



Statement of Environmental Effects

Development Application

92 Lauderdale Avenue, Fairlight

Submitted to Northern Beaches Council
on behalf of Lachlan & Edwina Cobon

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Report Version: Final

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APPENDICES

APPENDIX	DOCUMENT	PREPARED BY
A	Boundary Identification Survey	Archer Office
B	Architectural Plans	Archer Office
C	BASIX Certificate	-
D	Owners Consent	-
E	Arboricultural Assessment Report	Earthscape Horticultural Services
F	Landscape Plans	360 Degrees Landscape Architects
G	Landscape Design Statement	360 Degrees Landscape Architects
H	Stormwater Plans	Partridge Hydraulic Services
I	Erosion & Sediment Control Plan	Partridge Hydraulic Services
J	Waste Management Plan (WMP)	Archer Office
K	Heritage Impact Statement (HIS)	John Oultram Heritage & Design
L	Report on Geotechnical Site Investigation	Crozier Geotechnical Consultants

1. EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared for Lachlan & Edwina Cobon by GYDE Consulting (GYDE) to accompany a Development Application (DA) to Northern Beaches Council (Council). The site is located at 92 Lauderdale Avenue (the site).

This SEE has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 24 of the Environmental Planning and Assessment Regulation, 2021. The purpose of this SEE is to:

- describe the proposed development and its context;
- assess the proposal against the applicable planning controls and guidelines; and
- assess the potential environmental impacts and mitigation measures

This SEE relates to the development proposal comprising of:

- Demolition of all structures on the site and site preparation works including excavation (up to a maximum of 4.6m as noted within the accompanying Geotechnical Report at **Appendix L**);
- Construction of a stepped, part two and part three storey dwelling, comprising 5 bedrooms, study, laundry, living / rumpus rooms, front and rear balconies, and new swimming pool.
- Removal of tree (3) trees on the subject site, and associated landscaping to the front, rear and side of the proposed dwelling; and
- Stormwater drainage works including a new rainwater tank and OSD, new drainage lines and pipes which will discharge to the kerb outlet.

The proposed development is defined as a 'dwelling house' under the Manly Local Environmental Plan 2013 (MLEP 2013) and is permissible with consent within the nominated R1 General Residential zone. The proposal complies with the built form controls within the MLEP 2013, namely the 8.5m maximum building height and 0.50:1 FSR which applies to the site. The design features unique architectural and engineering solutions to provide a highly compatible structure that responds to the site's characteristics and context. The proposed dwelling has been designed to ensure high internal and external amenity for future residents and to respect nearby heritage items within the vicinity of the site. The proposal also complies with the controls in the Manly Development Control Plan 2013 (MDCP 2013) with regard to streetscape presentation, front & rear setbacks, landscaping, heritage, amenity and development on sloping sites.

A key consideration for this proposal is view sharing, as the neighbouring properties to the west and east benefit from south orientated views down towards the harbour. In addition, views are also expressly enjoyed from Willyama Avenue to the north and properties fronting this street further north of the site. As discussed, the proposal complies with the built form controls prescribed under the MLEP 2013 and MDCP 2013. View Analysis has been provided by Archer Office and accompanies the Architectural Plans at **Appendix B**, which is accompanied by a detailed discussion in accordance with the principles of view loss provided within Tenacity Consulting v Warringah [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours. Potential view impacts are discussed in further detail at Section 6.1.4 of this SEE.

The SEE concludes this proposal is of an appropriate scale and mass for the site, is consistent with the desired future character of the area, is well designed and has no adverse or unreasonable (in the case of views) amenity impacts.

The proposal will deliver a suitable and appropriate development for the site and is worthy of approval.

2. SITE ANALYSIS

2.1. The Site and Existing Improvements

The site is located at 92 Lauderdale Avenue, Fairlight within the Northern Beaches Local Government Area (LGA). It comprises a single allotment legally described as Lot 11 in Deposited Plan (DP) 6817. Refer to Figure 1 below and the accompanying Survey Plan at **Appendix A** for further detail.

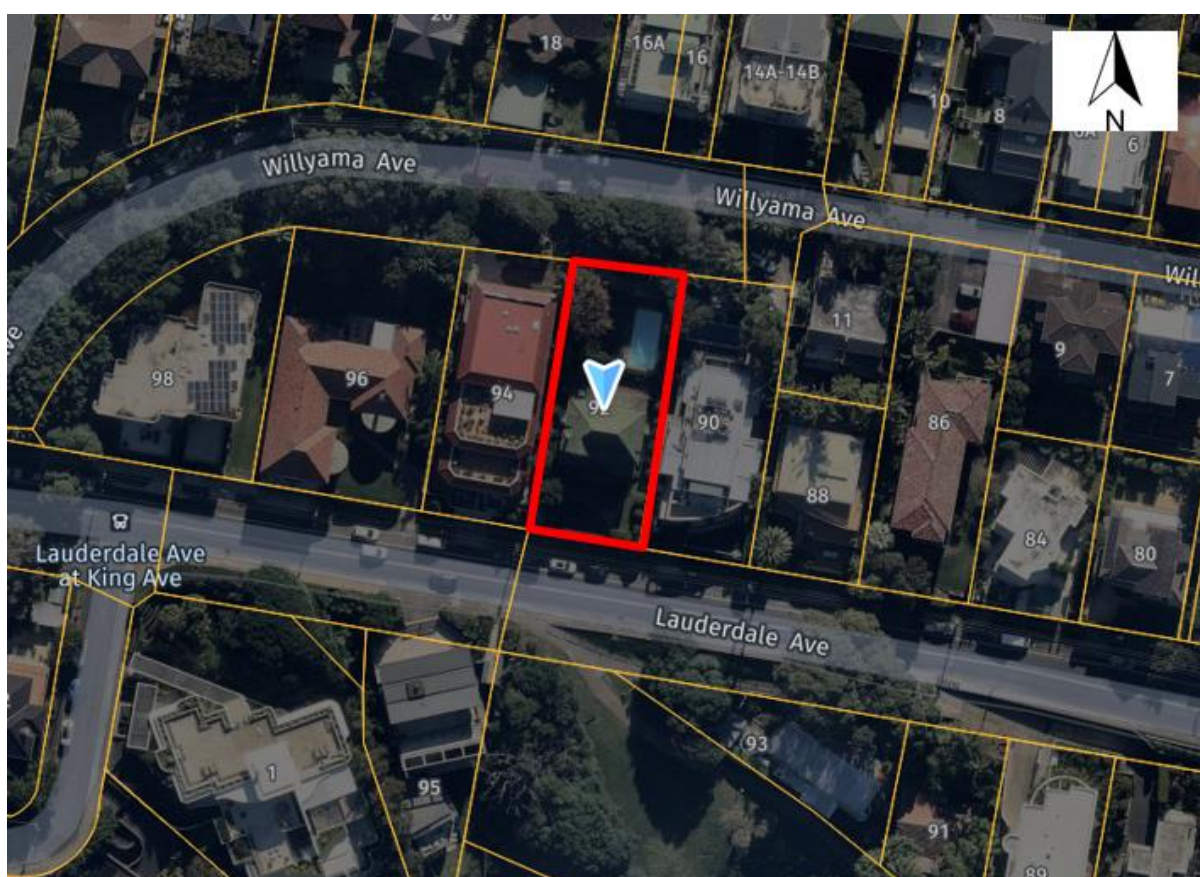


Figure 1: Aerial view, site outlined red (Source: Nearmap, 2022)

It has a steep topography that rises from the low point at the Lauderdale Avenue frontage to a high point at the rear of the site, abutting Willyama Avenue. It has an approximate fall of 10.5m according to the Boundary identification Survey at Appendix A. This topography is also typical of adjoining sites.

The existing building on the site is a double storey rendered brick dwelling with a terracotta tile hipped roof. It presents a sandstone front wall and detached brick garage which has been built to the front boundary. The backyard contains a swimming pool and is significantly landscaped. An existing shared driveway is located to the rear at

Willyama Avenue which slopes down towards the rear of the site. There is existing landscaping on the site which includes mature trees with large canopies, medium sized hedge plantings and low lying grass / shrubbery.



Figure 2: Existing dwelling house at Lauderdale Avenue (Source: GYDE Consulting)



Figure 3: Existing dwelling house, view from the rear at Willyama Avenue (Source: GYDE Consulting)

2.2. Context and Surrounding Land Uses

A brief context of the site and surrounding land uses is provided below:

- The site is located within the well-established residential area of Fairlight which is located within the southern gateway to the Northern Beaches.
- Fairlight is situated between Balgowlah to the west, Manly to the east and Manly Vale / Queenscliff to the north.
- The allotments throughout the locality vary in size and orientation, responding to the topography of the land which slopes down to foreshore which is located to the south and east.
- The streetscape of Lauderdale Avenue and surrounds contain green character, with mixed landscaping within lots, the public domain and on-structure elements.
- The surrounding land uses predominately comprise residential dwellings including a mix of two – three storey detached dwelling houses and three – four storey residential flat building (RFB) apartment blocks.
- To the west of the site is 94 Lauderdale Avenue, which is a three-storey apartment building with a lower ground floor car park. It contains three residential units.
- Adjoining the site to the east is a three-storey residential apartment building at 90 Lauderdale Avenue containing five residential units. Parking is provided underneath the development within the lower ground floor.
- Development to the north along Willyama Avenue is varied and contains a mix of residential dwellings and apartments. Many of these developments also share a frontage to Willyama Lane, which is further north of the site. Detached garages generally adjoin Willyama Avenue with buildings being setback from the street.
- Surrounding development is typically orientated to take advantage of views to Reef Bay and Sydney Harbour which are located to the south-east of the site.
- Sydney Road, which is located approximately 100m to the north, provides a modest commercial and retail corridor comprising small scale business and restaurants.
- Spit Road is arterial to the southern portion of the Northern Beaches. The Spit Bridge is located approximately 1.5m to the south-west and provides thoroughfare to Beauty Point, Mosman and Cremorne.
- A number of open spaces and parks are located within close proximity to the site including Dirty Haul Beach, Fairlight Beach, Esplanade Park, North Harbour Reserve, Kay-Ye-My Point, LM Graham Reserve and Ivanhoe Park.
- There are a variety of schools and education establishments within the locality including North Harbour pre-school, Manly West Public School, Balgowlah Heights Public School and St Mary's Catholic School.
- The core of Manly, including The Corso, is located approximately 700m to the east. Manly provides a variety of land uses including restaurants / bars, cafes, retail outlets and commercial premises. It also includes Manly Ferry Wharf which provides regular Sydney Ferry services to the Circular Quay, Barangaroo and the Eastern Suburbs.
- As discussed in further detail in Table 3, the site is in close proximity to two local heritage items.

Figure 4 - Figure 13 provide a context of existing surrounding development within the vicinity of the site. These images were taken on Wednesday 10 August 2022.



Figure 4: 94 Lauderdale Avenue, adjoining to the west (GYDE Consulting)



Figure 5: 90 Lauderdale Avenue, adjoining to the east (GYDE Consulting)



Figure 6: 98 Lauderdale Avenue, RFB 50m to the west of the site (Source: GYDE Consulting)



Figure 7: 96 Lauderdale Avenue, RFB 30m to the west of the site (Source: GYDE Consulting)



Figure 8: Streetscape (01) of Lauderdale Avenue, looking southeast (Source: GYDE Consulting)



Figure 9: Streetscape (02) of Lauderdale Avenue, looking northeast (Source: GYDE Consulting)



Figure 10: 18 & 20 Willyama Avenue, northwest of the subject site (Source: GYDE Consulting)



Figure 11: Rear of 16 Willyama Avenue, adjacent to the north site (Source: GYDE Consulting)



Figure 12: Streetscape of Willyama Avenue, looking northeast (Source: GYDE Consulting)



Figure 13: 14-14A Willyama Avenue, northeast of the subject site (Source: GYDE Consulting)

2.3. Relevant Planning History

The Northern Beaches Council DA Tracker notes an application for “Trees – Removal / Pruning of 3 – 5 Trees” which was approved on 11 October 2018.

