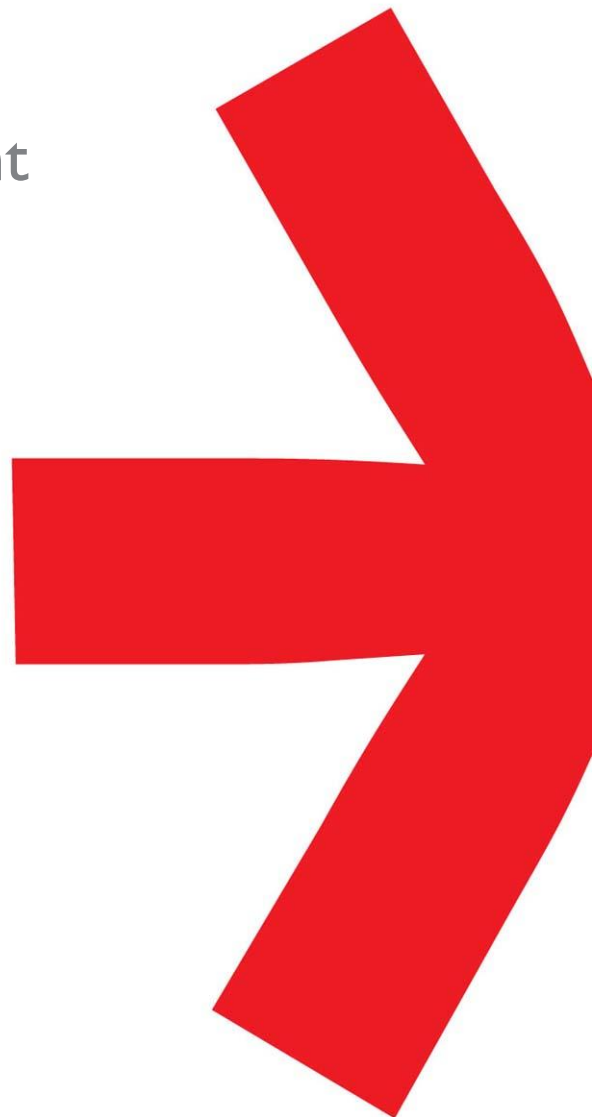


# Statement of Environmental Effects S4.55(2)

64 Fairlight Street, Fairlight

September 2021



**Document status**

Revision	Revision date	Name	Signature
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B	30 09 21	NL	

**Approval for issue**

Name	Signature	Date
Nicole Lennon		30 09 21

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# Contents

<b>1</b>	<b>Introduction .....</b>	<b>5</b>
1.1	Background .....	5
1.2	Modified Proposal .....	5
1.2.1	Substantially the same Development .....	6
1.2.2	Lapsing of consent .....	7
1.3	Manly Local Environment Plan 2013 Development Control Summary.....	7
1.4	Applicant and Ownership .....	7
1.5	Consent Authority .....	7
1.6	Supporting documentation .....	8
1.7	Structure of the Report .....	8
<b>2</b>	<b>Site and Context .....</b>	<b>9</b>
2.1	Site Location and Description .....	9
2.2	Existing Uses, Building Layout and Surrounding Context.....	9
2.3	Relevant Legislation .....	11
2.3.1	State.....	11
2.3.2	Local.....	11
<b>3</b>	<b>Development Proposal .....</b>	<b>12</b>
<b>4</b>	<b>Statutory Planning Assessment.....</b>	<b>13</b>
4.1	Zoning and Permissibility .....	13
4.2	State Environmental Planning Controls.....	13
4.2.1	State Environmental Planning Policy 55 – Remediation of Land.....	13
4.2.2	State Environmental Planning Policy (Building Sustainability Index) 2004 .....	13
4.3	Manly Local Environmental Plan 2013.....	14
4.4	Manly Development Control Plan 2013.....	18
<b>5</b>	<b>Environmental Effects .....</b>	<b>31</b>
<b>6</b>	<b>Conclusion .....</b>	<b>34</b>

## Figures

<b>Figure 1</b>	Site Location Map. Source: SIX Maps .....	9
<b>Figure 2</b>	Site Context Map. Source: SIX Maps .....	10
<b>Figure 3</b>	Street View – Site and context (Source: Google) .....	10
<b>Figure 4</b>	Manly Environmental Plan 2013 .....	13

# 1 Introduction

Planik Pty Ltd has been engaged to prepare this Statement of Environmental Effects accompanying a Section 4.55(2) application for modification to an approved development (DA2019/1092) which approved alterations and additions to a dwelling house including a new swimming pool. This S4.55 application seeks modifications to the development consent plans including the deletion of the approved swimming pool within the front setback, inclusion of a new carport structure above existing at-grade car space, and modifications to the approved external works including expanded and adapted seating area with a gas fire and large water feature within the front setback, changes to landscaped area arrangement, new pergola structure above existing rear deck, relocation of water and gas meters to front setback and other minor changes to the approved plans.

The site is legally referred to as Lot B in DP 104229 and has a total area of 235.4m<sup>2</sup>, an 11.036m frontage to Fairlight Street and a maximum site depth of 21.336m.

The site is located within the Northern Beaches Council area and is subject to the controls of the Manly Local Environment Plan 2013 (MLEP 2013) and the Manly Development Control Plan 2013 (MDCP 2013). The subject site is zoned R1 – General Residential and the proposed works are permissible with development consent within the zone.

## 1.1 Background

The site is currently affected by Development Approval **DA 2019/1092** for alterations and additions to the existing dwelling house on the site including an attic addition and new swimming pool within the front setback.

This application was approved by the Northern Beaches Council Local Planning Panel at its meeting on 5 February 2020, noting the application was approved including variations to the height of buildings and FSR ratios which apply to the site with a maximum FSR of 0.7:1 and building height of 9.5m

The variations approved under the original proposal are depicted in the below extract from the LPP Report below:

Development standard:	Height of buildings / Floor space ratio
Requirement:	Height of Building - 8.5m Floor Space Ratio - 0.6:1
Proposed:	Height of Building - 9.5m Floor Space Ratio - 0.7:1
Percentage variation to requirement:	Height of Building - 12.9% Floor Space Ratio - 16.6%

Further, the approved development presented a total open space area of 41.64% which varied the required open space of 55% pursuant to Clause 4.1.5.2 of the Manly DCP.

## 1.2 Modified Proposal

This Section 4.55 (2) application relates to DA 2019/1092 and proposes modifications as follows:

- Deletion of the approved swimming pool within the front setback, to be replaced by a large water feature

- Modifications to seating area approved within the front setback including a gas fire
- New carport structure above existing at-grade car space
- Modifications to the approved external works including changes to landscaped area arrangement, with approved landscaping within the side setback relocated to the front setback
- New pergola structure above existing rear deck
- Relocation of water and gas meters to front setback
- Removal of an existing tree within the rear yard.

