



STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of a new two storey dwelling.

Lot 8/-/DP1197324

8 Alan Avenue

Seaforth

Statement of Environmental Effects
8 Alan Avenue, Seaforth 2092

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1 Introduction

This Statement of Environmental Effects accompanies a development application for the **construction of a new two storey dwelling** on land identified as Lot 8/-/DP1197324, 8 Alan Avenue, Seaforth.

The primary topics addressed in this report are:

- Site description
- Details of the proposal;
- Summary and assessment against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 (as amended).

This Statement of Environmental Effects confirms that the proposed development is suitable and appropriate in the context of the area and all relevant statutory and non statutory planning policies. As such it is considered that the proposal can be supported and approved by Council.

1.1 Site Description

The subject land is identified as Lot 8/-/DP1197324, 8 Alan Avenue, Seaforth. Located on site is an existing dwelling and is surrounded by dwellings of a similar size. Access to the site is via Alan Avenue. The site is a regular shape and has a site depth of 46m and a width of 20m.



Figure 1: Aerial Image of Site & Surrounding Area



Figure 2: Map of the subject site

1.2 Proposed Development

The proposed development involves the **construction of a new two storey dwelling.**

The proposed development comprises of:

- Demolition of existing dwelling
- The construction of the new two storey dwelling which consists of 4 bedrooms, 3 bathrooms, open plan living areas, media room, study and guest room.

1.3 Approvals Sought

The application, which this Statement of Environmental Effects supports, seeks consent under section 4.15 of the Environmental Planning and Assessment Act, 1979 for the proposed development.

2 Planning Assessment

2.1 Environmental Planning & Assessment Act 1979 (EP&A Act)

The relevant objects of the Act are:

(a) to encourage:

(ii) the promotion and co-ordination of the orderly and economic use and development of land.

This application is consistent with the objects of the Act as the proposed development enables the orderly and economic use of the land.

2.1.1 Integrated Development

Section 4.46 of the EP&A Act defines integrated development as development that requires development consent by one or more approvals under another Act. **The subject proposal does not trigger integrated development as detailed under S.4.46 of the EP&A Act.**

2.1.2 Designated Development – Section 4.10

Schedule 3 of the Environmental Planning and Assessment Regulations 2000 prescribes development which, if of the relevant type and size, may be considered to be Designated Development. In this case it is our opinion that the development would not trigger any of the designated development provisions.

2.2 Section 4.15 Assessment

Section 4.15 of the EP&A Act outlines the matter for consideration in the determination of a Development Application. The relevant matters for consideration are addressed individually below.

2.2.1 Environmental Planning Instruments - Section 4.15 (1)(a)(i)

2.2.1.1 State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 is a NSW-wide planning approach to the remediation of contaminated land. When considering a Development Application, the consent authority must observe the requirements of SEPP 55. The significant clause of SEPP 55 is clause 7, which is outlined below.

Clause 7 - Contamination and remediation to be considered in determining development application

Under Clause 7, a consent authority must not consent to the carrying out of any development on land unless:

- (a) It has considered whether the land is contaminated, and*
- (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

In accordance with Clause 7 of SEPP 55, Council must consider whether the land is potentially contaminated. The land where the proposed development is located is in an existing residential area and shows no sign of previous contamination.

SEPP Infrastructure 2007

This policy sets out certain requirements to smooth the path of mainly large infrastructure projects. In this case the policy requires the consent authority to ensure infrastructure is adequate to accommodate the development proposal, which is held to be of the traffic-generating variety. As the development is for a residential development, 104 (2) of the SEPP is not triggered in this instance.

2.2.1.2 Manly Local Environmental Plan 2013

The Manly Local Environmental Plan 2013 (LEP 2013) is the applicable local planning instrument for the site.

Local Environmental Plan	
Matter	Relevant Control
Zoning	R2 – Low Density Residential
Zone Objectives	The objectives of this residential zone are: • 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.
Permitted without consent	Home-based childcare; Home occupations
Permitted with consent	Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses ; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Signage; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems
Prohibited	Advertising structures; Water treatment facilities; Any other development not specified in item 2 or 3

Height of Building	The site is located in the Area with a 8.5m height of building limit
Architectural Roof	Clause 5.6 allows Height of Building exceedance.
Floor Space Ratio	The site is located in a area with a prescribed floor space ratio of 0.4:1.
Minimum Lot Size	The site is located in the Area (750sqm) of the minimum lot size map.
Heritage	Not of heritage significance.
Acid Sulphate Soils	Class 5.
Land Acquisition	Not identified for acquisition.
Foreshore Building Line	Not identified.
Scenic Protection Land	Scenic Protection.

