

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF A NEW DWELLING TO PROVIDE FOR A
DETACHED DUAL OCCUPANCY & SWIMMING POOL**

LOCATED AT

15 ALTO AVENUE, SEAFORTH

FOR

MR M DEERAN

**Prepared
March 2020**

TABLE OF CONTENTS

1.0	Introduction	3
2.0	Property Description	4
3.0	Site Description	4
4.0	Surrounding Environment	7
5.0	Proposed Development	8
6.0	Zoning and Development Controls	10
6.1	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	10
6.2	State Environmental Planning Policy (Coastal Management) 2018	10
6.3	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	10
6.4	Manly Local Environmental Plan 2013	11
6.5	Manly Development Control Plan 2013	13
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979	22
7.1	The provisions of any environmental planning instrument	22
7.2	Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority	22
7.3	Any development control plan	22
7.4	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	23
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), .	23
7.6	The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.	23
7.7	The suitability of the site for the development	23
7.8	Submissions made in accordance with this Act or the regulations	23
7.9	The public interest	24
8.0	Conclusion	24

1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Classic Country Cottages on behalf of Mr M. Deeran, comprising Job No CCF155, Drawings No. 1 – 16, variously dated and revised February 2020, to detail the proposed construction of a new dwelling and swimming pool to provide for a detached dual occupancy at **15 Alto Avenue, Seaforth**.

Development Application No. 2019/0344 for subdivision of one lot into two lots and associated infrastructure was refused by Council on 3 August 2019.

This proposal is to form **Stage 1** of a three stage project which will seek consent for the following defines stages of work:

Stage 1	Construction of a new dwelling as a detached dual occupancy (subject application)
Stage 2	Demolition of the existing single dwelling facing Prince Edward Road (separate application)
Stage 3	Subdivision of the existing allotment (Lot 130 within DP 1162) into two allotments

To address the concerns raised by Council's Stormwater Engineer in the assessment of DA 2019/0344, a Flood Study Report has been prepared by Waterdesign Civil Engineers, Job No. 2018-053, dated 6 March 2020. The proposed development is located clear of Council's pipeline, and the works will be carried out in accordance with the recommendations of the consulting Flood Engineer.

Furthermore, Council had raised concern with regard to the rear setback of the existing dwelling to occur as a result of the proposed subdivision. The current proposal seeks to provide for a proposed new dwelling only, with Torrens title subdivision sought under a separate application, lodged in conjunction with the subject proposal.

Demolition of the existing dwelling is sought under a separate development application. Any future development application for the construction of a dwelling on the eastern lot will be subject to a separate assessment by Council.

This Statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, (as amended) including:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*

2.0 Property Description

The subject allotment is described as **15 Alto Avenue, Seaforth**, being Lot 130 within Deposited Plan 11162 and is zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013.

The dwelling is not listed as a heritage item within Schedule 5 of the Manly Local Environmental Plan 2013 and is not noted as being within a Conservation Area.

The western portion of the site is burdened with Council's stormwater conduit. Accordingly, a Flood Study Report has been prepared by Waterdesign Civil Engineers, Job No. 2018-053, dated 6 March 2020.

The site is identified as G4 on Council's DCP Map of Geotechnical Hazards. This matter will be discussed further within this statement.

No other hazards have been identified.

3.0 Site Description

The site is located on the eastern side of Alto Avenue, with a rear, secondary eastern frontage to Prince Edward Road.

The irregular shaped allotment has a primary frontage of 15.24m to Alto Avenue and south-eastern and north-western boundaries measuring 63.56m and 73.45m respectively. The secondary frontage to Prince Edward Road measures 19.4m. The total site area is 1037m².

The site has a general fall to the south-east. Stormwater from the roof areas of the new dwelling will be directed to Prince Edward Road via a new stormwater line as detailed in the Stormwater Management Plan prepared by Waterdesign Civil Engineers, Job No 2018-053 dated 28 March 2019.

