

The following table provides an assessment of the Proposal with the MLEP 2013 and MDCP 2013. This table includes only the controls relevant to the development undertaken, development approval sought, for the Proposal.

Controls	Details	Comments	Compliance
<b>Waverly Local Environmental Plan 2012</b>			
<b>Zoning</b> (Land Use Table)	R2 Low Density Residential	The Proposal includes minor alterations and additions to an existing dwelling home, which is permitted with consent in the R2 zone.	✓
<i>Permitted with consent</i>	Dwelling houses (and other uses)	The Proposal includes minor alterations and additions to an existing dwelling house.	✓
<i>Prohibited</i>	Any development not specified in above.	N/A	N/A
<b>Minimum subdivision lot size</b> (Clause 4.1)	1150m <sup>2</sup>	The existing site area is 473.7m <sup>2</sup> . The Proposal does not include any change to the site area (i.e. no subdivision).	N/A
<b>Floor space</b> (Clause 4.4)	0.4:1	The existing floor space ratio of the dwelling is 0.418:1. The Proposal includes a minor addition of approximately 6m <sup>2</sup> of floor space to the dwelling. As a result, the proposed floor space ratio is 0.43 <sup>1</sup> :1. The proposed FSR therefore increases the existing floor space of the dwelling.	✗
<b>Calculation of floor space ratio and site area</b> (Clause 4.5)	Provides definitions for the calculation of floor space.	Refer to comments below.	✓
<b>Exceptions to development standards</b> (Clause 4.6)	Exceptions to development standards can be considered subject to meeting several criteria.	As identified above the Proposal seeks development approval for a FSR which is slightly above the development standard. The purpose of this additional floor space is to improve the amenity and usability of the dwelling for the occupants without impacting any views from the surrounding streetscape or locality.	✓

<sup>1</sup> Rounded to the nearest second decimal place.

Controls	Details	Comments	Compliance
		<p>A Statement of Development Standard Exception (in accordance with clause 4.6) to the floor space development standard (clause 4.4) is included at <b>Attachment E</b> of this SEE. The additional floor space included within the Proposal (and above the development standard) is considered acceptable in that it is consistent with the objectives of clause 4.4 of the MLEP 2013 and in that it would improve the amenity of the dwelling, not be viewed from the surrounding area and therefore be in the public interest.</p> <p>Further the MDCP 2013 (Section 4.1.3.1 – Exceptions to FSR for Undersized Lots) facilities for the floor space ratio to be above this development standard on undersized lots, which is applicable to the Site.</p>	
<p><b>Heritage</b> (Clause 5.10(5))</p>	<p>The Site is in proximity to a heritage item, identified with the following details: <u>Heritage item</u></p> <ul style="list-style-type: none"> <li>▪ Item name: Dalwood Home (principal building and stone outbuilding to Dalwood Home)</li> <li>▪ Address: 21 Dalwood Avenue, Seaforth</li> <li>▪ Significance: Local Item number: I270</li> </ul>	<p>The Proposal would not result in any impacts to the significance of the heritage item in that:</p> <ul style="list-style-type: none"> <li>▪ The Site and buildings listed are separated by dense vegetation and are at considerably differing ground levels (due to topography – residential dwelling is generally below the ground level of the item)</li> <li>▪ There would be no views from the heritage item to the proposed works</li> <li>▪ No physical works would be undertaken outside of the site boundary and therefore there would be no direct impacts on this item</li> <li>▪ External works would be generally minor, are consistent with the character of the area, and would not detract from the item.</li> </ul> <p>As a result of there being no adverse impacts on the item no separate (specialist study) impact assessment is considered necessary.</p>	<p>✓</p>
<p><b>Acid sulfate soils</b> (Clause 6.1)</p>	<p>Site identified as Class 5, and not located within 500m of adjacent Class 1,2,3 or 4.</p>	<p>Extremely minor excavation may be required for the footings of the car port. There will be no impact on acid sulfate soil and therefore an acid sulfate soil management plan is not required.</p>	<p>N/A</p>

