

# Northern Development Assessment

## STATEMENT OF ENVIRONMENTAL EFFECTS

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TO ACCOMPANY  
DEVELOPMENT APPLICATION

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FOR  
PROPOSED ALTERATIONS AND ADDITIONS TO AN EXISTING RESIDENTIAL  
DWELLING – FIRST FLOOR ADDITION

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AT  
27 WOOD STREET, MANLY  
LOT B DP 74214

Prepared By

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## **1. INTRODUCTION**

### **1.1 Summary**

I have been commissioned to prepare a Statement of Environmental Effects (SEE) in relation to a Development Application (DA) seeking consent for proposed alterations and additions to provide a first floor addition on land described as Lot B DP 74214, 27 Wood Street, Manly (The site).

The proposed development is subject to assessment under Part 4 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). The following SEE will consider the potential environmental impacts of the development, having regard to the matters for consideration under Section 4.15(1) of the *EP&A Act 1979*.

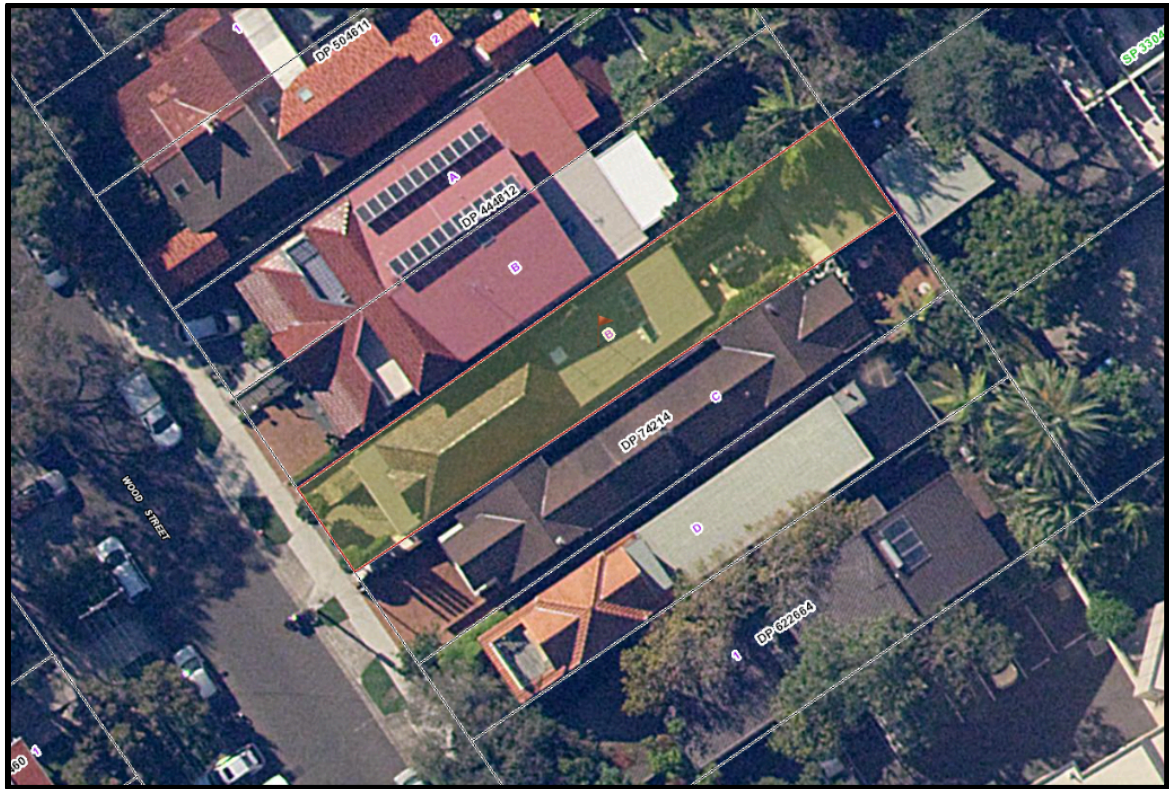
This SEE also addresses relevant matters under the *Manly Local Environmental Plan 2013* and the *Manly Development Control Plan 2013*. In the preparation of this SEE consideration has been given to the following documents:

- a) Plans of the proposed development prepared by Interior Connections 1-21 March, 2022;
- b) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- c) State Environmental Planning Policy (Coastal Management) 2018
- d) Manly Local Environmental Plan 2013 (MLEP)
- e) Manly Development Control Plan 2013 (MDCP)
- f) Planning Principles of the NSW Land and Environment Court.

During the preparation of this SEE, I have attended the subject site and the surrounding locality to gain an understanding of the proposal and its future relationship with the developing streetscape and the immediately surrounding sites.

I am satisfied that the proposal as submitted will not only offer a high standard of accommodation for future residents but will do so in a manner that respects its juxtaposition with adjacent and nearby dwellings and will provide a high standard of design and sustainability when completed.

## 1.2 Site Description



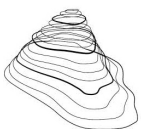
**Figure 1.2.1 – Subject Site**

The site consists of a single allotment located on the north-eastern side of Wood Street, midway between Addison Road and Marshall Street. The subject site currently contains a single storey residential dwelling with a garage underneath, partially located below existing ground level. A Studio is located at the rear of the subject site. The other half of the semi-detached dwelling is located on a separate lot, being the property to the south. The residential dwelling is of brick and cladding construction with a tiled roof. The site fronts Wood Street and obtains vehicle access from the street frontage across a driveway into an existing garage.

The site is rectangular in shape and has a total site area of approximately 285.8m<sup>2</sup> with the topography maintaining a very minor slope from east down to west. The boundary to Wood Street has a total length of approximately 6.7m. The northern boundary adjoins No. 25 Wood Street and the southern boundary adjoins 29 Wood Street and both have a length of approximately 42.62m. The eastern boundary adjoins 24-26 Osbourne Road, being a residential apartment building and has a length of 6.7m. I note that 24-26 Osbourne Road sits significantly higher than the subject site.

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The immediate area is characterised by 1-2 storey residential dwellings and semi-detached dwellings with a number of residential apartment buildings located in the immediate vicinity of the subject site.



## 1.3 The Proposed Development

The proposed development involves alterations and additions to the existing residential dwelling are being undertaken to provide a first storey addition.

The proposed alterations and additions include the following;

### **Ground Floor**

- Removal of a portion of the ceiling over the existing laundry and hallway.
- Construction of a staircase to provide access to the first storey addition.

### **First Floor**

Proposed first storey addition to provide the following;

- Master Bedroom
- Ensuite
- Study

### **Roof**

- New colour bond roof.

The proposed development is shown on plans prepared by *Interior Connections* dated 1-21 March, 2022. The Architectural Plans detail the full scope of works and should be referred to in their entirety.

## 2. PLANNING INSTRUMENTS

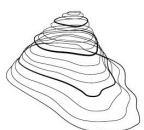
### 2.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

#### **Aim of Policy**

- (1) Regulations under the Act have established a scheme to encourage sustainable residential development (the BASIX scheme) under which:
  - a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and
  - b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.
- (2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.
- (3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

#### **Comment:**

The DA is accompanied by a BASIX Certificate No. A450004\_02 prepared by Allison Mueller dated 4 March, 2022. This BASIX Certificate confirms that the proposed alterations and additions achieve compliance with the relevant objectives and requirements of the above State Environmental Planning Policy.



## 2.2 State Environmental Planning Policy (Coastal Management) 2018

### **Aim of Policy**

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

- a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

### **Comment:**

The subject site is not identified as being within the Land Application Map of State Environmental Planning Policy (Coastal Management) 2018, which relates to commitments within a proposed development to ensure that development protects the environmental assets of the coast.

Accordingly, further assessment under State Environmental Planning Policy (Coastal Management) 2018 is not required.

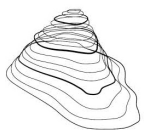




## **2.2 Manly Local Environmental Plan 2013 (LEP)**

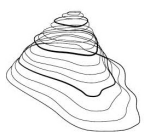
### **1.2 Aims of Plan**

- (1) *This Plan aims to make local environmental planning provisions for land in Manly in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) *The particular aims of this Plan are as follows—*
- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) *in relation to all land in Manly—*
- (i) *to promote a high standard of urban design that responds to the existing or desired future character of areas, and*
- (ii) *to foster economic, environmental and social welfare so that Manly continues to develop as an accessible, sustainable, prosperous, and safe place to live, work or visit, and*
- (iii) *to ensure full and efficient use of existing social and physical infrastructure and the future provision of services and facilities to meet any increase in demand, and*
- (iv) *to ensure all development appropriately responds to environmental constraints and does not adversely affect the character, amenity or heritage of Manly or its existing permanent residential population,*
- (b) *in relation to residential development—*
- (i) *to provide and maintain a diverse range of housing opportunities and choices that encourages affordable housing to cater for an ageing population, changing demographics and all socio-economic groups, and*
- (ii) *to ensure high quality landscaped areas in the residential environment, and*
- (iii) *to encourage higher density residential development to be located close to major transport nodes, services and employment opportunities, and*
- (iv) *to maintain active retail, business and other non-residential uses at street level while allowing for shop top housing in centres and offices at upper floors in local centres,*
- (c) *in relation to business and the economy—*
- (i) *to encourage, provide and consolidate business opportunities for a range of uses in appropriate locations that support local employment, community services and economic growth in business centres, and*
- (ii) *to recognise that tourism is a major industry and employer in Manly and to encourage its growth and continuing viability while protecting the needs of the local community,*
- (d) *in relation to transport, infrastructure and amenities—*



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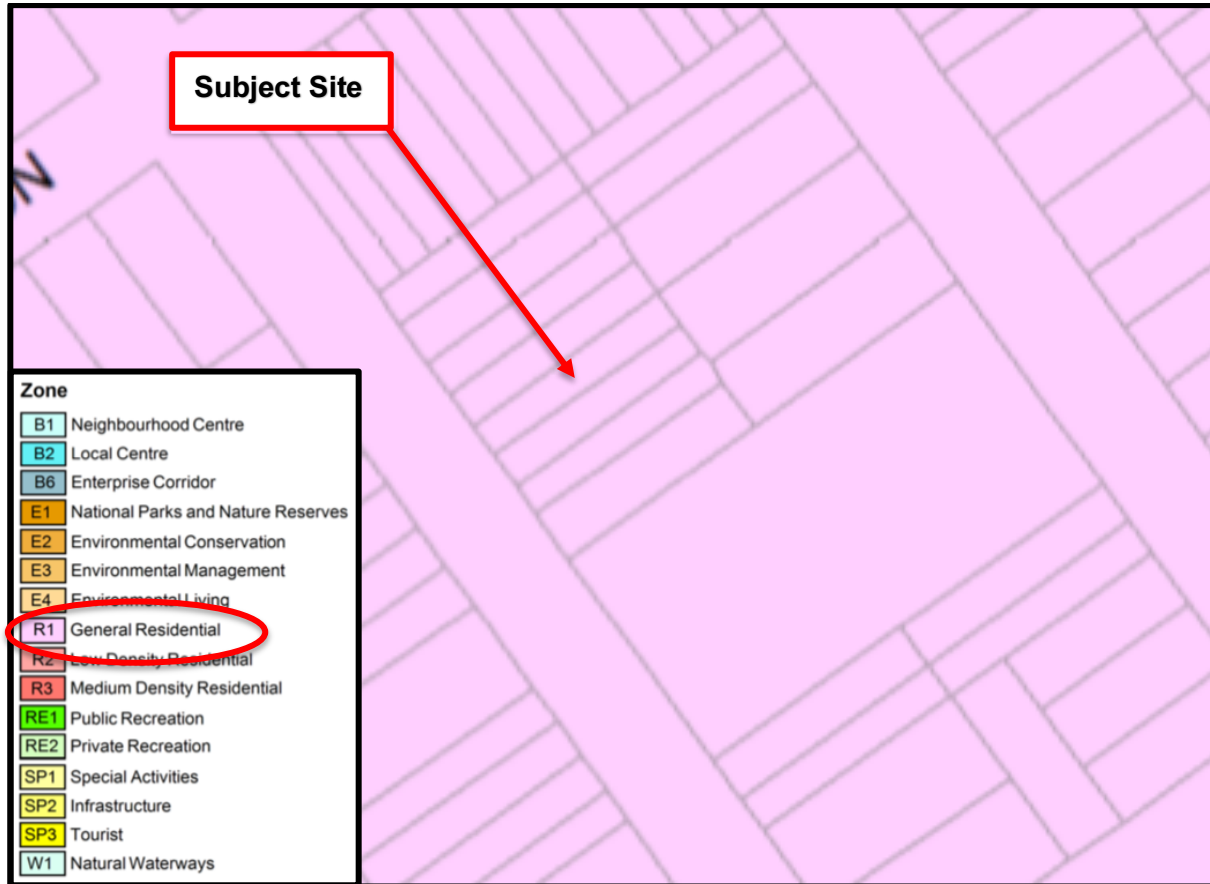
- (i) to reduce private car dependency, increase the viability of various public transport modes, minimise conflict between pedestrians and vehicular movement systems and encourage walking and cycling while concentrating intensive land uses and trip generating activities in locations most accessible to public transport and centres, and*
- (ii) to provide for a range of recreational and community service opportunities to meet the needs of residents and visitors to Manly and promote the efficient and equitable provisions of public services, infrastructure and amenities,*
- (e) in relation to heritage—to identify, protect, sustain, manage and conserve all heritage, including archaeological relics, sites and resources, places of Aboriginal heritage significance, heritage items (and their curtilages), heritage conservation areas and the cultural (natural and built) environmental heritage of Manly,*
- (f) in relation to the natural environment—*
  - (i) to conserve and enhance terrestrial, aquatic and riparian habitats, biodiversity, wildlife habitat corridors, remnant indigenous vegetation, geodiversity and natural watercourses, and*
  - (ii) to promote energy conservation, water cycle management (incorporating water conservation, water reuse, catchment management, stormwater pollution control and flood risk management) and water sensitive urban design, and*
  - (iii) to protect, enhance and manage environmentally sensitive land with special aesthetic, ecological, scientific, cultural or conservation values for the benefit of present and future generations, and*
  - (iv) to protect existing landforms and natural drainage systems and minimise the risk to the community in areas subject to environmental hazards, particularly flooding, bush fires, acid sulfate soils, sea level rise, tsunamis and landslip, and*
  - (v) to provide a framework that facilitates and encourages measures to assist the adaptation of the local environment to mitigate the impacts of climate change, and*
  - (vi) to give priority to retaining bushland for its own intrinsic value and as a recreational, educational and scientific resource,*
- (g) in relation to Manly's unique harbour, coastal lagoon and ocean beach setting—*
  - (i) to preserve and enhance the amenity of public places and areas visible from navigable water around Manly, and*
  - (ii) to retain open space, make more foreshore land available for public access and protect, restore and enhance riparian land along watercourses and foreshore bushland.*