The new stormwater drainage line will be covered by an interallotment drainage easement in the future application to subdivide the land, (Stage 3).

The site is currently occupied by a single storey metal clad dwelling with a tile roof. The existing dwelling will be demolished in the future (Stage 2) to allow for the future subdivision of the land (Stage 3).

Vehicular access is currently available via a concrete driveway from Alto Avenue to an existing detached single carport.

The details of the site are included on the survey plan prepared by Survey Plus, Reference No. 16123_DET_1A, dated 30 March 2017, which accompanies the DA submission.

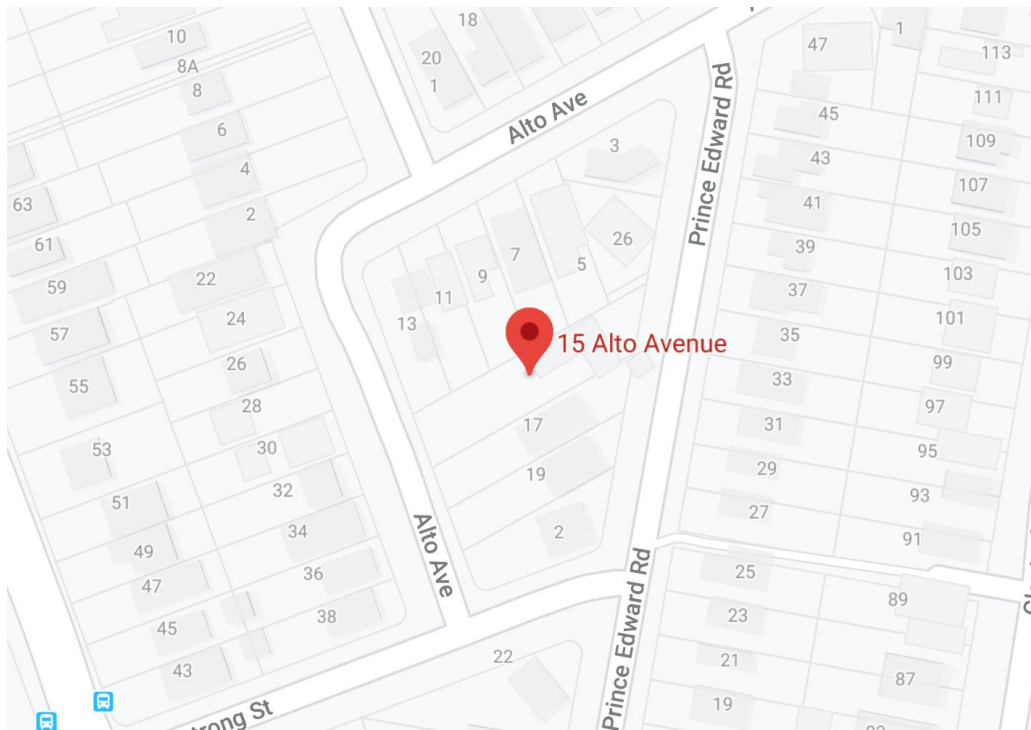


Fig 1: Location sketch
(Source: Google Maps)



Fig 2: View of subject site, looking north-west from Prince Edward Road



Fig's 3 & 4: Views of existing site and current driveway access from Alto Avenue, looking east

4.0 Surrounding Environment

The general vicinity of the site is characterised by a mix of residential dwellings of generally one or two storeys and of a variety of architectural styles. The varying age of development in the area has resulted in a mix of materials and finishes, with the development in the area generally presenting a consistent setback to the public domain.

The area surrounding the site is predominantly represented by a mix of development comprising one and two storey detached dwellings.

The adjoining developments to the north and south are detached dwellings. The site and surrounding sites to the south are larger lots.

The dwellings in the vicinity have enjoy local views towards Alto Avenue and Prince Edward Road.