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<b>Earthworks</b> (Clause 6.2)	Consider determinantal impacts of earthworks on environmental functions and processes.	Extremely minor excavation may be required for the footings of the car port. There will be no determinantal impact on environmental functions and processes.	✓
<b>Stormwater management</b> (Clause 6.4)	Minimise impacts of urban stormwater on adjoining properties, native bushland and receiving waters.	The Proposal would result in an extremely minor increase in permeable area, through the increase of the length of the hard stand area (southern parking space only). This minor increase would not result in a material change to stormwater management or impacts on the Site or surrounding properties.	✓
<b>Foreshore scenic protection area</b> (Clause 6.9)	Protect the visual amenity and views to and from the foreshore areas.	The Proposal would not alter any views from the surrounding Bantry Bay or greater harbour area.	✓

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<b>Manly Development Control Plan 2013</b>			
<b>Part 3 – General Principles of Development</b>			
<b>Complementary Design and Visual Improvement</b> (Section 3.1.1.1)	Development in streetscape should be designed to complement the predominant building form.	<p>The proposed carport is consistent with this development control in that it would:</p> <ul style="list-style-type: none"> <li>▪ Complement the existing built form and character and style of this architecturally design dwelling, utilising similar materials and finishes</li> <li>▪ Soften the bulk of the existing dwelling adding articulation to the frontage which currently dominated by a ground floor relatively blank façade</li> <li>▪ Be located within an area that is already hardstand and be generally consistent with the established neighbouring and surrounding locality building lines (refer to Setbacks – Section 4.1.4 and <b>Attachment F</b> for further details below)</li> <li>▪ Visually improve the streetscape through an innovative and aesthetically pleasing design, which complements the dwelling and the surrounding area, while also obscuring utilities (onsite detention, bins and air conditioning)</li> <li>▪ Not impact upon the existing adjacent heritage item (Dalwood Home – refer to MLEP 2013 compliance above)</li> <li>▪ Where possible and practical reuse the weatherboards which would otherwise be discarded from the study extension/reflection area (i.e. those located on the eastern and western walls of the existing balcony).</li> </ul> <p>The study extension/reflection area enclosure would not be viewed from the street or surrounding properties. Regardless, this area would comprise of materials and finishes which are consistent with the existing built form. Further this area would not project outside of the established building envelope, in that the wall would be located below the existing roof line of the dwelling. As a result, this alteration would seamlessly integrate into the existing dwelling.</p>	✓
<b>Garages, Carports and Hardstand Areas</b> (Section 3.1.1.4)	Garages, carports and hardstand areas must be designed and sited in a manner that does not to dominate the street.	<p>The proposed carport is consistent with this development control in that it would:</p> <ul style="list-style-type: none"> <li>▪ Includes a roof and material choice and detailing which, while being consistent with and complementary to, is subservient to the dwelling.</li> <li>▪ Is compatible with the streetscape and front setback (refer to Setbacks – Section 4.1.4 and <b>Attachment F</b> for further details below).</li> <li>▪ Will result in a positive improvement to the streetscape softening the bulk of the existing dwelling (and relatively blank ground floor façade) and enhancing the visual appearance of an otherwise stark concrete hardstand area.</li> </ul>	✓