## **RESPONSE**

The proposal accords with the above objectives, where relevant.

### **Zoning**



#### **Zone R1 General Residential**

##### *1 Objectives of zone*

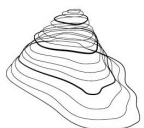
- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

##### *2 Permitted without consent*

Home-based child care; Home occupations

##### *3 Permitted with consent*

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Centre-based child care facilities; Community facilities;



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*Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems*

### 4 Prohibited

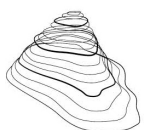
*Advertising structures; Water treatment facilities; Any other development not specified in item 2 or 3*

## **RESPONSE**

The proposal is permitted with consent within the R1 Zone.

The proposed alterations and additions comply with the relevant Objectives of the R1 Zone as follows;

- The proposed alterations and additions will provide for a new master bedroom and study area. The improved and additional bedroom serve the needs of the current occupants of the subject site providing for the housing needs within the community.
- The proposed alterations and additions contribute to the variety of housing types and densities within the immediate area. The proposed alterations and additions ensure that the existing form of housing is retained, allowing for greater occupancy of the subject site.
- The proposed alterations and additions generally maintain the existing front façade with no modifications to the existing ground floor front facade. The proposed first floor alterations and additions are set back approximately 6.27m from the front boundary, a further 0.5m from the existing ground level. I note that the proposed ridge line of the first floor is only 0.77m higher than the ridge line of the existing roof form.
- The proposed alterations and additions ensure the residential dwelling remains sympathetic to the existing streetscape. This is achieved through, but not limited to; maintaining the existing gable over the bay window in the front façade, recessing the first floor addition from the level below, maintaining existing side setbacks, and increasing the ridge line by only 0.77m greater than the current

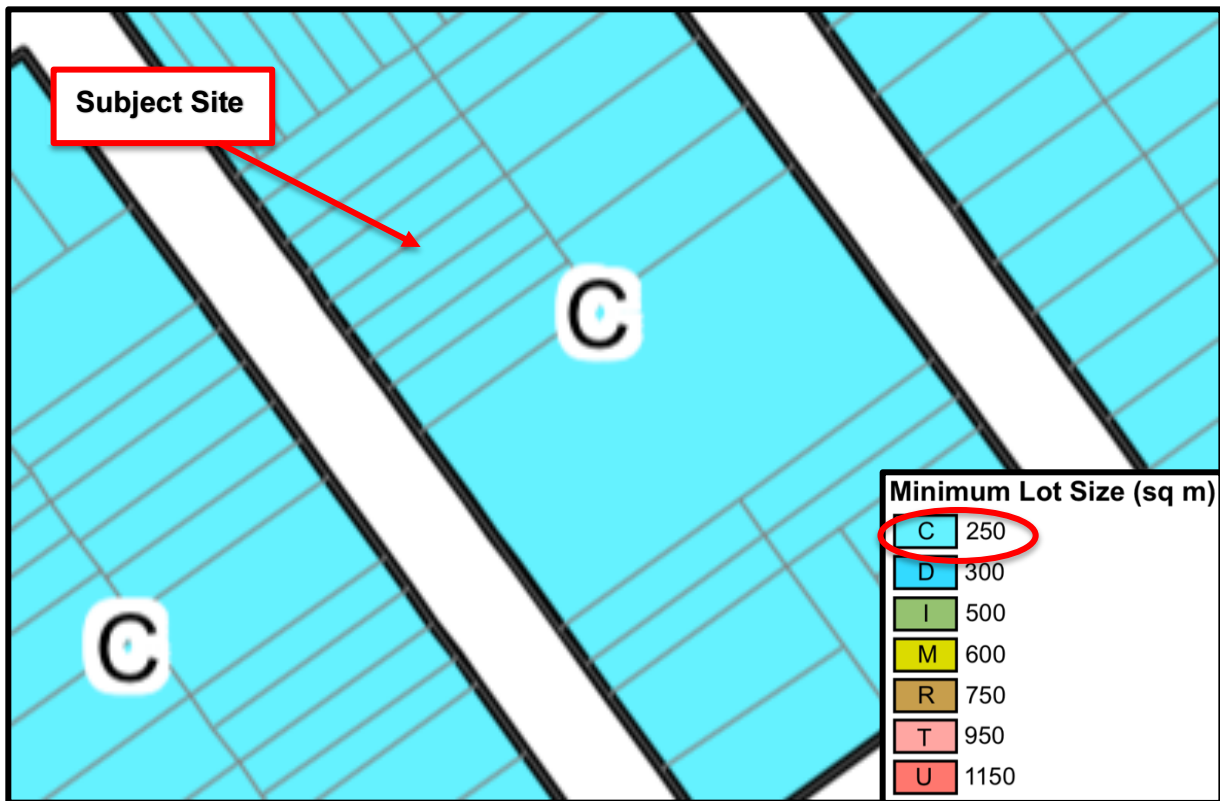


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roof form. These design elements ensure that the proposed development, when viewed from the street complements the identified streetscape.

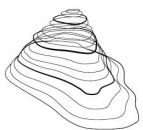
- Furthermore, I note that the immediately adjoining properties to the north and south present to the streetscape as 2 storey dwellings over garages and maintain the same side boundary setbacks at ground floor and first floor. The proposed alterations and additions will be in keeping with the height, setbacks and façade treatment of adjoining properties.

### 4.1 Minimum subdivision lot size



(1) The objectives of this clause are as follows—

- (a) to retain the existing pattern of subdivision in residential zones and regulate the density of lots in specific locations to ensure lots have a minimum size that would be sufficient to provide a useable area for building and landscaping,
- (b) to maintain the character of the locality and streetscape and, in particular, complement the prevailing subdivision patterns,



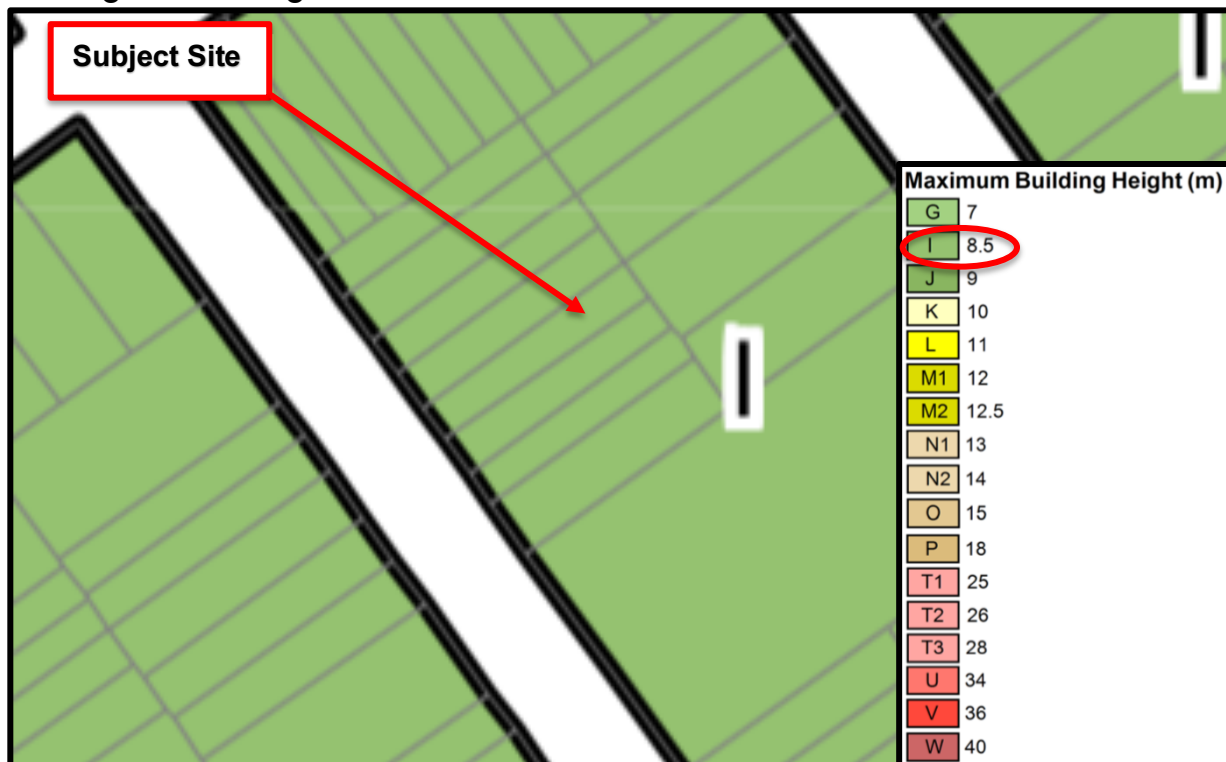
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- (c) to require larger lots where existing vegetation, topography, public views and natural features of land, including the foreshore, limit its subdivision potential,
- (d) to ensure that the location of smaller lots maximises the use of existing infrastructure, public transport and pedestrian access to local facilities and services.

### RESPONSE

Although no subdivision is proposed, the existing lot size of 285.8m<sup>2</sup> complies with the minimum lot size identified by the LEP.

### 4.3 Height of buildings



(1) The objectives of this clause 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),





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(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.

### **RESPONSE**

The proposed alterations and additions to construct a First Floor addition comply with the Maximum Height of Buildings Standard of 8.5m. Furthermore, a significant portion of the proposed development remains well below the Maximum Height of Buildings Standard of 8.5. I note that due to the existing excavated garage, the proposed ridge line of the first storey addition is a maximum height of 8.5m for the extent of the excavated garage.

Furthermore, due to the proposed pitched roof form, the maximum building height of the proposed development is limited to the ridge itself, with the proposed height reducing significantly to the north and south.

I note that the rear portion of the existing residential dwelling, located higher up the site, remains single storey in nature.

The maximum RL of the proposed development will be RL 25.16. This results in a maximum building height of 8.5m when measured from the existing excavated garage with an existing floor level below natural ground level. Furthermore, I note that the proposed ridge line of the first floor addition will only sit 0.77m higher than the existing ridge line of the single storey dwelling.

