

**STATEMENT OF
ENVIRONMENTAL EFFECTS**

Alterations and Additions to an
Existing Dwelling House

**18 FRANCIS STREET
FAIRLIGHT**

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Statement of Environmental Effects

ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE

18 FRANCIS STREET, FAIRLIGHT

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1.0 INTRODUCTION

This document forms a component of a development application that proposes alterations and additions to the existing dwelling house including the extension of the ground floor at the rear of the site and new first floor additions.

The architect has responded to the client brief to enhance the amenity and liveability of the dwelling through the reconfiguration and augmentation of floor space to meet their reasonable floor space needs. We note that the current owners of the land have a daughter with a medical condition which is likely to require her to permanently reside in the family home. The floor plan layout proposed will accommodate such circumstance.

The final design is sympathetic to the heritage significance of the property which is identified as one of a group of 6 modest single storey cottages spanning the period 1890's to 1915. In this regard, the single storey streetscape appearance and roof/ façade detailing is maintained with the first floor additions set well back beyond the rear alignment of the original cottage roof form ensuring the additions will not be readily discernible in a streetscape context. On this basis, Council can be satisfied that the proposed works will have a neutral impact on the heritage significance of the items and their setting.

Careful consideration has been given to maintaining appropriate residential amenity to neighbouring properties in terms of privacy and solar access with a combination of compliant building height, strategically placed fenestration and increased northern boundary setbacks achieving such outcome. In preparation of this document, consideration has been given to the following:

- The Environmental Planning and Assessment Act, 1979 as amended.
- The Environmental Planning and Assessment Regulation.
- Manly Local Environmental Plan 2013 ("MLEP").
- Manly Development Control Plan 2013 ("MDCP").

The application is accompanied by a complete set of architectural drawings, site survey, Statement of Heritage Impact, landscape plan, stormwater management plans, geotechnical report and a BASIX Certificate.

The proposal is permissible and generally in conformity with the development standards and built form controls prescribed by the applicable statutory planning regime as they relate to the particular site circumstances.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended and is appropriate for the granting of consent.

2.0 SITE DESCRIPTION AND LOCATION

The site known as Lot 10, DP 87274, No. 18 Francis Street, Fairlight is rectangular in shape having frontage and address to Francis Street of 12.19 metres, depth of 32.156 metres and an area of 391.9 square metres. The site falls approximately 3 metres across its surface towards the street frontage and contains no significant trees or landscape features.