3. DESCRIPTION OF DEVELOPMENT

3.1. Overview

This Development Application seeks consent from Northern Beaches Council for a new dwelling house at 92 Lauderdale Avenue, Fairlight. The proposal involves the demolition of the existing structures on the site and construction of a stepped two (2) to three (3) storey dwelling house, including basement parking, new swimming pool to the rear and associated landscaping / stormwater works.

The site is to remain accessible from both the rear northern side (Willyama Avenue) and the front southern side (Lauderdale Avenue).

3.2. Site Analysis

An extract of the proposed site plan is below.

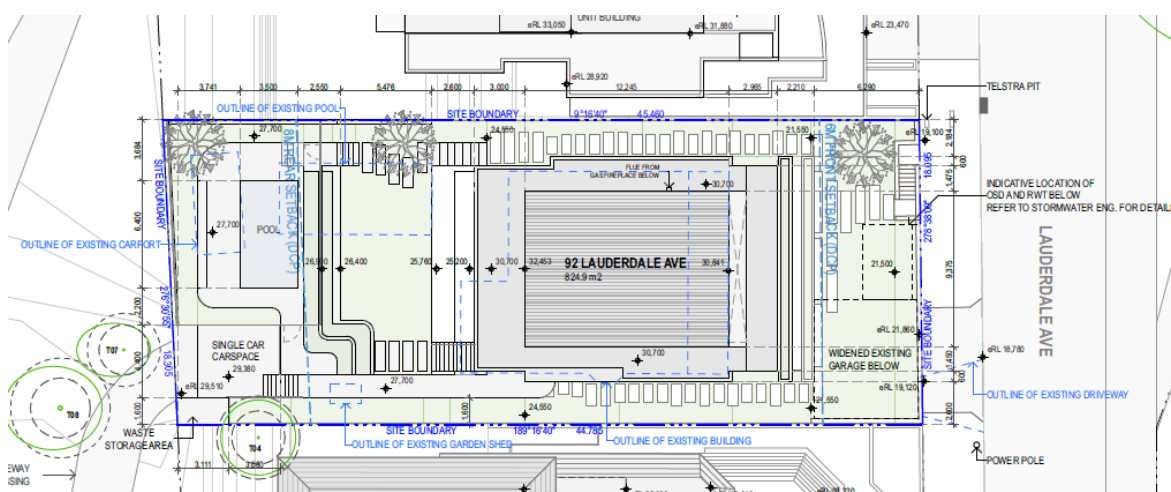


Figure 14: Extract of Site Plan (Source: Archer Office)

3.3. Development Statistics

The key statistics and elements of the project are shown in the table below:

Table 1: Development Statistics

ELEMENT	PROPOSAL
Site Area	824.9m ²
Floor Space Ratio (FSR)	0.49:1 (compliant with the maximum FSR of 0.5:1 as required under the MLEP 2013)
Maximum Height	8.35m (compliant with the maximum height of 8.5m as required under the MLEP 2013)

	2013)
Landscaped Area	42.63% of the site area (compliant with minimum 35% as required under the MDCP 2013)
Total Open Space	67.88% of the site area (compliant with minimum 55% as required under the MDCP 2013)
Total Bedrooms	Four (4) bedrooms
Total Parking	Three (3) parking spaces total. Two (2) within the basement garage at the front boundary with a single car port to the rear.

3.4. Detailed Description

In detail, the works proposed by this DA are listed below:

- Demolition of all structures on the site and site preparation works including excavation (up to a maximum of 4.6m as noted within the accompanying Geotechnical Report at **Appendix L**);
- Removal of nine (9) trees on the subject site;
- Construction of a stepped, part two and part three storey dwelling, comprising the following:
 - Basement Floor: Two (2) vehicle garage, access thereto, basement storage and lift / stair circulation. We note that this level is located at street level.
 - Lower Ground Floor: One bathroom, rumpus, study, and pedestrian entrance.
 - Ground Floor: Four (4) bedrooms including Master with ensuite, two (2) bathrooms, laundry, living / rumpus room, rear terrace, and front balconies to bedrooms.
 - Level 1: Kitchen, living / dining room, powder room, study, front and rear balconies, single car space, and swimming pool.
 - The proposed dwelling also includes an internal lift and stair access to each level.
- The existing stone wall at the front boundary will be mostly retained, with the exception of a small portion to accommodate for the enlargement of the garage. The stone steps will be retained.
- Landscaping is proposed across the site including retention of existing screen planting, new mixed plantings and feature tree to the rear of the site.
- Stormwater drainage works including a new rainwater tank and OSD, new drainage lines and pipes which will discharge to the kerb outlet.

Refer to the accompanying Architectural Plans prepared by Archer Office at **Appendix B** for further detail.

3.5. Materials and Colour

The proposed materials and finishes are provided below and includes white brickwork, lightweight metal cladding and roofing, fixed glazed elements, and steel detailing.

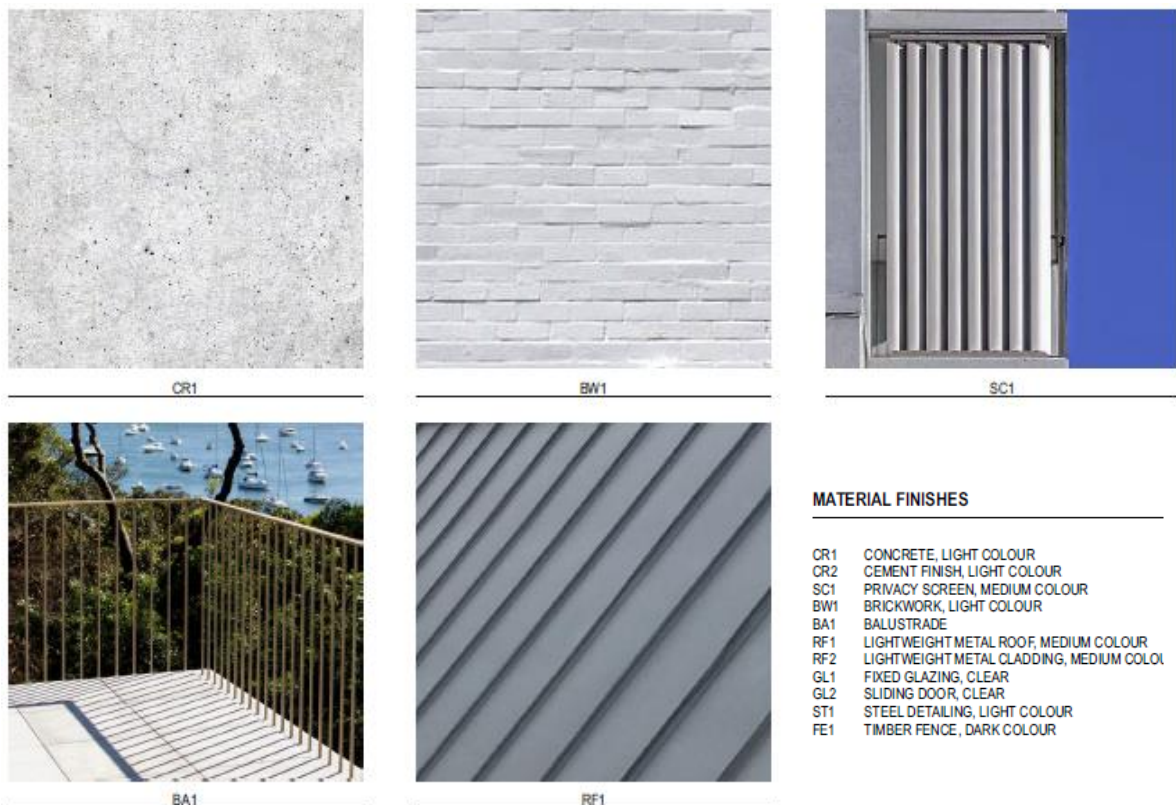


Figure 15: Materials and Finishes (Source: Archer Office)

As discussed above, the proposed materials and finishes are neutral and complement the proposed contemporary design of the dwelling. They will not adversely impact on the context of surrounding residential context or neighbouring development.

3.6. Demolition

Demolition of the existing dwelling, ancillary structures (including swimming pool), existing car port and paving is proposed as part of the works. Further details are provided within the Demolition Plan at **Appendix B**.

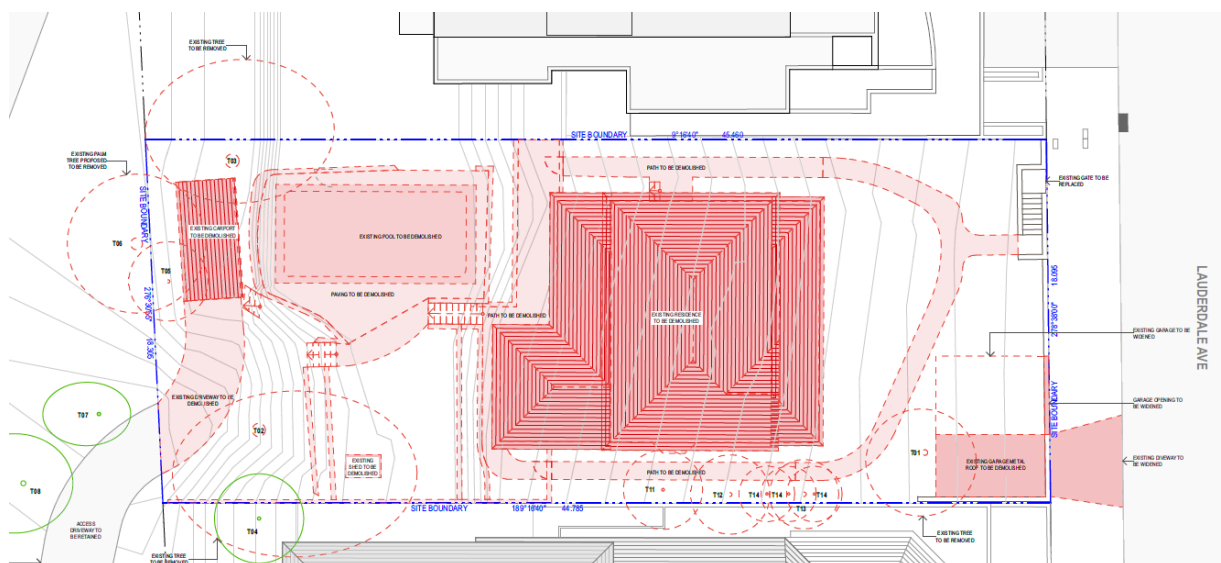


Figure 16: Extract of Demolition Plan (Source: Archer Office)

3.7. Tree Removal

The proposed development will necessitate the removal of nine (9) trees on site. Refer to the accompanying Arboricultural Assessment Report at **Appendix E** and the Architectural Plans at **Appendix B** for further detail.

4. STATUTORY PLANNING CONSIDERATIONS

4.1. Overview

The relevant statutory framework considered in the preparation of this report comprises:

- *Environmental Planning and Assessment Act, 1979*;
- Environmental Planning and Assessment Regulation 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; and
- Manly Local Environmental Plan 2013.

Where relevant, these controls are addressed below.

4.2. Environmental Planning and Assessment Act 1979

4.2.1. Section 4.15 of EP&A Act 1979

Section 4.15(1) of the EP&A Act specifies that matters that a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15 of the EP&A Act are addressed within the Table below.

Table 2: Section 4.15 of EP&A Act 1979.

SECTION	COMMENT
Section 4.15(1)(a)(i) Any environmental planning instrument (EPI)	Consideration of relevant instruments is discussed in Section 4
Section 4.15(1)(a)(ii) Any draft EPI	There are no draft EPIs that have been publicly exhibited that would affect the outcomes of the proposed development.
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in Section 5.
Section 4.15(1)(a)(iiia) Any planning agreement	Not relevant to this application.
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to Section 4.3.
Section 4.15(1)(b) - (e)	Refer to Section 6 of this SEE for consideration of (b), (c) and (e). Matter (d) relates to submissions and is a matter for the consent authority.

4.3. Environmental Planning and Assessment Regulation 2021

4.3.1. Section 61 – Demolition

All demolition work will be undertaken in accordance with Section 61 of the Regulation requiring the consent authority to consider AS 2601 – 2001: The Demolition of Structures.