I consider that the proposed alterations and additions comply with the following relevant objectives of this clause;

- The proposed alterations and additions will provide for a building height and roof form that is consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality. I particularly note that the proposed alterations and additions will result in a built form that is in keeping with the immediately adjoining 2 storey residential dwellings with garages underneath.
- The proposed alterations and additions will provide an additional master bedroom, ensuite and study providing additional capacity of occupancy for the



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existing residential dwelling whilst remaining compliant with the Height of Buildings Standard. The proposed alterations and additions are located over the existing built upon area and will not result in any additional site coverage.

- The proposed alterations and additions do not result in the disruption of any of 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),

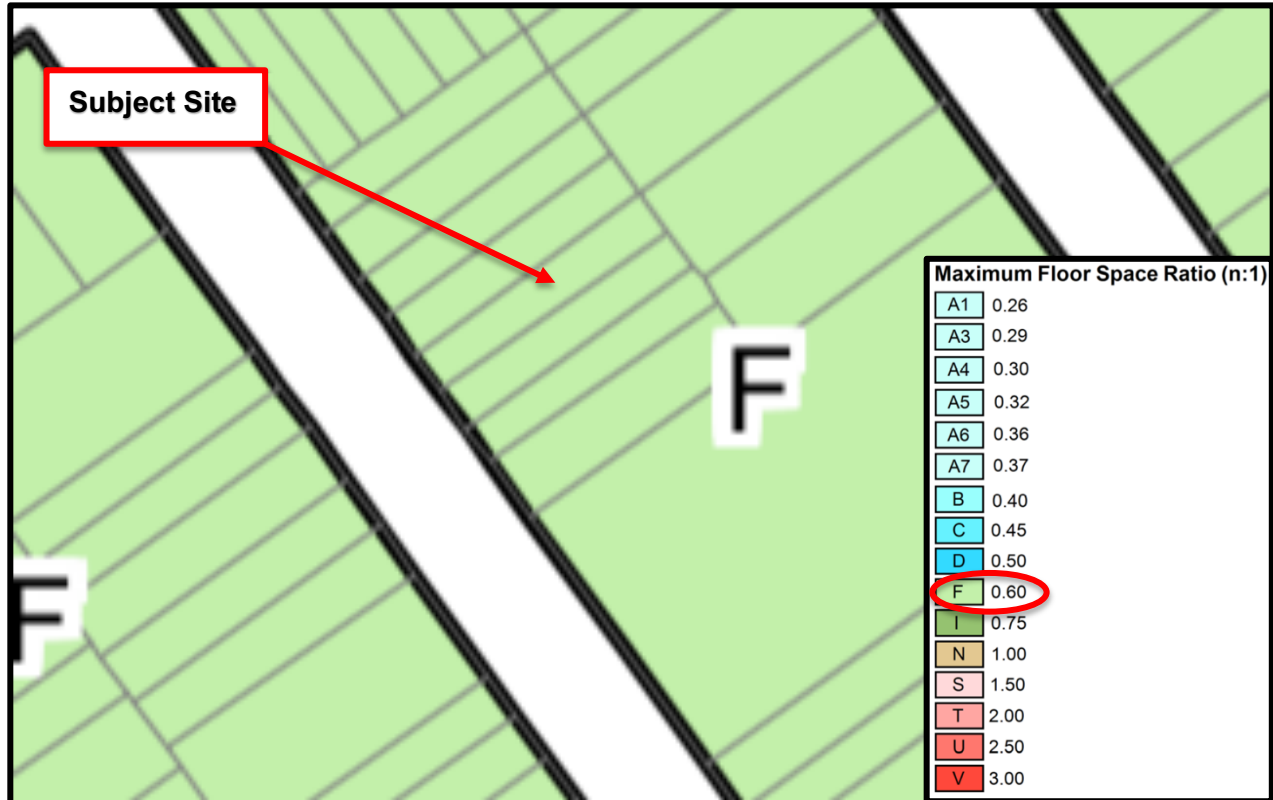
Furthermore, I note that due to the topography of the subject site and surrounding area, the properties located to the rear of the subject site sit significantly higher than the residential dwelling, ensuring that the proposed alterations and additions will not impact existing views.

- As evidenced by the Shadow Diagrams accompanying this DA, the proposed alterations and additions will not result in any unreasonable overshadowing to adjoining properties. I note that the overshadowing remains generally consistent at 9am and 12pm with only a portion of 2 upstairs windows at 29 Wood Street receiving additional overshadowing at 3pm.
- The subject site is not located within a recreation or environmental protection zone, however, I note that the height and bulk of the proposed alterations and additions do not result in any conflict that requires the removal of any significant trees or vegetation or any excavation/significant changes to the existing topography.
- I note that the subject site is located within the Foreshore Scenic Protection Area and a Biodiversity Area and for the reasons outlined within this SEE, it is considered that the proposed Alterations and Additions comply with the Objectives of Clauses 6.5 and 6.9. Please refer to further comments in this SEE.



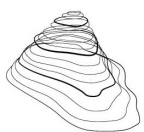


#### 4.4 Floor space ratio



(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 of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.



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(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.*

(2A) *Despite subclause (2), the floor space ratio for a building on land in Zone B2 Local Centre may exceed the maximum floor space ratio allowed under that subclause by up to 0.5:1 if the consent authority is satisfied that at least 50% of the gross floor area of the building will be used for the purpose of commercial premises.*

### **RESPONSE**

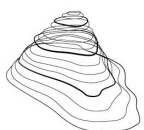
I note that the subject site contains a semi-detached dwelling located on its own lot which complies with the minimum lot size identified under the LEP. The subject site has an FSR Standard of 0.6:1 allowing for a Gross Floor Area of 171.48m<sup>2</sup>.

Based on the calculations provided on the plans accompanying this DA, I note that under the proposed alterations and additions, the Ground Floor area remains unchanged. The additional floor area comes as a result of the proposed First Floor Level, providing an additional 53.94m<sup>2</sup>. This additional floor area results in a total Gross Floor Area of 178.22m<sup>2</sup>, providing an FSR of 0.62:1. This results in a very minor 3.9% breach of the FSR Standard.

The proposed alterations and addition therefore require the submission of a Clause 4.6 Variation Request for Council to assess the reasonableness of the breach. This is described in the attached Clause 4.6 Variation Request accompanying this DA.

Despite the breach of the FSR Development Standard, I consider that the proposed alterations and additions comply with the following relevant objectives of this clause;

- The proposed alterations and additions do not represent an overdevelopment of the subject site.
- The proposed alterations and additions maintain the residential use of the dwelling and provide for a built form that is of a bulk and scale consistent with the existing and desired streetscape character. This is reflected in the existing built form of the immediately adjoining residential dwellings which present a 2 storey built form with garage underneath to the streetscape of a similar height and setback.
- The proposed alterations and additions do not result in a development that obscures important landscape and townscape features.
- The proposed alterations and additions maintain an appropriate visual relationship between new development and the existing character and landscape of the area. I note that the proposed development is located over



the existing dwelling ensuring no additional site coverage and no trees or vegetation are required to be removed.

- The proposed alterations and additions ensure no unreasonable adverse environmental impacts on the use or enjoyment of adjoining land and the public domain as they do not require any excavation and maintain the existing topography of the subject site. Furthermore, as noted above, no additional site coverage is proposed and no significant trees or vegetation are required to be removed.
- The proposed alterations and additions do not result in any unreasonable overshadowing, overlooking, view loss, view impact or acoustic/visual privacy impact.

#### **4.6 Exceptions to development standards**

*(1) The objectives of this clause are as follows:*

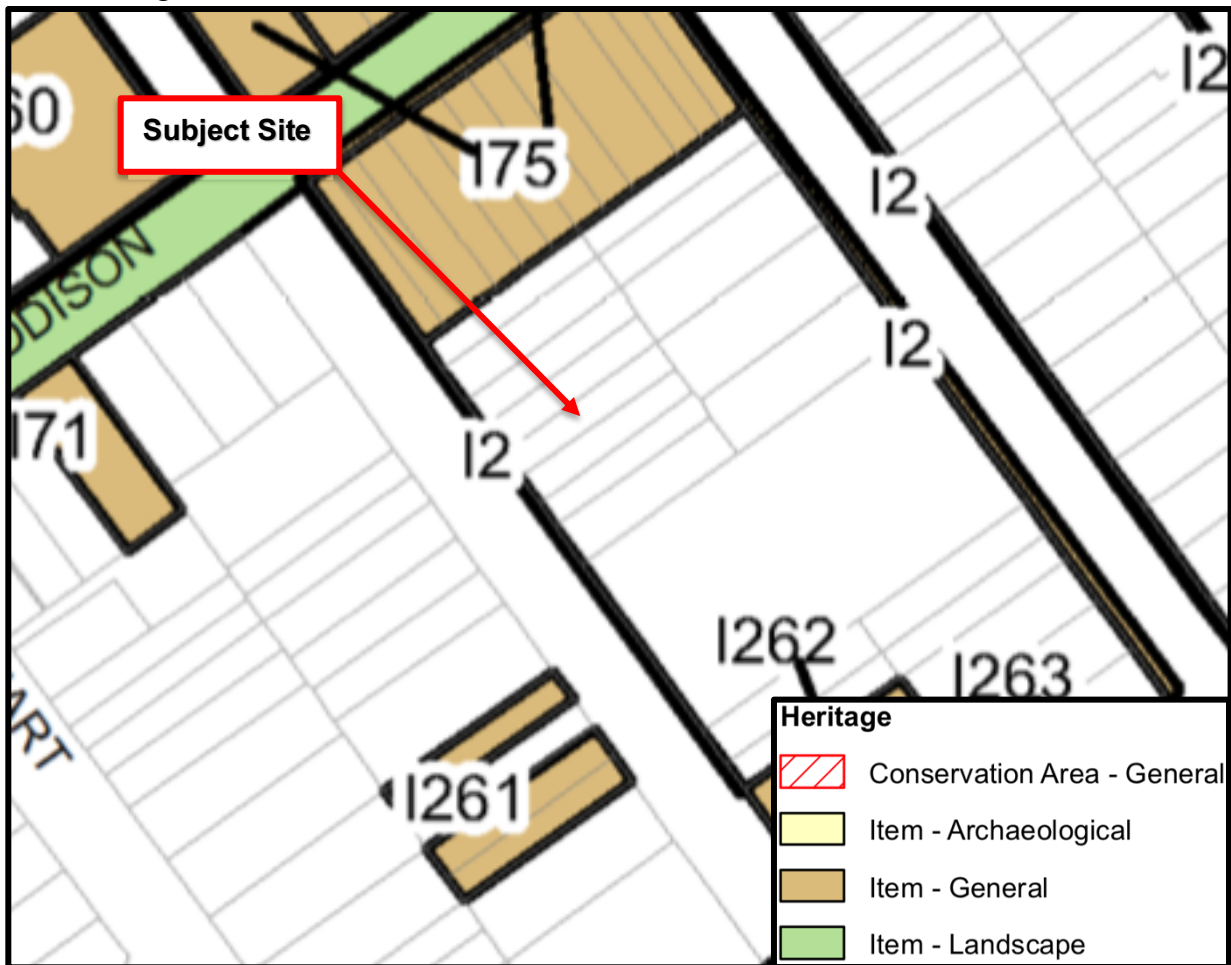
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

#### **RESPONSE**

The proposal, which breaches the development standard for the Height of Buildings Standard requires the submission of a Clause 4.6 Variation Request. This request is accompanies the DA.

I note that Clause 4.6 does not specifically exclude variation of the Height of Buildings Standard.