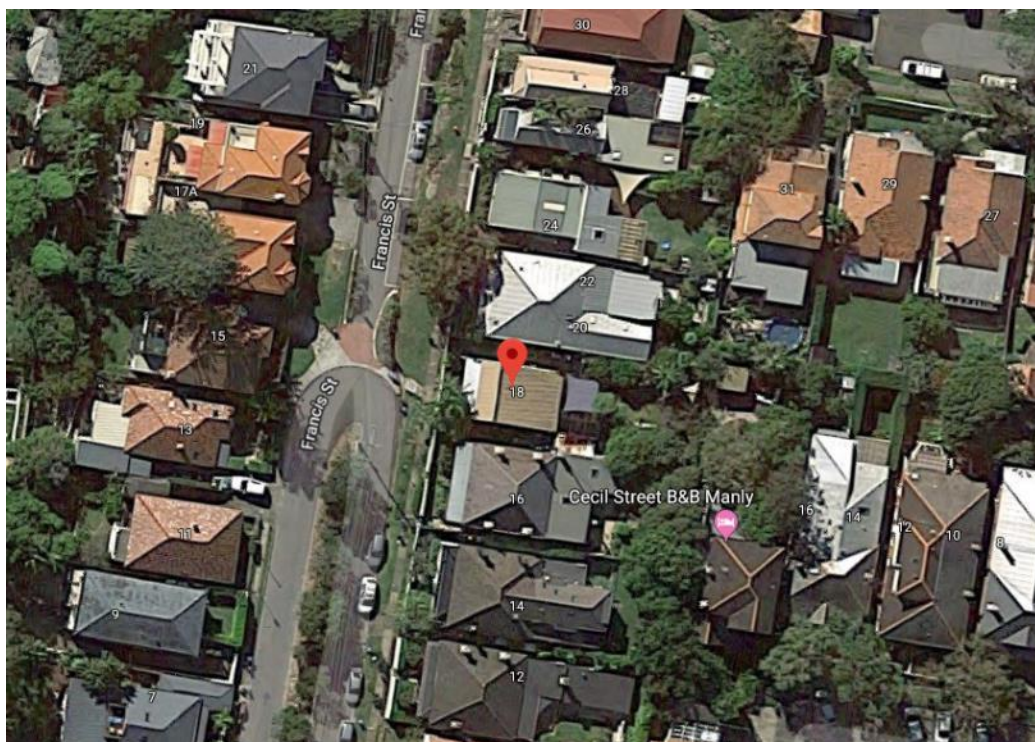


Figure 1 – Aerial location and context photograph

The site is occupied by a single storey weatherboard cottage with pitched metal roof. The dwelling house displays a form and floor space considerably less than that of adjoining and surrounding residential development. The property sits above the level of the road with no existing off street parking nor the ability to provide off street parking given the existence of a traffic calming device and public stairs immediately adjacent to the property frontage.

A number of ancillary detached structures are located at the rear of the site with an awning located over a paved area accessed from the rear of the cottage with the streetscape appearance of the dwelling depicted in Figure 2 over page. A sewer vent pipe is located adjacent to the southern boundary of the property.



Figure 2 – Subject site as viewed from Francis Street

The immediately adjoining properties are occupied by single storey dwelling houses orientated to the street with both 1 and 2 storey detached dwellings the predominant building form in a wider streetscape context. The sites established built form context and its relationship to neighbouring properties is depicted on the site survey at Figure 3 below.