4.3.2. Section 69 – Compliance with the BCA

Pursuant to the prescribed conditions under Section 69 of the Regulation, any building work "must be carried out in accordance with the requirements of the Building Code of Australia".

4.4. State Environmental Planning Policies

4.4.1. State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 establishes State-wide provisions to promote the remediation of contaminated land and the management of development within coastal areas.

Section 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

An approved double storey with detached garage exists on the subject site. The proposal aims to demolish existing structures and construct a new dwelling house, therefore, not presenting a more sensitive land use than what exists on the site. Notwithstanding the excavation proposed, the site is within a residential zone and surrounded by dwelling houses and other forms of residential development, in close proximity to the Environmental Conservation Zone. It is also considered that it is unlikely that the site is contaminated given there are no industrial / potentially harmful land uses within the immediate vicinity of the site.

Therefore, Council can be satisfied that no further investigation is warranted.

4.4.2. State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 includes provisions to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained. The site is identified within the Foreshore Scenic Protection Area, and therefore, the application must consider Chapter 10 of the SEPP.

The proposal is considered to be consistent with the aims of Sydney Harbour Catchment and the Foreshore Scenic Area for the reasons below.

- The proposed development will provide a new dwelling house and will retain the existing approved residential land use and development type on the site.
- The development is located on an existing site zoned for residential use and will support existing accessibility to Sydney Harbour and its foreshores. There is no rezoning required to facilitate the development.

- The design is accompanied by a detailed stormwater design (during construction (**Appendix I**) and occupation of the dwelling house (**Appendix H**)) to suitably manage urban run off to prevent the risk of increased flood and conserve water, while also protecting downstream water quality of nearby watercourses (including the Harbour).
- The proposal will have no adverse impact on the nearby local heritage items, as discussed within the accompanying Heritage Impact Statement (**Appendix K**).
- As detailed in Section 6.1.4, the proposal will not result in any unacceptable or unreasonable view loss and satisfies the relevant Land and Environment Court Planning Principles set out in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140

4.4.3. State Environmental Planning Policy (Building Sustainability Index: BASIX) – 2004

The aim of this Policy is to establish a scheme to encourage sustainable residential development (the BASIX scheme). This on-line assessment tool calculates the dwelling's energy and water scores based on a range of design data.

SEPP BASIX requires the submission of a BASIX certificate to accompany an application for development consent for any "BASIX affected building". A BASIX certificate for the development is provided at **Appendix C**.

4.5. Manly Local Environmental Plan 2013

4.5.1. Zoning and Permissibility

The Manly Local Environmental Plan (MLEP) 2013 is the primary Environmental Planning Instrument (EPI) that applies to the site. The zoning of the site is zoned R1 General Residential pursuant to the MLEP 2013. Refer to Figure 17 below.

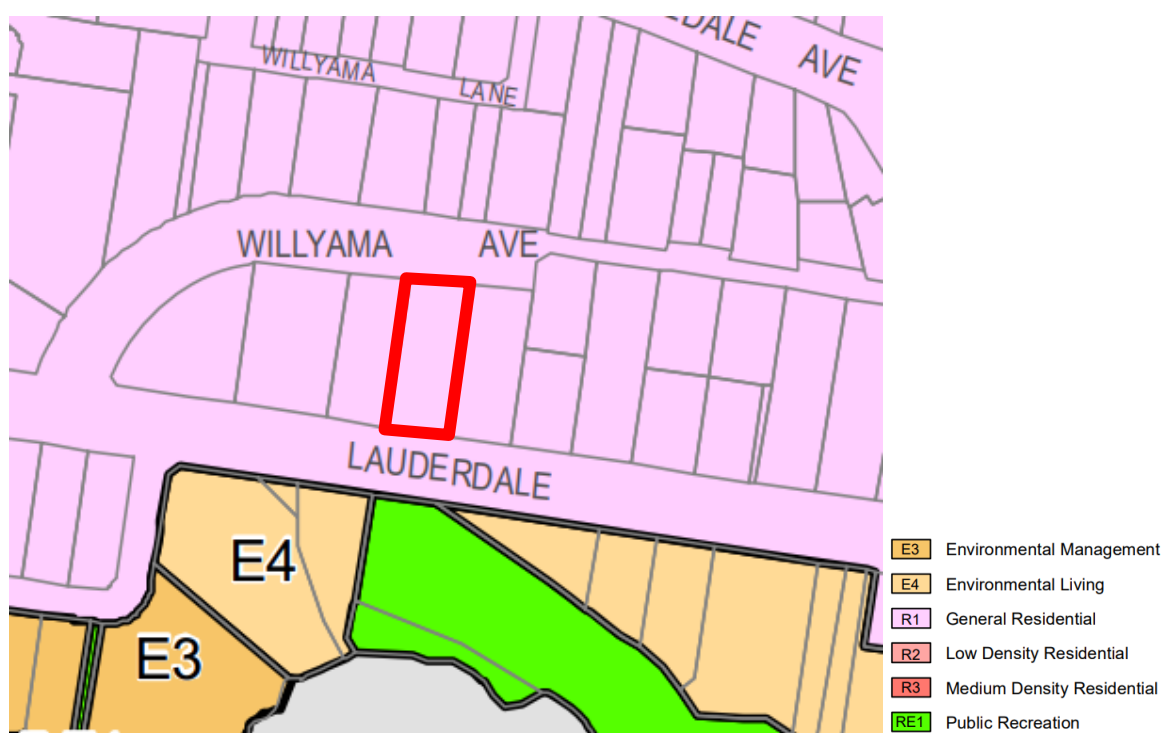


Figure 17: Land Zoning Map - site outlined red (Source: NSW Legislation)

The proposal is for the construction of a dwelling house. Pursuant to the MLEP 2013, a “dwelling house” is permissible with consent in the R1 Zone.

4.5.2. Objectives

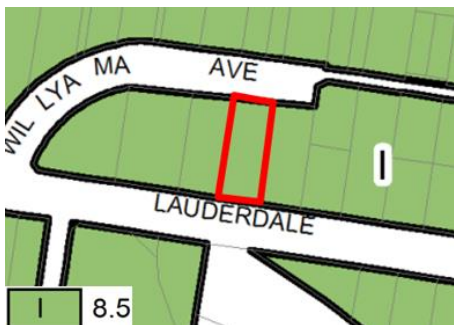
Clause 2.3(2) of the MLEP 2013 provides that Council must have regard to the zone objectives when determining a development application. The objectives for the “R1 General Residential” zone are:

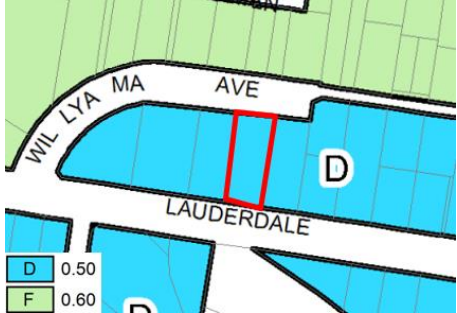
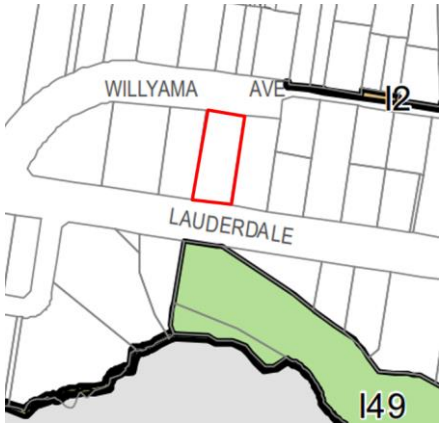
ZONE OBJECTIVE	CONSISTENCY
To provide for the housing needs of the community.	The proposed dwelling contains 5-bedrooms and a study. It will suit a variety of Individuals within an accessible residential area near existing local services. The house will cater to the housing needs of the community by providing a viable housing typology

	for a family.
To provide for a variety of housing types and densities.	The proposal will contribute to a variety of housing types and densities. As discussed in Section 2.2 above, the site is surrounded by numerous residential apartments and detached dwellings. It will support diverse housing types by constructing a new dwelling house on the site to contribute to the existing residential character of the area and support housing availability within Fairlight.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The proposal will retain the existing residential use. Local facilities and services will be available for residents of the dwelling house to support the vitality of the community. Dwelling houses are permissible with consent in the R1 General Residential Zone.

The remaining relevant MLEP 2013 provisions are outlined and addressed in Table 3 below.

Table 3 Consideration of remaining provisions in MLEP 2013

CONTROL	COMMENT	COMPLIES
Clause 4.3 Height of Buildings The site is subject to a maximum building height of 8.5m pursuant to MLEP 2013. Refer to Figure below. 	The dwelling has a proposed building height of 8.35m which complies with Clause 4.3 of the MLEP 2013.	Yes
Clause 4.4 Floor Space Ratio The site is subject to a maximum FSR control of 0.50:1 pursuant to MLEP 2013. Refer to Figure below.	The dwelling has a proposed FSR of 0.49:1 which complies with Clause 4.4 of the MLEP 2013.	Yes

		
Clause 5.10 Heritage conservation The site is within close proximity to two (2) nearby heritage items listed under the MLEP 2013. The context is provided in the Figure below.  • 12 “All stone kerbs” • 149 “Esplanade Park and Fairlight Pool”	The site is not deemed a heritage item, nor is the site located within a heritage conservation area. It is, however, within the vicinity of two (2) heritage items). As such, for the purpose of this DA, only Clause 5.10 (5) of the MLEP 2013 is applicable. Section 6.1.5 of this Report provides an overview of the heritage context with regards to the existing dwelling and proposed development. Further details are provided within the accompanying Heritage Impact Statement at Appendix K. Despite the site not being identified as a heritage item, the proposal will mostly retain the stone wall, rockface and stone steps beyond the new garage. As detailed within the accompanying Heritage Impact Statement at Appendix K, the proposal will have no impact on the significance of heritage items in the vicinity and there are no heritage considerations that would preclude the development being approved. In summary, the proposal will have no impact on the significance of heritage items within the vicinity and comply with Clause 5.10 (5) of the MLEP 2013.	Yes
Clause 6.4 Stormwater management (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development— (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 (b) includes, if practicable, on-site stormwater retention for use as an alternative supply	The proposal is accompanied by a detailed stormwater design that has been informed by Council specifications and guidelines within the MDCP 2013. The proposal will incorporate a new rainwater tank (4500L) and OSD tank (17.54m³) which will be provided within the Lower Ground Floor area (underground). While the development does not require detailed stormwater treatment devices, trash screens within the inlet pipes and sump at the outlet of the OSD tank have been provided to improve	Yes

to mains water, groundwater or river water, and (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.	quality of discharged water. Refer to the accompanying Stormwater Plans at Appendix H for further detail. An Erosion & Sediment Control Plan also accompanies this application at Appendix I. It details relevant erosion and sediment measures including geotextile filters, sediment fences, stockpiles and earth basins to manage impacts of stormwater impacts during construction. As such, it is considered that the stormwater management procedures are satisfactory in managing run-off both during construction and occupation of the dwelling house.	
Clause 6.9 Foreshore scenic protection area (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters— (a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore, (b) measures to protect and improve scenic qualities of the coastline, (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore, (d) measures to reduce the potential for conflict between land-based and water-based coastal activities.	The proposed development exhibits compliance with the foreshore scenic protection area, as discussed below. a) The proposal will not have a detrimental impact to the visual amenity of the harbour or foreshore. The DA seeks consent for a dwelling house, which is characteristic of the locality and an approved existing use on the site. It demonstrates compliance with built form controls within the MLEP 2013 and MDCP 2013 to ensure minimal impacts with regard to visual amenity. It will not result in any unreasonable overshadowing to the foreshore, as discussed in Section 6.1.2 or any unreasonable view loss from a public place to the foreshore as discussed in Section 6.1.4. b) The proposal is accompanied by measures to protect and improve the scenic qualities of the coastline. A Geotechnical Study has been undertaken and submitted at Appendix L to protect the integrity of the site and prevent landslip which may impact the coastline. It is also accompanied by a comprehensive stormwater design, outlined in Appendix H, and an Erosion & Sediment Control Plan at Appendix I to effectively manage water quality, run off and	Yes

	stormwater both during construction and occupation of the proposed development. c) The proposal is a suitable development, given it will retain the existing dwelling house land use on the site within the residential area. The design has been carefully considered, with regards to built form, materials and colours, to respond to the foreshore context and for compatibility with existing neighbouring development. As has been discussed throughout this SEE, and in particular within Section 6, it will not have any impacts to the foreshore with regards to view loss, amenity, environmental impacts or heritage. d) The proposal relates to a new dwelling house within an existing residential area. It will have no impact between land-based and water-based coastal activities.	
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5. OTHER PLANNING CONSIDERATIONS

5.1. Manly Development Control Plan 2013

Consideration of compliance and/or consistency with the relevant provisions within the Manly Development Control Plan (MDCP) 2013 is provided in the Planning Compliance Table below.