### 5.10 Heritage conservation



#### (1) Objectives

The objectives of this clause are as follows:

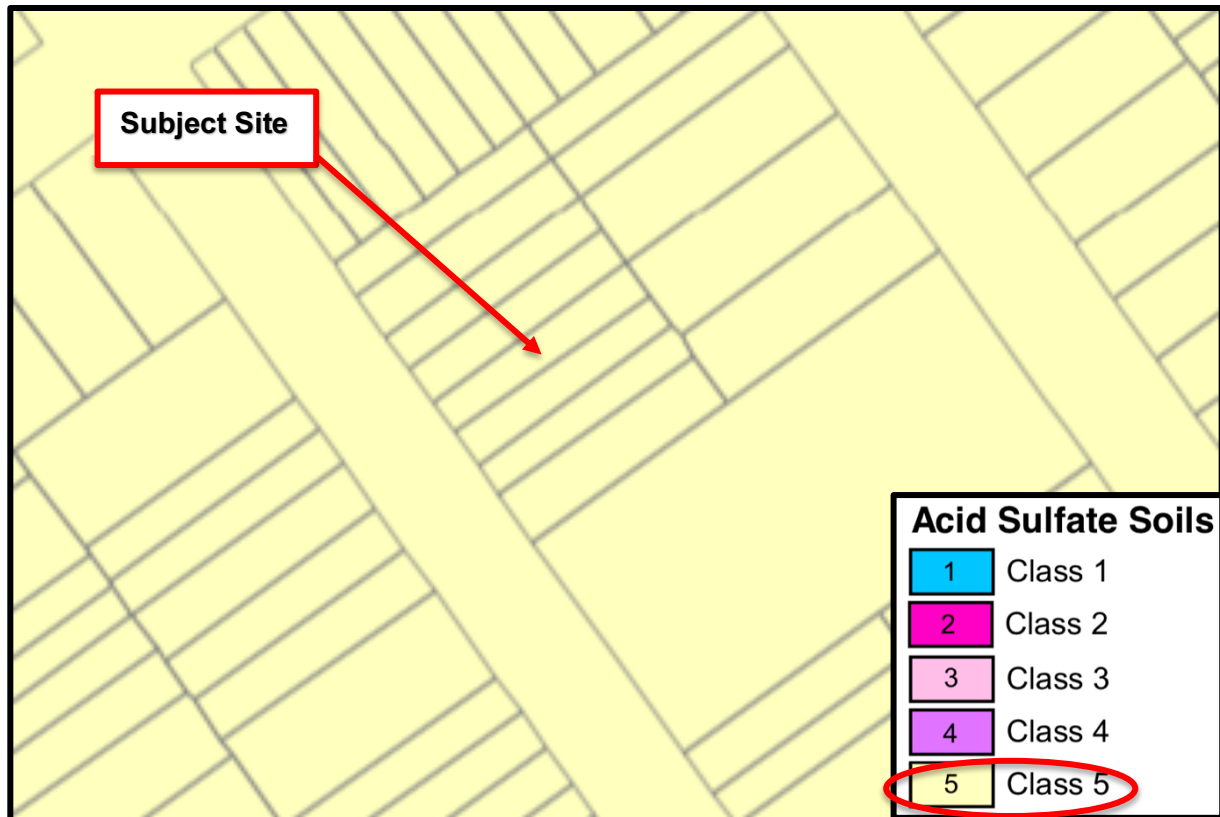
- (a) to conserve the environmental heritage of Manly,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.



**RESPONSE**

I note that I am not a Heritage Consultant, however, the subject site does not contain a Heritage Item and is not located within close proximity to a Heritage Item. Furthermore, I note that the subject site is not located within a Heritage Conservation Area. Therefore, for these reasons, it is not considered that the proposed alterations and additions will adversely impact upon Heritage Items identified under the LEP.

**6.1 Acid sulfate soils**



(1) *The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*

**RESPONSE**

The subject site is identified as "Class 5" under the above Clause. The proposal does not require any excavation and will therefore not result in any lowering of the watertable and as such is not required to address the above Clause by way of an acid sulphate soils management plan.



**6.2 Earthworks**

*(1) The objectives of this clause are as follows:*

- (a) to ensure that earthworks and associated groundwater dewatering for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
- (b) to allow earthworks of a minor nature without requiring a separate development consent.*

**RESPONSE**

No excavation is proposed. I note that the existing topography of the subject site is maintained.

**6.4 Stormwater management**

*(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.*

**RESPONSE**

The proposed alterations and additions do not result in an increase of permeable surfaces as the proposed alterations and additions are located over the existing building footprint. The proposed roof form incorporates new down pipes connecting stormwater to the existing stormwater system in accordance with AS3500. I note that a Stormwater Plan accompanies this DA.



## 6.5 Terrestrial biodiversity

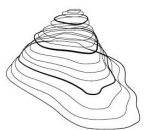


- (1) The objective of this clause is to maintain terrestrial biodiversity by—
- (a) protecting native fauna and flora, and
  - (b) protecting the ecological processes necessary for their continued existence, and
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.

### **RESPONSE**

As previously outlined, the proposed work is located over the existing building footprint and limited to the first storey addition. I note that a Terrestrial Biodiversity Report prepared by GIS Environmental Consultants accompanies this DA and made the following findings;

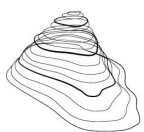
- *It is unlikely that the proposal will have a significant impact on the Endangered Long-nosed Bandicoot population at North Head. Entry into the Biodiversity Offset Scheme (BOS) and further assessment in the form of a Biodiversity Development Assessment Report (BDAR) is not considered necessary for this population.*





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- The site currently contains 37 m<sup>2</sup> of bandicoot foraging habitat (approximately 8% of the site) in the landscaped area at the rear of the site. The proposal will result no change of foraging habitat within the property. There will also be no temporary (during construction) change to foraging habitat.
- The proposal won't change access for Bandicoots. There is no proposed landscaping or changes to gates and boundary fences.
- No evidence was found of any other Threatened Species, Populations or Endangered Ecological Communities utilising this property.
- Based on the information gathered and the assessments of potential impacts of the proposal on flora and fauna in section 3 of this report, it is considered that the proposal will not have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land.
- Based on the findings and assessment of the impact of this proposal on flora and fauna in this report, fauna habitat is not likely to be adversely impacted by the proposal and the habitat is not likely to be important habitat for these species due to the higher quality bushland habitat to the east in Sydney Harbour National Park. The proposed development will not have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna.
- Based on the findings and assessment of the impact of this proposal on flora and fauna in sections 3 and 4 of this report, the proposed development will not significantly fragment, disturb or diminish the current biodiversity structure, function and composition of the subject site. See section 4 for details.
- The site is in a residential area surrounded by other private properties with a discontinuous canopy of trees. Access to the habitat will not change for birds or arboreal mammals such as possums that are using the site.....Based on the findings and assessment of the impact of this proposal on flora and fauna in this report, this proposal will not adversely impact on the habitat elements providing connectivity to other areas of suitable habitat.
- This report makes recommendations for appropriate measures to avoid, minimise or mitigate the impacts of the development. See the Ameliorative Conditions and Management Recommendations sections of this report for further information.
- The development has been designed to utilise the site topography and surrounding landscape. The proposal will retain existing access for bandicoots. The current and proposed access to the site is shown on Map 1. The recommendations and ameliorative conditions in this report provide measures to manage and mitigate impacts.





## Statement of Environmental Effects – 27 Wood Street, Manly

- The development has been designed to utilise the site topography and surrounding landscape. The proposal will retain existing access for bandicoots. The recommendations and ameliorative conditions in this report provide measures to manage and mitigate impacts.
- **Conclusion to the Assessment of Clause 6.5 of the MLEP**  
The proposal is consistent with the requirements of Clause 6.5 of the MLEP 2013 and is not considered to have a significant adverse impact on Terrestrial Biodiversity.

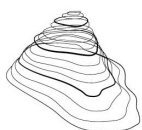
### 6.8 Landslide risk

(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.

### **RESPONSE**

I note that that the subject site is not identified as Landslide Risk under the Landslide Risk Map Sheet CL1\_003 contained within the LEP. Furthermore, no excavation is proposed. I note that the existing topography of the subject site is maintained.



## 6.9 Foreshore scenic protection area



(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 Foreshore Scenic Protection Area Map.

(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,

(b) measures to protect and improve scenic qualities of the coastline,

(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,

(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.



### **RESPONSE**

The subject site is located within the Scenic Foreshore Protection Area. The proposed alterations and additions have incorporated design elements to ensure that the first floor addition achieves the Objective of this clause in ensuring that the visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly are protected.

I particularly note the following matters that are achieved as a result of the proposed alterations and additions;

- The proposed alterations and additions do not result in 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.
- As previously noted, the maximum RL of the proposed development will be RL 25.16 which will only sit 0.77m higher than the existing ridge line of the single storey dwelling. Furthermore, as previously advised, the properties to the north and north-east sit much higher than the subject site ensuring that views over the subject site will not be impacted.
- I note that the proposed roof of the first storey addition maintains the existing pitched roof form and the Shadow Diagrams accompanying this DA confirm that no unreasonable overshadowing will occur.
- The proposed maximum RL and roof form ensure the protection of scenic qualities of the coast line.
- The proposed first floor addition is in keeping with the bulk and scale of immediately adjoining dwellings providing a 2 storey presentation with garage underneath to the streetscape. The height, bulk and scale of the proposed development are suitable given its type, location and design and its relationship with and impact on the foreshore.
- The proposed alterations and additions will not result in conflict between land-based and water-based coastal activities.

Table 2.1 provides a summary of the relevant provisions of the LEP and outlines their relationship with the proposed development;

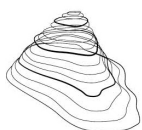
**Table 2.1 – LEP Compliance Summary**

Clause	Control	Comment
<b>Clause 4.1: Minimum</b>	250m <sup>2</sup> minimum	No subdivision proposed



## Statement of Environmental Effects – 27 Wood Street, Manly

<b>Subdivision</b>		
<b>Lot Size</b>		
<b>4.3 Height of Buildings</b>	8.5 metres maximum	Complies
<b>4.4 Floor Space Ratio</b>	0.6:1	Refer to Clause 4.6 request
<b>5.10 Heritage</b>	Consider Objectives	Complies
<b>5.21 Flood planning</b>	Consider Objectives	N/A
<b>6.1 Acid Sulfate Soils</b>	Consider Objectives	Complies
<b>6.2 Earthworks</b>	Consider Objectives	Complies
<b>6.4 Stormwater Management</b>	Consider Objectives	Complies
<b>6.5 Terrestrial biodiversity</b>	Consider Objectives	Complies
<b>6.6 Riparian land and watercourses</b>	Consider Objectives	N/A
<b>6.7 Wetlands</b>	Consider Objectives	N/A
<b>6.8 Landslide risk</b>	Consider Objectives	No excavation is proposed. I note that the existing topography of the subject site is maintained.
<b>6.9 Foreshore scenic protection area</b>	Consider Objectives	Complies
<b>6.10 Limited development on foreshore area</b>	Consider Objectives	N/A



## **2.3 Manly Development Control Plan 2013**

The Manly Development Control Plan 2013 (DCP) applies to all forms of development within the Manly locality.

### **1.7 Aims and Objectives of this Plan**

The general aims of this plan are to:

- a) Ensure that development contributes to the quality of the natural and built environments.*
- b) Encourage development that contributes to the quality of our streetscapes and townscapes.*
- c) Ensure that development is economically, socially and environmentally sustainable and to require the principles of ecologically sustainable development to be taken into consideration when determining development applications.*
- d) Ensure future development has consideration for the needs of all members of the community.*
- e) Ensure development positively responds to the qualities of the site and its context.*
- f) Ensure development positively responds to the heritage and character of the surrounding area.*

### **RESPONSE**

The Aims and objectives of the DCP, where relevant, have been addressed and endorsed by the proposal to preserve and where possible, enhance the character of the surrounding area.

### **3.1 Streetscapes and Townscapes**

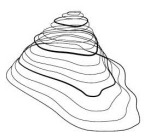
Relevant DCP objectives to be met include the following:

*Streetscape*

*Objective 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 alternatives when front fences and walls may not be appropriate.*



## Statement of Environmental Effects – 27 Wood Street, Manly

### Townscape

*Objective 4) To ensure that all parking provision is designed and sited to respond to and respect the prevailing townscape.*

*Objective 5) To assist in maintaining the character of the locality. Objective 6) To recognise the importance of pedestrian movements and townscape design in the strengthening and promotion of retail centres.*

*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.*

### **Comment**

The proposed alterations and additions are in keeping with the relevant objectives of the Streetscapes and Townscapes clause as follows;

- 1) I note that the proposed works maintain the existing Ground Floor front façade and make no changes to the existing walls, fences and carparking on the street frontage.
- 2) The proposed alterations and additions will result in a development in keeping with the height, bulk and scale of immediately adjoining developments, presenting as a 2 storey dwelling with a garage underneath. These design elements ensure that the proposed development, when viewed from the street complement the identified streetscape.
- 3) As previously noted, there are no changes to the existing walls, fences and carparking on the street frontage.

The proposed alterations and additions are in keeping with the Townscape Objectives. The visible components of Wood Street and the surrounding street network are predominantly made up of 1-2 storey residential dwellings and semi detached dwellings with a number of residential apartment buildings.