### 1.2.1 Substantially the same Development

In accordance with s4.55(2)(a) of the EP&A Act 1979:

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

*(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

Overall, the proposed modifications are substantially the same as the originally approved development based on the following assessment:

- The proposed modifications do not alter the approved use of the site or overall built form of the dwelling as approved under the original application noting no changes are proposed to the approved dwelling form.
- The proposed carport is consistent with the character of the original approval being alterations and additions to an existing dwelling including works to the front setback external to the site.
- The proposal does not seek additional floor area or building height beyond that originally approved and so in a quantitative sense is substantially the same to the originally approved development.
- The modified external works are largely consistent with that originally approved noting the replacement of the approved swimming pool with a water feature, relocation of landscaped area, and very minor change to approved open space – from 41.64% to 40.1%.

The remaining provisions of Clause 4.55(2) (b-d) of the Act will be satisfied during assessment of the application – notification and consideration of submissions:

*(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

*(c) it has notified the application in accordance with—*

*(i) the regulations, if the regulations so require, or*

*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

*(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Finally, Clause s4.55(3) states:

s4.55(3):

*In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.*

The provisions of s4.15(1) of the Act are addressed within this report.

### 1.2.2 Lapsing of consent

In accordance with s4.55(4) of the EP&A Act 1979:

(4) *Development consent for—*

(a) *the erection of a building, or*

(b) *the subdivision of land, or*

(c) *the carrying out of a work,*

*does not lapse if building, engineering or construction work relating to the building, subdivision or work is physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under this section.*

The works approved under DA 2019/1092 were approved on 5 February 2020 and so the proposed modifications can be carried out under Section 4.53(1) of the Environmental Planning and Assessment Act 1979.

## 1.3 Manly Local Environment Plan 2013 Development Control Summary

**Table 1** Manly LEP 2013 Planning Control Summary

<b>Applicable LEP Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>
Maximum Height	8.5m	No change to maximum approved height	N/A
Floor Space Ratio	0.6:1 GFA – 141.24m <sup>2</sup>	No change to approved FSR	N/A
Heritage Conservation	N/A	N/A	N/A
Acid Sulfate Soils	Class 5	No impact	Yes

## 1.4 Applicant and Ownership

The applicant for this Development Application is Lucy Shepherd and Ian Donaldson (Owners of the subject site).

## 1.5 Consent Authority

The consent authority for this development is Northern Beaches Council.

## 1.6 Supporting documentation

This report should be read in conjunction with the following plans and documents below:

<b>Plan/Document Title:</b>	<b>Revision</b>	<b>Date:</b>	<b>Prepared by:</b>
S4.55 Architectural Plans	H	02 08 21	MM+J Architects
Survey Plan	1	11 07 19	CMS Surveyors Pty Ltd
BASIX Certificate	-	08 09 21	MM+J Architects
Statement of Environmental Effects	O	30 09 21	Planik Pty Ltd
Landscape Plan	D	04 09 2019	Scape Design

## 1.7 Structure of the Report

This report is divided in to six sections detailing the nature of the development in the following manner:

- Section 1 Introduction.
- Section 2 Examines the existing site conditions in terms of location, context, access and relevant legislation.
- Section 3 Describes the development proposal through development statistics, civil works and site conditions.
- Section 4 Assesses the development proposal against relevant planning controls.
- Section 5 Environmental Effects
- Section 6 Conclusion

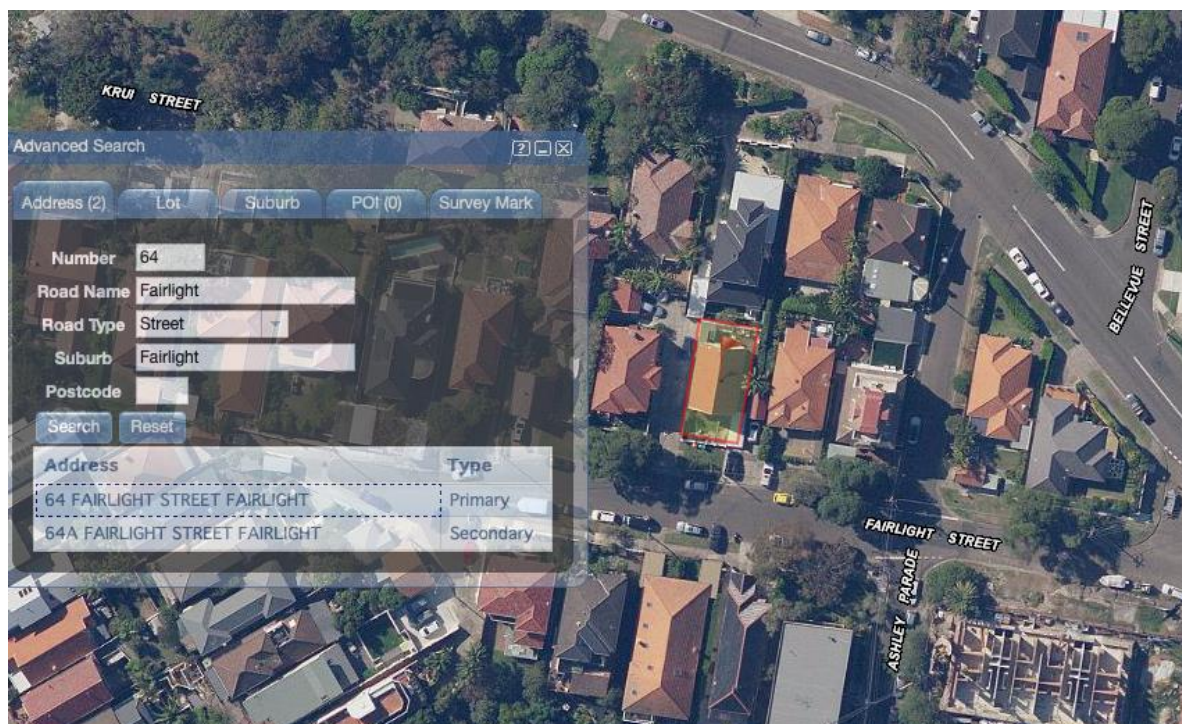


## 2 Site and Context

### 2.1 Site Location and Description

The subject site is located at 64 Fairlight Street, Fairlight and is legally referred to as Lot B in DP 104229. The site has a total area of 235.4m<sup>2</sup>, an 11.036m frontage to Fairlight Street and a maximum site depth of 21.336m.

The site currently contains a two storey clad residential dwelling house with a tiled pitched roof form. The subject site is adjoined by residential developments to the north, east, and west.