The following parts of the MDCP 2013 are relevant to this proposal:

- Part 3 – General Principles of Development
- Part 4 – Development Controls and Development Types

The Table of Compliance below demonstrates the proposed development demonstrates full compliance with the relevant provisions of the MDCP 2013, or where a variation is proposed a control justification is provided.

Table 4 Consideration of MDCP 2013 Provisions

CONTROL	COMMENT	COMPLIANCE
Part 3 – General Principles of Development		
3.1 Streetscapes and Townscapes	The proposed development is an appropriate response to the existing Lauderdale Avenue streetscape. The site is within a residential area, characterised by dwelling houses and residential apartment buildings. The proposal will retain the existing dwelling house land use on the site. It complies with the key built form controls within the MLEP 2013 with regards to height and FSR, while also demonstrating compliance with front & rear setback controls under the MDCP 2013 (discussed below in this table). The front setback is consistent with the adjoining buildings and others in the street. The proposed materials and colours (outlined in Section 3.5) are appropriate in the context of the streetscape and responsive to the foreshore, of which the site is within. Further discussion regarding the built form is provided within Section 6.1.1 below. It will positively impact the streetscape through the retention of a significant portion of the existing sandstone wall, demonstrating consideration of the heritage context of the site while not being identified as an item.	Yes

<i>3.2 Heritage Considerations</i>	The site is not deemed a heritage item, nor is the site located within a heritage conservation area. It is, however, within the vicinity of two (2) heritage items). Refer to Table 3 for the spatial context of heritage items in the vicinity of the site and Section 6.1.5 of this Report for a heritage assessment of the existing dwelling and proposal. Further details are provided within the accompanying Heritage Impact Statement at Appendix K. Despite the site not being identified as a heritage item, the proposal will mostly retain the stone wall, rockface and stone steps beyond the new garage. As detailed within the accompanying Heritage Impact Statement at Appendix K, the proposal will have no impact on the significance of heritage items in the vicinity and there are no heritage considerations that would preclude the development being approved. In summary, the proposal will have no impact on the significance of heritage items within the vicinity and comply with Clause 3.2 of the MDCP 2013.	Yes
<i>3.4 Amenity (Views, Overshadowing, Overlooking / Privacy, Noise)</i>	<u>Views</u> Refer to Section 6.1.4 for discussion regarding views. <u>Overshadowing</u> Refer to Section 6.1.2 for discussion regarding views. <u>Overlooking / Privacy</u> Refer to Section 6.1.3 for discussion regarding overlooking / privacy. <u>Noise</u> The proposal will not result in unnecessary noise impacts. It does not represent an intensification of use given it will retain the existing dwelling house use on the site. It is adequately setback from side boundaries and	Yes

	includes limited openings / windows to the west / east to protect acoustic amenity for neighbouring development. It is sufficiently setback from the front boundary to protect the amenity of the public domain and is consistent with adjoining buildings.	
3.7 Stormwater Management	The site is located within the Region 3, Zone 1 in accordance with the MDCP 2013 maps. The overall site area is more than 400m² and also impermeable area is more than 190 m², therefore OSD is required. Partridge Hydraulic Services have calculated the minimum OSD tank required to service the site as 17.54m³, which will be provided within the Lower Ground Floor area (underground). It will be constructed in accordance with Council specifications. While the development does not require detailed stormwater treatment devices, trash screens within the inlet pipes and sump at the outlet of the OSD tank have been provided to improve quality of discharged water. Refer to the accompanying Stormwater Plans at Appendix H for further detail. An Erosion & Sediment Control Plan also accompanies this application at Appendix I. It details relevant erosion and sediment measures including geotextile filters, sediment fences, stockpiles and earth basins to manage impacts of stormwater impacts during construction.	Yes
3.8 Waste Management	A Waste Management Plan at Appendix J has been submitted with the application. The operational waste is not anticipated to change in any significant way as a result of the proposal as there will be no additional dwellings.	Yes
Part 4 – Development Controls and Development Types		
4.1.1 Dwelling Density, Dwelling Size and Subdivision	The proposal will retain the existing single dwelling building typology on the site. It is of suitable scale and size in the context of the locality. The proposed built form is typical of	Yes

	existing development within Lauderdale Avenue and will contribute to the existing streetscape character.	
4.1.4 Setbacks (front, side and rear) and Building Separation <i>Front - Must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity</i> <i>Side - 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.</i> <i>Council may consider an exception to the side setback control to enable windows at 90 degrees to the boundary to provide some flexibility in the siting and design of buildings.</i> <i>Rear – 8m</i>	<u>Front Boundary Setbacks</u> The front setbacks have been informed by the front building line of neighbouring properties and prevailing patterns of development within the vicinity. The proposed garage is built to the boundary in accordance with the existing dwelling on site. The dwelling steps in as the height increases to create a 'wedding cake' form, which is typical of built forms in the area. The ground floor is setback 6.29m while Level 1 is setback 7.65m, consistent with the stepped nature of the adjoining buildings. This reduces visual sightlines over the front boundary, protecting the amenity of the public domain and responsive to prevailing built forms within Lauderdale Avenue. <u>Side Boundary Setbacks</u> The side boundary setbacks have been designed as to protect the privacy of adjoining neighbouring development. The internal layout of the dwelling has also been arranged to minimise outlooks over side boundaries by limiting windows on these elevations and orientating habitable rooms to the north and the south. Due to the sloping nature of the site, we consider it to be a reasonable approach to calculate the side setbacks based upon the average height of the external wall. The following discussion provides a context to this calculation and the proposed setbacks. The following setbacks are provided: East (Ground Floor: 1.8m, Level 1: 2.8m) 2.4m – 3m (Ground Floor): <i>Complies</i> - An angled bathroom highlight window directs a vista away from neighbouring development, no side orientated windows are provided within Bedroom 01. 2.15m – 2.7m (Level 1): <i>Non-compliance</i> – The proposal does not strictly comply with the side setback control. However, this is considered acceptable given the internal layout is orientated towards the street.	Yes

	There are also no side orientated windows within the living room and dining room, protecting amenity for neighbouring residential development. West (Ground Floor: 1.8m, Level 1: 2.8m) 2.45m (Ground Floor): <i>Complies</i> - A hallway window is provided; however, it is not a habitable room. An angled highlight window is provided within the bathroom, directing an outlook away from neighbouring development. 2.6m – 3.2m (Level 1): <i>Partial Compliance</i> – The proposal includes a solid wall that is setback 2.6m from the side boundary for a length of approximately 6.8m. The remainder of the setbacks comply with the control. In addition, no windows are proposed that directly overlook the side boundary to protect neighbouring amenity. The side elevations are also provided in the Architectural Plans at Appendix B and discussed in the context of privacy at Section 6.1.3 below. <u>Rear Boundary Setbacks</u> The development provides generous rear boundary setbacks which exceed the 8m minimum requirement. It is noted that the setbacks vary due to the angular nature of the rear boundary. The proposed setbacks are as follows: 15.5 – 16.10 (Ground Floor) 15.5m – 16.15m (Level 1) The proposed swimming pool and rear hardstand car space are within the rear setback. This is considered acceptable given these structures exist on site in a similar general location, and the topography of the site / landscaping will largely obstruct any view towards the rear of the development from Willyama Avenue. Refer to Section 6.1.4 for further discussion regarding views. The proposal also includes an external walkway along the western boundary which provides thoroughfare from the rear car space to the dwelling house. It is setback approximately	
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	1.4m from the boundary and extends for a length of approximately 14.9m. By nature, it is not a habitable space and will operate solely as a pedestrian connection to and from the rear car port. As such, the setback to the boundary is considered acceptable. The proposed development is not subject to the Residential Apartment Code and therefore, is not required to provide additional setback requirements for adequate building separation. Nonetheless, as discussed above, the proposed setbacks are considered to achieve reasonable levels of privacy for neighbouring residents.	
4.1.5 Open Space and Landscaping	The proposal is accompanied by detailed Landscape Plans (Appendix F) and a Landscape Design Statement (Appendix G). The proposed development complies with both the Landscaped Area and Total Open Space controls. - Proposed Landscaped Area: 42.63% (min. 35%) - Proposed Total Open Space: 67.88% (min 55%) Further discussion regarding landscape treatments is provided within Section 6.2.2 below.	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	The site will remain accessible from both the rear northern side (Willyama Avenue) and the front southern side (Lauderdale Avenue). The existing single garage fronting Lauderdale Avenue will be enlarged to provide adequate space for a double garage. The rear single car port will be demolished and replaced with a new single car space. As a result, the proposal will stimulate one (1) additional vehicular space on the site. This is considered acceptable in the context of the site. Lauderdale Avenue currently provides street parking on the northern side of the street, limiting availability of on-street parking. By increasing parking on site, it will reduce	Yes

	dependency on street parking and improve the public domain.	
4.1.8 Development on Sloping Sites	It is recognised that the site is identified within a Landslip Risk Class G2 as identified within the MDCP 2013 (Table 4 above). Based on site investigations, Crozier has identified the following geological/geotechnical landslip hazards which need to be considered. A. Landslip (Soil <3m³) of earth around perimeter of proposed main structure excavation B. Landslip (Rock <10m³) of bedrock around perimeter of proposed excavation Provided the recommendations of the Geotechnical Site Investigation are implemented, the likelihood of any landslip failure is considered 'Rare' and as such risk would become 'Acceptable', as detailed by Crozier.	Yes
4.1.9 Swimming Pools, Spas and Water Features	The existing swimming pool is to be demolished and infilled with a grassed lawn to overlie the area. A new swimming pool will be constructed adjacent to the rear boundary of the site with a new hardstand car space to be constructed in the north-western corner of the block. The pool will have an approximate capacity of 37,650 litres and be of similar size to the existing pool on site. Reorientating the pool alongside the rear boundary is considered a superior design outcome as it will direct potential aural impacts away from neighbouring development and take advantage of the site's orientation to maximise solar access to the pool.	Yes

6. ASSESSMENT OF IMPACTS

6.1. Built Environment

6.1.1. Height, Bulk and Scale

The proposal demonstrates a suitable bulk and scale through compliance with the FSR and maximum height of building controls within the MLEP 2013. Nonetheless, the following design considerations have been provided to manage height, bulk and scale of the development.

- The proposal provides a maximum RL of 32.799 which will sit approximately 1.16m below the existing ridgeline of 94 Lauderdale Avenue (RL 33.967), which adjoins the site to the west.
- The overall height of the proposal is approximately 0.9m lower than the existing dwelling house on site, this is achieved by providing an angled flat roof, rather than the existing traditional pitched form, which is characteristic of surrounding development
- It is recognised that the proposed development provides a larger footprint than the existing dwelling, however, this built form is typical within the streetscape. It is also smaller than the footprint of the two (2) adjoining buildings (refer to site plan within the attached architectural plans).
- The façade of the development is modulated through blocking elements which respond to existing ridgelines / podiums of adjoining development to the west and east. It assists in defining a delineation between the different stories of the development and establishes a consistent design feature along the streetscape.
- The development provides a 'wedding cake' design at the Lauderdale Avenue frontage whereby the upper levels step back from the street. This is to reduce the visual bulk when viewed from the street and manage suitable sightlines from within the development over the front boundary to the public domain.
- The mass of the dwelling house has been redistributed by providing an increased building footprint which establishes compliant front and rear setbacks.
- Lauderdale Avenue has a green character which is created by the established trees and planters. The proposed design includes a detailed landscape scheme in order to enhance the streetscape. On-structure landscaping is also provided to modulate the built form when viewed from the street.