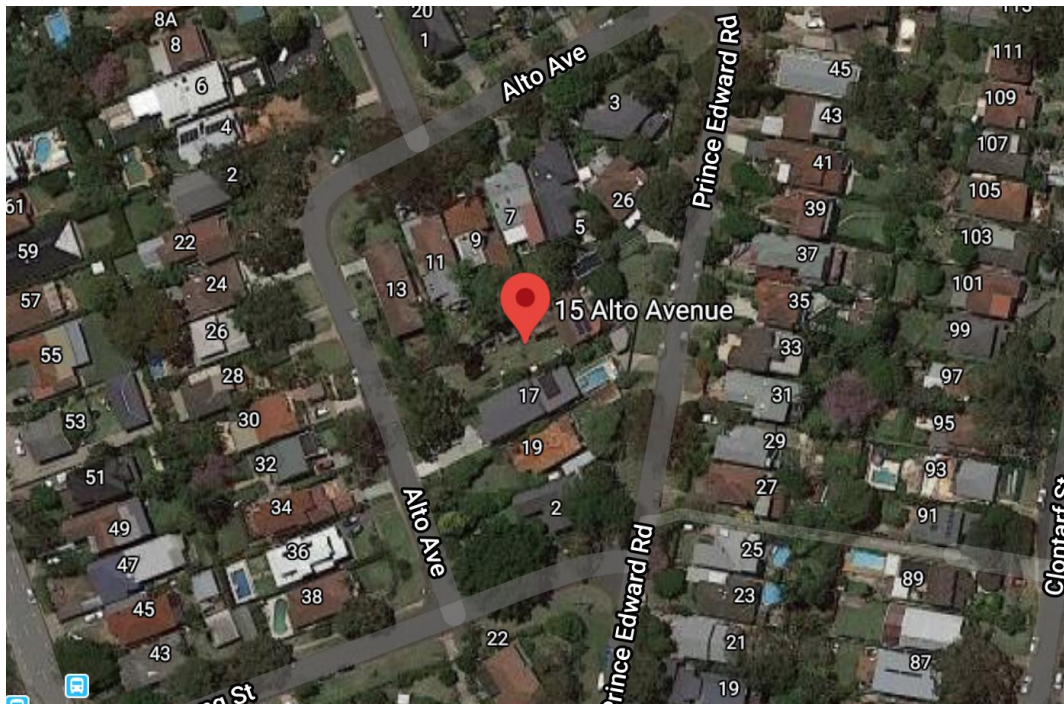


Fig 5: Aerial view of subject site
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks approval for the construction of a new dwelling to provide for a detached dual occupancy. A new swimming pool is proposed to support the new dwelling.

The subject proposal is part of a 3-stage process, comprising the following:

- **Stage 1:** Construction of a new dwelling to provide for a detached dual occupancy development
- **Stage 2:** Demolition of existing dwelling
- **Stage 3:** Torrens title subdivision of existing lot into two lots

The proposed new dwelling will comprise the following:

Ground Floor

- Proposed new ground floor level to provide for new front deck, entry, guest room with ensuite, bridge, living, laundry, powder, open plan lounge, dining and kitchen, rear deck and external steps

First Floor

- Proposed new first floor level to provide for four bedrooms including master with walk in robe and ensuite, sitting, and bathroom

External Works

- Attached double garage with internal access to the dwelling and driveway access provided from Alto Avenue
- New swimming pool

The proposed new dwelling is modest in bulk and scale, with the two separate building elements to assist with distributing the visual bulk of the development and to manage the issues relating to construction in the vicinity of the drainage easement.

The proposal will require the removal of a number of trees to facilitate the new dwelling, and is therefore accompanied by an Arboricultural Impact Assessment prepared by Growing My Way Tree Consultancy, dated March 2019. The site maintains boundaries which are capable of accommodating future plantings.