Clause 4.1 Minimum subdivision lot size

The clause provides the minimum lot size requirements for subdivision. The minimum subdivision lot size for the site is 750sqm. The development is not for subdivision.

Clause 4.3 Height of buildings

The clause provides the maximum building height limit for the area. The maximum height of a building allowed within that area is 8.5m. The proposed development complies with the standard.

Clause 4.4 Floor space ratio

The site is located within the 0.4:1 FSR Ratio area of the Floor Space Ratio Map. The proposed has a FSR of 0.42:1 which does not comply with the development standard and therefore a request for a variation to the development standard accompanies this development application.

Clause 4.6 Exceptions to development standards

The clause provides an avenue to seek a variation to development standards. It is noted that the development complies with all the LEP Development Standards.

Clause 5.10 Heritage conservation

Subclause (5) allows Council to require a heritage management plan to be prepared where a development is proposed on a site that is *within the vicinity of a heritage item*. The site is not listed as being a heritage item or in the vicinity of a heritage item.

2.2.2 Proposed Instruments - Section 4.15 (1)(a)(ii)

There are no proposed instruments that are or have been the subject of public consultation under the Act and that have been notified to Council that would have implications for this development application.

2.2.3 Manly Development Control Plan 2013 - Section 4.15 (1)(a)(iii)

Manly Development Control Plan 2013 (DCP) applies to the site and outlines specific development requirements for residential development. The provisions of the DCP must be considered in the assessment of the proposed development.

Development	Control
<u>3 General Principles of Development</u>	
<u>3.1 Streetscapes and Townscapes</u> 3.1.1 Streetscape (Residential areas) 3.1.1.1 Complementary Design and Visual Improvement 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.	The proposed development is in keeping with the size and character of the neighbouring dwellings and is not considered to detract from the scenic amenity of the area.
<u>Setback Principles in Low Density Areas</u>	

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. <u>Setback Principles in Higher Density Areas</u> c) In higher density areas (including LEP Zones R1 & R3), careful consideration should be given to minimising any loss of sunlight, privacy and views of neighbours. This is especially relevant in the design of new residential flat buildings adjacent to smaller developments. See also paragraph 3.4 Amenity.	
3.1.1.2 Front Fences and Gates a) Notwithstanding maximum height provisions for fencing at paragraph 4.1.10; the siting, height and form of boundary fences and walls should reflect the fencing characteristic of the locality, particularly those of adjacent properties. All fencing and wall materials must be compatible with the overall landscape character and the general appearance of the building and the streetscape. b) Boundary fences or walls must not be erected where they would conflict with the local character. c) Front fences and gates must be constructed in materials that complement the architectural style and period of the dwelling and improve the streetscape. In particular, fencing adjacent to a public road or place must not be constructed in metal cladding, powder coated or otherwise. d) Gates must not encroach on public land when opening or closing.	The proposed fence complies with the <i>exception to max height of fences 4.1.10.1</i>.
3.1.1.3 Roofs and Dormer Windows a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings. b) Roofs should be designed to avoid or minimise view loss and reflectivity. c) Dormer windows and windows in the roof must be designed and placed to compliment the roof structure and reflect the character of the building. In particular, such windows are not permitted on the street frontage of the building where there is no precedent in the streetscape, especially on adjoining dwellings.	The proposed development complies with this control.
3.1.1.4 Garages, Carports and Hardstand Areas a) Garages, carports and hardstand areas must be designed and sited in a manner that does not to dominate the street frontage by:	The proposed development is designed to comply with this control.