Figure 18 and Figure 19 below provide context to these comments.

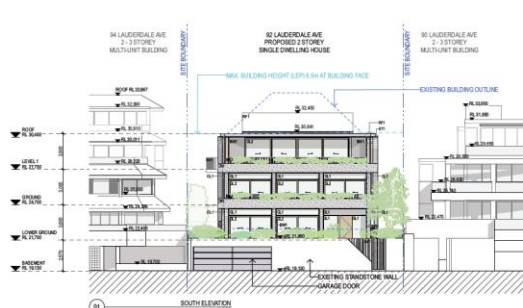


Figure 18: Extract of South Elevation (Source: Archer Office)

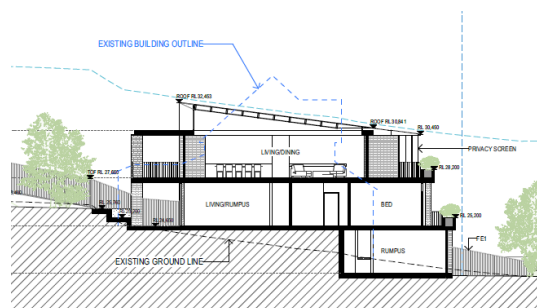


Figure 19: Extract of Section A (Source: Archer Office)

Based on the discussion above, the height, bulk and scale of the proposal is appropriate.

6.1.2. Solar Access and Overshadowing

Shadow Diagrams have been prepared by Archer Office for the Winter Solstice (21 June) and are provided within the Architectural Plans at **Appendix A**. The following section provides a breakdown of the proposed shadows at 9am, 12pm and 3pm at 21 June and accompanied by extracts of the proposed shadow diagrams in Figure 20 -- Figure 22 below.

Shadow Diagram 21 June 9am

- At 9am the proposed development will result in minor overshadowing to the roof of 94 Lauderdale Avenue. It is noted that these shadows fall on a non-trafficable area of the roof top and are therefore acceptable.
- The proposal will cause reduced shadows within the site at 9am, particularly to the rear, due to the demolition of the existing car port. It will not reduce shadows to adjoining development as they already experience overshadowing at 9am.
- There is no additional overshadowing to Lauderdale Avenue as the street / public domain is already overshadowed by existing development.

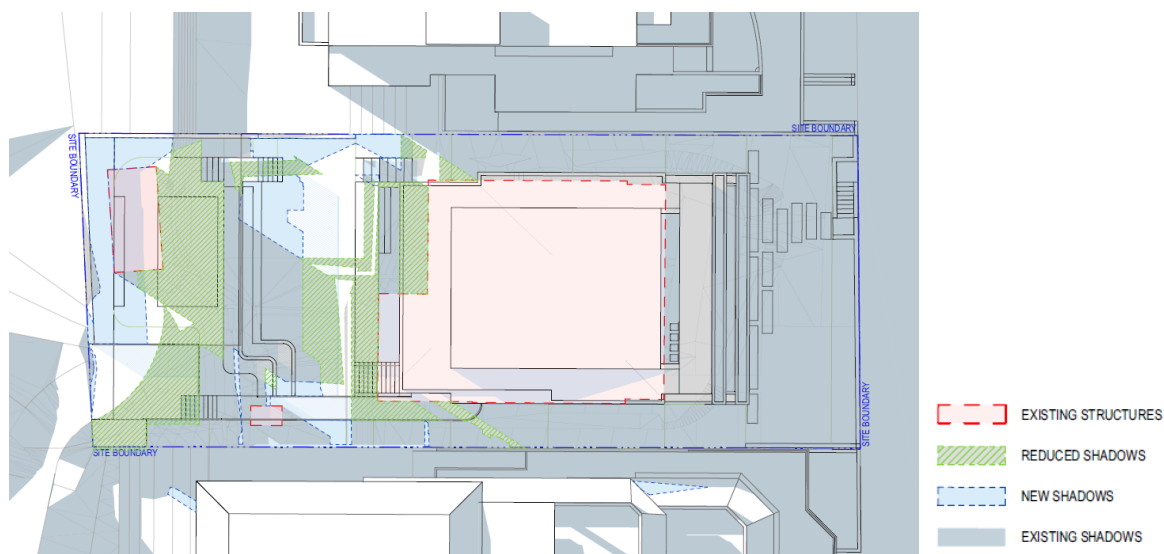


Figure 20: Extract of Shadow Diagram 21 June 9:00am (Source: Archer Office)

Shadow Diagram 21 June 12pm

- The proposal will cause additional overshadowing to Lauderdale Avenue at 12pm. This shadow is not uncharacteristic of existing development, considering the site at 94 Lauderdale Avenue similarly casts a shadow over the street.
- There is no additional overshadowing to neighbouring residential development.
- There are reduced shadows within the site, improving residential amenity.

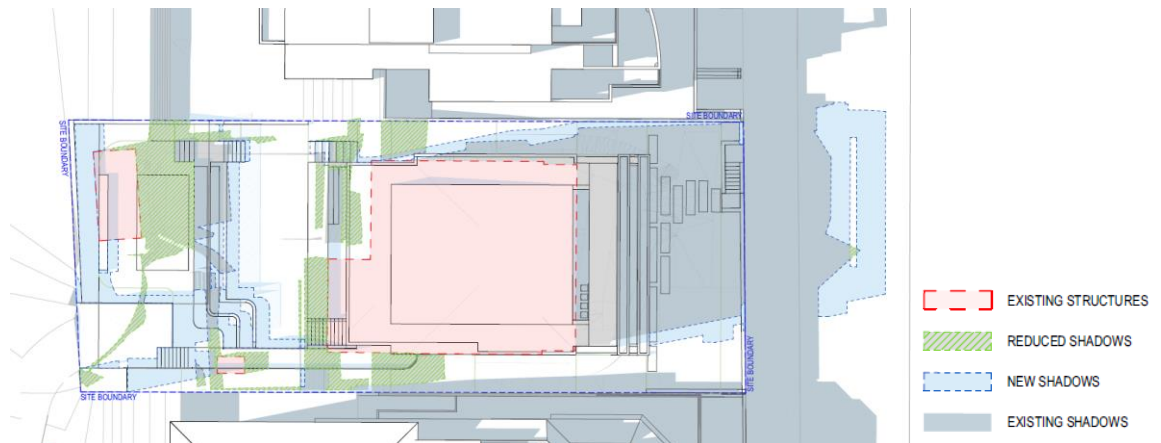


Figure 21: Extract of Shadow Diagram 21 June 12:00pm (Source: Archer Office)

Shadow Diagram 21 June 3pm

- The design results in a minor additional shadow over the roof of 90 Lauderdale Avenue. It is noted that these shadows fall on a non-trafficable area of the roof top and are therefore acceptable.
- It will result in reduced shadows for the rear private open space of 90 Lauderdale Avenue and partly along the western boundary, increasing the solar amenity of the site.
- New shadows fall primarily within the subject site, protecting the amenity of neighbouring development.
- The proposal will not cause additional shadowing to Lauderdale Avenue or the public domain at 3pm.

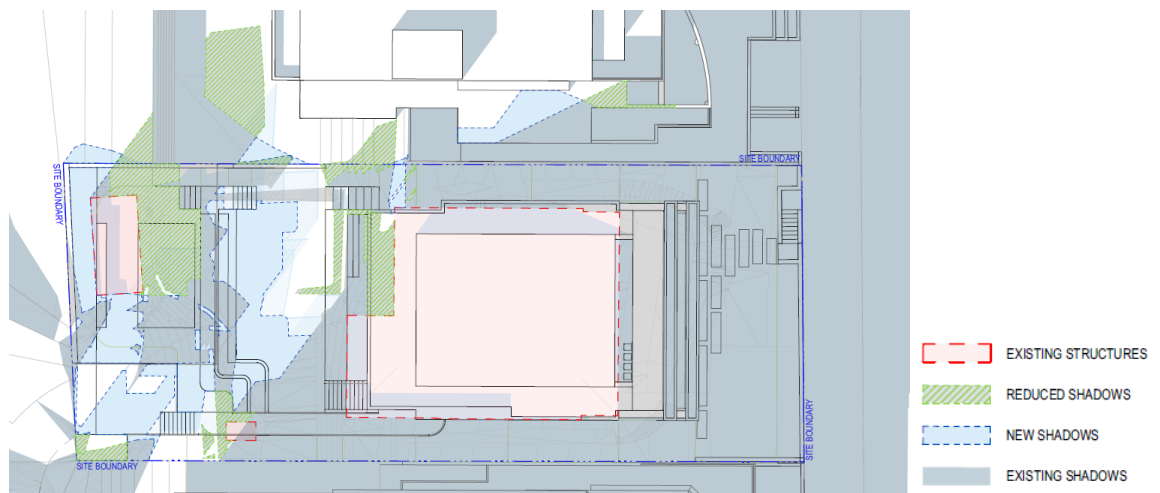


Figure 22: Extract of Shadow Diagram 21 June 12:00pm (Source: Archer Office)

Having regard to the compliant building height and orientation and topography of the site (which is situated on a south facing slope), the overshadowing impact is not considered unreasonable, and it is considered that the neighbouring properties will retain a reasonable amount of access to sunlight.

6.1.3. Privacy

The proposed development has been designed as to protect the visual and acoustic privacy of neighbouring residential development and the public domain.

Visual Privacy

The location of windows within the proposed dwelling have been positioned and designed as to avoid overlooking of adjoining properties. As outlined in Figure 23 and Figure 24, there is only one window that is directly orientated over the side boundary, which is located on the lower ground floor and services a hallway. Bathroom windows on the ground floor have been skilfully skewed as to direct an outlook away from side boundaries and reducing visual sightlines to neighbouring development.

The proposed development includes a rear terrace to the ground floor. It also includes a front and rear balcony to Level 1 of the dwelling. These built features exhibit compliance with the front and rear setbacks stipulated within the MDCP 2013. The rear terrace / balcony is setback approximately 3m to both side boundaries which is considered suitable given the existing residential context. In addition, given the topography of the site, it is unlikely that unnecessary visual sightlines will be provided over side boundaries, particularly as the development exhibits compliance with maximum height of buildings controls under the MLEP 2013. To assist in further mitigating visual privacy impacts, the front facing balcony at level 1 is provided with privacy screens to respond to both side boundaries. This is considered to enhance the visual privacy of neighbouring residential development.

As detailed in Table 4, the proposed development provides front setbacks which increase in conjunction with the height of the dwelling. It creates a 'Wedding cake' form, which is typical of surrounding residential development. However, it also manages a suitable outlook over the front boundary to the public domain. This is outlined in Figure 23 and Figure 24 below.