Controls	Details	Comments	Compliance
<b>Consideration of Heritage Significance</b> (Section 3.2.1)	<p>The Site is in proximity to a heritage item, identified with the following details:</p> <p><u>Heritage item</u></p> <ul style="list-style-type: none"> <li>▪ Item name: Dalwood Home (principal building and stone outbuilding to Dalwood Home)</li> <li>▪ Address: 21 Dalwood Avenue, Seaforth</li> <li>▪ Significance: Local Item number: I270</li> </ul>	<p>The Proposal would not result in any impacts to the significance of the heritage item in that:</p> <ul style="list-style-type: none"> <li>▪ The Site and buildings listed are separated by dense vegetation and are at considerably differing ground levels (due to topography – residential dwelling is generally below the ground level of the item)</li> <li>▪ There would be extremely limited or no views from the heritage item to the proposed works</li> <li>▪ No physical works would be undertaken outside of the site boundary and therefore there would be no direct impacts on this item</li> <li>▪ External works would be generally minor, are consistent with the character of the area, and would not detract from the item.</li> </ul> <p>As a result of there being no adverse impacts on the item no separate (specialist study) impact assessment is considered necessary.</p>	<p>✓</p>
<b>Privacy and Security</b> (Section 3.4.2)	<p>Improve visual and acoustic privacy.</p>	<p>The study extension/reflection area enclosure would result in minor positive benefits to privacy:</p> <ul style="list-style-type: none"> <li>▪ The Site and buildings to the north are separated by dense vegetation and are at considerably differing ground levels (due to topography – residential dwelling is generally below the ground level of the item) therefore there are no views to or from the properties</li> <li>▪ Reduce noise emissions from occupants who would otherwise utilise the open reflection area (i.e. enclosure of this area reduces noise impacts)</li> </ul> <p>The proposed carport would result in positive impacts to security with vehicles and occupants being protected from the elements and children and animals being confined to reduce potential for them to migrate onto the adjacent busy road.</p>	<p>✓</p>
<b>Sustainability</b> (Section 3.5)	<p>Encourage sustainable development.</p>	<p>The Proposal will achieve and maintain the sustainability of the existing dwelling and Site in that:</p> <ul style="list-style-type: none"> <li>▪ There will be no adverse change to solar access or energy efficiency</li> <li>▪ There will be potential opportunity for reuse of the existing weatherboards which would otherwise be discarded from the study extension/reflection area (i.e. those located on the eastern and western walls of the existing balcony).</li> </ul>	<p>✓</p>

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		<ul style="list-style-type: none"> <li>Utilise durable and energy efficient materials consistent with those currently installed within the dwelling.</li> <li>Water would be captured from the roof of the carport and diverted to the existing onsite detention increasing the opportunities for reuse.</li> </ul>	
<b>Stormwater management</b> (Section 3.7)	Ensure compliance with the Water Management for Development Policy is achieved.	The Proposal would maintain the consistency of the existing dwelling with the Water Management for Development Policy in that there will be only an extremely minor increase in permeable area (approx. 3m <sup>2</sup> ) through the increase of the length of the hard stand area (southern parking space only). Drainage from the carport would provide a greater opportunity for water capture and reuse, with water from the roof being directed to the existing onsite detention tanks.	✓
<b>Waste Management</b> (Section 3.8)	Development must comply with the Waste Management Guidelines and submit a waste management plan.	The Proposal would maintain compliance with the Waste Management Guidelines and a waste management plan has been prepared and included at <b>Attachment G</b> of this SEE.	✓
<b>Safety and Security</b> (Section 3.10)	Ensure development is designed to be safe for residents and improves the safety and security of the surrounding public domain.	<p>The proposed carport would result in positive impacts to safety and security in that:</p> <ul style="list-style-type: none"> <li>Improve safety and manoeuvrability for car parking with the increase in length to the southern car parking space</li> <li>Protecting vehicles and occupants from the elements</li> <li>Creating a barrier for children and animals from the busy adjacent road</li> <li>Maintaining site lines (through open sides of the carport) and not changing the width of vehicle access points.</li> </ul>	✓
<b>Part 4 – Development Controls and Development Types</b>			
<b>Residential Density and Dwelling Size</b> (Section 4.1.1.1)	<p>Achieve the identified density controls for land.</p> <p>The Site is identified as Density Area D9 – 1unit/1150m<sup>2</sup> of site area.</p>	The DCP allows one dwelling to be constructed per 1,150m <sup>2</sup> of site area. The Site has a total area of 473.7m <sup>2</sup> and includes an existing dwelling. No change to the number of dwellings is included within the Proposal.	N/A
<b>Floor Space Ratio</b>	The LEP FSR Site is 0.4:1. Where a site is below the minimum lot size, Council may consider exceptions to	The LEP development standard (c4.4 – MLEP 2013) for the Site is 0.4:1. The minimum lot size for the Site is 1,150m <sup>2</sup> (c4.1 – MLEP 2013).	✓