I. its roof form, material choice and detailing by being subservient to the associated dwelling; and II. being compatible with the streetscape and the location in relation to front setback criteria. b) Exceptions to setback criteria referred to in this paragraph may be considered where parking structures are a positive element of the streetscape	
3.1.1.5 Garbage Areas Buildings with more than 1 dwelling require garbage storage enclosures which are: a) not visible off site; b) integrated into the building design; c) unobtrusive and blend in with the design of front fences and walls when forward of the building; and d) located and designed with consideration given to the amenity of adjoining properties.	The proposed development has a dedicated bin storage area that is screened and landscaped to not be visible from the street.
3.3 Landscaping 3.3.1 Landscaping Design <u>Landscape Character</u> a) The design, quantity and quality of open space should respond to the character of the area. In particular: I. In low density areas: (including LEP Zones R2 Low Density, E3 Environmental Management and E4 Environmental Living) open space should dominate the site. Setbacks of buildings from open space should also be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshore. II. In higher density areas: the provision of adequate private open space and landscaped areas are to maximise residential amenity. Site works must be minimised to protect natural features. III. In areas adjacent to native vegetation: the design of development should be sympathetic to the natural environment in order to protect and enhance the area as habitat for native fauna. IV. In areas of habitat for the long-nosed bandicoot: (see paragraph 5.4.2), landscape design must include native plant species to provide new and/or improved low dense clumping habitat to provide for potential foraging and nesting. The planting schedule should comprise species such	The proposed development maximises the use of private open space. A landscape plan is included with this development application showing a high level of quality for the proposed landscaping for the site.

as Lomandra sp. Dianella sp., Banksia spinulosa, Caustis sp., Xanthorrhoea sp., Isolepis sp., Juncus sp., Adiantum sp., Calochlaena sp., Callistemon sp., Grevillea juniperina, Gleichenia sp., Grevillea 'Robyn Gordon' and tussocky native grasses (eg. Kangaroo Grass) b) <u>Planting criteria including Native Plant Species and Amenity</u> I. Landscaped Areas must be capable of supporting new native tree species that are typically expected to reach a mature height of 10m notwithstanding the minimum dimension requirements at paragraph 4.1.5.2 of this plan. II. The use of locally occurring native plant species is preferred to assist in providing habitat for local fauna; and preserve threatened native plants. III. Trees should be positioned in locations that minimise significant impacts on neighbours in terms of: - blocking winter sunlight to either living rooms, private open space or solar collectors; or - where the proposed location of the tree may be otherwise positioned to minimise any significant loss of views <u>Undercroft areas</u> c) Undercroft areas must be presented as a positive space and integrated into the design of the building by use of appropriate landscaping and/or the retention of natural features and vegetation where possible, having regard to the volume of the space and its orientation. In relation to sloping sites (see also paragraph 4.1.8) and in lower density areas, any supporting undercroft structures must be minimised.	
1.3.2 Preservation of Trees or Bushland Vegetation 3.3.2.1 Requirements for Vegetation Clearing Permits a) All trees are prescribed for the purposes of clause 5.9 of the LEP b) A person shall not ringbark, cut down, top, lop, remove, poison, injure, or wilfully destroy any prescribed tree or bushland vegetation unless authorised by a current Development Consent. This includes damage to a tree or bushland vegetation by: i. damaging or tearing live branches and roots; ii. damaging the bark, including attachment of objects using invasive fastenings, the fastening of	The proposed development includes the removal of some existing trees. An arborist report is included with the application which endorses the development.

materials around the trunk of trees which may result in a detrimental impact on tree health; iii. tree topping, where large branches and/or the trunk of the tree is removed from the top of the trees canopy; iv. tree lopping, where branches are removed to reduce the height and spread of the tree. v. damaging the root zone of a tree by way of compaction, including storage and stockpiling materials; vi. changing of ground levels within the root zone of a tree by way of excavation, trenching, filling or stockpiling; vii. under scrubbing of bushland vegetation; viii. burning of vegetation (not part of a Hazard Reduction Certificate) ; or ix. any other act or activity that causes the destruction of, the severing of trunks or stems of, or any other substantial damage to, some or all of the native vegetation in an area. c) Tree DAs are required for: i. removal or cutting down of any tree over 5m in height; ii. pruning of more than 10 percent of a tree canopy. iii. the removal or cutting down of vegetation in “Bushland”. d) The applicant must demonstrate that any tree to be removed as part of a Tree DA meets one or more of the criteria of the Removal of Tree Test in Schedule 4 - Part A of this plan and the Tree Retention Assessment in Schedule 4 - Part A1 of this plan. An arborist report may be required to satisfy this requirement	
3.3.3 Footpath Tree Planting The installation of footpath trees is supported to satisfy the aims of the former Manly Council’s Tree Management Policy 2011. Also, in relation to footpaths adjoining LEP Zone B6 in Condamine Street plantings will be in a manner which discourages parking on the footpath. See also paragraph 9 of the Manly Tree Management Policy.	N/A
<u>3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)</u> <u>Designing for Amenity</u>	The proposed development complies with this control with the development minimising visual impact and

