

A.B.N 60 074 291 615

Office Address: Suite 10, 241 – 245 Pennant Hills Road, Carlingford NSW  
2118 - Telephone: 9871 4988

Email: [admin@planningdirection.com.au](mailto:admin@planningdirection.com.au)

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## 1.0 INTRODUCTION

This statement of environmental effects has been prepared to accompany a development application that is being submitted to Northern Beaches Council. The applicant is seeking development consent to undertake at No 42 Peacock Street Seaforth the following works:

- Construct an upper level addition comprising of:
  - A master bedroom with a walk-in robe and ensuite serviced by a balcony addressing Reid Street;
  - Three additional bedrooms with built-in cupboards;
  - A bathroom; and
  - Internal staircase accessing lower level.
- Alterations and additions to the ground floor of the existing dwelling include:
  - New entry steps;
  - Removal of some internal walls to create an open plan living and dining area;
  - A new kitchen;
  - An extension of the living room towards Reid Street over an existing garage and carport;
  - Create a large verandah off the living room providing additional cover over the car parking spaces; and
  - Install an internal staircase accessing the upper.

The proposal has been prepared pursuant to the provisions of Manly Local Environmental Plan 2013 and the Manly Development Control Plan 2013. This statement of environmental effects is intended to assist Northern Beaches Council in its assessment of the development application and includes;

A description of the site and the locality and a description of the proposed development. A description of the statutory framework in which the development application will be assessed inclusive of the local planning instruments and the provisions of the Environmental Planning and Assessment Act 1979; and Conclusions in respect of the proposed development.

This statement of environmental effects should be considered in conjunction with the development plans prepared by *Add Style Home Additions*.

## 2.0 SITE AND CONTEXT

### 2.1 Subject Site

The subject site is situated on the north-western corner of Peacock Street and Reid Street and is known as No 42 Peacock Street Seaforth.



Locality Plan

The subject site is legally identified as Lot 1 in Deposited Plan 22233.

The subject site is regular in configuration excepting for an arced street corner. The subject site has an approximate frontage to Peacock Street of 22.86m and a frontage to Reid Street of approximately 29.265m.

The subject site has a total area of approximately **664.5m<sup>2</sup>**. A survey plan is included with the development plans.

Existing improvements on the subject site consist of a single storey brick dwelling over single garage and carport. The existing dwelling is in need of an upgrade.





**Subject Site as viewed from Reid Street**



**View of the subject site from Peacock Street**

With regards to topography the subject site has a gradual fall from the south western corner of the site (Peacock Street) to the north-eastern corner to

Reid Street, enabling stormwater to flow via gravity to Council's drainage system in Reid Street.

The applicant does not propose to alter the existing drainage arrangements given that the proposed upper level is effectively contained above the footprint of the existing dwelling.

The building is not listed under the Manly Local Environmental Plan 2013 as having any heritage significance nor is it in the immediate vicinity of any items of heritage significance. The subject site is not situated within a conservation precinct.

No trees require removal to facilitate the proposed development. Ample green space exists around the dwelling to assist with natural absorption.

## **2.2        Site Context**

The subject site is situated within an established residential precinct characterised by a mix of single and two storey dwellings. The dwellings in the precinct are generally well presented.

Existing development on the immediately adjoining properties comprises of the following:

- Adjoining the subject site to the west is a single storey dwelling known as No 44 Peacock Street. This adjoining dwelling maintains a reasonable side setback from the common boundary. Outlook from the adjoining dwelling appears to be oriented to the street and rear yard and not towards the subject site.





**View of No 44 Peacock Street**

The proposed upper level addition on the subject site is proposed to be contained over the existing dwelling footprint running along the common boundary. A generous setback from the western common boundary of 2.2m is proposed following the alignment of the ground floor of the subject dwelling. The proposed upper level adopts the same setback to Peacock Street as the ground floor. Historically Peacock Street is the secondary street frontage of the subject site. The proposed siting of the upper level has the favourable outcome of minimising shadow affectation of the adjoining western property. Overshadowing and privacy considerations are well resolved to minimise impacts. No direct impacts to this adjoining property are envisaged.

- Adjoining the subject site to the north is a property known as No 1 Reid Street. This adjoining dwelling is well setback from the common boundary and the proposed development works on the subject site.

No issues arise in terms of overshadowing or privacy loss.



**View of No 1 Reid Street**

The locality is well serviced by public open space and public transport in the form of a regular bus service.