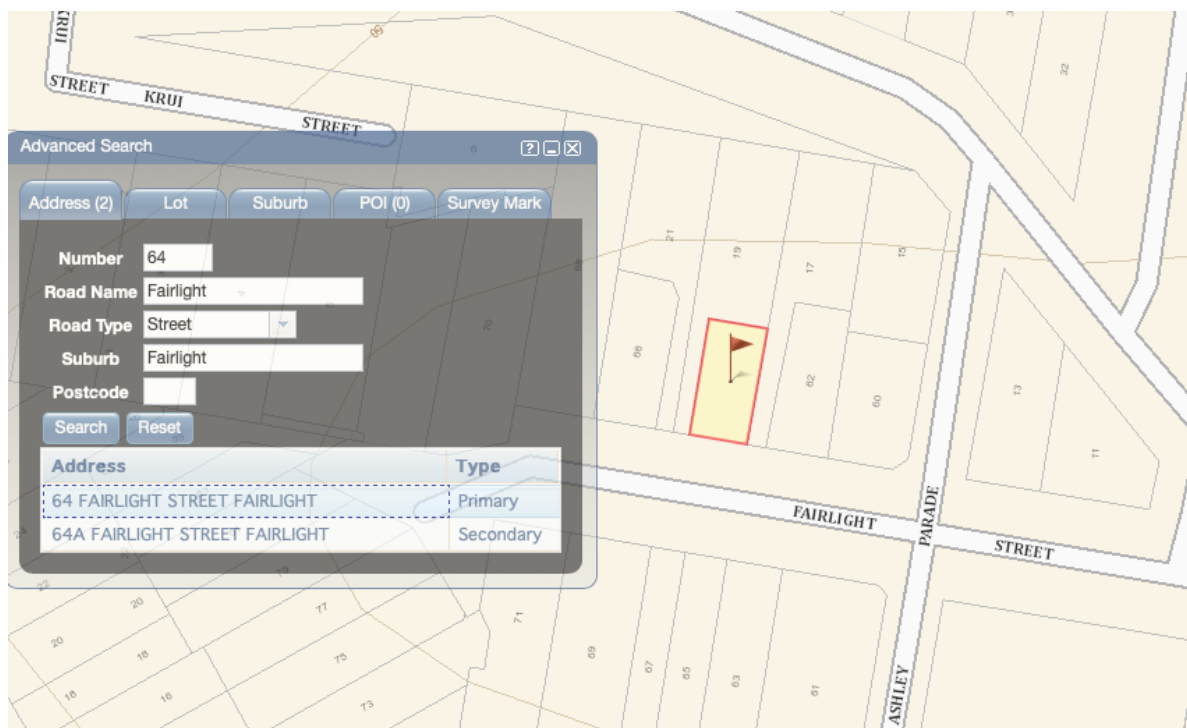
**Figure 1** Site Location Map. Source: SIX Maps

### 2.2 Existing Uses, Building Layout and Surrounding Context

The surrounding area is characterised by 1-2 storey residential development, comprising of dwelling houses, including two storey dwelling houses with attic levels and residential flat buildings.

A variety of pitched and mansard style roof forms are located within the Fairlight Street streetscape.

The eastern and western boundaries of the site directly adjoin driveways servicing battle-axe lots at 17 and 19 Hilltop Crescent, Fairlight.



**Figure 2** Site Context Map. Source: SIX Maps



**Figure 3** Street View – Site and context (Source: Google)

## 2.3 Relevant Legislation

### 2.3.1 State

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004

### 2.3.2 Local

- Manly Local Environmental Plan 2013
- Manly Development Control Plan 2013

This report demonstrates that the proposed modification is consistent with the relevant statutory planning policies and achieves the objectives of the relevant provisions.

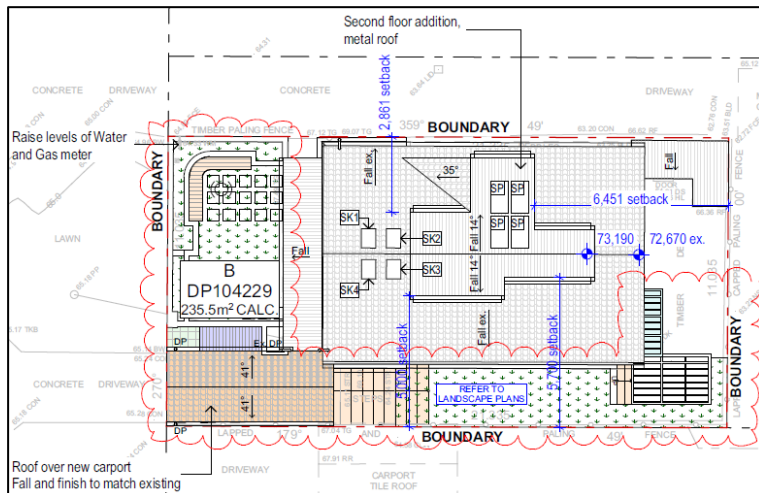
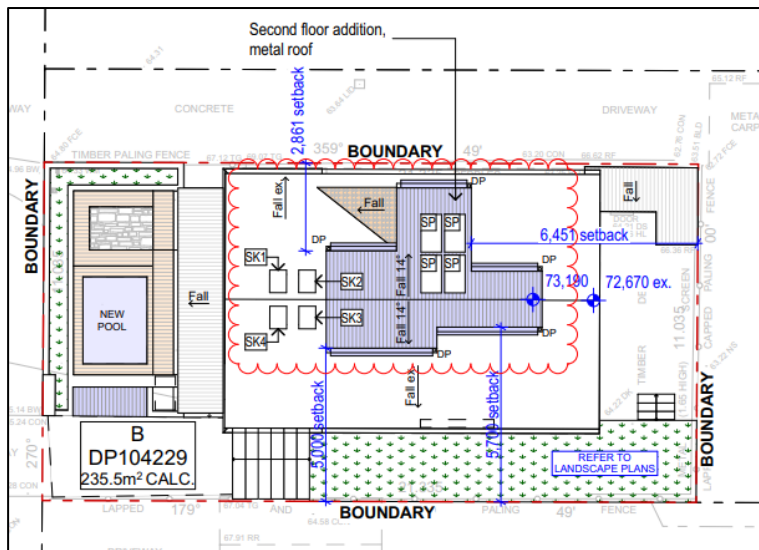
# 3 Development Proposal

## 3.1 Summary of Modifications

This Section 4.55 (2) application relates to DA 2019/1092 and proposes modifications as follows:

- Deletion of the approved swimming pool within the front setback, to be replaced by a large water feature
- Modifications to seating area approved within the front setback including a gas fire
- New carport structure above existing at-grade car space
- Modifications to the approved external works including changes to landscaped area arrangement, with approved landscaping within the side setback relocated to the front setback
- New pergola structure above existing rear deck
- Relocation of water and gas meters to front setback
- Removal of an existing tree within the rear yard.