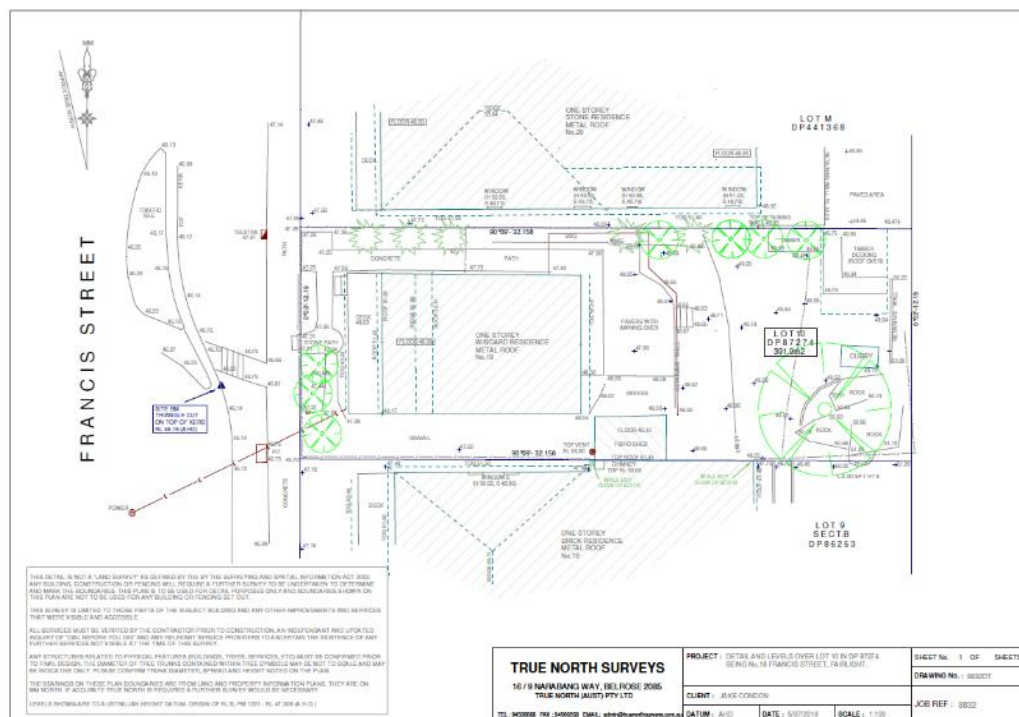


Figure 3 – Site survey

3.0 PROPOSED DEVELOPMENT

The subject application proposes alterations and additions to the existing dwelling house including new ground and first floor additions. The works are depicted on architectural plans DA00 to DA12, Issue E, prepared by Watershed Design. Specifically, the application proposes the following works:

Ground Floor Plan

- Retention of the original front façade, roof form and front rooms of the cottage without change.
- Provision of a bay window seat to bedroom 2.
- Additions to the rear of the existing building, and reconfiguration of existing floor space, to accommodate an open plan kitchen, living and dining room, bathroom, laundry cupboard, family/ TV room with wet bar, and a new bedroom with ensuite.
- The living room and new bedroom open onto a rear covered terrace with garden stairs providing access to the existing deck at the rear of the property.
- Provision of internal stair access to the new first floor additions above.
- Internal stair access is provided to the new floor level above

First Floor Plan

- This new floor plate contains a master bedroom with ensuite and a parent's retreat.

The application does not require the removal of any trees or significant landscape features with an enhanced site landscape and garden storage regime proposed as detailed on the accompanying landscape plan. All stormwater will be disposed of to the street drainage system as detailed on the accompanying stormwater management plans prepared by NB Consulting Engineers.

4.0 STATUTORY PLANNING FRAMEWORK

4.1 General

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.2 Manly Local Environmental Plan 2013

4.2.1 Zone and Zone Objectives

The subject site is zoned R1 General Residential pursuant to the provisions of Manly Local Environmental Plan 2013 (“MLEP”). Dwelling houses are permissible in the zone with the consent of council. The stated objectives of the zone are as follows:

- *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.*

The proposed works are permissible and, in accordance with the clause 2.3(2) MLEP 2013 considerations, are consistent with the stated objectives of the zone in that they will maintain the detached dwelling house building typology on the site.

4.2.2 Minimum Subdivision Lot Size

Pursuant to clause 4.1 of MLEP the minimum subdivision lot size for the subject site is 250m². The subject site has an area of 391.9m² and accordingly is not an undersized allotment.

4.2.3 Height of Buildings

Pursuant to Clause 4.3 of MLEP 2013 the height of a building on the subject land is not to exceed 8.5m in height. The objectives of this control are as follows:

- (a) *to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*

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

Building height is defined as follows:

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

Ground level existing is defined as follows:

ground level (existing) means the existing level of a site at any point.

It has been determined that the proposed works sit comfortably below the 8.5m development standard as depicted on plan DA07(E). As the proposal complies with the numerical standard it is deemed to also comply with the associated objectives.

4.2.4 Floor Space Ratio

Pursuant to Clause 4.4 MLEP 2013 the maximum FSR for development on the site is 0.6:1 representing a gross floor area of 235.14m². The stated objectives of this clause are:

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

The development proposes a total gross floor area of 165m² as depicted on plan DA05(E) which represents a compliant FSR of 0.42:1. Such GFA/ FSR is significantly less than the maximum prescribed for this particular site. As the proposal complies with the numerical standard it is deemed to also comply with the associated objectives.

4.2.5 Acid Sulphate Soils

Pursuant to clause 6.1 of the MLEP, Acid Sulphate Soils, which its objective to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The site is located in a class 5 area with only minimal excavation proposed for footings. Accordingly, no further investigation is warranted.

4.2.6 Stormwater Management

Pursuant to clause 6.4 of the MLEP, stormwater management, its objective aims to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

A stormwater management plan prepared by NB Engineers accompanies this application with all stormwater gravity drained to the existing street stormwater system.