The subject site is unique in configuration and benefits from two street frontages. The proposed concentration of development works over and within the existing building footprint ensures that the green space surrounding the dwelling is retained.

A large tree situated along the Reid Street frontage will remain unaffected by the proposed works.



### **3.0 PROPOSED DEVELOPMENT**

The applicant seeks development consent to undertake the following at No 42 Peacock Street Seaforth:

- Construct an upper level addition comprising of:
  - A master bedroom with a walk-in robe and ensuite serviced by a balcony addressing Reid Street;
  - Three additional bedrooms with built-in cupboards;
  - A bathroom; and
  - Internal staircase accessing lower level.
- Alterations and additions to the ground floor of the existing dwelling include:
  - New entry steps;
  - Removal of some internal walls to create an open plan living and dining area;
  - A new kitchen;
  - An extension of the living room towards Reid Street over an existing garage and carport;
  - Create a large verandah off the living room providing additional cover over the car parking spaces; and
  - Install an internal staircase accessing the upper.

### **3.1 Design Approach**

The proposed upper floor addition is sought to provide most needed quality internal living space to meet the needs of the residents. The proposed alterations and additions are site specifically designed with the intent of minimises adverse impacts affecting adjoining properties.

A proportionate built form and residential floor space is achieved appropriately optimising a valuable allotment in the locality. The proposal includes a standard roof profile consistent with the lower level of the dwelling and that of other dwellings in the precinct.

The design solution ensures that privacy between properties is maintained and not compromised. The outlook from the proposed addition is oriented towards the respective street frontages. An upper level balcony is proposed off the main bedroom offering a potential district views.

Shadows cast by the proposed addition will generally fall in a sweeping motion towards the south across both streets. There will be no concentration of shadows across adjoining dwellings.

A slight encroachment into the building height plane occurs relative to existing ground levels. The encroachment into the height plane is centralised on site at the roof ridge. No issues arise in terms of view loss.

### **3.2 Numeric Summary**

Site area	664.5sqm
Existing floor area	103sqm or 0.15:1
Proposed FSR	220.7sqm or 0.33 : 1
Existing Landscaped Area	393.8sqm or 59%
Proposed Landscaped Area	378sqm or 57%
Side setbacks	The proposed upper level will maintain a compliant side setback of 2.2m to the western boundary.
Front setback - Reid Street	A substantial front setback to Reid Street is maintained and no encroachment into the rear setback is proposed. Generous setbacks currently exist especially from the front setback.
Secondary street setback - Peacock Street	The proposed upper level is confined to building over the existing dwelling footprint. The built form is narrow and articulated to address Peacock Street.
Building Height	The proposed roof ridge creates a minor non-compliance with the 8.5m height control. A Clause 4.6 justification for the variation is provided in the body of the report.
Car Parking	Parking for two cars on-site already exists. The approved garage and carport will be retained as part of this application.

#### 4.0 **MANLY LOCAL ENVIRONMENTAL PLAN 2013**

The land is zoned *R2 Low Density Residential* under Manly LEP 2013. A dwelling house is permissible within the zone with development consent.

Alterations and additions are ancillary to the permissible dwelling use.



**Zoning Extract – MANLY LEP 2013**



<p><b>2.3 Zone objectives and Land Use Table</b></p> <p>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p><u>Zone R1 General Residential</u></p> <p>1 Objectives of zone</p> <p>To provide for the housing needs of the community within a low density residential environment.</p> <p>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</p>	<p>The proposed upper level addition to the dwelling specifically services the housing needs of the residents and provides an improved level of construction benefitting the broader community.</p> <p>Not relevant to the circumstances of the proposal.</p>	<p>Yes</p> <p>Not compromised</p>
<p><b>4.3 Height of buildings</b></p> <p>The maximum permitted building height is 8.5m.</p> <p>(1) The objectives of this clause are as follows:</p> <p>(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,</p>	<p>The applicant proposes a maximum height of 8.66m.</p> <p>The proposed building height and roof form achieves a proportionate built form on-site given the generous width and depth of site.</p> <p>The fall in the land to the street and existing raised foundations contribute to the building height. The siting of the proposed upper level is</p>	<p>Refer to Clause 4.6 Justification</p> <p>Yes</p>