The proposal will remain consistent with the established streetscape of Wood Street and retains much of the existing front façade at Ground Level, with the proposed First Floor Level recessed back and the existing gable over the bay window retained to ensure that the alterations and additions remains sympathetic to the existing dwelling.



**3.1.1 Streetscape (Residential areas)**

**Complementary Design and Visual Improvement**

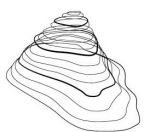
- a) Development in the streetscape (including buildings, fences and landscaping) should be designed to:
- i) complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;
  - ii) ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed from surrounding public and private land;
  - iii) maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys;
  - iv) avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like. See also paragraph 4.1.8 Development on Sloping Sites and paragraph 4.1.9 Swimming Pools, Spas and Water Features;
  - v) address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also paragraph 3.2 Heritage Considerations;
  - vi) visually improve existing streetscapes through innovative design solutions; and
  - vii) incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged. See also paragraph 3.5.7 Building Construction and Design.

**Setback Principles in Low Density Areas**

- b) In lower density areas including LEP Zones R2, E3 & E4, setbacks should be maximised to enable open space to dominate buildings, especially on the foreshore.

**RESPONSE**

The proposed alterations and additions are in keeping with the requirements of the Complementary Design and Visual Improvement clause as follows;



## Statement of Environmental Effects – 27 Wood Street, Manly

- i. The proposed alterations and additions achieve the predominant building form, distinct building character, building material and finishes and architectural style in the immediate locality. Furthermore, the proposed alterations and additions maintain the existing presentation of the semi-detached dwelling to the street at Ground Level, with the First Floor Level setback from the existing front façade and being constructed of a form and material that is sympathetic to the existing dwelling.
- ii. The proposed alterations and additions do not result in a form of development that detracts from the scenic amenity of the area.
- iii. The proposed alterations and additions maintain building heights at a compatible scale with immediately adjoining development and other nearby development, particularly at the street frontage, height and building alignment.
- iv. The proposed development does not incorporate elevated structures constructed on extended columns that dominate adjoining sites.
- v. The proposed development is not in proximity to any Heritage Items and does not impact any Heritage Items.
- vi. The proposed alterations and additions visually improve the existing streetscapes through innovative design solutions outlined in this SEE.
- vii. The proposed alterations and additions incorporate building materials and finishes complementing those dominant in the locality.

### 3.1.1.2 Front Fences and Gates

- a) Notwithstanding maximum height provisions for fencing at paragraph 4.1.10; the siting, height and form of boundary fences and walls should reflect the fencing characteristic of the locality, particularly those of adjacent properties. All fencing and wall materials must be compatible with the overall landscape character and the general appearance of the building and the streetscape.*
- b) Boundary fences or walls must not be erected where they would conflict with the local character.*
- c) Front fences and gates must be constructed in materials that complement the architectural style and period of the dwelling and improve the streetscape. In particular, fencing adjacent to a public road or place must not be constructed in metal cladding, powder coated or otherwise.*
- d) Gates must not encroach on public land when opening or closing.*





**RESPONSE**

There are no changes proposed to the existing front fences and gate.

**3.1.1.3 Roofs and Dormer Windows**

- a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.*
- b) Roofs should be designed to avoid or minimise view loss and reflectivity.*
- 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.*

**RESPONSE**

The proposed alterations and additions are considered to be in keeping with the objectives of this clause.

I note that the roof form does not seek to replicate nearby development but instead compliments the existing material and style. Furthermore, the proposed roof form will not result in the loss of views or unreasonable reflectivity with the proposed ridge line only 0.77m higher than the existing single storey roof and maintaining the pitched roof form.

**3.3.1 Landscaping Design**

Relevant DCP objectives to satisfy in relation to this part include the following: Objective

- 1) To encourage appropriate tree planting and maintenance of existing vegetation.*
- Objective 2) To retain and augment important landscape features and vegetation remnant populations of native flora and fauna.*

Landscape Character

- a) The design, quantity and quality of open space should respond to the character of the area. In particular:*
  - i) In low density areas (including LEP Zones R2 Low Density, E3 Environmental Management and E4 Environmental Living); open space should dominate the site. Setbacks of buildings from open space should also be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshore.*



## Statement of Environmental Effects – 27 Wood Street, Manly

- ii) In higher density areas the provision of adequate private open space and landscaped areas are to maximise residential amenity. Site works must be minimised to protect natural features.*
- iii) In areas adjacent to native vegetation, the design of development should be sympathetic to the natural environment in order to protect and enhance the area as habitat for native fauna.*
- iv) In areas of habitat for the long-nosed bandicoot (see paragraph 5.4.2), landscape design must include native plant species to provide new and/or improved low dense clumping habitat to provide for potential foraging and nesting. The planting schedule should comprise species such as Lomandra sp., Dianella sp., Banksia spinulosa, Caustis sp., Xanthorrhoea sp., Isolepis sp., Juncus sp., Adiantum sp., Calochlaena sp., Callistemon sp., Grevillea juniperina, Gleichenia sp., Grevillea 'Robyn Gordon' and tussocky native grasses (eg. Kangaroo Grass)*

### *b) Planting criteria including Native Plant Species and Amenity*

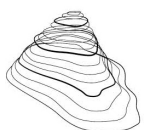
- i) Landscaped Areas must be capable of supporting new native tree species that are typically expected to reach a mature height of 10m notwithstanding the minimum dimension requirements at paragraph 4.1.5.2 of this plan.*
- ii) The use of locally occurring native plant species is preferred to assist in providing habitat for local fauna; and preserve threatened native plants.*
- iii) Trees should not be positioned in locations that may significantly affect neighbouring properties in terms of:*

*Blocking winter sunlight to either living rooms, private open space or solar collectors; or where the proposed location of the tree may be otherwise positioned to minimise any significant loss of views*

*Undercroft areas*

- c) Undercroft areas must be presented as a positive space and integrated into the design of the building by use of appropriate landscaping and/or the retention of natural features and vegetation where possible, having regard to the volume of the space and its orientation. In relation to sloping sites (see also paragraph*

*4.1.8) and in lower density areas, any supporting undercroft structures must be minimised.*



**RESPONSE**

The proposed works are limited to existing built upon area and no Landscaped Area, significant trees or vegetation will be removed as a result of the proposed alterations and additions.

**3.3.2 Landscape/Tree Preservation**

Relevant DCP objectives to be met in relation to this part include:

Objective 1) To ensure that development protects and conserves the natural environment.

Objective 2) To protect and preserve urban bushland areas in recognition of their:

- Value as part of the natural heritage
- Aesthetic value; and
- Value as recreational, educational and scientific resource.

Objective 3) To protect and prevent clearing of remnant and or rehabilitated riparian land value as a recreational, educational and scientific resource.

a) Developments must maximise the retention and protection of natural landscape features including significant rock outcrops and vegetation including canopy trees and under-storey vegetation, which would require a tree permit under this plan.

b) The siting of buildings and landscaping must protect local waterways, drainage lines and riparian land by:

i) protecting existing riparian native vegetation and/or rehabilitating riparian land;

ii) retaining natural ground levels; and

iii) providing a buffer of native planting to existing vegetation, particularly when adjoining land in LEP Zones RE1, RE2, E1 & E2 as further detailed in paragraph 4.1.4.6 of this plan.

c) In relation to conservation and energy efficiency, plant species should be retained, selected and planted to achieve:

i) shaded buildings in summer;

ii) reduced glare from hard surfaces;

iii) sunlight access into living rooms in cooler months;



## Statement of Environmental Effects – 27 Wood Street, Manly

- iv) cooling air currents channelled into the dwelling in summer;*
- v) windbreaks where desirable; and*
- vi) landscape construction taking advantage of, and using existing site materials, recycled materials and materials that have a low embodied energy.*

### **RESPONSE**

As previously noted, the proposed works are limited to existing built upon area and no trees or vegetation will be impacted as a result of the proposed alterations and additions.

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

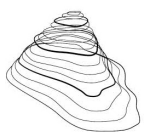
Relevant DCP objectives to be met in relation to these paragraphs include the following:

Objective 1) *To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties including noise and vibration impacts.*

Objective 2) *To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.*

*Designing for Amenity*

- a) Careful design consideration should be given to minimise loss of sunlight, privacy, views, noise and vibration impacts and other nuisance (odour, fumes etc) for neighbouring properties and/or other occupants of the development property. This is especially relevant in higher density areas and in relation to development adjacent to smaller developments.*
- 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 viewpoints.*
- 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. See also paragraph 2.1.6 regards DA lodgement requirements for material and finishes.*



**RESPONSE**

The proposal will not see a reduction in existing levels of privacy to occupants of the site or adjoining properties. I note that 2 windows are proposed on the south east elevation (to the ensuite) and 3 windows are proposed on the north-eastern elevation. These windows are proposed to be opaque glass ensuring no privacy impacts to adjoining properties.

I consider that the proposed alterations and additions are in keeping with the following objectives of this clause;

- 1) The proposed development will not result in unreasonable amenity impacts in terms of privacy, loss of views, solar access of adjoining properties or noise and vibration impacts.
- 2) As previously noted, the proposed alterations and additions occur over existing built upon area ensuring that no trees or vegetation is lost.

**3.4.1 Sunlight Access and Overshadowing**

*Relevant DCP objectives to be met in relation to this part include the following:*

*Objective 1) To provide equitable access to light and sunshine.*

*Objective 2) To allow adequate sunlight to penetrate:*

- *private open spaces within the development site; and*
- *private open spaces and windows to the living spaces/ habitable rooms of both the development and the adjoining properties.*

*Objective 3) To maximise the penetration of sunlight including mid-winter sunlight to the windows, living rooms and to principal outdoor areas by:*

- *encouraging modulation of building bulk to facilitate sunlight penetration into the development site and adjacent properties; and*
- *maximising setbacks on the southern side of developments to encourage solar penetration into properties to the south.*

**RESPONSE**

The proposed development complies with the objectives of this clause.

As evidenced by the Shadow Diagrams accompanying this DA, the proposed alterations and additions will not result in any unreasonable overshadowing to adjoining properties. I note that the overshadowing remains generally consistent at 9am and



## **Statement of Environmental Effects – 27 Wood Street, Manly**

12pm with only a portion of 2 upstairs windows at 29 Wood Street receiving additional overshadowing at 3pm.

For the above reasons, I consider that the proposed alterations and additions are in keeping with the objectives of this clause.

### **Overshadowing Adjoining Open Space**

*In relation to sunlight to private open space of adjacent properties:*

- a) New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June) ; or*
- b) Where there is no winter sunlight available to open space of adjacent properties from 9am to 3pm, the calculations for the purposes of sunlight will relate to the equinox in March and September from 9am to 3pm.*

### **RESPONSE**

Solar access to adjoining properties will be generally maintained with the only additional overshadowing occurring to a portion of 2 upstairs windows at 29 Wood Street at 3pm.

The proposed development does not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June) and therefore more than complies with the requirements of this clause.

#### **3.4.1.1 Maintaining Solar Access into Living Rooms of Adjacent Properties**

*In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties:*

- 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 the winter solstice (21 June);*
- 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 the winter solstice (21 June);*



*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.*

**RESPONSE**

Based on the Shadow Diagrams, no additional Solar access to living rooms of adjacent sites is impacted by the proposed development.

**3.4.1.3 Overshadowing Solar Collector Systems**

*A minimum of 6 hours solar access be retained to solar collectors on neighbouring properties.*

**3.4.1.4 Overshadowing Clothes Drying Areas**

*A minimum of 6 hours solar access be retained to a suitable clothes drying area.*

**3.4.1.5 Excessive Glare or Reflectivity Nuisance**

*All external material and finishes incorporated into the development must consider and mitigate any excessive glare or reflectivity nuisance.*

**RESPONSE**

No solar systems, collectors or clothes drying areas will be overshadowed. Furthermore, the proposed alterations and additions will not result in any excessive glare or reflectivity nuisance (note: Please refer to the submitted Schedule of Finishes accompanying the Development Application documentation).

**3.4.2 Privacy and Security**

*Relevant DCP objectives to satisfy in relation to this part include the following: Objective*

*1) To minimise loss of privacy to adjacent and nearby development by:*

*Appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings;*

*Mitigating direct viewing between windows and/or outdoor living areas of closely spaced buildings adjacent buildings.*

*Objective 2) To encourage awareness of neighbourhood security.*

**RESPONSE**

It is not considered that the proposal will result in an unreasonable loss of privacy to adjoining neighbours for the reasons outlined in this SEE.