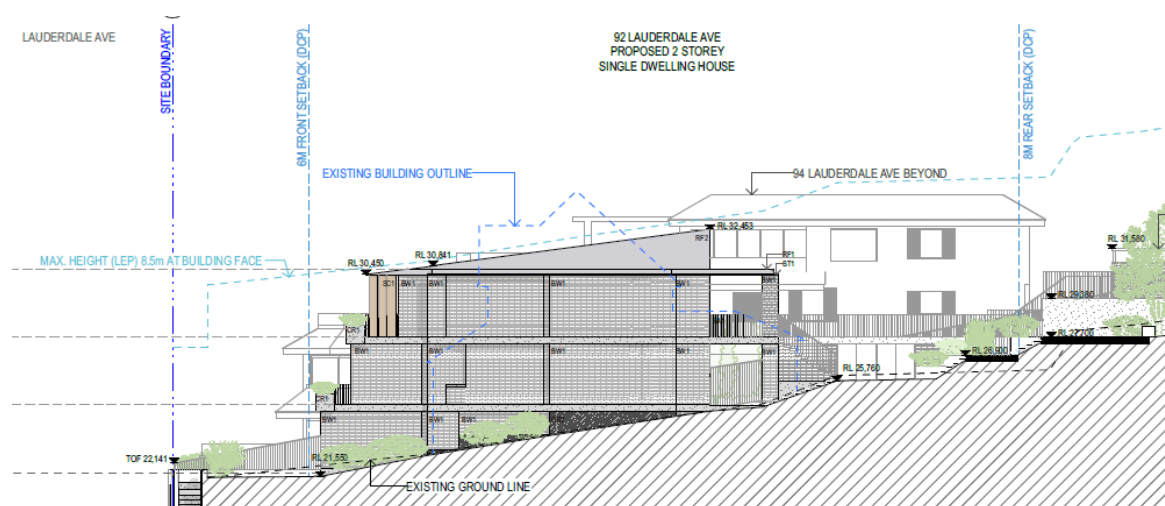


Figure 23: Extract of East Elevation (Source: Archer Office)

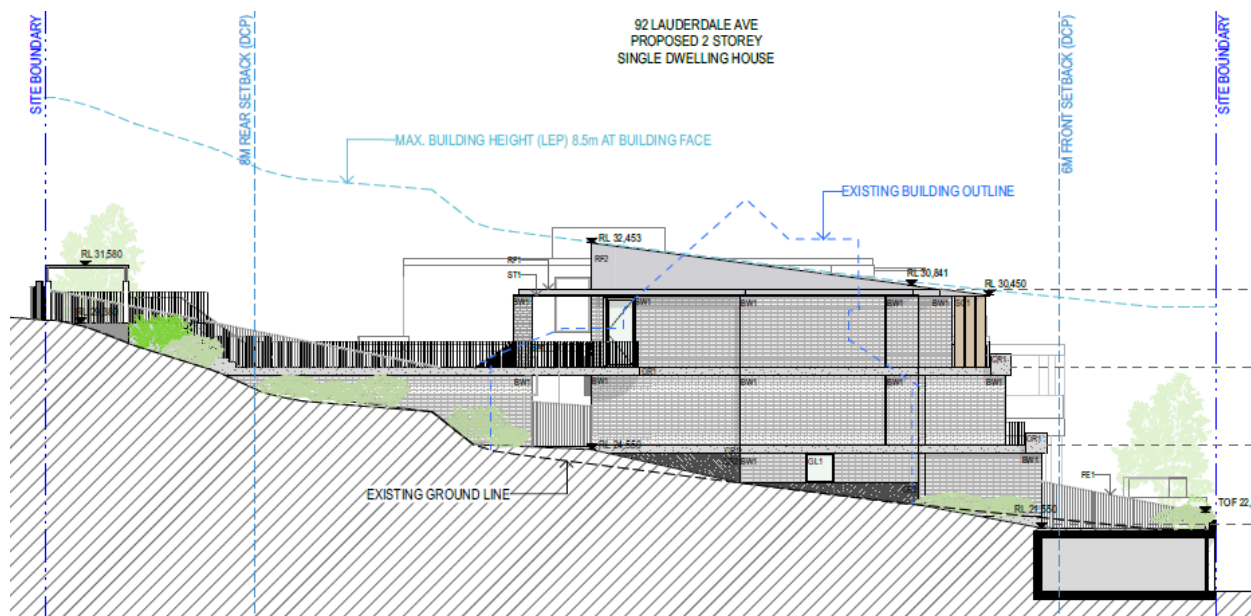


Figure 24: Extract of West Elevation (Source: Archer Office)

Acoustic Privacy

The internal arrangement of the dwelling has been considered to protect the privacy of neighbouring residential development. The Living / Rumpus Room on the ground floor and Living / Dining room on Level 1 is centrally located within the development and located away from side boundaries to enhance aural privacy for residents. Bedrooms on the ground floor are accompanied by solid walls to side boundaries to similarly assist in mitigating potential acoustic impacts (Figure 25).

The proposal will retain the existing residential dwelling house land use on the site. It does not represent an intensification on site with regards to capacity as it will remain as a single dwelling. As such, the nature of the proposal will unlikely stimulate additional acoustic privacy impacts.

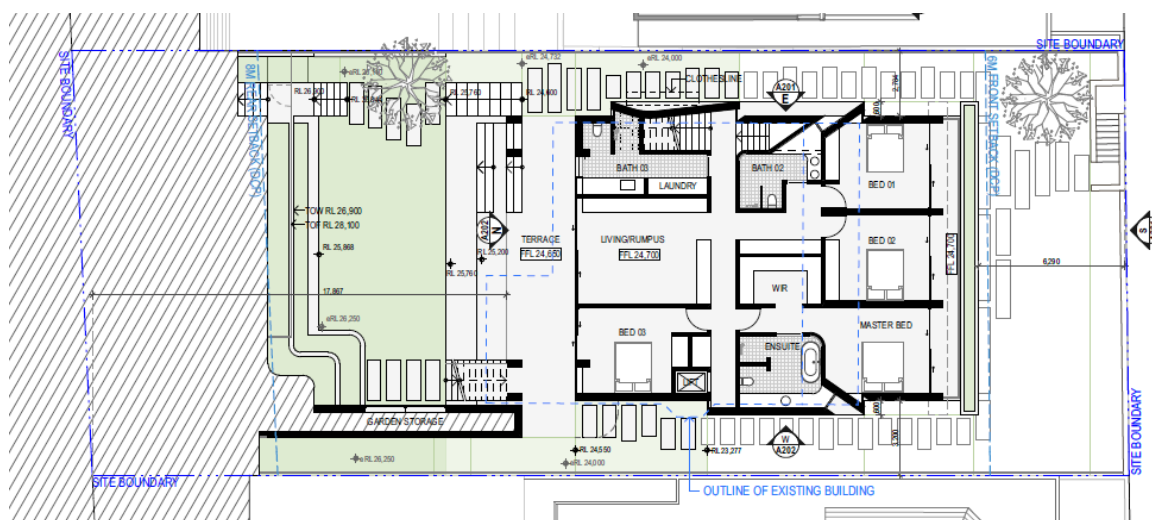


Figure 25: Extract of Ground Floor Plan (Source: Archer Office)

The proposed design achieves a high degree of internal privacy and offers an equally high degree of external privacy to neighbouring properties. The proposal provides a built form that emphasises privacy as a key priority for both the future occupants of the site and the surrounding neighbours.

6.1.4. Views

A View Sharing Analysis has been prepared by Archer Office which accompanies this application within the Architectural Plans at **Appendix B**.

This analysis considers the physical setting of the site, relationship between the site and neighbouring buildings and potential for impacts on view sharing from the following nearby properties and locations:

1. 90 Lauderdale Avenue,
2. 94 Lauderdale Avenue, and
3. Willyama Avenue (north of the subject site)

The location of these properties in relation to the subject site is shown in Figure 26.

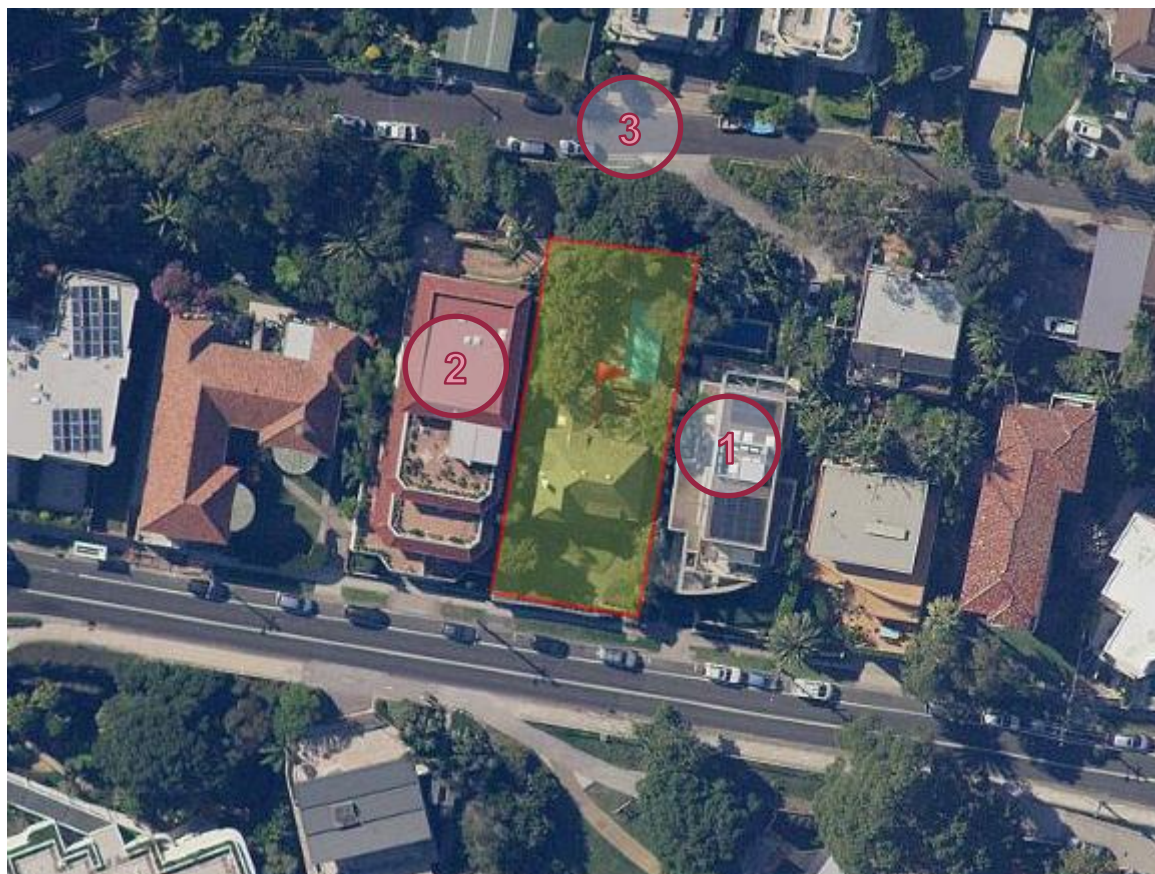


Figure 26: Aerial view, site outlined red and shaded yellow (Source: Sixmaps)

An assessment has been made of the potential effects on views from the properties / location listed above and the extent of view sharing utilising the guidance provided by Senior Commissioner Roseth of the Land and Environment Court of NSW in the judgement in *Tenacity Consulting v Warringah* [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours.

1. 90 Lauderdale Avenue (east of the site)

The neighbouring development at 90 Lauderdale Avenue consists of 3 levels above a garage podium. The context of this development, from within the subject site, is outlined in Figure 27 below with each level annotated a different colour. The top unit is highlighted red, middle unit highlighted orange and the bottom unit highlighted blue.



Figure 27: Context of 90 Lauderdale Avenue (Archer Office)

Bottom Unit

The bottom unit at 90 Lauderdale Avenue is at a similar level to the lower ground floor of the proposed dwelling, outlined in blue in Figure 27. This unit is orientated to the south and southeast due to a full height existing brick wall within the southwest portion of the development. This wall largely obstruct a southwestern outlook towards the subject site. Existing landscaping also assists in mitigating a side boundary outlook, over the subject site. As such, the view loss of this unit is considered minimal.

Middle Unit

The middle unit, outlined in orange within Figure 27 above, is a similar level as the proposed ground level of the proposed development. The openings of the living room and bedroom of this unit face south, with a balcony shaped to orientate views towards the southeast. Internal views of this middle unit have been captured in Figure 28 and Figure 29 below.



Figure 28: Internal view of middle unit (similar level as the ground level of the proposal) (Source: Archer Office)



Figure 29: Bedroom at southeast corner of middle unit (Source: Archer Office)

The only opening that faces southwest is within the living room, which is located at the front of the development. This room is located approximately in-line with the ground level of the subject development, and therefore, will retain views to the Harbour and foreshore.

Top Unit

Consideration is given to the top unit, which is highlighted red, given it is to a similar height in comparison to Level 1 of the proposal and likely enjoys an existing view to the Harbour.

The main opening of living room within the upper unit at 90 Lauderdale Avenue is orientated to the south (street). It is acknowledged that two (2) privacy screens are provided within the neighbouring development along the western façade to minimise overlooking of the side boundary and promote an outlook towards the Harbour directly to the south. A floor plan of this unit is provided in Figure 30 below, it has been annotated by Archer Office to outline both the privacy screens and direction of views from within this development.