<p>(b) to control the bulk and scale of buildings,</p> <p>(c) to minimise disruption to the following:</p>	<p>suitably recessed and articulated to present appropriately to the streets and minimise impacts.</p>	<p>Yes</p>
<p>(i) views to nearby residential development from public spaces (including the harbour and foreshores),</p>	<p>There are no significant views to be gained from public places of nearby prominent residential buildings.</p>	<p>Yes</p>
<p>(ii) views from nearby residential development to public spaces (including the harbour and foreshores),</p>	<p>There are no significant views to be gained of public places that will be disrupted. Viewing opportunities of the harbour are not impeded despite the minor non-compliance with the building height.</p>	<p>Reasonable view sharing is achieved in the context of precinct and site circumstances.</p>
<p>(iii) views between public spaces (including the harbour and foreshores),</p>	<p>There are no specific view corridors between public places likely to be gained across the subject site.</p>	<p>Yes</p>
<p>(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,</p>	<p>Shadows cast by the development are projected in a sweeping motion towards the street. No significant impacts are likely from the proposed development.</p>	<p>Yes</p>
<p>(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.</p>	<p>The subject site is not in and does not adjoin prominent bushland or any other environmentally sensitive land.</p>	<p>Yes</p>
<p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<p>The height control applicable to the precinct is 8.5m. The proposed development includes a minor breach of</p>	<p>Refer to Clause 4.6 Justification</p>

	the maximum height control with the ridgeline being approximately 8.66m.	
<b>4.4 Floor space ratio</b>  The maximum permitted FSR is 0.4:1.  (1) The objectives of this clause are as follows: (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	The proposed addition will create a proportionate dwelling on-site consistent with other buildings on the northern side of the street.  There are no prominent landscape or townscape features to be viewed from the subject site or nearby properties. The proposed FSR at 220.7sqm or 0.33 : 1 is well below the maximum permitted on-site.  The proposed upper level addition is contained within the footprint of the existing dwelling. The existing landscaped content will effectively remain on-site. There is no detrimental impact on landscaping on-site or within the precinct.  There is no environmental impact arising, which would reduce the enjoyment or use of adjoining land. No new driveway crossings are proposed.  Not applicable.	Yes  Yes  Yes  Yes  Yes



<p>of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map</p>	<p>The maximum FSR applicable to the site is 0.4:1.</p> <p>The proposed FSR is 0.33:1.</p>	Yes
<p><b>4.6 Exceptions to development standards</b></p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p> <p>(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p>	<p>The applicant is relying on clause 4.6 of the LEP to vary the building height control.</p>	
<p><b>5.10 Heritage conservation</b></p> <p><b>(1) Objectives</b></p> <p>The objectives of this clause are as follows:</p> <p>(a) to conserve the environmental heritage of Manly,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and</p>	<p>The subject site is not heritage listed and is not within a heritage conservation area. There are no heritage items in the vicinity of the site.</p> <p>No heritage impacts arise from the proposal.</p>	Yes

Aboriginal places of heritage significance.		
<p><b>6.1 Acid sulfate soils</b></p> <p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p><b>Class of land Works</b></p> <p>5 Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p>	<p>The site is subject to an acid sulphate class 5 consideration.</p> <p>There is no significant excavation associated with the proposed development. There is no impact on the water table.</p> <p>Acid sulphate soils are not a constraint to the proposed development.</p>	<p>Yes</p>
<p><b>6.4 Stormwater management</b></p> <p>(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.</p> <p>(2) This clause applies to all land in residential, business, industrial and environmental protection zones.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>(a) is designed to maximise the use of</p>	<p>The addition is effectively contained within the existing footprint/hard surfacing of the dwelling. Down pipes will connect into the existing drainage system.</p> <p>The clause applies to the subject land.</p> <p>The proposed works are effectively contained within the existing building footprint. The landscape content on-site will remain unaltered.</p> <p>The proposed works do not</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(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.</p>	<p>generate the need for stormwater detention on-site. A reasonable extent of landscape area will remain onsite enabling natural absorption.</p> <p>The proposed works will not give rise to adverse stormwater impacts to adjoining properties and native bushland.</p> <p>Stormwater from the site can be collected and effectively disposed of via gravity to flow as per the current methods.</p>	<p>Yes</p>
<p><b>6.5 Terrestrial biodiversity</b></p> <p>(1) The objective of this clause is to maintain terrestrial biodiversity by:</p> <p>(a) protecting native fauna and flora, and</p> <p>(b) protecting the ecological processes necessary for their continued existence, and</p> <p>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</p> <p>This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.</p>	<p>The site is not subject to biodiversity considerations.</p>	<p>Yes</p>
<p><b>6.6 Riparian land and watercourses</b></p> <p>(1) The objective of this clause is to protect and maintain the following:</p> <p>(a) water quality within watercourses,</p> <p>(b) the stability of the bed and banks of</p>	<p>The site is not near a watercourse.</p>	