4.2.7 Heritage Considerations – Statement of Heritage Impact

The property listed in Schedule 5 of MLEP as one of a “group of 6 houses” located at 12 – 22 Fairlight Street.

Pursuant to clause 5.10 of MLEP 2013 the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

The application is accompanied by a Statement of Heritage Impact which details the acceptability of the proposal. In addition to the conclusion reached within this document we note that the single storey streetscape appearance and roof/ façade detailing is maintained with the first floor additions set well back beyond the rear alignment of the original cottage roof form ensuring the additions will not be readily discernible in a streetscape context. On this basis, we are of the considered opinion that the proposed works will have a neutral impact on the heritage significance of the items and their setting.

Council can be satisfied that there is no statutory impediment to the granting of consent to the proposed works in this instance.

4.3 Manly Development Control Plan 2013

This policy document contains development controls for the design and construction of buildings and the subdivision of land in Manly. The proposed development has been assessed against the relevant provisions of the DCP as outlined in the following sections of this report

4.3.1 General Principles of Development

4.3.1.1 Streetscapes

We have formed the considered opinion that the development appropriately responds to the design principles contained at clause 3.1.1 of the Manly DCP as follows:

- The works have been designed through detailed site and context analysis to provide a contextually responsive building form which respects the heritage significance of the group of houses and which is complimentary and compatible with the existing streetscape and the design quality of the buildings generally when viewed from surrounding public and private land.
- The development maintains a compatible scale with adjoining development along Francis Street.
- The height of the first floor additions and topography of the immediate land will ensure that the proposed works will not give rise to any adverse public or private view affectation.
- Having regards to the Land and Environment Court of NSW planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed building offensive, jarring or unsympathetic to its context or surrounds.

4.3.1.2 Amenity (Views, Overshadowing, Overlooking/ Privacy, Noise)

The additions to the existing single dwelling maintain a contextually appropriate relationship with adjoining development and a view sharing scenario to surrounding properties in accordance with the Tenacity Consulting v Warringah Council view sharing principle established by the Land and Environment Court of NSW.

The accompanying shadow diagrams demonstrate that compliant levels of solar access will be maintained to the north facing windows and front western facade of the southern adjoining property (No. 16 Francis Street) between 9 am and 3 pm on 21st June in strict accordance with the control. Such outcome is achieved through the retention of the single storey pitched roof form at the front of the property with the majority of additional shadowing from the first floor additions at the rear of the subject site falling across the existing shed and masonry wall at the rear of the adjoining property.

Careful consideration has been given to maintaining appropriate residential amenity to neighbouring properties in terms of privacy and solar access with a combination of compliant building height, strategically placed fenestration and increased northern boundary setbacks achieving such outcome.

Accordingly, we have formed the considered opinion that appropriate levels of residential amenity will be maintained between adjoining properties.

4.3.1.3 Sustainability

A BASIX Certificate accompanies this application which confirms that the residential component of the development will exceed the NSW Government's requirements for sustainability.

4.3.1.4 Stormwater Management

A stormwater management plan prepared by NB Engineers accompanies this application with all stormwater gravity drained to the existing street stormwater system.

4.3.1.5 Waste Management

A bin storage area is proposed down the northern side of the property.

4.3.2 Residential Development Controls

4.3.2.1 Height of Buildings

The developments performance when assessed against the clause 4.3 Manly LEP height of buildings development standard has been detailed at clause 4.2.3 of this report. Council will be aware that the Act provides that a DCP provision must not derogate from an LEP development standard and to that extent the primary control remains the 8.5 m height standard within the LEP.

Notwithstanding, consideration has been given to the maximum wall height control contained a clause 4.1.2.1 of Manly DCP. Given that the slope of the land a maximum wall height of 7.3m is permitted on the land. The elevations prepared in support of the application demonstrate that all proposed wall heights are fully compliant with the control.

Further, the proposed development maintains a maximum 2 storey building form in strict accordance with the maximum 2 storey building height control.