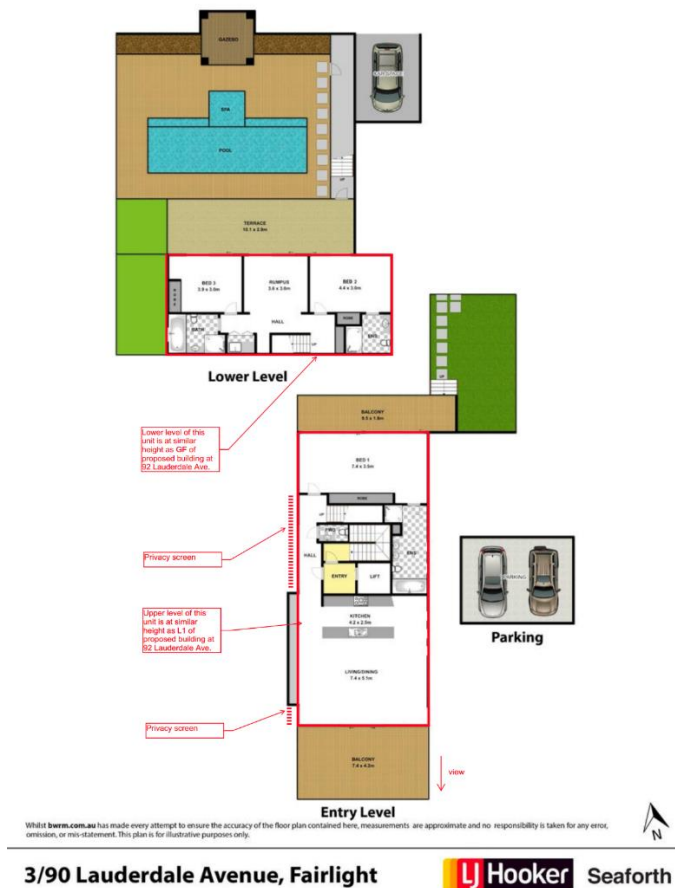


Figure 30: Context of 90 Lauderdale Avenue, annotated by Archer Office (Source: LJ Hooker Seaforth)

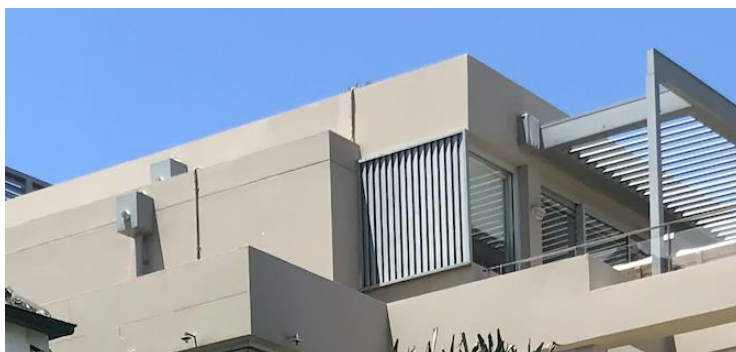


Figure 31: Existing privacy screen at southwest corner of 90 Lauderdale Ave (Source: Archer Office)



Figure 32: Existing privacy screen along western facade of 90 Lauderdale Ave (Source: Archer Office)

It is not anticipated that this top unit will experience any significant view loss due to the internal orientation of this unit

to direct views south. In addition, the existing privacy screens limit overlooking over the side boundaries and further promote a south outlook retaining views.

2. 94 Lauderdale Avenue (west of the site)

Archer Office have prepared a detailed View Analysis which accompanies the Architectural Plans at **Appendix B** to address views for the neighbouring development at 94 Lauderdale Avenue to the west. It contains existing viewpoints from within the development (taken on 17 August 2022) and proposed views following construction to outline the extent of view impact.

It is noted that the architect was unable to gain access to the top floor unit at 94 Lauderdale Avenue. The context of this development is outlined in Figure 33 below.

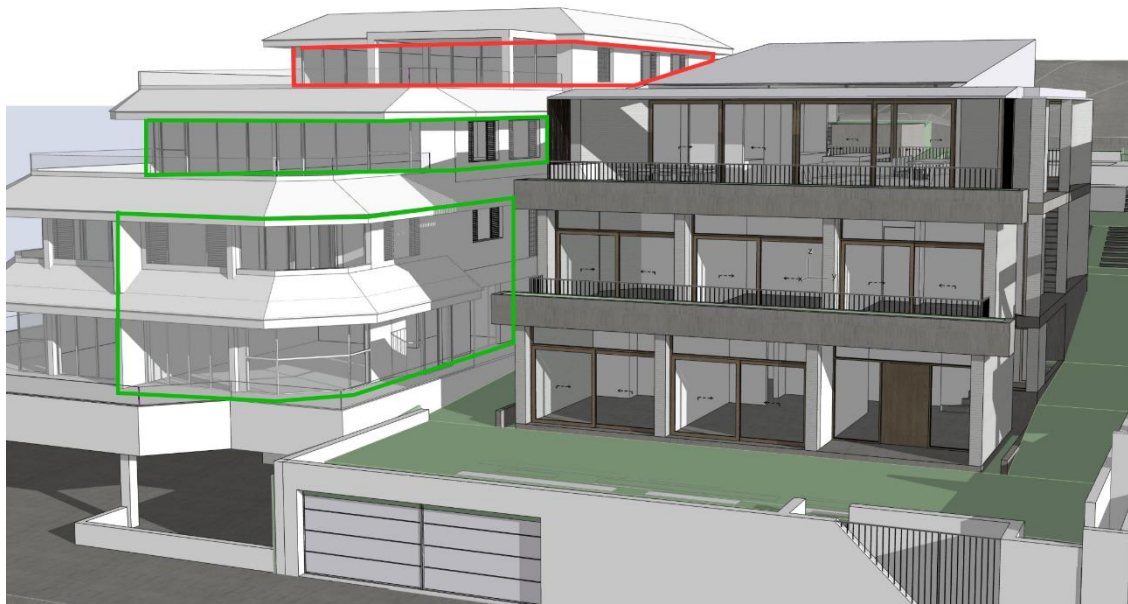


Figure 33: Context of 94 Lauderdale Avenue (Archer Office)

Bottom Unit

The lower level of the bottom unit at 94 Lauderdale Avenue will experience negligible view loss over the southeastern boundary. The living room is largely orientated to the south, with a feature window that wraps around to the southeast. This outlook will remain unchanged. It is noted, however, that view loss is experienced due east over the side boundary. As discussed above, this is not considered unreasonable given the compliance with the front setbacks in the MDCP 2013 (6m). In addition, the primary outlook to the south is retained protecting internal amenity for residents. The context of this is provided in Figure 34 and Figure 35 below.



Figure 34: Existing neighboring view at 94 Lauderdale Avenue, looking southeast (lower level of bottom unit)
(Source: Real Estate website)



Figure 35: Proposed neighboring view at 94 Lauderdale Avenue, looking southeast (lower level of bottom unit)
(Source: Real Estate website)

The upper level of the bottom unit comprises bedrooms with most views oriented to the street. Some impact will occur to the windows overlooking the subject site; however these are secondary rooms. They will experience view loss towards the southeast, which is currently enjoyed by a side orientated window facing the subject site. The primary south orientated view towards the Harbour will remain unaffected, and therefore, this is considered a reasonable outcome for residents. The context of this existing and proposed view is provided in Figure 38 and Figure 39 below.



Figure 36: Existing neighboring view at 94 Lauderdale Avenue, looking southeast (upper level of bottom unit)
(Source: Real Estate website)



Figure 37: Proposed neighboring view at 94 Lauderdale Avenue, looking southeast (upper level of bottom unit)
(Source: Real Estate website)

Middle Unit

The middle unit shares a similar level as Level 1 of the proposed development, as outlined in Figure 33.

View loss of the southeastern boundary is anticipated. This is not considered an unreasonable view loss as the primary outlook over the southern boundary to the Harbour will remain unchanged. Further, the existing southeast outlook is partly obstructed by the existing dwelling and landscaping. Notably, the proposed development complies with the key built form controls in the MLEP 2013 and MDCP 2013, namely the building sits behind the 6m front setback, complies with the 8.5m and provides a suitable side setback. It represents a reasonable development as anticipated by the relevant planning controls and as such, the design does not impose unnecessary view loss. The

context of this view is provided in Figure 38 and Figure 39 below.



Figure 38: Existing neighboring view at 94 Lauderdale Avenue, looking southeast (middle unit) (Source: Archer Office)

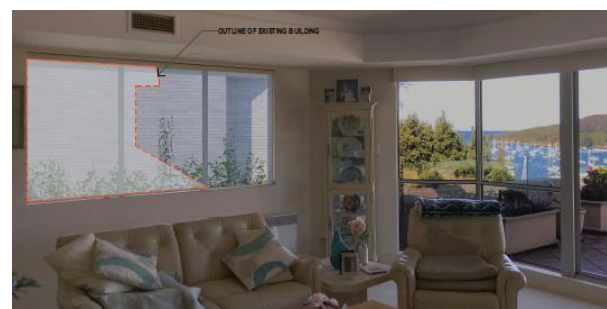


Figure 39: Proposed neighboring view at 94 Lauderdale Avenue, looking southeast (middle unit) (Source: Archer Office)

As noted above, the existing primary outlook from the middle unit towards the south will remain protected. The context of the existing view towards the south is provided below.



Figure 40: Existing neighbouring view at 94 Lauderdale Avenue, looking south (middle unit) (Source: Archer Office)

Top Unit

As noted above, access to the top-level unit (red) was not possible at the time of site inspection. However, Archer Office have provided likely existing and proposed perspectives from the top unit in Figure 41 and Figure 42 below.

The proposal will improve an existing view enjoyed over the western boundary through a side window orientated towards the subject site. The proposed built form is less obstructive than the existing dwelling in the context of this viewpoint. The middle unit will retain uninterrupted views over the side boundary towards the Harbour.

It is acknowledged that there is some view loss anticipated, particularly towards the southeast from within this unit. However, the unit will still enjoy an uninterrupted south orientated view towards the water. Further, the proposed design includes a sloped roof towards the front of the building minimising the extent of view impact to the southeast.

The context of the existing and proposed view within the middle unit is provided in Figure 41 and Figure 42.



Figure 41: Existing neighboring view at 94 Lauderdale Avenue, looking southeast (top unit) (Source: Archer Office)



Figure 42: Proposed neighboring view at 94 Lauderdale Avenue, looking southeast (top unit) (Source: Archer Office)

3. Willyama Avenue (north of the subject site)

The properties to the north of the site, with frontage to Willyama Avenue, will have a minimal view impact due to the proposal. This is due to the existing topography of the site, whereby it sits lower than the existing road level of Willyama Avenue. The existing view from Willyama Avenue towards the site is outlined in Figure 43 and Figure 44 below.



Figure 43: Existing outlook towards the site from Willyama Avenue (Source: GYDE Consulting)



Figure 44: Existing driveway at Willyama Avenue, showing natural topography of the immediate context, stepping down from the street (Source: GYDE Consulting)

Existing dwellings with frontage to Willyama Avenue are not built to the boundary and are setback generously from the street (as indicated in Figure 10 - Figure 13 above). They generally provide a 'wedding cake' form which steps away from the street as height increases, which reduces sightlines over the boundary to Willyama Avenue. In addition, similar to the topographical condition of the site, the land rises towards the north towards Sydney Road which promotes a suitable view corridor over the subject site. Given the proposal does not exceed the 8.5m height limit in accordance with the MLEP 2013, it is considered that the proposal will not present a built form that would obstruct the view corridors from Willyama Avenue and properties adjacent to the north. The outlook towards the site from properties along Willyama Avenue is also densely landscaped with mature shrubs / trees which obstruct a direct view towards the subject site (Figure 44).

Summary

Whilst a separate assessment of all levels has been undertaken, cumulatively, when considering all views gained from within each unit, the overall view loss is assessed as minor or negligible for all potentially affected units.