The development indices for the site are detailed over:

Site Area	Total: 1037 m ²
Allowable FSR	0.45:1 or 466.65m ²
Proposed FSR (both dwellings)	0.312:1 or 185.2m ² + 138m ² = 323.2m ²
Required open space <i>(Area OS3) – 55% total/35% soft open space</i>	55% or 570.35m ² /35% or 199.62m ²
Proposed soft open space (min 3m x 3m dimension)	61.4% or 600m ² /68.3% or 410m ²

6.0 Zoning and Development Controls

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

The proposal has been designed to respect the water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

6.2 State Environmental Planning Policy (Coastal Management) 2018

The subject site is not identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is not applicable to the proposed development.

6.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is not located within the area affected by the provisions of State Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005 (SREP 2005).

No further assessment under the provisions of the SREP is required in this instance.

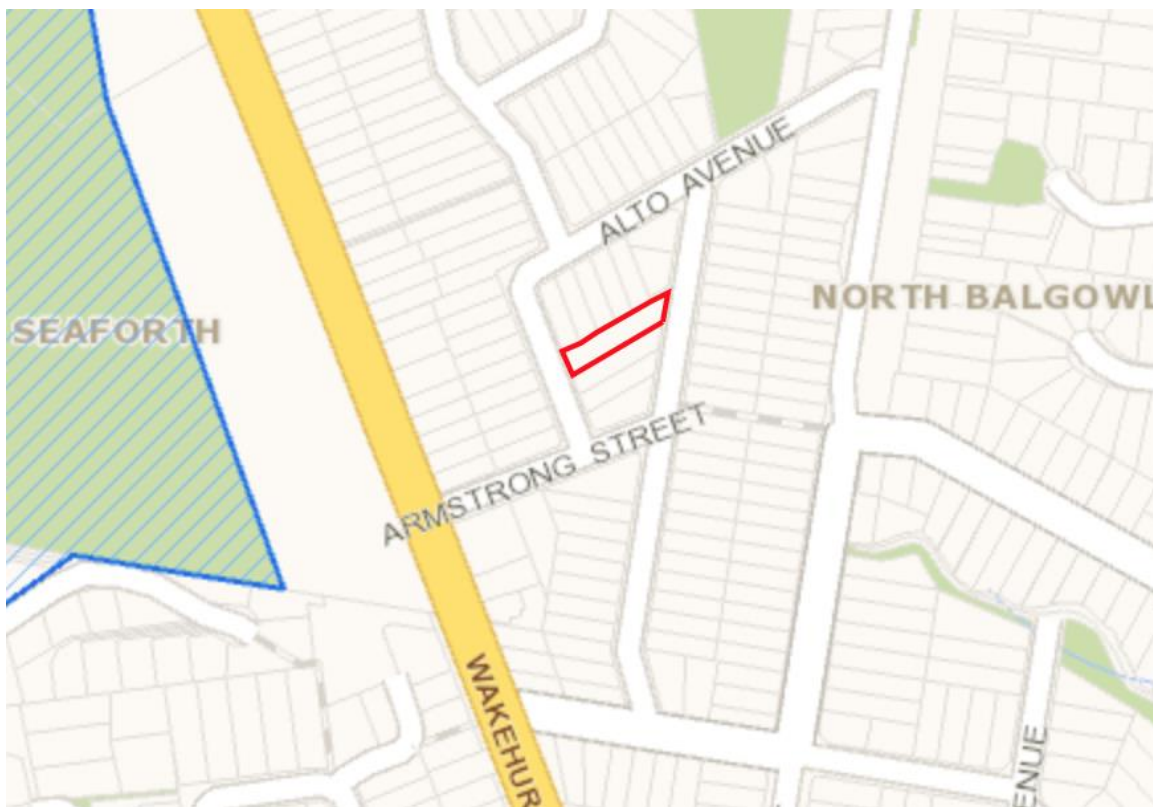


Fig 6: Extract of Foreshores and Waterways Area Map from Northern Beaches Council Planning Maps

6.4 Manly Local Environmental Plan 2013

The land is zoned R2 Low Density Residential under the provisions of the MLEP 2013. Detached dual occupancies are permissible in the R2 zone.