**3.4.2.1 Window Design and Orientation**

- a) *Use narrow, translucent or obscured glass windows to maximise privacy where necessary.*
- b) *When building close to boundaries, windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy.*

**RESPONSE**

It is noted that the First Floor Level incorporates a master bedroom, ensuite and study and includes a window on the south-east elevation and 3 windows on the north west elevation. These proposed windows are to be opaque glass in order to ensure no privacy impacts to adjoining properties.

Large windows are incorporated into the front and rear façade of the proposed first storey. I note that the window facing Wood Street will provide passive surveillance of the street, increasing safety and security. The large window on the rear façade is located over the staircase and in front of the 'dwarf wall' ensuring that occupants will not be able to stand right in front of the proposed window.

**3.4.2.1 Balconies and Terraces**

*Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties.*

**Comment**

No balcony or terraces are proposed.

**3.4.2.3 Acoustical Privacy (Noise Nuisance)**

**RESPONSE**

The proposed alterations and additions will not result in any additional Acoustic Impacts to adjoining properties.

Acoustic Privacy from any associated plant and equipment can be addressed through the provision of acoustically treated enclosures.





### **3.4.3 Maintenance of Views**

*Relevant DCP objectives to be satisfied in relation to this paragraph include the following:*

*Objective 1) To provide for view sharing for both existing and proposed development and existing and future Manly residents.*

*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).*

*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.*

*a) The design of any development, including the footprint and form of the roof is to minimise the loss of views from neighbouring and nearby dwellings and from public spaces.*

*b) Views between and over buildings are to be maximised and exceptions to side boundary setbacks, including zero setback will not be considered if they contribute to loss of primary views from living areas.*

*c) Templates may be required to indicate the height, bulk and positioning of the proposed development and to assist Council in determining that view sharing is maximised and loss of views is minimised. The templates are to remain in place until the application is determined. A registered surveyor will certify the height and positioning of the templates.*

### **RESPONSE**

The preservation of views is achieved with the ridge level of the proposed first floor being RL 25.16 which will only sit 0.77m higher than the existing ridge line of the single storey dwelling. Furthermore, as previously advised, the properties to the north and north-east sit much higher than the subject site ensuring that views over the subject site will not be impacted.

The proposed alterations and additions are considered to be in keeping with the objectives of this clause.

I note that the proposed alterations and additions comply with the following relevant objectives;



- The proposed alterations and additions provides for view sharing for both the existing and proposed development and existing and future Manly residents.
- The proposed development does not result in the unreasonable disruption of 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).
- The proposed alterations and additions do not result in accumulated view loss.

**3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)**

*Relevant objectives in relation to this part include the following:*

*Objective 1) To ensure the principles of ecologically sustainable development are taken into consideration within a consistent and integrated planning framework that achieves environmental, economic and social sustainability in the short, medium and long term.*

*Objective 2) To encourage the retention and adaptation of existing dwellings including a preference for adaptive reuse of buildings rather than total demolition. Where retention and adaption is not possible, Council encourages the use of building materials and techniques that are energy efficient, non- harmful and environmentally sustainable.*

*Objective 3) To minimise waste generated by development and embodied in the building materials and processes through demolition.*

*Objective 4) To encourage the use of recycled materials in landscape construction works.*

*Objective 5) To encourage the establishment of vegetable gardens and the planting of fruit trees.*

*Objective 6) To encourage energy efficient building design, construction and practices, that reduce energy consumption (primarily for heating and cooling), reduce the use of non-renewable fossil fuels, minimise air pollution, greenhouse gas emissions and reduce energy bills.*

*Objective 7) To require that residential site planning and building design optimise solar access to land and buildings.*

*Objective 8) To site and design development to optimise energy conservation and sustainability in accordance with BASIX legislation and encourage development to exceed requirement particularly to ensure energy efficient use of energy for internal heating and cooling.*

*See also paragraph 2.1.7 Lodgement Requirements.*



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*Objective 9) To site and design development to optimise energy conservation (in accordance with the energy hierarchy) and sustainability to which BASIX does not apply.*

*Objective 10) To ensure non-residential development involving a gross total floor area of greater than 500 sqm set and meet criteria for energy efficiency/conservation through an Energy Performance Report.*

*Objective 11) To ensure non-residential development complies with the Building Code of Australia energy efficiency provisions.*

### **RESPONSE**

The Development Application is accompanied by BASIX Certificate confirming compliance is achieved with energy saving measures.

The proposed alterations and additions are considered to achieve the objectives contained within clauses 3.5.1-3.5.7.

### **3.6 Accessibility**

*Objective 1) To ensure equitable access within all new developments and ensure that any refurbishments to existing buildings provide improved levels of access and facilities for people with disabilities.*

*Objective 2) To provide a reasonable proportion of residential units that should be designed to be adaptable and easily modified to promote 'ageing in place' and for people with disabilities.*

*Objective 3) To highlight consideration of access issues early in the development design process.*

*Objective 4) To continue improving understanding and awareness of access issues for people with disabilities through a commitment to implementation of best practice.*

*Objective 5) To ensure that the public domain, including public domain in new developments provides connectivity, legibility, flexibility and consistency to allow for equitable and safe access for all people.*

### **RESPONSE**

The proposed alterations and additions are in keeping with the Objectives of this clause and the accessibility requirements contained within relevant Australian Standards and BCA.

### **3.7 Stormwater Management**

*Relevant objectives to satisfy relation to this part include the following:*



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*Objective 1) To manage urban stormwater within its natural catchments and within the development site without degrading water quality of the catchments or cause erosion and sedimentation.*

*Objective 2) To manage construction sites to prevent environmental impacts from stormwater and protect downstream properties from flooding and stormwater inundation.*

*Objective 3) To promote ground infiltration of stormwater where there will be no negative (environmental) impacts and to encourage on-site stormwater detention, collection and recycling.*

*Objective 4) To make adequate arrangements for the ongoing maintenance of stormwater facilities.*

### **RESPONSE**

The Stormwater Management Plan accompanying the Development Application confirms that new downpipes will be connected to the existing stormwater system to be gravity fed to the street in accordance with AS3500. I note that the proposed alterations and additions do not result in any additional impervious area with the proposed works located over a portion of the existing building footprint.

### **3.8 Waste Management**

*Relevant objectives to satisfy in relation to this paragraph include the following:*

*Objective 1) Minimise overall environmental impacts of waste in accordance with regional waste plans and Federal and State Government waste minimisation targets.*

*Objective 2) Encourage environmentally protective waste management practices on construction and demolition sites which include:*

- sorting of waste into appropriate receptors (source separation, reuse and recycling) and ensure appropriate storage and collection of waste and to promote quality design of waste facilities;*
- adoption of design standards that complement waste collection and management services offered by Council and private service providers;*
- building designs and demolition and construction management techniques which maximises avoidance, reuse and recycling of building materials and which will minimise disposal of waste to landfill; and*
- appropriately designed waste and recycling receptors are located so as to avoid impact upon surrounding and adjoining neighbours and enclosed in a screened off area.*



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*Objective 3) Encourage the ongoing minimisation and management of waste handling in the future use of premises.*

*Objective 4) To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.*

*Objective 5) To minimise risks to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.*

*Objective 6) To minimise any adverse environmental impacts associated with the storage and collection of waste.*

*Objective 7) To discourage illegal dumping.*

### **RESPONSE**

The accompanying Waste Management Plan provides details on the proposed waste handling procedures to be implemented.

### **3.9 Mechanical Plant Equipment**

#### **RESPONSE**

Plant and equipment will be retained or enhanced as required incorporating acoustic treatment.

#### **Noise from Mechanical Plant**

*External mechanical plant systems (for pools, air conditioning and the like) must be acoustically enclosed and located centrally and away from neighbours living areas of neighbouring properties and side and rear boundaries.*

#### **RESPONSE**

Plant and equipment will be acoustically treated or separated where required.

### **3.10 Safety and Security**

*Relevant DCP objectives to be met in relation to these paragraphs include the following:*

*Objective 1) To ensure all development are safe and secure for all residents, occupants and visitors of various ages and abilities.*

*Objective 2) To ensure that the design process for all development integrate principles of 'Safety in Design' to eliminate or minimise risk to safety and security.*

*Objective 3) To contribute to the safety and security of the public domain.*



**RESPONSE**

The proposed alterations and additions will provide for additional passive surveillance of the street and maintain the existing safety and security of occupants of the subject site and adjoining properties.

**4.1 Residential Development Controls**

*Relevant DCP objectives to be met in relation to residential development include the following:*

*Objective 1) To delineate by means of development control the nature and intended future of the residential areas of Manly.*

*Objective 2) To provide for a variety of housing types and densities while maintaining the existing character of residential areas of Manly.*

*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.*

*Objective 4) To improve the quality of the residential areas by encouraging landscaping and greater flexibility of design in both new development and renovations.*

*Objective 5) To enable population growth without having adverse effects on the character, amenity and natural environment of the residential areas.*

*Objective 6) To enable other land uses that are compatible with the character and amenity of the locality.*

*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.*

**Comment**

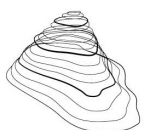
The proposal seeks to endorse the above objectives, where relevant.

**4.1.1 Dwelling Density and Subdivision**

*4.1, the density controls in conjunction with other controls in this plan are also important means of prescribing the nature and intended future of the residential areas of Manly.*

*Relevant DCP objectives to be satisfied in relation to this part include:*

*Objective 1) To promote a variety of dwelling types and residential environments in Manly.*



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*Objective 2) To limit the impact of residential development on existing vegetation, waterways, riparian land and the topography.*

*Objective 3) To promote a variety of allotment sizes, residential environments and housing diversity.*

*Objective 4) To maintain the character of the locality and streetscape. Objective 5) To maximise the use of existing infrastructure.*

### **RESPONSE**

The proposal seeks to maintain and bolster the character of the locality by the sensitive design in keeping with the surrounds of the subject site.

I note that the proposed alterations and additions are in keeping with the following objectives;

- The proposed first floor additions will result in a height bulk and scale in keeping with immediately adjoining development, reflecting the 2 storey built form over garages presented to the street.
- The proposed alterations and additions contribute to the variety of dwelling types, allotment sizes and residential environments in Manly, whilst maintaining the low-density residential nature of the existing dwelling. I note that the proposed first floor addition will provide additional occupancy opportunities for current and future owners.
- The proposed alterations and additions will have no impact on existing vegetation, waterways, riparian land and the topography.
- The proposed development promotes housing diversity and a variety of dwelling sizes to provide an acceptable level of internal amenity for current and future occupants without unreasonable amenity impacts to adjoining properties.
- For the reasons outlined in this SEE, the proposed development maintains the character of the locality and streetscape.
- The proposed alterations and additions incorporate a design that does maximise the use of existing infrastructure.

#### **4.1.1.1 Residential Density**

*This section contains maximum permissible residential density controls which generally apply to land identified on the LEP Lot Size Map and determine the maximum number of dwellings that may be achieved on any one parcel of land.*

*a) The maximum permissible residential density control at Figure 24 - Minimum Residential Density applies to land identified in Residential Density Areas on the Minimum Residential Density Map at Schedule 1 - Map A in this plan.*

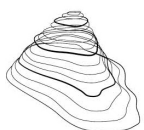




Figure 24 - Minimum Residential Density determines the maximum number of dwellings that may be achieved on any one development site. This figure indicates the minimum site area required for every dwelling contained on a site. For example, if a density control of 300sqm per dwelling applies to a site with a site area of 600sqm the density control would allow for a maximum of 2 dwellings.

b) For the purposes of calculating the residential density control for battle-axe lots, the area of the access handle is excluded from the site area, consistent with the provisions for minimum subdivision lot size in LEP clause 4.1(3A).

### **RESPONSE**

No changes are proposed to the existing Residential Density.

#### **4.1.2 Height of Buildings**

(Incorporating Wall Height, Number of Storeys & Roof Height).

a) LEP Zones where numeric height controls in this DCP apply Height controls under paragraph 4.1.2 of this plan apply to development in LEP Zones R1, R2, R3, E3 and E4. This part of the DCP does not apply to development of other lands subject to the LEP Height of Building standard identified on the LEP Height of Building Map. See also paragraph 4.2 of this plan in relation to height controls and considerations in the LEP Business Zones.

b) Exceptions to Height Where an existing building exceeds the maximum height controls in this plan or the height of building standards in the LEP, any alterations and/or additions to the building must not increase the overall height of the existing building.