The approved and modified site plans are depicted below:





## 4 Statutory Planning Assessment

### 4.1 Zoning and Permissibility

The site is subject to the controls of the Manly Local Environmental Plan 2013 and is zoned R1 General Residential under the MLEP 2013. The proposed modifications are to the approved alterations and additions to an existing dwelling. The proposed development is permissible within the R1 General Residential zone.



**Figure 4** Manly Environmental Plan 2013

### 4.2 State Environmental Planning Controls

#### 4.2.1 State Environmental Planning Policy 55 – Remediation of Land

There have been no uses on the site which would give cause for concern of contamination. The suitability of the site for excavation has previously been approved. Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

#### 4.2.2 State Environmental Planning Policy (Building Sustainability Index) 2004

The proposed modifications do not alter the approved components of the dwelling and as such previously approved BASIX commitments are unaffected by the proposal and a new BASIX certificate is not required.

## 4.3 Manly Local Environmental Plan 2013

Manly Local Environmental Plan 2013 (MLEP2013) is the primary planning instrument applicable to the subject site. The site is zoned R1 General Residential zone under the MLEP 2013 which permits dwelling house developments with consent.

The following table provides applicable clauses from the MLEP 2013.

**Table 2** Manly Local Environmental Plan 2013 Applicable Controls.

MLEP2013 Relevant Controls	Response	Compliant
<p><b>Clause 1.2 Aims of Plan</b></p> <p>(2) The particular aims of this Plan are as follows:</p> <p>(a) in relation to all land in Manly:</p> <p>(i) to promote a high standard of urban design that responds to the existing or desired future character of areas, and</p> <p>(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</p> <p>(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</p> <p>(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,</p> <p>(b) in relation to residential development:</p> <p>(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</p> <p>(ii) to ensure high quality landscaped areas in the residential environment, and</p> <p>(iii) to encourage higher density residential development to be located close to major transport nodes, services and employment opportunities, and</p> <p>(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,</p> <p>(c) in relation to business and the economy:</p> <p>(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</p> <p>(ii) to recognise that tourism is a major industry and employer in Manly and to encourage its</p>	<p>The proposed modifications would not contravene the aims of the Manly LEP.</p>	<p>Yes</p>

MLEP2013 Relevant Controls	Response	Compliant
<p>growth and continuing viability while protecting the needs of the local community,</p> <p>(d) in relation to transport, infrastructure and amenities:</p> <p>(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</p> <p>(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,</p> <p>(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,</p> <p>(f) in relation to the natural environment:</p> <p>(i) to conserve and enhance terrestrial, aquatic and riparian habitats, biodiversity, wildlife habitat corridors, remnant indigenous vegetation, geodiversity and natural watercourses, and</p> <p>(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</p> <p>(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</p> <p>(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</p> <p>(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</p> <p>(vi) to give priority to retaining bushland for its own intrinsic value and as a recreational, educational and scientific resource,</p>		

MLEP2013 Relevant Controls	Response	Compliant
<p>(g) in relation to Manly's unique harbour, coastal lagoon and ocean beach setting:</p> <p>(i) to preserve and enhance the amenity of public places and areas visible from navigable water around Manly, and</p> <p>(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.</p>		
<p><b>Zone R1 – General Residential Objectives</b></p> <ul style="list-style-type: none"> <li>• To provide for the housing needs of the community.</li> <li>• To provide for a variety of housing types and densities.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	<p>The proposed modifications do not contravene the objectives of the R1 zone.</p>	<p>Yes</p>
<p><b>4.3 Height of buildings</b></p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the <u>Height of Buildings Map</u>.</p>	<p>The Height of Buildings Map lists the maximum height of buildings for the site as 8.5m.</p> <p>The proposed modifications do not seek any change to the approved dwelling height. Addition building elements – carport and pergola comply with the height control.</p>	<p>Yes</p>
<p><b>4.4 Floor space ratio</b></p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the <u>Floor Space Ratio Map</u>.</p>	<p>The FSR map lists the maximum FSR for the site as 0.6:1.</p> <p>The proposed modifications do not seek any change to the approved GFA on the site.</p>	<p>No change</p>
<p><b>5.10 Heritage conservation</b></p> <p>(2) Requirement for consent</p> <p>Development consent is required for any of the following:</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(e) erecting a building on land:</p>	<p>The subject site is not listed as a heritage item and is not located within a heritage conservation area. This heritage clause does not apply to the proposed development.</p>	<p>N/A</p>



MLEP2013 Relevant Controls	Response	Compliant
<p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(f) subdividing land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>		
<p><b>6.1 Acid Sulfate Soils</b></p> <p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the <u>Acid Sulfate Soils Map</u> as being of the class specified for those works.</p>	<p>The site is identified as containing Class 5 ASS – no additional excavation is proposed as part of the modification application.</p>	<p>Yes</p>
<p><b>6.2 Earthworks</b></p> <p>(2) Development consent is required for earthworks unless:</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</p>	<p>Minor earthworks are proposed within the front setback to accommodate the proposed water feature.</p>	<p>Yes</p>
<p><b>6.3 Flood Planning</b></p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p> <p>(2) This clause applies to land at or below the flood planning level.</p>	<p>N/A – The subject site is not identified as being at or below the flood planning level.</p>	<p>N/A</p>
<p><b>6.4 Stormwater Management</b></p> <p>(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.</p> <p>(2) This clause applies to all land in residential, business, industrial and environmental protection zones.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies</p>	<p>Stormwater from the modified development will be diverted into existing stormwater infrastructure and managed in accordance with the approved stormwater plan.</p>	<p>Yes</p>

<b>MLEP2013 Relevant Controls</b>	<b>Response</b>	<b>Compliant</b>
<p>unless the consent authority is satisfied that the development:</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.</p>		
<p><b>6.5 Terrestrial Biodiversity</b></p> <p>(2) This clause applies to land identified as "Biodiversity" on the Terrestrial Biodiversity Map.</p>	N/A – The subject site is not identified as "Biodiversity" on the Terrestrial Biodiversity Map.	N/A
<p><b>6.6 Riparian Land and Watercourses</b></p> <p>2) This clause applies to all of the following:</p> <p>(a) land identified as "Watercourse" on the Watercourse Map,</p> <p>(b) all land that is within 40 metres of the top of the bank of each watercourse on land identified as "Watercourse" on that map.</p>	N/A – The subject site is not identified as "Watercourse" on the Watercourse Map or located within 40 metres of the top of the bank of each watercourse on land identified as "Watercourse" on that map.	N/A
<p><b>6.7 Wetlands</b></p> <p>(2) This clause applies to land identified as "Wetland" on the Wetlands Map.</p>	N/A – The subject site is not identified as "Wetland" on the Wetlands Map.	N/A
<p><b>6.8 Landslide Risk</b></p> <p>(2) This clause applies to land identified as "Landslide risk" on the Landslide Risk Map.</p>	N/A – The subject site is not identified as "Landslide risk" on the Landslide Risk Map.	N/A
<p><b>6.9 Foreshore Scenic Protection Area</b></p> <p>(2) This clause applies to land that is shown as "Foreshore Scenic Protection Area" on the Foreshore Scenic Protection Area Map.</p>	N/A – The subject site is not identified as land that is shown as "Foreshore Scenic Protection Area" on the Foreshore Scenic Protection Area Map.	N/A