4.3.2.2 Floor Space Ratio

This matter has been discussed in detail at section 4.2.4 of this report. The proposal has an FSR of 0.42:1 which complies with the control

4.3.2.3 Setbacks

Pursuant to the clause 4.1.4 setback provisions:

- Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.
- 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.
- The distance between any part of a building and the rear boundary must not be less than 8m.

In relation to the ground floor setback proposed to the southern boundary Clause 4.1.4.3 of the DCP states that walls without windows may be constructed within the D3 density subzone to one of the side boundaries provided it has a maximum wall height of 3 metres and a maximum wall length of 35% of the boundary length and providing the objectives of the part are met. Further the applicant must demonstrate no disadvantage to the adjacent allotment through increased overshadowing, or loss of view and no impediment to property maintenance. The stated objectives of the part are as follows:

- a) To maintain and enhance the existing streetscape
- b) To ensure and enhance local amenity by:
 - Providing privacy;
 - Providing equitable access to light and 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 space;
- c) To promote flexibility in the sighting of buildings;
- d) 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
 - Ensuring the provisions of SEPP 19 – Urban Bushland are satisfied.
- e) To assist in appropriate bushfire asset protection zones.

In this regard we note that the section of wall located on the boundary has a maximum height of 3 metres above ground level and a wall length of 7.8 metres representing 24% of the boundary length. Such characteristics are fully compliant with the numerical controls. Having regard to the objectives of the control we respond as follows:

- The single storey wall element is setback over 16 metres from the front boundary and not readily discernible when viewed from the street. The existing streetscape is maintained.

- The single storey wall element has no windows and as such will not give rise to any adverse privacy impacts.
- The single storey wall element will not give rise to any additional shadowing impact on any adjoining property.
- The single storey wall element will not give rise to any private or public view affectation.
- The single storey wall element does not require the removal of any landscape elements with deep soil landscape opportunities available down the balance of the southern boundary.
- The provisions of SEPP 19 do not apply to the subject site and the site is not bushfire prone.

Accordingly, it can be demonstrated that the development complies with the 3 metre maximum wall height and maximum 35% wall length controls, satisfies the objectives of such controls and will not disadvantage the adjacent property through increased overshadowing or loss of view. In relation to property maintenance no objection is raised to a condition requiring the wall to be constructed of face brick to ensure no ongoing maintenance.

Given the fully compliant nature of the subject walling element when assessed against the concessional setback provisions and the acceptable streetscape outcomes previously identified we urge Council to reinforce the notion of certainty and consistency in the assessment and determination process and support the variation.

In any event, such variation succeeds pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

4.3.2.4 Open Space and Landscaping

The proposed total open space as defined is calculated at 190 square metres representing 48.48% of the site area which is slightly below the minimum 55% control in the MDCP. That said, when the open space areas with a dimension of less than 3 metres are included a total open space of 245 square metres or 62.5% of the site area is realised.

Such quantum exceeds the control and succeeds pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

The application also proposes 150m² of soft open landscaped area which represents 69.6% of the required total open space. These provisions are satisfied.

4.3.2.5 Parking, Vehicular Access and Loading

The property sits above the level of the road with no existing off street parking nor the ability to provide off street parking given the existence of a traffic calming device and public stairs immediately adjacent to the property frontage.

4.4 MDCP Compliance Table

Site Area – 391.9m ²	Control	Proposed	Compliance
Manly Development Control Plan 2013			
Front Setback	Maintain consistent setback	Maintains established front setbacks. The upper floor is recessive in a streetscape context	YES
Side Setbacks	1/3rd wall height. First floor additions may maintain existing ground floor setbacks. Nil setbacks acceptable for single storey elements provided variation provisions achieved.	Variations proposed as detailed.	NO Acceptable on merit
Wall and Building Height	Max building height 8.5m Wall Height 6m	Strict compliance achieved.	YES
Open Space	Min 55%	62.5%	YES
Landscaped open spaced area	Min 35%	69.6%	YES
Carparking	Min 2 Spaces	Nil As existing	NO Acceptable given site constraints

4.5 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (*in italic*) to help identify the issues to be considered have been prepared by the Department of Urban Affairs and Planning. The relevant issues are:

4.5.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.

