

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
Waverly Local Environmental Plan 2012			
Zoning (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
Minimum subdivision lot size (Clause 4.1)	1150m ²	The existing site area is 473.7m ² . The Proposal does not include any change to the site area (i.e. no subdivision).	N/A
Floor space (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 ² of floor space to the dwelling. As a result, the proposed floor space ratio is 0.43 ¹ :1. The proposed FSR therefore increases the existing floor space of the dwelling.	✗
Calculation of floor space ratio and site area (Clause 4.5)	Provides definitions for the calculation of floor space.	Refer to comments below.	✓
Exceptions to development standards (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.	✓

¹ 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 Attachment E 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>	
Heritage (Clause 5.10(5))	<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"> Item name: Dalwood Home (principal building and stone outbuilding to Dalwood Home) Address: 21 Dalwood Avenue, Seaforth Significance: Local Item number: I270 	<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"> 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) There would be no views from the heritage item to the proposed works No physical works would be undertaken outside of the site boundary and therefore there would be no direct impacts on this item External works would be generally minor, are consistent with the character of the area, and would not detract from the item. <p>As a result of there being no adverse impacts on the item no separate (specialist study) impact assessment is considered necessary.</p>	✓
Acid sulfate soils (Clause 6.1)	<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>	N/A

Controls	Details	Comments	Compliance
Earthworks (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.	✓
Stormwater management (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.	✓
Foreshore scenic protection area (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.	✓

Controls	Details	Comments	Compliance
Manly Development Control Plan 2013			
Part 3 – General Principles of Development			
Complementary Design and Visual Improvement (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"> ▪ Complement the existing built form and character and style of this architecturally design dwelling, utilising similar materials and finishes ▪ Soften the bulk of the existing dwelling adding articulation to the frontage which currently dominated by a ground floor relatively blank façade ▪ 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 Attachment F for further details below) ▪ 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) ▪ Not impact upon the existing adjacent heritage item (Dalwood Home – refer to MLEP 2013 compliance above) ▪ 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). <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>	✓
Garages, Carports and Hardstand Areas (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"> ▪ Includes a roof and material choice and detailing which, while being consistent with and complementary to, is subservient to the dwelling. ▪ Is compatible with the streetscape and front setback (refer to Setbacks – Section 4.1.4 and Attachment F for further details below). ▪ 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. 	✓


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Consideration of Heritage Significance (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"> Item name: Dalwood Home (principal building and stone outbuilding to Dalwood Home) Address: 21 Dalwood Avenue, Seaforth Significance: Local Item number: I270 	<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"> 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) There would be extremely limited or no views from the heritage item to the proposed works No physical works would be undertaken outside of the site boundary and therefore there would be no direct impacts on this item External works would be generally minor, are consistent with the character of the area, and would not detract from the item. <p>As a result of there being no adverse impacts on the item no separate (specialist study) impact assessment is considered necessary.</p>	✓
Privacy and Security (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"> 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 Reduce noise emissions from occupants who would otherwise utilise the open reflection area (i.e. enclosure of this area reduces noise impacts) <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>	✓
Sustainability (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"> There will be no adverse change to solar access or energy efficiency 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). 	✓

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		<ul style="list-style-type: none"> Utilise durable and energy efficient materials consistent with those currently installed within the dwelling. Water would be captured from the roof of the carport and diverted to the existing onsite detention increasing the opportunities for reuse. 	
Stormwater management (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 ²) 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.	✓
Waste Management (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 Attachment G of this SEE.	✓
Safety and Security (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"> Improve safety and manoeuvrability for car parking with the increase in length to the southern car parking space Protecting vehicles and occupants from the elements Creating a barrier for children and animals from the busy adjacent road Maintaining site lines (through open sides of the carport) and not changing the width of vehicle access points. 	✓
Part 4 – Development Controls and Development Types			
Residential Density and Dwelling Size (Section 4.1.1.1)	<p>Achieve the identified density controls for land.</p> <p>The Site is identified as Density Area D9 – 1unit/1150m² of site area.</p>	The DCP allows one dwelling to be constructed per 1,150m ² of site area. The Site has a total area of 473.7m ² and includes an existing dwelling. No change to the number of dwellings is included within the Proposal.	N/A
Floor Space Ratio	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 ² (c4.1 – MLEP 2013).	✓

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(Section 4.1.3)	maximum FSR (under c4.6 of the LEP).	<p>The Site has a total area of 473.7m², 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 750m², namely 300m².</p> <p>The existing floor space ratio of the dwelling is 0.44:1. The Proposal includes a minor addition of floor space to the dwelling. As a result, the proposed floor space ratio is 0.445:1, based upon the existing lot size. However, when an exemption is applied, considering a 750m² lot FSR, the existing FSR is 0.279:1. The proposed FSR (0.287:1) 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 Attachment E 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>	
Setbacks (front, side and rear) and Building Separation Steet Front setbacks (Section 4.1.4.1)	Objectives	<p>The Proposal meets the objectives in that:</p> <ul style="list-style-type: none"> ▪ Objective 1 – it would maintain and enhance the existing streetscape in that: <ul style="list-style-type: none"> ○ There is a considerable precedent for carports/garages built to the boundary, including 5 on Dalwood Avenue, 2 on Peacock Street, 3 on Ellery Parade, 10 on MacMillian Street and collectively over 40 properties in the immediate locality (refer to detailed garage/carport audit prepared as part of the SEE (Attachment F which includes a full audit - map below also shows these sites)) ○ The carport also proposes no impacts on the neighbouring properties (note the letter of support from 2 Gurney Crescent, Seaforth), will break-up the bulk and blank facade of the existing dwelling and be a positive addition to the streetscape. ▪ Objective 2 <ul style="list-style-type: none"> ○ Privacy, light, views would not be impacted to surrounding dwellings as a result of the design, the proposed separation and as confirmed by the letter of support. ○ The streetscape would be improved by the addition of a modern, architecturally design, light weight structure being provided replacing a bare and stack hardstand area. 	✓