## 4.4 Manly Development Control Plan 2013

The Manly Development Control Plan (MDCP 2013) is used to provide comprehensive planning and design guidelines for development in the council area. Relevant clauses for the modified development are outlined in the table below.

**Table 3** Manly Development Control Plan 2013 Applicable Controls

MDCP2013 Relevant Controls	Response	Compliant
<b>Part 3 – General Principles of Development</b>		
<b>3.1 Streetscapes and Townscapes</b>		
<p><b>3.1.1.1 Complementary Design and Visual Improvement</b></p> <p>a) Development in the streetscape (including buildings, fences and landscaping) should be designed to:</p> <p>i) complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;</p> <p>ii) ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 <i>Amenity</i>) when viewed from surrounding public and private land;</p> <p>iii) maintain building heights at a compatible scale with adjacent development particularly at the street <i>frontage</i> 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;</p> <p>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 <i>Development on Sloping Sites</i> and paragraph 4.1.9 <i>Swimming Pools, Spas and Water Features</i>;</p> <p>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 <i>Heritage Considerations</i>;</p> <p>vi) visually improve existing streetscapes through innovative design solutions; and</p> <p>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 <i>Building Construction and Design</i>.</p>	<p>The development as modified retains its existing character and presentation to Fairlight Street, noting the proposed carport has been designed in a form that does not dominate the dwelling, rather the pitched roof and open structure is submissive in scale to the dwelling on the site.</p> <p>The bulk and scale of the carport does not detract from the existing dwelling and dwellings located within visual catchment of the site.</p> <p>The modifications do not result in a change to the approved dwelling height.</p> <p>The dwelling retains its existing building height at the Fairlight Street frontage, noting the additional roof elements are located at the rear of the side roof planes.</p> <p>Proposed materials and finishes are identified on plans submitted with the development application. The modifications will be finished in a variety of materials and finishes that are consistent with that originally approved.</p> <p>Proposed modified landscaping will create visual interest to the streetscape.</p>	Yes
<p><b>3.1.1.3 Roofs and Dormer Windows</b></p> <p>a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.</p> <p>b) Roofs should be designed to avoid or minimise view loss and reflectivity.</p> <p>c) Dormer windows and windows in the roof must be designed and placed to complement the roof structure and reflect the character of the building. In particular, such windows are not permitted on the street frontage of the building where there is no precedent in the streetscape, especially on adjoining dwellings.</p>	<p>The proposed roof form of the carport is consistent with that of the principle form of the existing dwelling and is consistent with the originally approved development.</p>	Yes
<b>3.3 Landscaping</b>		

<b>MDCP2013 Relevant Controls</b>	<b>Response</b>	<b>Compliant</b>
<b>3.3.1 Landscaping Design</b> 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.	The modified landscaping is suitable for the site and will result in an improved landscape outcome within the front setback compared to the original approval through the deletion of the approved swimming pool.	Yes
<b>3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)</b>		
<b>3.4.1 Sunlight Access and Overshadowing</b>		
<b>3.4.1.1 Overshadowing Adjoining Open Space</b> 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.	The modified development will not result in any additional overshadowing with the additional building elements – carport and pergola being single storey.	Yes
<b>3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties</b> 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 <u>solar access</u> 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) or 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.	Shadow diagrams submitted with the application, indicate that the proposed shadows cast will not result in the neighbouring buildings' living rooms receiving less than the required solar access.	Yes
<b>3.4.1.3 Overshadowing Solar Collector Systems</b>	Neighbouring properties do not contain solar collectors on roofs.	N/A

<b>MDCP2013 Relevant Controls</b>	<b>Response</b>	<b>Compliant</b>
A minimum of 6 hours solar access be retained to solar collectors on neighbouring properties.		
<b>3.4.1.4 Overshadowing Clothes Drying Areas</b> A minimum of 6 hours solar access be retained to a suitable clothes drying area.	Clothes drying areas on the site will still receive adequate sunlight.	Yes
<b>3.4.1.5 Excessive Glare or Reflectivity Nuisance</b> All external material and finishes incorporated into the development must consider and mitigate any excessive glare or reflectivity nuisance.	Materials and finishes are identified on plans submitted with the modification application. Materials and finishes have been carefully selected to ensure they do not generate any excessive glare or reflectivity nuisance.	Yes
<b>3.4.2 Privacy and Security</b>		
<b>3.4.2.1 Window Design and Orientation</b> 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.	The proposed modifications do not propose any new windows.	Yes
<b>3.4.2.3 Acoustical Privacy (Noise Nuisance)</b> a) Consideration must be given to the protection of acoustical privacy in the design and management of development.  b) Proposed development and activities likely to generate noise including certain outdoor living areas like communal areas in Boarding Houses, outdoor open space, driveways, plant equipment including pool pumps and the like should be located in a manner which considers the acoustical privacy of neighbours including neighbouring bedrooms and living areas.	a) The proposed deletion of the swimming pool previously approved presents a reduced acoustic impact upon adjoining properties.  b) The modified front setback layout – seating area and deleted swimming pool will not generate any unreasonable acoustic impacts and is an improved outcome with respect to potential noise generation from the front yard of the site.	Yes
<b>3.4.3 Maintenance of Views</b> 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.	The proposed modifications will not result in any significant loss of views or outlook from the adjoining properties.	Yes