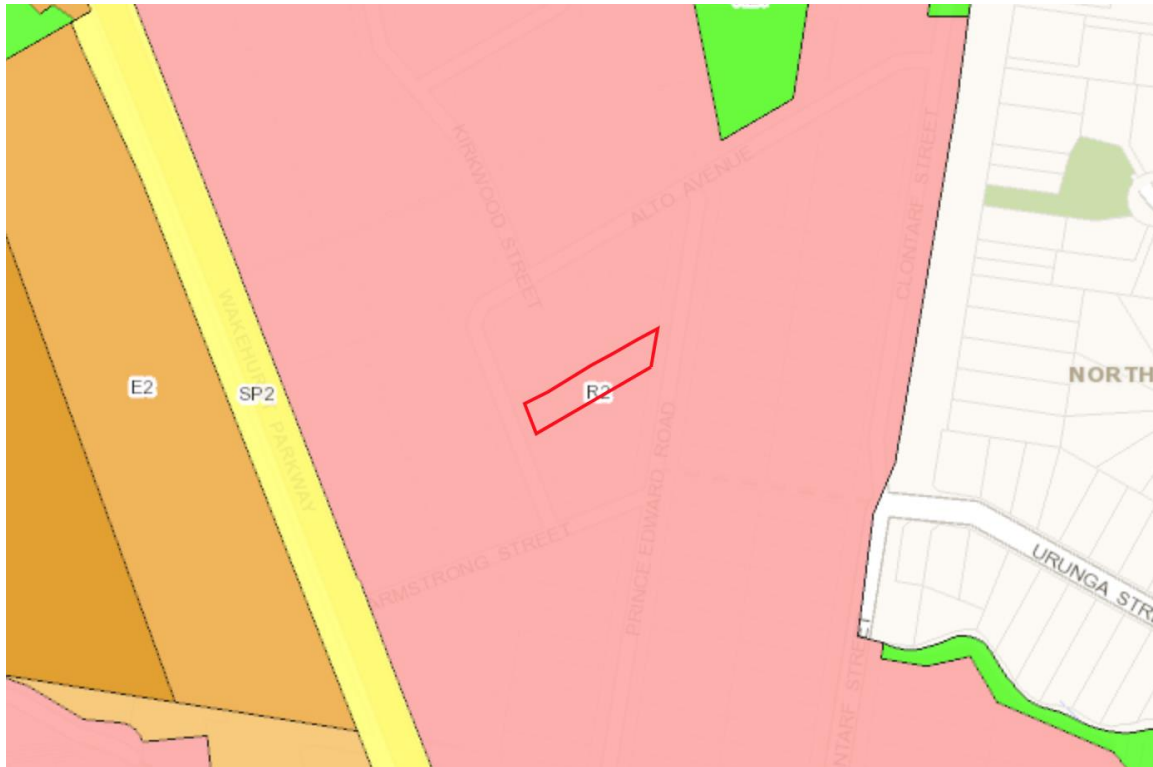


Fig 7: Extract of Manly Land Zoning Map from Northern Beaches Council Planning Maps

The development of and use of the land for residential purposes is consistent with the R2 zone objectives, which are noted as:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

It is considered that the proposed new works will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing residential development within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality. The proposal provides for the construction of a new dwelling to form a detached dual occupancy development, which will maintain the residential scale and character of the locality.
- The setbacks are compatible with the existing surrounding development.

- The proposal does not have an unreasonable impact on long distance views for the surrounding properties.
- The site is utilised as housing and will continue to maintain the residential use.
- The proposal will maintain an appropriate level of amenity to the adjoining properties.
- The proposal does not unreasonably obstruct any significant views from private property or the public domain.

Clause 4.3 provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

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

The building height limit for development in this portion of Seaforth is 8.5m. The proposed new dwelling will have a maximum height of up to 8.5m and therefore complies with Council's height control.

Clause 4.4 provides a maximum floor space ratio control of 0.45:1 for development in this locality. The proposed floor space ratio of the two dwellings (new dwelling – 185.2m², existing dwelling 138m²) on the site is 0.311:1, which complies with this control.