The proposal is permissible and generally in conformity with the development standards and built form controls contained within the applicable statutory planning regime.

The proposal succeeds when assessed against the Heads of Consideration pursuant to s4.15 of the Environmental Planning and Assessment Act, 1979 as amended and is appropriate for the granting of consent.

4.5.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality.

Context and Setting

- i) *What is the relationship to the region and local context on terms of:*
- *the scenic qualities and features of the landscape?*
 - *the character and amenity of the locality and streetscape?*
 - *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
 - *the previous and existing land uses and activities in the locality?*

The immediate locality is characterised by 1 & 2 storey detached dwellings. The buildings generally do not exhibit a consistency in scale, materials or detailing, and each varies in terms of height and design.

The context and setting of the development has been discussed in detail in the body of this report.

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

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

These matters have been addressed in detail within this report.

Access, transport and traffic

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

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

The proposed development does not represent an intensification of use on the site that is well serviced by roads and public transport.

Public domain

There will be no additional impact on the public domain (ie roads, parks etc.).

Utilities

Existing utility services will adequately service the development.

Flora and fauna

The proposed works do not require the removal of any trees or significant landscape features.

Waste

Normal domestic waste collection applies to this development.

Natural hazards

N/A

Economic impact in the locality

The proposed development will not have any significant impact on economic factors within the area.

Site design and internal design

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

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

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

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

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

The proposed works can comply with the provisions of the Building Code of Australia.

Construction

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

- *the environmental planning issues listed above?*
- *site safety?*

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

4.5.3 The suitability of the site for the development.

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to public transport and utility services. The development will not cause excessive or unmanageable levels of transport demand.

Are the site attributes conducive to development?

The site being of adequate area and having no special physical or engineering constraints is suitable for the proposed development.

4.5.4 Any submissions received in accordance with this Act or the regulations.

It is anticipated that Council will appropriately consider any public submissions received.

4.5.5 The public interest.

The proposal is permissible and generally in conformity with the development standards and built form controls contained within the applicable statutory planning regime. The proposal will not give rise to any adverse environmental, residential amenity, heritage conservation or streetscape impacts.

Accordingly, approval of the development would not be antipathetic to the public interest.

5.0 CONCLUSION

The proposal is permissible and generally in conformity with the development standards and built form controls prescribed by the applicable statutory planning regime as they relate to the particular site circumstances.

The architect has responded to the client brief to enhance the amenity and liveability of the dwelling through the reconfiguration and augmentation of floor space to meet their reasonable floor space needs. We note that the current owners of the land have a daughter with a medical condition which is likely to require her to permanently reside in the family home. The floor plan layout proposed will accommodate such circumstance.

The final design is sympathetic to the heritage significance of the property which is identified as one of a group of 6 modest single storey cottages spanning the period 1890's to 1915. In this regard, the single storey streetscape appearance and roof/ façade detailing is maintained with the first floor additions set well back beyond the rear alignment of the original cottage roof form ensuring the additions will not be readily discernible in a streetscape context. On this basis, Council can be satisfied that the proposed works will have a neutral impact on the heritage significance of the items and their setting.

Careful consideration has been given to maintaining appropriate residential amenity to neighbouring properties in terms of privacy and solar access with a combination of compliant building height, strategically placed fenestration and increased northern boundary setbacks achieving such outcome.

Whilst the application requires Council to give favourable consideration to the non-compliant side boundary setbacks and total open space provisions such variations have been identified and appropriately justified. Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

Boston Blyth Fleming Pty Limited

A handwritten signature in black ink, appearing to read 'Greg Boston', written over a horizontal line.

**Greg Boston
Director**