<b>MDCP2013 Relevant Controls</b>	<b>Response</b>	<b>Compliant</b>
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.		
<b>3.4.4 Other Nuisance (Odour, Fumes ect)</b> Consideration must be given to the protection and maintenance of public health and amenity in relation to any proposed development that involves the emission of odours to ensure compliance with legislation, for example food premises near residential accommodation. Council may require a report to be prepared by an air pollution consultant specifying odour control and other air impurity control methods.	The proposed development will not result in the emission of odours.	Yes
<b>3.5 Sustainability</b>		
<b>3.5.1 Solar Access</b>		
<b>3.5.1.1 Building Form, Design and Orientation</b> The building and site layout is to maximise northern orientation to optimise solar access. Achieving passive solar energy efficiency is an important consideration in design, but it must be balanced with responding to desired streetscape character; promoting amenity for both the proposed development and neighbouring properties (including views, overshadowing and noise considerations), retaining trees and responding to topography.	N/A – no change to dwelling layout as approved.	Yes
<b>3.5.3 Ventilation</b>		
<b>3.5.3.1 Building Design and Orientation to prevailing wind</b> a) Buildings are to be orientated to benefit from cooling summer breezes (generally easterly/north easterly in Manly) where possible. b) Buildings are to provide for cross ventilation by locating windows and openings in line with both each other and the prevailing breezes.	The existing dwelling orientation is retained.	Yes
<b>3.5.3.1 Building Design and Orientation to Prevailing Wind</b> a) Buildings are to be orientated to benefit from cooling summer breezes (generally easterly/north easterly in Manly) where possible. b) Buildings are to provide for cross ventilation by locating windows and openings in line with both each other and the prevailing breezes.	N/A	N/A

<b>MDCP2013 Relevant Controls</b>	<b>Response</b>	<b>Compliant</b>
<b>3.5.3.2 Location and Area of Openings</b> a) The area of unobstructed window opening should be equal to at least 5 percent of the floor area served. b) Locate windows and openings in line with each other, and with the prevailing breezes to assist ventilation so that air can pass through a building from one side to the other, replacing warm inside air with cooler outside air. c) Consider the use of solar or naturally activated exhaust fans to ventilate external walls. This also keeps living areas cool in summer and dry in winter. d) Rooms in residential flat buildings which access exposed balconies are to include a separate opening window as well as a door.	N/A.	N/A
<b>3.5.7.1 Environmentally Sound Building Materials</b> a) Where possible, reuse existing site materials and materials that have a low embodied energy. That is, materials that have the least impact on the environment in production. b) Building materials should be selected to increase the energy efficiency of the building and to minimise damage to the environment. In particular, the use of plantation and recycled timber is encouraged and no rainforest timbers or timbers cut from old growth forests are to be used in Manly. Building Specification for timber should specify plantation or regrowth timbers, or timbers grown on Australian farms or State Forest plantations, or recycled timbers. Recommended building timbers are located at Schedule 8 of this plan.	A schedule of building materials and finishes is submitted with the modification application. Building materials have been carefully selected to increase the energy efficiency of the building, and to minimise damage to the environment.	Yes
<b>3.5.7.2 Thermal mass</b> a) For the construction of buildings, use materials that have a good thermal mass, such as bricks, concrete and stone. These materials should be used where they can benefit the thermal comfort and energy efficiency of a dwelling.	A modified schedule of building materials and finishes is submitted with the application. Materials that have a good thermal mass have been selected.	Yes
<b>3.5.7.3 Glazing</b> a) Clerestory windows and skylights: Where sun penetration is required to the southern parts of the house, glass roofs, skylights, or clerestory windows can be used. However, they must be shaded in summer to reduce excessive heat gain.	The proposal does not include any new windows.	Yes
<b>3.5.7.4 Insulation</b> a) In winter, draughts can cause a heat loss of around 20 percent in homes with insulated ceilings. In summer, hot air leaking into a building can be uncomfortable. To reduce heat loss/gain from a building, provide adequate draught excluders or weather-stripping to all windows and doors. b) To reduce heat loss in winter and heat gain in summer, fit internal close fitting curtains with pelmet.	N/A.	N/A




<b>MDCP2013 Relevant Controls</b>	<b>Response</b>	<b>Compliant</b>
<p>c) Lighter colours are preferred for wall and roof materials. Dark walls and roofs absorb heat, light walls and roofs reflect heat. This phenomenon is particularly important in summer where solar radiation is absorbed by the roof and walls, heating the building.</p> <p>d) Pipes and storage tanks should be insulated for hot water systems.</p>		
<b>3.6 Accessibility</b>	The proposal retains the existing side pedestrian entrance and vehicular access paths of travel to the dwelling house.	N/A
<p><b>3.7 Stormwater Management</b></p> <p>The following consideration and requirements apply to the management of stormwater:</p> <p>a) In support of the purposes of LEP clause 6.4(3), all developments must comply with the Council's 'Stormwater Control Policy' (see Council Policy Reference S190). The standards to achieve the controls contained in the Stormwater Control Policy are provided in Council's "Specification for On-site Stormwater Management 2003" and "Specification for Stormwater Drainage". Stormwater management measures are to be implemented and maintained in accordance with the Specification for Stormwater Management;</p> <p>b) Stormwater disposal systems must provide for natural drainage flows to be maintained;</p> <p>c) Pervious surfaces and paving will be used for driveways, pathways and courtyards where practical;</p> <p>d) Notwithstanding the prevailing BASIX water conservation targets, the collection of rainwater/run-off for non-potable uses exceeding the target is encouraged; and</p> <p>e) A qualified drainage/hydraulic engineer will design all stormwater controls, devices and water storage systems; and</p>	Stormwater from the modified development – carport will be diverted into existing stormwater infrastructure and managed as existing. Please refer to Stormwater Plans submitted with the Application.	Yes
<p><b>3.8 Waste Management</b></p> <p>All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.</p>	A Waste Management Plan is submitted with the modification application.	Yes
<b>3.9 Mechanical Plans and Equipment</b>		
<p><b>3.9.3 Noise from Mechanical Plant</b></p> <p>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.</p>	The proposal does not include mechanical plant as the approved swimming pool has been deleted from the proposal.	Yes



MDCP2013 Relevant Controls	Response	Compliant
<b>3.10 Safety and Security</b>		
<b>3.10.1 Safety</b> a) Vehicular Access is to be designed and located to achieve safety by: i) locating car park entry and access on secondary streets or lands where available;  ii) minimising the number and width of vehicle access points;  iii) providing clear sight lines at pedestrian and vehicular crossings; and  iv) separating pedestrian and vehicular access. This separation is to be distinguishable and design solutions in this regard may include changes in surface materials, level changes and use of landscaping for separation.	No change is proposed to existing vehicular access to the site with the proposed carport located above an existing at-grade space on the site	N/A
<b>3.10.2 Security (Casual Surveillance)</b> In order to promote safety and security, all development is to be designed to maximise opportunities for passive surveillance of public and communal areas by: a) orientating some rooms to the street;  b) providing sight lines to the street frontage from the window(s) of at least one habitable room unobscured by trees or any other object;  c) ensuring the design of fences, walls and landscaping minimise opportunities for concealment and encourage social interaction; and  d) preferring double glazing on windows in areas of high street noise rather than the high fences or walls as a sound attenuation measure.	The proposed modifications do not contravene the CPTED principles. The modified front fence is of sufficient height to maintain a level of passive surveillance while creating some privacy and usability of the front courtyard area.	Yes
<b>Part 4 Development Controls and Development Types</b>		
<b>4.1 Residential Development Controls</b>		
<b>4.1.2 Height of Buildings</b>		
<b>4.1.2.1 Wall Height</b> 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	No change is proposed to the approved dwelling form.	N/A