#### **Wall Height**

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.

b) For the purpose of determining maximum wall height, the slope of the land is calculated at natural ground level along the full length of the proposed wall



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*expressed as a ratio that is applied in Figure 27 - Interpretation of Wall Height based on Slope. The slope of land on which the wall is sited will differ from one building to another and from one elevation of that building to another elevation and will be used in Figure 28 below to determine the maximum wall height in each case.*

### **RESPONSE**

The proposed alterations and additions seek to approve a new First Floor Level, providing for a master bedroom, ensuite and study. The proposed First Floor addition will result in a Maximum Wall Height of 7.34m. I wish to note the following points;

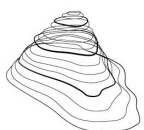
- The 7.34m wall height measurement is taken at the front facade of the proposed first storey, which sits above an existing excavated garage area. The wall height is significantly reduced the further back into the site the measurement of the proposed development is taken.
- A large portion of the proposed development remains single storey in nature and therefore significantly complies with Council's Wall Height Control.
- The proposed alterations and additions to do not result in unreasonable amenity impacts in the form of Privacy, Overshadowing, View Loss or View Impact.

#### **4.1.2.2 Number of Storeys**

- 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.*
- b) *Buildings on land in areas 'L' and 'N1' on the LEP Height of Building Map Buildings must not exceed 3 storeys notwithstanding the wall and roof height controls in this plan.*
- c) *Variation to the maximum number of storeys may be considered:*
- i) *where specific physical site constraints warrant an exception to this requirement. In these circumstances the development must still fully comply with other numeric height controls and development standards; and*
- ii) *to allow an additional understorey where that storey satisfies the meaning of basements in the LEP.*

### **RESPONSE**

The proposed development proposes a 2 storey built form over an existing garage. I note that the finished floor level of the garage is below existing ground level. The



proposed alterations and additions are in keeping with the height, bulk, scale and number of stories of immediately adjoining dwellings and nearby development.

**4.1.2.3 Roof Height**

- a) *Pitched roof structures must be no higher than 2.5m above the actual wall height \*, calculated in accordance with Figure 29.*
- b) *Roof parapets may extend up to 0.6m above the actual wall height where Council considers that a parapet is considered to be appropriate to the design of the development and satisfies the objectives of this DCP and the LEP. For example, a parapet roof should not result in the appearance of lift structures and the like that protrude above the roof.*
- c) **Roof Pitch**

*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 apply to the combined wall height and the height of the roof steeper than 35 degrees.*

**RESPONSE**

The proposed roof form complies with the objectives of this clause with the pitched roof only 1.312m above the proposed wall.

**4.1.3 Floor Space Ratio (FSR)**

*In particular, Objectives in this plan support the purposes of the LEP in relation to maintaining appropriate visual relationships between new development and the existing character and landscape of an area as follows:*

*Objective 1) To ensure the scale of development does not obscure important landscape features.*

*Objective 2) To minimise disruption to views to adjacent and nearby development.*

*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.*

**RESPONSE**

The proposal, although exceeding the FSR development standard of 0.6:1 will not obscure important landscape features or disrupt views and will allow effective



penetration of sunlight to the subject site and adjacent areas. Please refer to previous comments and the accompanying Clause 4.6 request.

**4.1.3.3 Exceptions to FSR for Open Balconies**

Objective 1) *To maintain open balconies which contribute to the articulation of building facades without adding to the building bulk and provide an amenity of open space for occupants.*

*In calculating the Gross Floor Area under the LEP dictionary meaning for the purpose of calculating FSR, balconies that are enclosed will not be excluded from the LEP definition of Gross Floor Area i.e. will be included in FSR when the balcony is:*

- i) enclosed to the extent that it is part of the building envelope as defined by the Building Code of Australia; and*
- ii) considered by Council to have the character of a habitable room.*

**RESPONSE**

The FSR for the proposal has been calculated in accordance with the provisions of the LEP. No open balconies are proposed.

**4.1.4 Setbacks (front, side and rear)**

*Relevant DCP objectives to be met in relation to this part include:*

*Objective 1) To maintain and enhance the existing streetscape.*

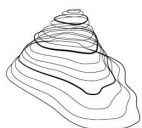
*Objective 2) To ensure and enhance local amenity by:*

- providing privacy;*
- providing equitable access to light, sunshine and air movement; and*
- facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.*

*Objective 3) To promote flexibility in the siting of buildings.*

*Objective 4) To enhance and maintain natural features by:*

- Accommodating planting, including native vegetation and native trees*
- Ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*



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- *Ensuring the provisions of State Environmental Planning Policy No 19- Urban Bushland are satisfied.*

*Objective 5) To assist in appropriate bush fire asset protection zones.*

### **RESPONSE**

The ground floor existing setbacks will be retained.

I note that the front setback of the proposed first storey is setback a further 0.5m from ground level and setback 6.27m from the front boundary in compliance with Council's minimum front setback control. Furthermore, the front setback of the proposed first floor is consistent with the immediately adjoining property at 29 Wood Street.

The proposed front setback achieves the following;

- The proposed first level setback relates to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.
- The proposed alterations and additions do not impact landscaping within the front setback area.
- The streetscape character is predominantly 2 storey in nature with garages underneath.

The proposed First Floor Level will maintain the existing side boundary setbacks of the ground level being 200mm to 25 Wood Street and 1.1m to 29 Wood Street. I note that both these adjoining properties similarly maintain the same setback at both ground and first floor level.

Despite the noncompliant side setbacks of the proposed first floor, I consider that the proposed alterations and additions are in keeping with the objectives of this clause for the following reasons;

- For the reasons outlined in this SEE, the proposed alterations and additions maintain and enhance the existing streetscape.
- The proposed alterations and additions maintain privacy to adjoining dwellings;
- The proposed alterations and additions provide equitable access to light, sunshine and air movement.
- The proposed alterations and additions facilitate view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces. And provide adequate space between buildings to maintain a rhythm or pattern of spaces



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- The proposed alterations and additions maintain the existing opportunities for landscaping and planting.

### 4.1.4.1 Front setbacks

See also paragraph 3.2.4 in relation to Heritage and paragraph 4.2 in relation to controls in LEP Business Zones.

- a) Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.*
- b) Where the front building line of neighbouring properties is variable and there is no prevailing building line in the immediate vicinity i.e. where building lines are neither consistent nor established, a minimum 6m front setback applies.*
- c) Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, chimneys, meter boxes and the like, where no adverse impact on the streetscape or adjoining properties is demonstrated to Council's satisfaction.*

### **RESPONSE**

I note that the front setback of the proposed first storey is setback a further 0.5m from ground level and setback 6.27m from the front boundary in compliance with Council's minimum front setback control. Furthermore, the front setback of the proposed first floor is consistent with the immediately adjoining property at 29 Wood Street.

The proposed front setback achieves the following;

- The proposed first level setback relates to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.
- The proposed alterations and additions do not impact landscaping within the front setback area.
- The streetscape character is predominantly 2 storey in nature with garages underneath.

The proposed First Floor Level will maintain the existing side boundary setbacks of the ground level being 200mm to 25 Wood Street and 1.1m to 29 Wood Street. I note that both these adjoining properties similarly maintain the same setback at both ground and first floor level.

I note that the Ground Floor Level front façade setback from the street remains unchanged.

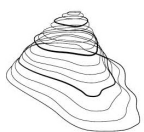


**4.1.4.2 Side setbacks and secondary street frontages**

- a) Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building.
- b) Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, and the like, if it can demonstrate there will be no adverse impact on adjoining properties including loss of privacy from a deck or balcony.
- c) All new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries;
- d) For secondary street frontages of corner allotments, the side boundary setback control will apply unless a prevailing building line exists. In such cases the prevailing setback of the neighbouring properties must be used. Architecturally the building must address both streets.
- e) Side setbacks must provide sufficient access to the side of properties to allow for property maintenance, planting of vegetation and sufficient separation from neighbouring properties. See also paragraph 4.1.4.3.b.vi. of this plan.
- f) In relation to the setback at the street corner of a corner allotment the setback must consider the need to facilitate any improved traffic conditions including adequate and safe levels of visibility at the street intersection. In this regard Council may consider the need for building works including front fence to be setback at this corner of the site to provide for an unobstructed splay. The maximum dimension of this triangular shaped splay would be typically up to 3m along the length of the site boundaries either side of the site corner.

**4.1.4.3 Variations to Side Setback in Residential Density Areas D3 to D9 (see paragraph 4.1.1 of this plan)**

- a) Council may consider an exception to the side setback control to enable windows at 90 degrees to the boundary to provide some flexibility in the siting and design of buildings which assist in satisfying setback objectives relating to privacy subject to the following:
  - i) The average distance to the boundary over the length of the wall is to be no less than the required setback control. In relation to the average distance to boundary, the area of building protruding into the minimum setback must be no greater than the area of land at the side boundary that is setback more than what is required by the minimum setback line.
  - ii) The wall protruding into the minimum setback must not provide windows facing the side boundary.





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*iii) The subject side elevation must provide a window(s) at some 90 degrees to the boundary.*

*b) Walls located within 0.9m of any one of the side boundaries may be considered but must:*

*i) contain no windows; \**

*ii) be constructed to one side boundary only;*

*iii) limit height to 3m; \**

*iv) limit length to 35 percent of the adjoining site boundary; \*\**

*v) submit a standard of finish and materials for external surfaces which complement the external architectural finishes of adjacent properties and/or the townscape character;*

*vi) obtain a right-of-way to provide access for maintenance; and*

*vii) satisfy the objectives for setback in this plan and the applicant can demonstrate no disadvantage to the adjacent allotment through increased overshadowing, or loss of view and no impediment to property maintenance.*

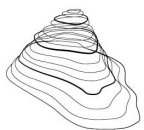
### **RESPONSE**

The lower ground floor existing setbacks will be retained.

The proposed First Floor Level will maintain the existing side boundary setbacks of the ground level being 200mm to 25 Wood Street and 1.1m to 29 Wood Street. I note that both these adjoining properties similarly maintain the same setback at both ground and first floor level.

Despite the noncompliant side setbacks of the proposed first floor, I consider that the proposed alterations and additions are in keeping with the objectives of this clause for the following reasons;

- For the reasons outlined in this SEE, the proposed alterations and additions maintain and enhance the existing streetscape.
- The proposed alterations and additions maintain privacy to adjoining dwellings;
- The proposed alterations and additions provide equitable access to light, sunshine and air movement.



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- The proposed alterations and additions facilitate view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces. And provide adequate space between buildings to maintain a rhythm or pattern of spaces
- The proposed alterations and additions maintain the existing opportunities for landscaping and planting.

Furthermore, I note that the continuation of the existing breach of the side boundary setback control at Ground Floor does not result in unreasonable overshadowing, loss of views or view impact.

Finally, I note that Council's DCP under Clause 4.1.7 'First Floor and Roof Additions First Floor Additions' advises that "*Notwithstanding setback provisions, the addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.*" For the reasons outlined in this SEE and accompanying DA documentation, the proposed development does not result in unreasonable overshadowing, view loss or privacy impacts to nearby properties.

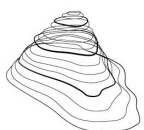
### 4.1.4.4 Rear Setbacks

- a) The distance between any part of a building and the rear boundary must not be less than 8m.*
- b) Rear setbacks must allow space for planting of vegetation, including trees, other landscape works and private and/or common open space. See also paragraph 3.3 Landscaping.*
- c) On sloping sites, particularly where new development is uphill and in sensitive foreshore locations, consideration must be given to the likely impacts of overshadowing, visual privacy and view loss.*
- d) Rear setbacks must relate to the prevailing pattern of setbacks in the immediate vicinity to minimise overshadowing, visual privacy and view loss.*

### **Comment**

The proposed alterations and additions significantly comply with the rear setback control of 8m, providing for a 24.35m rear setback at proposed First Floor Level.

The proposed alterations and additions comply with the objectives of this clause as follows;



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- The proposed alterations and additions maintain the existing rear setback at Ground Floor Level.
- The proposed alterations and additions do not result in the reduction of any landscaped area with no removal of any significant trees or vegetation within the rear setback area.
- The proposed alterations and additions will not result in unreasonable amenity impacts to adjoining owners in terms of overshadowing, overlooking, view loss, acoustic impact or view impact.
- I note that the proposed first storey will provide a greater rear setback than adjoining properties at first floor level.