Clause 6.2 relates to earthworks. The proposal will not require any substantial excavation to accommodate the new works.

Subject to the works being carried out in accordance with the recommendations of the consulting Structural Engineer, the proposal is considered to satisfy the provisions of this clause.

Clause 6.8 relates to landslide risk. The subject site is within Area G4 of Council's Landslip Hazard Map, and does not require any Geotechnical Investigation due to the limited site disturbance proposed.

Subject to the works being carried out in accordance with the recommendations of the consulting Structural Engineer, the proposal is considered to satisfy the provisions of this clause.

There are no other clauses of the MLEP 2013 that are considered to be relevant to the proposed development.

It is considered that the proposal achieves the requirements of the MLEP.

6.5 Manly Development Control Plan 2013

Council's Development Control Plan 2013 provides the primary control for development within the area.

The DA submission will address the Council's submission requirements outlined in Part 2 – Process.

The primary areas which are applicable to the proposed works are detailed within Part 3 – General Principles of Development & Part 4 – Development Controls and Development Types.

Clause 3.1.1 – Streetscape (Residential Areas)

The intended outcomes are noted as:

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

Setback Principles in Low Density Areas

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

The proposal seeks to provide for the construction of a new dwelling and swimming pool to provide for a detached dual occupancy development. The proposed external form of the development which comprises two separate building elements connected by a bridge, assists with distributing the visual bulk of the development and manages the issues of developing the site in

the proximity of the Council drainage easement which traverses the site. The proposed garage and guest room presents a modest single storey scale to the street, with the two storey portion of the development being will set back from the Alto Avenue frontage. The low profile roof form assists with further minimising the visual bulk of the development.

The proposed development is complementary to the existing locality and the visual impact of the proposed works is considered acceptable.

Clause 3.1.1.3 Roofs and Dormer Windows

The proposal provides for a varied roof form, comprising modestly sloping planes. The proposed modest form will minimise the visual bulk of the dwelling as viewed from the public domain and neighbouring properties.

The proposed low scale roof form will assist with maximising view retention for uphill properties.

Clause 3.1.1.4 Garages, Carports and Hardstand Areas

The proposal seeks to provide a new double garage.

The proposed garage will suitably integrate with the development as it addresses the Alto Avenue street frontage, and is therefore considered to satisfy the provisions of this clause.

Clause 3.3 Landscaping

The proposed new works will continue to retain a substantial area of soft landscaping.

The new works will present an appropriate form and footprint, which is well set back from the street, side and rear boundaries. The area surrounding the proposed dwelling will retain the opportunity for perimeter landscape planting to assist in screening the view of the building from the street and neighbouring properties.

Clause 3.4 Amenity (Views, Overshadowing, Overlooking/Privacy, Noise)

The objectives of the clause are noted as:

- | | |
|---------------------|---|
| <i>Objective 1)</i> | <i>To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties.</i> |
| <i>Objective 2)</i> | <i>To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.</i> |

It is suggested that the works will achieve these objectives as:

- The proposed new detached dwelling will not result in any substantial reduction of the available views for the neighbouring properties. The proposed new development is

- modest in height and scale, and readily complies with the statutory height limit.
- Maintaining an acceptable level of privacy to the adjoining allotments has been addressed by the siting of the internal living areas at ground level, together with the considered location of room windows, and appropriate siting of outdoor recreation areas.
- The proposed new dwelling is modest in height and scale, and will not see any unreasonable diminution of the solar access enjoyed by the neighbouring properties.

Clause 3.5 Sustainability

A BASIX Certificate has been prepared to support the new works and confirm that the development will achieve the appropriate thermal performance criteria.

Clause 3.7 Stormwater Management

Stormwater from the roof areas of the new dwelling will be directed to Prince Edward Road via a new stormwater line as detailed in the Stormwater Management Plan prepared by Waterdesign Civil Engineers, Job No 2018-053 dated 28 March 2019.