MDCP2013 Relevant Controls	Response	Compliant														
<p>the slope of the land increases up to a gradient of 1 in 4, at which point the permitted maximum wall height is capped according to Figure 26.</p> <p><i>Figure 26 - Wall Height in relation to the LEP Height of Buildings Map</i></p> <table><tr><th>Subzones on the LEP Height of Buildings (HoB) Map *</th><th>Maximum Wall Height on flat land (no gradient)</th><th>Maximum Wall Height on land with a site gradient less than 1:4</th><th>Maximum Wall Height on land with a site gradient of 1:4 or steeper</th></tr><tr><td>Area 'L' on HoB Map (11m)</td><td>9m</td><td rowspan="3">See Figure 28 - Maximum Wall Height Determined by the Slope.</td><td>10.5m</td></tr><tr><td>Area 'N1' on HoB Map (13m)</td><td>12m</td><td>12m</td></tr><tr><td>All other areas on HoB map</td><td>6.5m</td><td>8m</td></tr></table> <p>* <b>Note:</b> Council's Wall Height control applies to the subzones within LEP Zones R1, R2, R3, E3 and E4.</p>	Subzones on the LEP Height of Buildings (HoB) Map *	Maximum Wall Height on flat land (no gradient)	Maximum Wall Height on land with a site gradient less than 1:4	Maximum Wall Height on land with a site gradient of 1:4 or steeper	Area 'L' on HoB Map (11m)	9m	See Figure 28 - Maximum Wall Height Determined by the Slope.	10.5m	Area 'N1' on HoB Map (13m)	12m	12m	All other areas on HoB map	6.5m	8m		
Subzones on the LEP Height of Buildings (HoB) Map *	Maximum Wall Height on flat land (no gradient)	Maximum Wall Height on land with a site gradient less than 1:4	Maximum Wall Height on land with a site gradient of 1:4 or steeper													
Area 'L' on HoB Map (11m)	9m	See Figure 28 - Maximum Wall Height Determined by the Slope.	10.5m													
Area 'N1' on HoB Map (13m)	12m		12m													
All other areas on HoB map	6.5m		8m													
<p><b>4.1.2 Number of Storeys</b></p> <p>a) Buildings must not exceed 2 storeys, except on land in areas 'L' and 'N1' on the LEP Height of Building Map and notwithstanding the wall and roof height controls in this plan.</p> <p>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.</p> <p>c) Variation to the maximum number of storeys may be considered:</p> <p>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</p> <p>ii) to allow an additional understorey where that storey satisfies the meaning of basements in the LEP.</p>	<p>No change is proposed to the approved dwelling form.</p>	<p>N/A</p>														
<p><b>4.1.2.3 Roof Height</b></p> <p>a) Pitched roof structures must be no higher than 2.5m above the actual wall height, calculated in accordance with Figure 29.</p> <p>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.</p> <p>c) The maximum roof pitch must be generally no steeper than 35 degrees. A roof with a steeper pitch will be calculated as part of the wall height. In this regard the wall height controls at paragraph 4.1.2.1 of this plan will apply to the combined wall height and the height of the roof steeper than 35 degrees.</p>	<p>No change is proposed to the approved dwelling form.</p>	<p>Yes</p>														

MDCP2013 Relevant Controls	Response	Compliant				
4.1.3 Floor Space Ratio						
<div>4.1.3.1 Exceptions to FSR for Undersized Lots</div> <div>a) The extent of any exception to the LEP FSR development standard pursuant to LEP clause 4.6 in this plan is to be no greater than the achievable FSR for the lot size indicated in Figure 30 - Extent of FSR Variation for Undersized Lots.</div> <table><tr><td>Subzones on the LEP Lot Size (LSZ) Map</td><td>Max. Variation to FSR for undersized lots</td></tr><tr><td>Area 'C' on the LEP LSZ map</td><td>Calculation of FSR based on 250 sqm lot size/ site area</td></tr></table>	Subzones on the LEP Lot Size (LSZ) Map	Max. Variation to FSR for undersized lots	Area 'C' on the LEP LSZ map	Calculation of FSR based on 250 sqm lot size/ site area	<div>The modified proposal does not seek any change to the approved GFA of the dwelling.</div>	<div>N/A.</div>
Subzones on the LEP Lot Size (LSZ) Map	Max. Variation to FSR for undersized lots					
Area 'C' on the LEP LSZ map	Calculation of FSR based on 250 sqm lot size/ site area					
4.1.4 Setbacks and Building Separation						
<div>4.1.4.1 Street Front Setbacks</div> <div>a) Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.</div> <div>b) Where the street front building lines of neighbouring properties are 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 generally applies. This street setback may also need to be set further back for all or part of the front building <u>façade</u> to retain significant trees and to maintain and enhance the streetscape.</div> <div>c) Where the streetscape character is predominantly single storey building at the street frontage, the street setback is to be increased for any proposed upper floor level. See also paragraph 4.1.7.1.</div> <div>d) 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.</div>	<div>The modification application does not include any changes to the approved building setbacks.</div> <div>The location of the proposed carport on the site has a 0.4m setback to the street and notwithstanding the proposed variation to the street front setback control is consistent with the objectives of the control as follows:</div> <div>- The proposed carport will not impact upon the desired spatial proportions of the site and will be consistent with the streetscape which includes other carports within the front setback as depicted below:</div> <div></div> <div>- The location of the carport is consistent with other examples in the street and therefore characteristic of the established pattern of development in the street.</div> <div>- The proposal would allow for a covered car space on the site.</div> <div>- The proposal will not impact upon natural features.</div>	<div>As existing</div> <div>Acceptable on merit</div>				