<p>watercourses,  (c) aquatic and riparian habitats,  (d) ecological processes within watercourses and riparian areas.  (2) This clause applies to all of the following:  (a) land identified as “Watercourse” on the Watercourse Map,</p>		
<p><b>6.8 Landslide risk</b>  (1) The objectives of this clause are to ensure that development on land susceptible to landslide:  (a) matches the underlying geotechnical conditions of the land, and  (b) is restricted on unsuitable land, and  (c) does not endanger life or property.  (2) This clause applies to land identified as “Landslide risk” on the Landslide Risk Map.</p>	<p>The development will be appropriately engineered to ensure structural integrity.</p>	<p>Yes</p>
<p><b>6.9 Foreshore scenic protection area</b>  (1) The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly.  (2) This clause applies to land that is shown as “Foreshore Scenic Protection Area” on the <u>Foreshore Scenic Protection Area Map</u>.  (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:  (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,</p>	<p>The subject site is not located within a scenic protection area.</p>	<p>Yes</p>

<p>(b) measures to protect and improve scenic qualities of the coastline,</p> <p>(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,</p> <p>(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.</p>		
<p><b>6.12 Essential services</b></p> <p>(1) 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:</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable vehicular access.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.</p>	<p>The proposal is for alterations and additions to an existing dwelling house. All services are available and connected to the property.</p> <p>The proposed additions do not increase run off. The new roof area will be connected to the existing domestic drainage of the dwelling.</p> <p>Not applicable to the circumstances of the proposed development</p>	<p>Yes</p> <p>NA</p>

## 5.0 MANLY DEVELOPMENT CONTROL PLAN 2013

The NSW Planning Circular PS 13-003 provides the following advice on recent legislative changes to the purpose, status and content of DCPs.

*“When DCPs were first introduced around 30 years ago, they were intended to be flexible guidelines which complemented the controls provided by a local environmental plan (LEP). A council’s LEP is a legal document which is meant to be the primary instrument to guide local development.*

*Following a number of recent court cases, councils have felt obliged to treat DCPs as inflexible and rigid rule-books which must be consistently applied when considering development applications. This has caused delays and added to the complexity of the planning system.*

*DCPs are increasingly containing controls which are not consistent with those in the council’s LEP. This adds significantly to development assessment times and red tape in the planning system.*

*These provisions change the way a consent authority (in most instances the council) is to consider a DCP when assessing a development application.*

*The objectives of the changes are to:*

*-reinforce the purpose and status of DCPs as guidance documents used in local planning decision-making, and  
-introduce flexibility in the way in which provisions in DCPs are applied by consent authorities when assessing development applications”*

The amendments to the Act make it clear that the principal purpose of a DCP is to provide guidance to a consent authority and to people who are proposing to undertake development on land to which the DCP applies. The provisions of the DCP have been considered in the preparation of the design and the relevant criteria are outlined below.

<b>3.1 Streetscapes and Townscapes</b> <u>Streetscape</u> Objectives 1) To minimise any negative visual impact of walls, fences and carparking on the street frontage. Objective 2) To ensure development generally viewed from the street complements the identified streetscape. Objective 3) To encourage soft landscape	The proposed works will vastly improve the streetscape presentation of the dwelling.  No significant adverse impacts arise from the proposed development when considered	Yes
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<p>alternatives when front fences and walls may not be appropriate.</p> <p>Townscape</p> <p>Objective 4) To ensure that all parking provision is designed and sited to respond to and respect the prevailing townscape.</p> <p>Objective 5) To assist in maintaining the character of the locality.</p> <p>Objective 6) To recognise the importance of pedestrian movements and townscape design in the strengthening and promotion of retail centres.</p> <p>Objective 7) To minimise negative visual impact, in particular at the arterial road entry point into the Municipality, so as to promote the townscape qualities of Manly.</p>	<p>in reference to the DCP objectives for 'streetscape'.</p> <p>The existing dwelling and proposed upper level addition remain well setback from the Reid Street being the primary street frontage and does not encroach into the existing setback from Peacock Street.</p> <p>Parking is recessed on site and no change is proposed to the existing landscape provision.</p>	
<p><b>3.1.1.3 Roofs and Dormer Windows</b></p> <p>a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.</p> <p>b) Roofs should be designed to avoid or minimise view loss and reflectivity.</p> <p>c) Dormer windows and windows in the roof must be designed and placed to compliment the roof structure and reflect the character of the building. In particular, such windows are not permitted on the street frontage of the building where there is no precedent in the streetscape, especially on adjoining dwellings.</p>	<p>The proposed addition has been designed to sit comfortably with the prevailing architectural style of the existing dwelling. The roof form is consistent with that of the existing dwelling on the subject site and maintains a symmetry of built form.</p> <p>There is no significant impact on view loss given prior Council considerations and minimal increase in building height proposed in this instance.</p> <p>There are no dormer windows proposed.</p>	<p>Yes</p> <p>Yes</p> <p>NA</p>
<p><b>3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)</b></p> <p>Objective 1) To protect the amenity of existing</p>		