The new stormwater drainage line will be covered by an interallotment drainage easement in the future application to subdivide the land, (Stage 3).

Part 4 – Residential Development Controls

Site Area 1037m² – Density (500m² per lot)

Compliance Table

Control	Required	Proposed	Compliance
Clause 4.1.1 Residential Density & Subdivision	Density – 1 dwelling per 500m ²	Two dwellings within existing lot (1037m ²)	Yes
	Min frontage to a public road 1m	Frontage of both lots exceeds 1m	Yes
Clause 4.1.2 Height of Buildings	Maximum height – 8.5m	Max proposed height – 8.5m	Yes
	Wall height – 6.5m	Southern elevation – max 6.25m Northern elevation – max 5.2m	Yes Yes
	Max two storeys	Two storeys proposed	Yes
	Roof height – 2.5m above wall height	Roof style <2.5m	Yes
Clause 4.1.13 Floor Space Ratio (FSR)	0.45:1	0.311:1 or 318.47m ²	Yes
Clause 4.1.4 Setbacks (front, side and rear)	Relate to neighbouring sites or 6m	The proposed front building line of the new dwelling is consistent with the 6m control. However, the proposed garage encroaches on the front setback. Variations for parking structures are not	Yes

Control	Required	Proposed	Compliance
Side Boundary setback – 1/3 of wall height	<p>Dwelling Wall height of southern elevation – max 6.25m Setback = 2.08m Wall height of northern elevation – 3m - max 5.2m Setback = 1.73m</p> <p>Garage/guest Wall height – 3.2m Setback = 1.07m</p>	<p>long Alto Avenue Prince Edward Road are frequently located within the front setback. The siting of the parking structure will be discussed against the provisions of Clause 4.1.6 below.</p> <p>Southern setback min 2.12m</p> <p>Northern setback between 1.455 and 2.535m</p>	<p>Yes</p> <p>Yes – see comments below</p>
Rear setback – 8m	<p>Garage/guest Wall height – 3.2m Setback = 1.07m</p> <p>Site has two street frontages, so no rear setback applies</p>	<p>Southern setback – min 1.57m Northern setback – min 1.0m</p> <p>N/A</p>	<p>Yes</p> <p>No – see comments below</p> <p>N/A</p>
Clause 4.1.5 Open space and Landscaping	<p>Area OS 3 Min 55%/35%</p>	<p>Proposed total open space 61.4% or 600m².</p> <p>Proposed soft open space 68.3% or 410m² of the required open space.</p> <p>The proposal therefore meets the</p>	<p>Yes</p>

Control	Required	Proposed	Compliance
		<p>DCP standards for open space and landscaping, and is in keeping with the Objectives of this controls, being:</p> <p><i>1) To retain and augment important landscape features and vegetation including remnant populations of native flora and fauna.</i></p> <p><i>2) To maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland.</i></p> <p><i>3) To enhance the amenity of the site, streetscape and surrounding area.</i></p> <p><i>4) To maximise water infiltration on-site with porous landscaped areas and surfaces and minimise stormwater runoff.</i></p> <p><i>5) To minimise the spread of weeds and the degradation of private and public open space.</i></p> <p><i>6) To maximise wildlife habitat and the potential for wildlife corridors.</i></p>	

Control	Required	Proposed	Compliance
		<p>The proposal will require the removal of a number of trees to facilitate its construction, and is therefore accompanied by an Arboricultural Impact Assessment prepared by Growing My Way Tree Consultancy, dated March 2019.</p> <p>The development maintains a suitable area of open space and soft landscaping on site.</p> <p>The proposal maintains property boundaries which are capable of accommodating future plantings.</p>	
Clause 4.1.6 Parking	<p>2 spaces</p> <p>Garages and carports adjacent to the front property boundary may not be permitted if there is a reasonably alternative onsite location</p>	<p>Parking for two vehicles provided within proposed garage</p> <p>The proposal is set back from the street, however, does not fully comply with the 6m front setback control due to the drainage easement which traverses the site.</p> <p>As there is no alternative location of carparking on the</p>	<p>Yes</p> <p>Yes – on merit</p>