### 4.1.5 Open Space and Landscaping

#### 4.1.5.2 Landscaped Area

Relevant DCP objectives to be met in relation to these paragraphs include the following:

Objective 1) To retain and augment important landscape features and vegetation including remnant populations of native flora and fauna.

Objective 2) To maximise soft landscaped areas, encourage appropriate tree planting and the maintenance of existing vegetation and bushland.

Objective 3) To enhance the amenity of the site, streetscape and surrounding area.

Objective 4) To maximise water infiltration on-site with porous landscaped areas and surfaces and minimise stormwater runoff.

Objective 5) To minimise the spread of weeds and the degradation of private and public open space.

Objective 6) To maximise wildlife habitat and the potential for wildlife corridors.

### **RESPONSE**

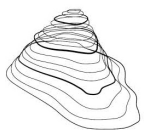
The proposed alterations and additions will not result in the loss of any landscaped area due to the proposed works being located over a portion of the existing building footprint.

#### 4.1.5.3 Private Open Space

Principal private open space

a) Principal private open space is to be provided in accordance with the following minimum specifications:

i) Minimum area of principal private open space for a dwelling house is 18sqm; and



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- ii) Minimum area of principal private open space for residential accommodation with more than 1 dwelling on the site is 12sqm for each dwelling.*

*Private open space for Boarding Houses*

- b) Private open space for Boarding Houses is to be provided in accordance with the following minimum specifications:*

- i) Minimum area of Private Open Space for a boarding house is 20sqm with a minimum dimension of 3m for the use of the lodgers.*
- ii) if accommodation is provided on site for a boarding house manager – 1 area of at least 8sqm with a minimum dimension of 2.5m is to be provided adjacent to that accommodation.*
- iii) the area prescribed in paragraph i) above is to receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter.*

### **RESPONSE**

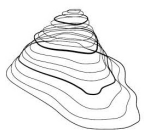
The proposed alterations and additions will not reduce the existing levels of private open space.

#### **4.1.6 Parking, Vehicular Access and Loading**

*(Including Bicycle Facilities)*

Relevant DCP objectives to be met in relation to these paragraphs include: Objective

- 1) To provide accessible and adequate parking on site relative to the type of development and the locality for all users (residents, visitors or employees).*
- Objective 2) To reduce the demand for on-street parking and identify where exceptions to onsite parking requirements may be considered in certain circumstances.*
- Objective 3) To ensure that the location and design of driveways, parking spaces and other vehicular access areas are efficient, safe, convenient and are integrated into the design of the development to minimise their visual impact in the streetscape.*
- Objective 4) To ensure that the layout of parking spaces limits the amount of site excavation in order to avoid site instability and the interruption to ground water flows.*
- Objective 5) To ensure the width and number of footpath crossings is minimised.*
- Objective 6) To integrate access, parking and landscaping; to limit the amount of impervious surfaces and to provide screening of internal accesses from public view as far as practicable through appropriate landscape treatment.*



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## **Statement of Environmental Effects – 27 Wood Street, Manly**

*Objective 7) To encourage the use of public transport by limiting onsite parking provision in Centres that are well serviced by public transport and by encouraging bicycle use to limit traffic congestion and promote clean air.*

### **RESPONSE**

The proposed alterations and additions do not relate to Parking, Vehicular Access and Loading maintaining the existing parking and access conditions.

#### **4.1.7 First Floor and Roof Additions First Floor Additions**

- a) First floor additions must complement the architectural style of the ground floor and where possible retain existing roof forms. Notwithstanding setback provisions, the addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.*
- b) The dwelling and the form of alterations and additions must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences or the aesthetic quality of Manly. In this regard, it may be preferable that the addition be confined to the rear of the premises or be contained within the roof structure.*

#### **Habitable Rooms in the Roof Structure**

*Habitable rooms will be permitted in a roof structure subject to compliance with all other controls in this plan and the LEP including height and FSR in the LEP. However alterations and additions to a building which existed prior to 2007 may involve habitable rooms within an existing roof structure that is above the maximum wall and roof height; (see paragraph 4.1.2 of this plan) subject to the rooms not detracting from the character or integrity of the roof structure and not adversely impacting on the amenity of adjacent and nearby properties and the streetscape. Similarly, alterations and additions which exceed the maximum height must not increase the overall height of the building.*

*Consideration may be given in this paragraph to the application of LEP clause 4.6 in considering exceptions to the LEP Building Height standard.*

### **RESPONSE**

The proposed alterations and additions to the first floor are in keeping with the requirements of this clause.



I note that the proposed first floor alterations and additions achieve the following objectives of this clause;

- a) The proposed alterations and additions complement the architectural style of the ground floor and retain the ground floor external facades. I note that this clause allows that the addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues. The proposed first level addition achieves these outcomes.
- b) The proposed alterations and additions to the first floor are in keeping with the existing scale and character of the street and do not degrade the amenity of surrounding residences or the aesthetic quality of the immediate area. The proposed alterations and additions to the first floor are recessed back from the Ground Level front façade and rear facade in order to ensure the addition remains sympathetic to the existing dwelling.

### **4.1.8 Development on Sloping Sites**

- a) *The design of development must respond to the slope of the site, to minimise loss of views and amenity from public and private spaces.*
- b) *Developments on sloping sites must be designed to:*
  - i) *generally step with the topography of the site; and*
  - ii) *avoid large undercroft spaces and minimise supporting undercroft structures by integrating the building into the slope whether to the foreshore or a street.*

*Driveways on sloping sites*

- c) *On steep sites, driveways must be designed so they do not dominate the street frontage, by:*
  - i) *limiting their height above existing ground level to avoid the need for elevated ramps and similar structures to access car parking areas, especially those which may encroach on public land;*
  - ii) *limiting their width;*
  - iii) *using materials that do not visually detract from the natural surroundings; and*
  - iv) *retaining significant trees.*



**RESPONSE**

The proposed alterations and additions relate to a first level addition only.

**4.1.10 Fencing**

**RESPONSE**

The proposed alterations and additions do not result in any changes to the existing fencing.

**5.4 Environmentally Sensitive Lands**

**5.4.1 Foreshore Scenic Protection Area**

*5.4.1.1 Additional matters for consideration*

*LEP clause 6.9(3)(a) to (d) lists certain matters to be taken into account in relation to all development within the Foreshore Scenic Protection Area.*

- 1. a) Further to matters prescribed in the LEP, the development in the Foreshore Scenic Protection Area must also:
  - 1. i) minimise the contrast between the built environment and the natural environment;*
  - 2. ii) maintain the visual dominance of the natural environment;*
  - 3. iii) maximise the retention of existing vegetation including tree canopies, street trees, wildlife corridors and habitat;*
  - 4. iv) not cause any change, visually, structurally or otherwise, to the existing natural rocky harbour foreshore areas;*
  - 5. v) locate rooflines below the tree canopy;*
  - 6. vi) consider any effect of the proposal when viewed from the harbour / ocean to ridgelines, tree lines and other natural features; and*
  - 7. vii) use building materials of a non-reflective quality and be of colours and textures that blend with the prevailing natural environment in the locality.**
- 2. b) Setbacks in the Foreshore Scenic Protection Area should be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshores in Manly.*

**RESPONSE**

The proposed alterations and additions are considered to be in keeping with the requirements outlined under Clause 6.9 of LEP 2013. Furthermore, the proposed first storey addition is in keeping with the following additional prescribed matters;





## Statement of Environmental Effects – 27 Wood Street, Manly

- The proposed development does not result in the removal of any landscaped area or trees and vegetation, with work limited over a portion of the existing building footprint. The proposed development ensures that the contrast between the built environment and the natural environment is minimised.
- The proposed development does not cause any change, visually, structurally or otherwise, to the existing natural rocky harbour foreshore areas.
- The proposed ridge line is only 0.77m higher than the existing single storey ridgeline.
- The proposed materials and finishes will ensure no unreasonable level of reflectivity and blend with the prevailing natural environment in the locality.

### **5.4.2 Threatened Species and Critical Habitat Lands**

*a) Any DA on land identified in Schedule 1 - Map D, being land generally to the south-east of Ashburner Street, Manly and including North Head must be accompanied by an Assessment of Significance Report ('7 Part Test') under Section 5A Environmental Planning and Assessment Act 1979. Critical habitat for the little penguin (eudyptula minor) and habitat for the long nosed bandicoot (threatened species) is prescribed in the Threatened Species and Conservation Act 1995.*

### **RESPONSE**

Please refer to the Terrestrial Biodiversity Report prepared by GIS Environmental Consultants dated 21.02.22

### 3. SECTION 4.15 ASSESSMENT

Assessment of the current DA requires consideration under the provisions of Section 4.15 of the Environmental Planning and Assessment Act in terms of the merits of the proposal.

Previous sections of this SEE have addressed relevant matters to be considered under Section 4.15, in particular the relevant environmental Planning Instruments and Development Control Plan.

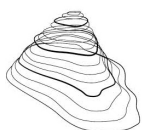
The following additional comments are provided for assessment: -

**Table 3.1: Section 4.15 Summary**

<b>Impact on the Natural Environment</b>	
<b>Matter</b>	<b>Potential Impact?</b>
<b>Acid Sulfate Soils</b>	The proposed development does not incorporate any excavation.
<b>Flooding</b>	The site is not subject to flooding.
<b>Bushfire</b>	The site is not mapped as bushfire prone land.
<b>Drainage</b>	This matter has been addressed within the SEE.
<b>Flora &amp; Fauna</b>	The development does not require the removal of any trees or significant vegetation.
<b>Impact on the Built Environment</b>	
<b>Matter</b>	<b>Potential Impact?</b>
<b>Aboriginal Cultural Heritage</b>	A search of the AHIMS concludes that there are no known records of Aboriginal sites or places within the immediate vicinity of the subject site. Based on the disturbed nature of the site, and having regard to the considerations in the Code, it is considered that the presence of artefacts and or sites of Aboriginal heritage value would be highly unlikely.
<b>Environmental Heritage</b>	The site does not contain any known items of environmental heritage.
<b>Traffic</b>	Traffic generation will not be increased and will be easily accommodated within the existing road network.



<b>Scenic qualities</b>	<p>The proposed development is consistent with the current and future character of the locality as expressed within the provisions of LEP 2013 and DCP 2013.</p> <p>For the reasons outlined in this SEE, I consider that the proposed development will not have an adverse impact on the scenic qualities of the area.</p>
<b>Compatibility with adjacent land uses</b>	<p>The proposed alterations and additions are compatible with adjoining residential dwellings.</p>
<b>Height, Bulk and Scale</b>	<p>The proposed height, bulk and scale are maintained and eminently reasonable for the reasons outlined in this SEE.</p>
<b>Overshadowing</b>	<p>Please refer to previous comments in relation to Overshadowing Impact.</p>
<b>Overlooking</b>	<p>Please refer to previous comments in relation to Overlooking Impact.</p>
<b>Acoustic</b>	<p>Please refer to previous comments in relation to Acoustic Impact.</p>
<b>Views and vistas</b>	<p>For the reasons outlined in this SEE, the proposed development will not have an adverse impact on views and vistas from private properties or the public domain.</p>
<b>Site design</b>	<p>The site design has been configured to ensure that no unreasonable impacts will result.</p>
<b>Public domain</b>	<p>As previously noted, there will be no adverse impact on the public domain.</p>



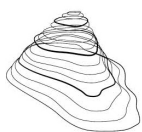
#### **4. SUITABILITY OF THE SITE & THE PUBLIC INTEREST**

The proposed development will enhance the use of the semi-detached dwelling without unreasonable amenity impacts on adjoining lands or without representing an overdevelopment of the site.

The proposal will not result in any negative social or economic impacts.

The site is suitable to accommodate the proposed development.

Approval of the development does not raise any issues contrary to the public interest.



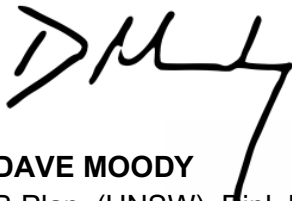
## **5. CONCLUSION**

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

The proposal is consistent with the relevant objectives of the R1 Zone and is compliant with the relevant provisions of the *Local Environmental Plan*. Furthermore, the proposal complies with the relevant Objectives and is consistent with appropriate controls contained within the *Development Control Plan*.

The proposed development will not result in unacceptable ecological impacts or amenity impacts to adjoining properties.

As stipulated previously in this report, the matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* have been satisfactorily addressed demonstrating the proposed development is compatible with the surrounding environment.



**DAVE MOODY**

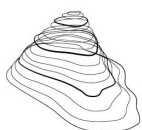
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