<p>and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties.</p> <p>Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.</p> <p>Designing for Amenity</p> <p>a) Careful design consideration should be given to minimise loss of sunlight, privacy and views of neighbouring properties. This is especially relevant in higher density areas and in relation to development adjacent to smaller developments.</p> <p>b) 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.</p> <p>c) The use of material and finishes is to protect amenity for neighbours in terms of reflectivity. The reflectivity of roofs and glass used on external walls will be minimal in accordance with industry standards.</p>	<p>The proposed upper level addition has been site specifically prepared to address matters relating to privacy, view loss, solar access and general amenity. Windows in the proposed upper level are located to capture sunlight and outlook towards the streets and rear yard.</p> <p>The concept of view sharing is maintained with the proposed design, as the siting of the proposed upper level remains recessed from the frontage of the property.</p> <p>No significant adverse impacts arise from the proposed development when considered in reference to the DCP objectives.</p>	<p>Yes</p>
<p><b>3.4.1 Sunlight Access and Overshadowing</b></p> <p>Objective 1) To provide equitable access to light and sunshine.</p> <p>Objective 2) To allow adequate sunlight to penetrate:</p> <p><input type="checkbox"/> private open spaces within the development site; and</p> <p><input type="checkbox"/> private open spaces and windows to the living spaces/ habitable rooms of both the development and the adjoining properties.</p> <p>Objective 3) To maximise the penetration of sunlight including mid-winter sunlight to the windows, living rooms and to principal outdoor areas by:</p> <p><input type="checkbox"/> encouraging modulation of building bulk to facilitate sunlight penetration into the development site and adjacent properties; and</p>	<p>The proposed upper level addition does not given rise to adverse overshadowing impacts given the orientation of the site and separation between dwellings. The shadow diagrams demonstrate that shadows will be cast in a sweeping motion across the frontage of properties and the streets in the main.</p> <p>No significant adverse impacts arise from the proposed development when considered</p>	<p>Yes</p>



<p><input type="checkbox"/> maximising setbacks on the southern side of developments to encourage solar penetration into properties to the south.</p> <p><b>3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties</b></p> <p>In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties:</p> <p>a) 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;</p> <p>b) for adjacent buildings with a north-south orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 4 hours from 9am to 3pm on 21 June;</p> <p>c) for all adjacent buildings (with either orientation) no reduction in solar access is permitted to any window where existing windows enjoy less than the minimum number of sunlight hours specified above.</p>	<p>in reference to the DCP objectives. The proposed upper level is well modulated and the upper level as it is contained to within the existing foot print of the dwelling.</p> <p>There are no significant additional shadow impacts given the topographical circumstances of the site, site orientation and the siting/design of adjoining buildings.</p> <p>No significant adverse impacts arise from the proposed development when considered in reference to the DCP objectives.</p>	<p>Yes</p>
<p><b>3.4.2 Privacy and Security</b></p> <p>Objective 1) To minimise loss of privacy to adjacent and nearby development by:</p> <p><input type="checkbox"/> appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings;</p> <p><input type="checkbox"/> mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.</p> <p>Objective 2) To encourage awareness of neighbourhood security.</p> <p>See also paragraph 4.1.5.3 Principal Private Open Space.</p>	<p>The proposed upper level addition will not result in significant loss of privacy to any adjoining property.</p> <p>No significant adverse impacts arise given the careful placement of windows and concentration of outlook towards the respective streets.</p>	<p>Yes</p>