MDCP2013 Relevant Controls	Response	Compliant
<p><b>4.1.4.2 Side Setbacks and Secondary Street Frontages</b></p> <p>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.</p> <p>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.</p> <p>c) All new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries;</p> <p>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.</p> <p>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.</p>	<p>No change is proposed to the approved side setbacks on the site.</p> <p>Carport side setback – 0.2m</p> <p>The proposed setback of the carport is considered acceptable noting the context of the site. Double width driveways directly adjoin the eastern and western boundaries of the site. Therefore, the proposed side setback is considered to be acceptable due to the separation between neighbouring properties and is consistent with the objectives of the control as follows:</p> <ul style="list-style-type: none"> <li>- The proposed carport is consistent with the streetscape which includes other examples of open structures with a nil front and side setback.</li> <li>- The carport is an open structure and will not unreasonably impact upon solar access and views of adjoining properties.</li> </ul>	<p>As existing</p> <p>Variation acceptable</p>
<p><b>4.1.4.4 Rear Setbacks</b></p> <p>a) The distance between any part of a building and the rear boundary must not be less than 8m.</p> <p>b) Rear setbacks must allow space for planting of vegetation, including trees, other landscape works and private and/or common open space. The character of existing natural vegetated settings is to be maintained. See also paragraph 3.3 Landscaping.</p> <p>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.</p> <p>d) Rear setbacks must relate to the prevailing pattern of setbacks in the immediate vicinity to minimise overshadowing, visual privacy and view loss.</p>	<p>The proposed pergola structure within the rear yard is an open structure and will not restrict the provision of landscaping or vegetation in the rear yard.</p>	<p>Yes</p>

MDCP2013 Relevant Controls				Response	Compliant
<b>4.1.5 Open Space and Landscaping</b> 4.1.5.1 Minimum Residential Total Open Space Requirements a) Open Space must be provided on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground.				The proposed modification results in a minor increase in open space on the site from 41.64% to 40.1%.  The proposed modifications are an improved outcome for the site with respect to landscaping and open space by replacing the approved swimming pool with a water feature and landscaped area – grass and as such the modified development is acceptable with respect to the provisions of Clause 4.1.5 of the DCP. The modification meets the objections of this clause based on the following assessment:  - The modifications will not result in the removal of any significant vegetation and provides adequate landscaped area on the site as required by the DCP.  - The modification will achieve the required landscaped area.  -The modification will enhance the amenity of the residents of the site with an improved front courtyard space	No, but justified   

MDCP2013 Relevant Controls	Response	Compliant
<b>4.1.7 First Floor and Roof Additions</b>		
<p><b>4.1.7.2 Habitable Rooms in the Roof Structure</b></p> <p>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. <b>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;</b> (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.</p> <p>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.</p>	No change is proposed to the approved attic addition.	No change.
<b>4.1.9.2 Pools Location and Setbacks</b>		
<p>1. a) Swimming pools and spas must not be located within the front setback i.e. between the front boundary of the lot and the building line. Consideration of any exception to the required location must demonstrate that any swimming pools and/or spa and their curtilage and/or concourse:</p> <ul style="list-style-type: none"> <li>i) does not detract from the amenity or character of the neighbourhood; and</li> <li>ii) is a minimum distance from the front boundary equivalent to at least twice the height of the swimming pools and/or spa and their curtilage and/or concourse at any point above existing ground level.</li> </ul> <p>c) The setback of the outer edge of the pool/spa concourse from the side and rear boundaries must be at least 1m, with the water line being at least 1.5m from the boundary.</p>	The modified development has deleted the previously approved swimming pool.	N/A

## 5 Environmental Effects

Under the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development subject of the development application.

**Table 4** Section 4.15(1) Provisions to consider

<b>EPA Act 1979 - Section 4.15(1)</b>	
<b>a) The Provisions of</b>	
	Response
i) any environmental planning instrument	The key relevant planning instrument is the Manly Local Environmental Plan 2013. The proposal supports the aims of the LEP and is in accordance with all other relevant provisions of the documents, as discussed in section 4. The proposal has been assessed against all the relevant planning instruments and complies.
ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	There is no draft planning instrument
iii) any development control plan	The proposal has been assessed against the relevant development control plans, as outlined in section 4.
iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	There is no planning agreement.
iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	There are no relevant matters prescribed by the regulations.
v) (Repealed)	N/A

The environmental impacts of the proposal have been considered throughout this SEE. The table below provides a summary of the assessment of potential impacts considered within Section 4.15(1)(b) of the EPA Act 1979.

**Table 5** Response to Potential Environmental Impacts

Potential Impacts	Response
<i>Context and Setting</i>	The proposed modifications including a new carport structure and deletion of the approved pool will remain consistent with the streetscape which includes examples of carports within the front setback directly opposite the street.
<i>Access, Transport and Traffic</i>	The proposal would not result in any significant adverse parking or traffic impacts, and will rather improve the parking on the site by providing weather protection above an existing car space at-grade on the site.
<i>Public Domain</i>	The proposal does not detract from the public domain.
<i>Utilities</i>	Utilities will be provided as required.
<i>Heritage</i>	The subject site is not a heritage item or located within a heritage conservation area, nor is the site is not located within the vicinity of a heritage item or heritage conservation area.
<i>Other Land Resources</i>	No other land resources will be impacted by the proposal.
<i>Water Quality</i>	Not impacted
<i>Air and Microclimate</i>	The air and microclimate will be maintained as a result of this proposal.
<i>Ecological</i>	The proposal will not impact any existing ecological areas in the vicinity of the site.
<i>Waste</i>	An approved contractor will dispose of all construction waste. Waste Management will occur on site as approved.
<i>Energy</i>	An amended BASIX certificate is submitted with the application detailing energy saving measures.
<i>Noise and Vibration</i>	All construction activities will take place in accordance with the hours of operation stipulated in any consent to ensure the neighbourhood amenity is maintained.
<i>Natural Hazards</i>	The subject site is not identified as being subject to any natural hazards.
<i>Technological Hazards</i>	All installations at this facility will be best practice and comply with relevant Australian Standards.
<i>Safety, Security and Crime Prevention</i>	The proposal will not result in any safety or security issues.
<i>Social Impact in Locality</i>	The proposal will not have an adverse social impact



Potential Impacts	Response
<i>Economic Impact in Locality</i>	The proposal will positively impact the locality during the construction phase by offering potential employment to trades people.
<i>Site Design and Internal Design</i>	The modified development including changes to the external areas on the site results in an improved layout with an improved front courtyard area with more landscaping – grass within the front setback proposed.
<i>Construction</i>	No off-site impacts will result from the very minor construction activities on the site.
<i>Cumulative Impacts</i>	No cumulative impacts are expected from this proposal.

## 6 Conclusion

The proposed modification to the subject premises has been assessed against the provisions of the Manly LEP 2013 and Manly DCP 2013 and is consistent with the overall aims and objectives of the plans. The development is suitable for the following reasons:

- The proposed modifications are largely consistent with the approved alterations and additions on the site.
- The proposal will not result in any changes to the external built form of the dwelling on the site as originally approved.
- The proposed deletion of swimming pool will allow for an improved front courtyard area with larger natural grass area and rearranged seating
- The modified development includes a carport providing weather protection above the existing at-grade car space on the subject site.
- The proposal will not result in any external impacts with regard to amenity, external built form, parking and access, or security.