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		<ul style="list-style-type: none"> ○ There would be no impact to traffic conditions or visibility with both sides of the structure open and seamless access between the road and carport. ▪ Objective 3 <ul style="list-style-type: none"> ○ The carport proposes a flexible siting with the structure being located to provide enough space of parking of a vehicle/loading and unloading and while also improving the visual amenity of the existing dwelling, without comprising the streetscape. ▪ Objective 4 <ul style="list-style-type: none"> ○ The carport does not impact on native vegetation which has been installed on the site. ○ The frontage does not adjoin open space lands or National Park. ▪ Objective 5 <ul style="list-style-type: none"> ○ The Proposal (including the carport) is consistent with the relevant bushfire controls (refer to the Bushfire Assessment Report). 	
	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 a minor part of the southern area (agreed by letter of support from neighbours), 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"> ▪ 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 appearance of an otherwise stark concrete hardstand area ▪ Not alter or adversely impact on privacy, light, views or vehicle movements for the existing dwelling, surrounding properties or the locality. 	✓

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		<ul style="list-style-type: none"> No impact on views to surrounding bushland or bushfire management. It is consistent with the prevailing building lines in the immediate vicinity and surrounds. 	
	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. A letter of support has been provided by the neighbouring property (2 Gurney Crescent, Seaforth) confirming that there would be no impact on their amenity.</p>	✓
Open Space and Landscaping (Section 4.1.5)	Objectives	<p>The Proposal meets the objectives in that:</p> <ul style="list-style-type: none"> Objective 1 – the Proposal will not impact on any important landscape features or remnant flora/fauna Objective 2 – the Proposal will result in a minor reduction in soft landscaping however this area is predominately unusable landscaped area in that it is used for storage (bins etc) and heavily shaded by the house and eaves. The Proposal will not remove any trees and would otherwise not impact on areas of soft landscaping. Objective 3 – the Proposal would result in an improvement to the streetscape and the surrounding area, articulating an otherwise blank ground floor façade. Further, as confirmed in the letter of support (2 Gurney Street) there would be no impact on neighbouring amenity (sunlight, privacy or views). Objective 4 – the Proposal would result in a minor change to on-site porous areas and would not otherwise impact on landscaped areas. Also water captured from the carport would be diverted to the site on-site detention tanks maximising water reuse for activities such as reuse in the dwelling and irrigation (satisfying the objective via an alternative approach). Objective 5 – the Proposal would not result in an increased potential to spread weeds and or the degradation of private or public open space. Objective 6 – the Proposal would not detract from or impact any wildlife habitat and or potential for wildlife corridors. 	✓

Controls	Details	Comments	Compliance
	<p>Site (Area OSD4) requirements include:</p> <ul style="list-style-type: none"> - Total open space - min 60% of site area - Landscaped area – min 40% of total open space - Above ground – max 25% of total open space 	<p>The MDCP 2013 requires a minimum area of total open space of 284.22m² (60% of 473.7m²) with a minimum of 85.26m² (30% of total open space) to be landscaped area. The existing Site has a total open space of 273.35m² and total landscaped area of 232.91m². The Proposal includes a total open space of 269.96m² and a total landscaped area of 226.57m².</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 perimeter 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> <p>Note also that the Site includes several native trees (7 in total – understood to be <i>Aceme smithii</i> - Lillypilly) at the rear of the property along the boundary (refer to photos below). It therefore is above the requirements of 2 native trees.</p>	<p>✗</p> <p>✓</p>
			

Controls	Details	Comments	Compliance
Parking, Vehicular Access and Loading (including Bicycle Facilities) (Section 4.1.6)	Objectives	<p>The Proposal meets the objectives in that:</p> <ul style="list-style-type: none"> Objective 1 – the Proposal will provide accessible and adequate parking for the users of the dwelling Objective 2 – reduce the demand for on-street parking, particularly on a busy street Objective 3 – it has been architecturally designed to minimise visual impact on the streetscape with the location of carparking spaces and being a lightweight open structure Objective 4 – it result in an extremely minor/negligible amount of excavation, utilising the existing hardstand area Objective 5 – would not change the number or width of footpath crossings Objective 6 - the Proposal would integrate access, car parking next to landscaping and result in only a minor change to on-site porous areas and would not otherwise impact on landscaped areas. Objective 7 – N/A 	✓
	<ul style="list-style-type: none"> - Garage and carport structures forward of the building line must be designed to not dominate the street frontage. - Garages and carports adjacent to the property boundary not permitted if reasonable alternative location onsite - Carports must be open on both sides and at the front - Maximum width of the structure is not to exceed 50 % of the frontage or 6.2m. - Car parking dimensions are 2400mm wide and 5400mm in length. 	<p>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).</p> <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"> Complement the existing built form and character and style of this architecturally design dwelling, utilising similar materials and finishes Soften the bulk of the existing dwelling adding articulation to the frontage which currently dominated by a ground floor relatively blank façade 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 Attachment F for further details below) 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) 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 	✓

Controls	Details	Comments	Compliance
		<p>to allow light and obscured views), for safety purposes (i.e. this area is elevated from ground level, screening will avoid potential fall hazards). The carport will also be open at the front (no garage door is proposed).</p> <ul style="list-style-type: none"> ▪ 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. ▪ There will be no change to the existing aisle width (i.e. between the road and boundary) ▪ 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. 	
Fencing (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.	✓
Earthworks (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.	✓