<p><b>3.4.2.1 Window Design and Orientation</b></p> <p>a) Use narrow, translucent or obscured glass windows to maximise privacy where necessary.</p> <p>b) When building close to boundaries, windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy.</p>	<p>Windows are oriented generally towards the streets and to the north. There will be no viewing conflict from opposing windows between adjoining dwellings.</p>	<p>Yes</p>
<p><b>3.4.2.3 Casual Surveillance</b></p> <p>In order to provide for the casual surveillance of the street and to provide a sense of security:</p> <p>a) some rooms should be oriented to the street;</p> <p>b) sight lines to the street frontage from a window of at least one habitable room should not be obscured by trees or any other object;</p> <p>c) fences, walls and landscaping should minimise opportunities for concealment and encourage social interaction; and</p> <p>d) in areas of high street noise, double glazing on windows is preferred, rather than the construction of high fences or walls as a sound attenuation measure.</p>	<p>The proposed upper level addition will provide better casual surveillance of Reid Street with the inclusion of the upper level addition and balcony.</p> <p>Noted.</p> <p>There are no noise sources near the dwelling.</p>	<p>Yes</p> <p>Yes</p>
<p><b>3.4.2.4 Acoustical Privacy (Noise Nuisance)</b></p> <p>a) Consideration must be given to the protection of acoustical privacy in the design and management of development.</p> <p>b) Proposed development likely to generate noise including outdoor open space, driveways, plant equipment including pool pumps and the like should be located in a manner which considers the acoustical privacy of neighbours including neighbouring bedrooms and living areas.</p>	<p>There is no significant traffic/street noise.</p> <p>The proposed upper level addition relates to a single dwelling. No significant acoustic impacts arise from the proposal given the residential nature of the use.</p> <p>There is minimal change to any of the dwelling elements - open space driveways, parking etc.</p>	<p>NA</p> <p>NA</p> <p>Yes</p>
<p><b>3.4.3 Maintenance of Views</b></p> <p>Relevant DCP objectives to be satisfied in</p>	<p>District views can be gained.</p>	<p>Yes in the</p>

<p>relation to this paragraph include the following:</p> <p>Objective 1) To provide for view sharing for both existing and proposed development and existing and future Manly residents.</p> <p>Objective 2) To minimise disruption to views from adjacent and nearby development and views to and from public spaces including views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths).</p> <p>Objective 3) To minimise loss of views, including accumulated view loss 'view creep' whilst recognising development may take place in accordance with the other provisions of this Plan.</p>	<p>No additional landscape planting is proposed on-site which would obstruct views.</p> <p>A standard roof pitch is proposed coupled with standard floor to ceiling heights aimed at achieving view sharing.</p> <p>Adjoining properties do not benefit from specific views across the subject site.</p>	<p>context of the site, established trees and scale of adjoining dwellings.</p>
<p><b>3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)</b></p> <p>Section 5(a)(vii) of the Environmental Planning and Assessment Act 1979 encourages ecologically sustainable development. Council require that the principles of ecologically sustainable development be taken into consideration when determining development applications under section 79C of the Environmental Planning and Assessment Act 1979 and under this plan.</p>	<p>The proposal is for an upper level addition. The BASIX certificate confirms compliance with relevant water saving and design requirements.</p>	<p>Yes</p>
<p><b>4.1 Residential Development Controls</b></p> <p>Where Residential Development Controls apply</p> <p>a) This section of the plan provides controls for development generally in LEP Zones R1, R2, R3, E3 and E4. These paragraphs may also apply to residential development elsewhere in Manly and are to be read in conjunction with development standards in the LEP.</p> <p>Objective 1) To delineate by means of development control the nature and intended future of the residential areas of Manly.</p> <p>Objective 2) To provide for a variety of</p>	<p>Noted</p>	<p>Yes</p>