Controls	Details	Comments	Compliance
(Section 4.1.3)	maximum FSR (under c4.6 of the LEP).	<p>The Site has a total area of 473.7m<sup>2</sup>, which is considerably below the minimum lot size control. Therefore, there is the opportunity for an exception (c4.6 of the MLEP 2013) to be considered. Under the MDCP 2013 the Site, being within Area 'U', could achieve a FSR no greater than a lot size of 750m<sup>2</sup>, namely 300m<sup>2</sup>.</p> <p>The existing floor space ratio of the dwelling is 0.418:1. The Proposal includes a minor addition of approximately 6m<sup>2</sup> of floor space to the dwelling. As a result, the proposed floor space ratio is 0.43:1, based upon the existing lot size. However, when an exemption is applied, considering a 750m<sup>2</sup> lot FSR, the existing FSR is 0.264:1. The proposed FSR (0.272:1) would be consistent with the maximum FSR identified within this section of the MDCP 2013.</p> <p>A Statement of Development Standard Exception (in accordance with clause 4.6) to the floor space development standard (clause 4.4) is included at <b>Attachment E</b> of this SEE. The additional floor space included within the Proposal (and above the development standard) is considered acceptable in that it is consistent with the objectives of clause 4.4 of the MLEP 2013, this section of the DCP and in that it would improve the amenity of the dwelling, not be viewed from the surrounding area and therefore be in the public interest.</p>	
<p><b>Setbacks (front, side and rear) and Building Separation</b></p> <p><b>Steet Front setbacks</b></p> <p>(Section 4.1.4.1)</p>	Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.	<p>The Site has Dalwood Avenue to the north, which comprises heritage buildings (used for health purposes) setback (variable) from the boundary and located on a corner. The property to the immediate south (2 Gurney Avenue) is partly built to the Dalwood Avenue street frontage. The immediate surrounds include dwellings with garages (5 in Dalwood Avenue (south), 2 in Peacock Street (east)) which are built to the front street setback. There are at least 40 dwellings with garages (and some carports) within the neighbouring Seaforth locality.</p> <p>The Proposal includes a generally 'light weight' carport structure which would be built to the front street boundary. This carport would be built in the same location as the existing established hardstand and would be predominately open with the exception of screening for the rear and front (garage door), which will both improve the streetscape and provide additional security (obscuring internal parked cars and utilities).</p> <p>In summary, the proposed carport is considered to comply with this section of the MDCP 2013 in that:</p> <ul style="list-style-type: none"> <li>▪ It would maintain and enhance the existing streetscape softening the bulk of the existing dwelling (and relatively blank ground floor façade) and enhancing the visual apperance of an otherwise stark concrete hardstand area</li> </ul>	✓