Tenacity Consulting v Waringah [2004] NSWLEC 140 considers whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. As discussed above, the proposal complies with the built form controls within the MLEP 2013 and MDCP 2013. Additional front setbacks could be proposed to retain southwestern orientated views; however, it would adversely impact the siting of the development within the streetscape and overall contribution to the existing character. Additional excavation could also be proposed to lower the entire building; however, this would not mitigate view impacts while likely resulting in unnecessary geotechnical implications.

Based on the analysis undertaken by Archer Office, we consider that whilst there is some level of view impact to the abovementioned units, on balance, the impact is acceptable, particularly given the level of compliance of the proposed dwelling, the context of the site and surrounds, and the principles set around view sharing (and not requiring full retention of existing views in circumstances such as this where that would be an unreasonable

outcome).

6.1.5. Heritage

A Heritage Impact Statement (HIS) has been prepared by John Oultram Heritage & Design and is provided at **Appendix K**.

The site is not nominated as a heritage item, nor is it located within a heritage conservation area. It is, however, located within the vicinity of two (2) heritage items listed within Schedule 5 of the MLEP 2013. The context of these items is provided in Table 5 below.

Table 5: Heritage Items within the vicinity of the site

REF	ADDRESS	ITEM	RANKING
I2	Manly municipal area	All stone kerbs	Local
I49	Fairlight Foreshore, North Harbour	Esplanade Park and Fairlight Pool	Local

John Oultram Heritage & Design have provided an assessment of significance against the existing dwelling house on the site. It notes that the property is not considered to meet any of the Heritage Manual criteria for identification as a place of local significance. The HIS also provides consideration of the proposed development and notes *“the design of the house is as could be expected in this location that has expansive views to the Harbour”*.

As detailed within the HIS, the development will have no immediate impact on heritage listed stone kerbs in the vicinity of the site. Further, the site does not have any historical associations with the foreshore path and plays little role in the setting of the foreshore, given it is located to the north of Lauderdale Avenue. As such, as confirmed by John Oultram Heritage & Design, the proposal will have no impact on the setting or significance of the adjacent heritage item.

The proposal therefore demonstrates compliance with the existing controls in the MLEP 2013 & MDCP 2013 regarding heritage conservation and as confirmed within the HIS, there are no heritage considerations that would preclude the development from being approved.

6.1.6. Building and Construction

Compliance with the BCA will be demonstrated with the Construction Certificate documentation.

A final Construction Management Plan will be prepared by the appointed contractor, once the terms of any approval granted by Council are known. Accordingly, it is anticipated that Council will include appropriate conditions within any consent notice requiring the preparation and approval of a CMP prior to works commencing.

6.2. Natural Environment

6.2.1. Tree Removal

The proposal necessitates the removal of nine (9) trees on the site. The following observations have been made

within the Arboricultural Assessment Report at **Appendix B**.

- Six (6) of these trees are of low and very low retention value. They are not considered to be significant or worthy of special measures to ensure their preservation, therefore, warranted for removal in this instance.
- Three (3) of these trees are of moderate retention value. These trees are not considered significant, however, are in good health / condition and make a fair contribution to the amenity of the site and surrounding properties.

In order to compensate for a loss of amenity resulting from the removal of the 3 moderate retention values trees the Arboricultural Assessment Report recommends that a minimum of two (2) replacement trees be planted on the site, capable of reaching a height of 10 metres.

The proposed landscape design includes the planting of 2 trees in accordance with this recommendation. One will be located to the east of the rear lawn and one to the east of the front lawn. Refer to the accompanying Landscape Plans at **Appendix F** for further detail.

Recommended tree protection measures, as outlined within the Tree Protection Plan of the Arboricultural Assessment Report at **Appendix E**, will be implemented to ensure the protection of trees within the site during construction.

6.2.2. Landscape

The proposed development is accompanied by Landscape Plans (**Appendix F**) and a Landscape Design Statement (**Appendix G**).

It is considered that the proposed landscape design will increase the site's existing landscape offerings, while retaining significant features and provide usable and attractive garden spaces for residents. It consists of a newly landscaped front, side and rear garden combined with terrace garden transitions and new hardstand paving to compliment the swimming pool. In addition, the proposed development demonstrates compliance with the minimum landscaped and total open space areas prescribed within the Manly DCP 2013 (as detailed in Section 5.1 above).

Extracts of the Landscape Plans are provided below.

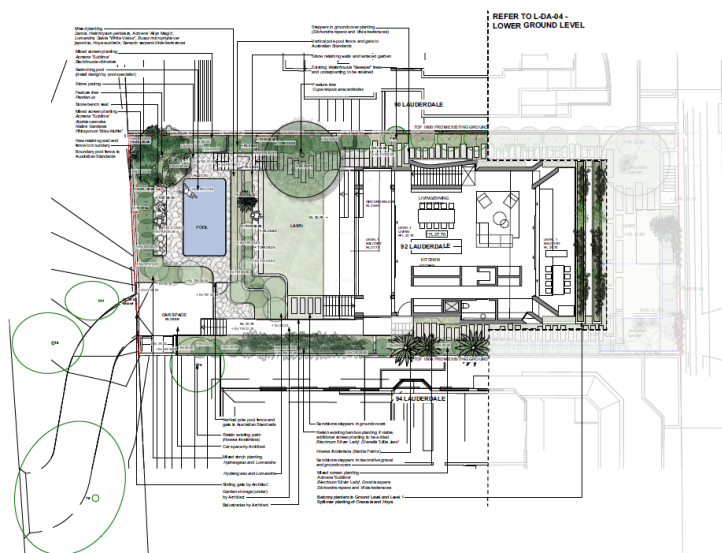


Figure 45: Extract of Ground and Level 1 (Source: 360 Degrees Landscape Architects)

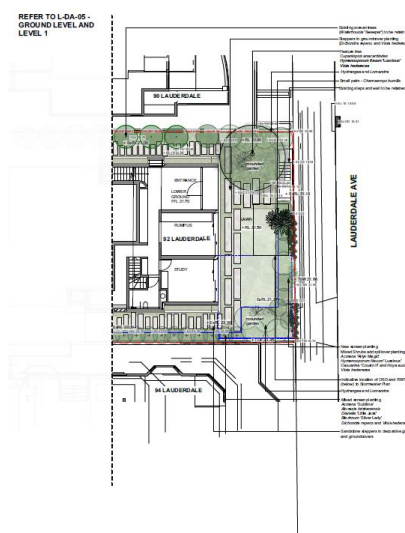


Figure 46: Extract of Lower Ground (Source: 360 Degrees Landscape Architects)

The proposed landscape design includes a combination of planting which will assist in softening the appearance of the proposed built form, minimising the potential for overlooking between adjoining properties and also improve amenity for residents.

6.2.3. Excavation

A Geotechnical Site Investigation was prepared by Crozier Geotechnical Consultants (Crozier) which accompanies this application at **Appendix L**.

It has been identified that bulk excavation will be required to a maximum of approximately 4.6m depth for northern portions of the basement level and to 2.0m depth for the proposed swimming pool at the rear of the site. The basement level will be formed at generally the same level as adjacent development, however, will require additional excavation to form a double car parking space.

The Geotechnical Site Investigation included borehole testing to investigate subsurface conditions. Topsoil / Fill, Sand/Clayey Sand/Sandy Clay and Sandstone Bedrock. The majority of the bulk excavation will likely intersect sandstone bedrock of at least very low but probable low to medium strength.

It is recognised that the site is identified within a Landslip Risk Class G2 as identified within the MDCP 2013 (Table 4 above). Based on site investigations, Crozier has identified the following geological/geotechnical landslip hazards which need to be considered.

- C. Landslip (Soil <3m³) of earth around perimeter of proposed main structure excavation
- D. Landslip (Rock <10m³) of bedrock around perimeter of proposed excavation

Provided the recommendations of the Geotechnical Site Investigation are implemented, the likelihood of any landslip

failure is considered 'Rare' and as such risk would become 'Acceptable', as detailed by Crozier.

The design & construction recommendations are outlined within the Report at **Appendix L**. However, they are summarised for reference below:

- New footings to specific site classifications,
- Depth of excavation to remain as proposed under this DA,
- Equipment for excavation to include excavator with a bucket and ripper, rock hammer and rock saw.
 - Equipment will comply with recommended vibration limits.
- New retaining structures/excavation support wall will be required including steel reinforced concrete / concrete block walls.
- Trenches, as well as new building gutters, down pipes, and stormwater intercept trenches will be connected to the stormwater system to manage discharge off site.
- Inspection of excavation support measures, proposed equipment and all new footings to confirm compliance to design assumptions at the completion of the project.

In summary, the proposed works are relatively minor from a geotechnical perspective and should not create any new instability provided the recommendations of the Report are implemented. The risks associated with the proposed development with regard to Landslip Risk can be maintained within 'Acceptable' levels

There were no existing/credible landslip hazards identified and the proposed works are relatively minor from a geotechnical perspective and should not create any new instability provided the recommendations of this report are implemented with negligible impact to the neighbouring properties or structures provided the recommendations of the Report and any future geotechnical directives are implemented.

As such, as confirmed by Crozier, the proposal is considered acceptable from a geotechnical / landslip perspective.

6.2.4. Stormwater

The proposed stormwater design has been informed by council specifications and accompanying guidelines within the MDCP 2013. It will incorporate the following design elements:

- Existing stormwater discharge pipe to kerb & gutter to be removed and replaced with new connection in accordance with Council's specifications. General location at the front boundary (Lauderdale Avenue) to remain.
- Basement walls to be fully tanked – no seepage to be drained to Council's stormwater system.
- New rainwater tank (4500L) and OSD tank (17.54m³) with silt arrestor and trash screen below Lower Ground Floor.
- Gravity fed stormwater pipes / grates to Council specifications, including inlet and outlets.
- An Erosion & Sediment Control Plan also accompanies this application at **Appendix I**. It details relevant erosion and sediment measures including geotextile filters, sediment fences, stockpiles, and earth basins to manage impacts of stormwater impacts during construction.

As such, it is considered that the stormwater management procedures are satisfactory in managing run-off both during construction and occupation of the dwelling house.

Refer to the accompanying Stormwater Plan prepared by Partridge Hydraulic Services at **Appendix H** at the Erosion & Sediment Control Plan at **Appendix I** for further detail.

6.2.5. Servicing / Waste

Demolition and Construction Waste

Waste generation will be minimised, and recycling of materials will be maximised to ensure that resources are conserved, and waste is processed responsibly. The demolition and construction phase will be appropriately managed to mitigate the environment impact of the development. A CWMP will be provided at CC stage to further detail management of these processes.

Refer to the accompanying Waste Management Plan at **Appendix J**.

Operational Waste

The operational waste is not anticipated to change in any significant way as a result of the proposal as there will be no additional dwellings.

6.3. Site Suitability

The site contains an existing dwelling house, is subject to no known hazard or development controls and already benefits from connection to all relevant utility services. As such, the site is suitable for the proposed development.

6.4. Social and Economic Effects

The proposal maintains existing dwelling stock and no adverse social or economic outcomes have been identified within this assessment.

6.5. Public interest

Pursuant to case law of *Ex Gratia P/L v Dungog Council* (NSWLEC 148), the question that needs to be answered is “Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development”.

There are no unreasonable impacts that will result from the proposed development, therefore, the benefits of providing an improved dwelling in a well serviced area outweigh any disadvantages and as such the proposed development will have an overall public benefit.

7. CONCLUSION

This DA seeks approval for the demolition of the existing dwelling at 92 Lauderdale Avenue and construction of a new part 2 and part 3 storey dwelling and associated landscaping and stormwater works.

This SEE has undertaken an environmental assessment of the proposal and has concluded that the proposal provides a built form which is consistent and compatible with the desired future character of the site and the surrounding locality.

In summary, the proposal is considered to:

- be an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the Environmental Planning and Assessment Act, 1979;
- provide a built form consistent with and appropriate to the desired future character of the site.
- provide a high quality residential dwelling which will improve amenity for residents.
- have no adverse impacts on the environment, traffic, parking, drainage or other external features or services.
- on balance, and in the context of the site and surrounds, view loss as a result of the proposal is not considered to be unreasonable and is therefore supported on planning grounds.

The benefits provided by the proposed development outweigh any potential impacts and is it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development and is worthy of approval.