<p>housing types and densities while maintaining the exiting character of residential areas of Manly.</p> <p>Objective 3) To ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residences, the existing environmental quality of the environment or the aesthetic quality of Manly.</p> <p>Objective 4) To improve the quality of the residential areas by encouraging landscaping and greater flexibility of design in both new development and renovations.</p> <p>Objective 5) To enable population growth without having adverse effects on the character, amenity and natural environment of the residential areas.</p> <p>Objective 6) To enable other land uses that are compatible with the character and amenity of the locality.</p> <p>Objective 7) To ensure full and efficient use of existing social and physical infrastructure and the future provision of services and facilities to meet any increased demand.</p>	<p>Noted</p> <p>The proposal is for a quality addition to an existing dwelling, which is well setback from adjoining dwellings and the street.</p> <p>No significant adverse amenity impacts arise.</p> <p>The landscaping content on-site will not change. No trees are required to be removed. The addition sits comfortably with the footprint of the dwelling. There are no significant adverse effects on the character, amenity and natural environment.</p> <p>NA.</p> <p>The proposal continues the residential use of the property.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>4.1.1 Dwelling Density and Subdivision</b></p> <p>Objective 1) To promote a variety of dwelling types and residential environments in the LGA.</p> <p>Objective 2) To limit the impact of residential development on existing vegetation, waterways, riparian land and the topography.</p> <p>Objective 3) To promote a variety of allotment sizes, residential environments and housing diversity.</p> <p>Objective 4) To maintain the character of the locality and streetscape.</p> <p>Objective 5) To maximise the use of existing infrastructure</p>	<p>The proposal is for a typical addition to an existing detached dwelling.</p> <p>There are no impacts on existing vegetation, waterways, riparian land and the topography.</p> <p>NA. There is no subdivision.</p> <p>No significant adverse streetscape or neighbourhood character issues arise.</p>	<p>Yes</p> <p>Yes</p> <p>NA</p> <p>Yes</p>

	Existing site services are available.	Yes
<p><b>4.1.2.1 Wall Height</b></p> <p>a) Within the LEP Height of Buildings development standard, the maximum external wall height is calculated based on the slope of the land under the proposed wall. Figures 26, 27 and 28 provide guidelines for determining the maximum height of external walls based on the particular slope of the land along the length of these proposed walls. The maximum wall height control will also vary from one building, elevation or part elevation to another depending on the slope of land on which the wall is sited. Within the range of maximum wall heights at Figures 26 and 28, the permitted wall height increases as the slope of the land increases up to a gradient of 1 in 4, at which point the permitted maximum wall height is capped according to Figure 26.</p>	<p>The permitted wall height in the vicinity is 6.5m.</p> <p>The proposal includes a standard floor to ceiling heights over both levels and a continuous wall height is negated by retaining the roof eave of the lower level.</p> <p>The height of the proposed upper level exceeds 6.5m along the northern elevation where the land falls. A positive aspect of the site circumstance is that a substantial setback exists to the northern boundary and will be retained.</p>	Acceptable on merit
<p><b>4.1.2.2 Number of Storeys</b></p> <p>a) Buildings must not exceed 2 storeys, except on land in areas 'L' and 'N1' on the LEP Height of Building Map and notwithstanding the wall and roof height controls in this plan.</p>	<p>The proposed wall height is acceptable in this instance.</p>	Yes
<p><b>4.1.2.3 Roof Height</b></p> <p>a) Pitched roof structures must be no higher than 2.5m above the actual wall height *, calculated in accordance with Figure 29.</p>	<p>The proposed upper level is well articulated to enhance the visual presentation of the dwelling and will be consistent in height to other dwellings in the street.</p>	Meets the intent of the control
<p><b>Roof Pitch</b></p> <p>c) The maximum roof pitch must be generally no steeper than 35 degrees. A roof with a steeper pitch will be calculated as part of the wall height. In this regard the wall height controls at paragraph 4.1.2.1 of this plan will</p>	<p>The proposal provides for a two storey dwelling.</p> <p>The proposal includes a standard pitched roof profile with a maximum height to the ridge of 2.0m. The roof profile assists in meeting the</p>	Yes



apply to the combined wall height and the height of the roof steeper than 35 degrees.	<p>architectural objectives for the site.</p> <p>The roof slope is consistent with a 25 degree profile.</p>	
<p><b>4.1.3 Floor Space Ratio (FSR)</b></p> <p>Objective 1) To ensure the scale of development does not obscure important landscape features.</p> <p>Objective 2) To minimise disruption to views to adjacent and nearby development.</p> <p>Objective 3) To allow adequate sunlight to penetrate both the private open spaces within the development site and private open spaces and windows to the living spaces of adjacent residential development.</p>	<p>The proposed FSR of 220.7sqm 0.33 : 1 sits within the permitted FSR of 0.4:1 .</p> <p>The dwelling retains a domestic scale and form. No significant impacts arise in respect of views or overshadowing.</p> <p>No significant adverse impacts arise from the proposed development when considered in reference to the DCP objectives.</p>	<p>Yes.</p> <p>Yes</p>
Adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.	<p>The proposed upper level addition reinforces the existing architectural form (including roof form) of the existing dwelling. The proposed works represent architectural improvements to the dwelling and will positively contribute to the architectural diversity of dwelling design in the street.</p> <p>Adjoining properties are not adversely affected by overshadowing, view loss or privacy issues with the amended design.</p> <p>The dwelling retains a domestic scale noting that there is considerable diversity in</p>	