Controls	Details	Comments	Compliance
		<ul style="list-style-type: none"> <li>▪ Not alter or adversely impact on privacy, light, views or vehicle movements for the existing dwelling, surrounding properties or the locality.</li> <li>▪ No impact on views to surrounding bushland or bushfire management.</li> <li>▪ It is consistent with the prevailing building lines in the immediate vicinity and surrounds.</li> </ul>	
<b>Side setbacks and secondary frontages</b>  (Section 4.1.4.1)	Side setbacks should comply with the requirements of the DCP.	<p>The Proposal does not alter to existing minimum side dwelling setbacks. The extension to the carport hardstand would result in a minor reduction to the setback to the south.</p> <p>The study extension/reflection area enclosure would maintain the existing northern building line, i.e. wall would be constructed in line with the existing outer wall, thereby no change to existing setback (to the north). The study/reflection area does not look onto a neighbouring property therefore there would be no impacts to privacy.</p>	✓
<b>Open Space and Landscaping</b>  (Section 4.1.5)	Site (Area OSD4) requirements include: <ul style="list-style-type: none"> <li>- Total open space - min 60% of site area</li> <li>- Landscaped area – min 40% of total open space</li> <li>- Above ground – max 25% of total open space</li> </ul>	<p>The MDCP 2013 requires a minimum area of total open space of 284.22m<sup>2</sup> (60% of 473.7m<sup>2</sup>) with a minimum of 85.26m<sup>2</sup> (30% of total open space) to be landscaped area. The existing Site has a total open space of 273.35m<sup>2</sup> and total landscaped area of 232.91m<sup>2</sup>. The Proposal includes a total open space of 269.96m<sup>2</sup> and a total landscaped area of 226.57m<sup>2</sup>.</p> <p>The existing Site is below the total open space control, however considerably above the total landscaped area control. The non-compliance with total open space control is considered acceptable based upon the size of the Site and the limited opportunities for overall landscaping around the permitter of the dwelling. The Proposal results in a considerably minor reduction in landscaped area as a result of the extension to the southern car parking area. This is considered acceptable in that this area is partially located below the roofline of the upper storey dwelling, with the whole additional area rarely receiving sunlight (due to direct cover and overshadowing). Therefore, there are limited opportunities to utilise this area as open space.</p> <p>No change is proposed to the compliant above ground total open space.</p>	✗ ✓
<b>Parking, Vehicular Access and Loading (including</b>	<ul style="list-style-type: none"> <li>- Garage and carport structures forward of the building line must be designed to not dominate the street frontage.</li> </ul>	The existing dwelling includes a single car garage. An existing hardstand (partially out the front of the existing garage) is utilised for parking (southern side) and loading and unloading prior to entering the garage (northern side).	✓



Controls	Details	Comments	Compliance
<b>Bicycle Facilities)</b> (Section 4.1.6)	<ul style="list-style-type: none"> <li>- Garages and carports adjacent to the property boundary not permitted if reasonable alternative location onsite</li> <li>- Carports must be open on both sides and at the front</li> <li>- Maximum width of the structure is not to exceed 50 % of the frontage or 6.2m.</li> <li>- Car parking dimensions are 2400mm wide and 5400mm in length.</li> </ul>	<p>The Proposal includes the covering of this hardstand area to provide weather protection for both vehicles and residents. The proposed carport is considered consistent with this development control in that it would:</p> <ul style="list-style-type: none"> <li>▪ Complement the existing built form and character and style of this architecturally design dwelling, utilising similar materials and finishes</li> <li>▪ Soften the bulk of the existing dwelling adding articulation to the frontage which currently dominated by a ground floor relatively blank façade</li> <li>▪ Be located within an area that is already hardstand (therefore the most suitable location) and be generally consistent with the established immediate neighbour and surrounding locality building lines (refer to Setbacks – Section 4.1.4 and <b>Attachment F</b> for further details below)</li> <li>▪ Visually improve the streetscape through an innovative and aesthetically pleasing design, which complements the dwelling and the surrounding area, while also obscuring utilities (onsite detention, bins and air conditioning)</li> <li>▪ Be open on both sides, with the exception a small extent of the southern parking space which would be partially screened (horizontal slats with gaps to allow light and obscured views), for safety purposes (i.e. this area is elevated from ground level, screening will avoid potential fall hazards).</li> <li>▪ The carport would have the same width as that of the existing hardstand area (6m) which is below the maximum 6.2m requirement and considerably above 50% of the street frontage.</li> <li>▪ There will be no change to the existing aisle width (i.e. between the road and boundary)</li> <li>▪ The hardstand, southern car parking space, will be extended to be above the length requirement, with the existing compliant width (3.05m southern car parking space and 2.95m northern loading and unloading area) being retained.</li> </ul>	
<b>Fencing</b> (Section 4.1.10)	1m (unless 30% open/transparent and then 1.5m) boundary fence is required.	A boundary fence would be also be installed however does not require development consent (under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> ) and therefore is to be constructed separately.	✓
<b>Earthworks</b> (Section 4.4.5)	Various controls for excavation.	Extremely minor excavation may be required for the footings of the carport. There will be no detrimental impact on environmental functions and processes.	✓