Control	Required	Proposed	Compliance
	Max width 6.2m	site, the proposed location is considered acceptable on merit. Max proposed width 5.9m	Yes
Clause 5.4.1 Foreshore Scenic Protection Area			N/A
Clause 5.4.2 Threatened Species and Critical Habitat			N/A

Side Boundary Setbacks

The DCP provides for a maximum wall height of 6.5m and two storeys. The proposed maximum wall height of the northern elevation is 5.2m, with the proposed maximum wall height of the southern elevation is 6.25m. Accordingly, the required side setback for the northern and southern elevations is up to 1.73m and 2.08m respectively.

The minimum proposed northern and southern setbacks of the development are from 1.46m and 2.13m respectively, and the northern setback therefore does not comply with this control.

Furthermore, the proposed garage and guest room is subject to minimum northern and southern setbacks of 1.07m. The proposed garage will stand a minimum of 1.57m and 1.0m from the northern and southern side boundaries, and the proposed northern setback therefore presents a minor variation to this control.

The controls seek to achieve the specified objectives, which read as follows:

Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.

Objective 2) To ensure and enhance local amenity by:

- *providing privacy;*
- *providing equitable access to light, sunshine and air movement; and*

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

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

Objective 4) To enhance and maintain natural features by:

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

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

Notwithstanding the minor numerical non-compliance with the applicable side setbacks, the proposal is considered to satisfy the objectives of the DCP and be justified in this instance for the following reasons:

- The proposed dwelling will present as a modest single storey development to Alto Avenue, with the proposed two storey component of the development being well set back from the front boundary.
- The development will not result in significant impacts to the neighbours in terms of overlooking and privacy loss.
- The shadow diagrams indicate some additional overshadowing to the adjoining southern neighbour at noon and 3pm, however, No. 17 Alto Avenue is considered to maintain suitable access to its internal living areas and private open space.
- The external form of the development comprises two separate buildings due to the location of the drainage easement, which assists with distributing the visual bulk of the development. The proposal will not unreasonably obstruct views for uphill properties or from the public domain.
- The building design introduces articulation to the northern elevation, which further modulates the building's façade, provides visual interest, and minimises the visual bulk of the dwelling.

The elements of the building which stand within the side setback are considered to be reasonable in this instance given the architectural relief they provide and the practical response to retaining suitable privacy, solar access and amenity for both the new dwelling and the adjoining neighbouring properties, which are key Objectives of Clause 4.1.4.

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

The site is not within the Foreshores and Waterways Boundary of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

There are no other environmental planning instruments applying to the site.

7.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed with regard for the requirements of Manly Development Control Plan 2013.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the front and side setback controls is a reasonable alternative solution to compliance where the site conditions result in a challenge to designing for new development which fully respects the criteria.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 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

No matters of relevance are raised about the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised about the proposed development.

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

It is considered that the proposal, which seeks approval for the construction of a new dwelling to provide for a detached dual occupancy, is reasonable. The development will maintain a favourable bulk and scale relationship with other development in the vicinity. It is considered that the resultant development is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's LEP and Council's Codes and Policies.

7.7 The suitability of the site for the development

The subject land is currently zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013 and is considered suitable for the proposed development.

The subject site does not exhibit any significant constraint to the construction of the proposed development.

7.8 Submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The principal objective of this development is to support the construction of a new dwelling to provide for a detached dual occupancy, together with a swimming pool, which satisfies the stated objectives of Council's Development Controls.

The proposal is Stage 1 of a three stage proposal that will also eventually involve the demolition of the existing dwelling and the subdivision of the land into two lots.

By maintaining our neighbour's amenity and by complementing the scale and form of other development in the immediate locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

VAUGHAN MILLIGAN

Town Planner

Grad. Dip (Urban & Regional Planning) UNE