	building bulk and scale in the immediate vicinity of the site. The proposal is consistent with the established streetscape character in terms of street setback and will not have a significant adverse impact on the amenity of adjoining properties.	
<b>4.4.2 Alterations and Additions</b> Manly Council promotes the retention and adaptation of existing buildings rather than their replacement with new structures.	The proposal retains the existing dwelling and provides new external finishes and building articulation across the street frontages to enhance the dwelling's streetscape presentation and appeal.	Yes

## 6.0 SECTION 4.15 CHECKLIST

The following provides an assessment of the proposal against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

*(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(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*

*(iii) any development control plan, and*

*(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*

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

*(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

### **Comment:**

The proposal is permissible and satisfies the objectives of Manly Local Environmental Plan 2013 and prescriptive and performance controls of the DCP.

A variation is sought from the building height development standard. A clause 4.6 justification for the variation proposed is submitted under separate cover.

*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.*

**Comment:**

A detailed site analysis was undertaken to determine the appropriate form of development having regard to Council's planning controls, the circumstances of the site and neighbouring properties and the desired future character of the locality.

The proposed development provides for a high degree of amenity for future occupants, while being respectful of the amenity of neighbouring properties.

In view of the above the development will have acceptable social and environmental implications given the nature of the zone.

*c. the suitability of the site for the development.*

**Comment:**

The subject site has an ideal area, configuration and topography to accommodate the proposed development. The design solution is based on sound site analysis and responds positively to the characteristics of the site and adjoining development.

*d. any submissions made in accordance with the Act or the regulations.*

**Comment:** Nil

*e. the public interest*

*Note.*

*See section 75P (2) (a) for circumstances in which determination of development application to be generally consistent with approved concept plan for a project under Part 3A.*

**Comment:**

The proposed development is purely domestic in nature and provides for the attainment of additional quality floor space within a well serviced locality therefore satisfying urban consolidation initiatives and furthering the public interest.

*(2) Compliance with non-discretionary development standards—development other than complying development If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:*

*(a) is not entitled to take those standards into further consideration in determining the development application, and*

*(b) must not refuse the application on the ground that the development does not comply with those standards, and*

*(c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards, and the discretion of the consent authority under this section and section 4.16 is limited accordingly.*

*(3) If an environmental planning instrument or a regulation contains non-discretionary development standards and development the subject of a development application does not comply with those standards:*

*(a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and*

*(b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.*

*Note. The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).*

**Comment:**

The application has merit and is consistent with the intent of the controls given the site context.

*(3A) Development control plans*



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

*(a) if those provisions 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 application does not 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.*

*In this subsection, standards include performance criteria.*

**Comment:**

The provisions of the development control plan have been considered as part of the application. The proposal is reasonable in this regard

*(4) Consent where an accreditation is in force A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the regulations.*

*(5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).*

*(6) Definitions In this section:*

*(a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and*

*(b) non-discretionary development standards means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.*

**Comment:** Not applicable.

## **7.0 CONCLUSION**

The proposal works are for an upper level addition and ground level alterations and additions to an existing dwelling. The proposal represents an improvement to the built form, function and aesthetics of the dwelling.

A minor breach in the building height standard is reasonable in this instance pursuant to the provisions of Clause 4.6 of the MLEP 2013.

The proposed upper level addition will contribute to the presentation of the dwelling when viewed from the street.

No significant adverse impacts arise from the proposal.

The proposal is fully compliant with the FSR controls.

Reasonable measures have been taken by the designer to minimise privacy loss and there will be no significant overshadowing of adjoining properties as a result of the proposed addition in the context of the site and topographical circumstances. Compliance with setbacks also ensures that the concept of view sharing is maintained.

In view of the above and the assessment undertaken in this SEE, the proposed development is appropriate and Council approval is recommended.