• Careful design consideration should be given to minimise loss of sunlight, privacy, views, noise and vibration impacts and other nuisance (odour, fumes etc.) for neighbouring properties and the development property. This is especially relevant in higher density areas, development adjacent to smaller developments and development types that may potentially impact on neighbour's amenity such as licensed premises. • Development should not detract from the scenic amenity of the area. In particular, the apparent bulk and design of a development should be considered and assessed from surrounding public and private viewpoints. • The use of material and finishes is to protect amenity for neighbours in terms of reflectivity. The reflectivity of roofs and glass used on external walls will be minimal in accordance with industry standards. See also Council's Administrative Guidelines regards DA lodgement requirements for materials and finishes.	privacy and overshadowing through the design of the dwelling.
3.4.1 Sunlight Access and Overshadowing 3.4.1.1 Overshadowing Adjoining Open Space In relation to sunlight to private open space of adjacent properties: a) New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June); or b) Where there is no winter sunlight available to open space of adjacent properties from 9am to 3pm, the calculations for the purposes of sunlight will relate to the equinox in March and September from 9am to 3pm.	The proposed development complies with this control as provided with the solar diagrams provided with the development application.
3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties: a) for adjacent buildings with an east-west orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at least 2 hours from 9am to 3pm on the winter solstice (21 June); b) for adjacent buildings with a north-south orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 4 hours from 9am to 3pm on the winter solstice (21 June);	The proposed development complies with this control as provided with the solar diagrams provided with the development application.

c) for all adjacent buildings (with either orientation) no reduction in solar access is permitted to any window where existing windows enjoy less than the minimum number of sunlight hours specified above.	
3.4.2 Privacy and Security 3.4.2.1 Window Design and Orientation a) Use narrow, translucent or obscured glass windows to maximise privacy where necessary. b) When building close to boundaries, windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy.	The proposed development complies with the use of highlight windows on the upper elevations and landscaping for the lower storey of the development to maintain privacy.
3.4.2.2 Balconies and Terraces a) Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties. Architectural screens must be fixed in position and suitably angled to protect visual privacy. b) Recessed design of balconies and terraces can also be used to limit overlooking and maintain privacy.	The proposed development complies with this control.
3.4.2.3 Acoustical Privacy (Noise Nuisance) See also Noise Guide for Local Government prepared by NSW Department of Environment, Climate Change and Water in 2010. a) Consideration must be given to the protection of acoustical privacy in the design and management of development. b) Proposed development and activities likely to generate noise including certain outdoor living areas like communal areas in Boarding Houses, outdoor open space, driveways, plant equipment including pool pumps and the like should be located in a manner which considers the acoustical privacy of neighbours including neighbouring bedrooms and living areas. c) Council may require a report to be prepared by a Noise Consultant that would assess likely noise and vibration impacts and may include noise and vibration mitigation strategies and measures.	The development complies.
3.4.3 Maintenance of Views a) The design of any development, including the footprint and form of the roof is to minimise the loss of views from neighbouring and nearby dwellings and from public spaces. b) Views between and over buildings are to be maximised and exceptions to side boundary setbacks, including zero setback will not be considered if they contribute to loss of primary views from living areas.	The proposed development does not impact on views.

c) Templates may be required to indicate the height, bulk and positioning of the proposed development and to assist Council in determining that view sharing is maximised and loss of views is minimised. The templates are to remain in place until the application is determined. A registered surveyor will certify the height and positioning of the templates.	
<u>3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)</u>	
3.5.1 Solar Access 3.5.1.1 Building Form, Design and Orientation The building and site layout is to maximise northern orientation to optimise solar access. Achieving passive solar energy efficiency is an important consideration in design, but it must be balanced with responding to desired streetscape character; promoting amenity for both the proposed development and neighbouring properties (including views, overshadowing and noise considerations), retaining trees and responding to topography.	The building is designed to maximise solar access to the internal living areas.
3.5.1.2 Solar Shading Devices Whilst the design of buildings should take advantage of winter sun, there is an equal need to provide protection from the severity of summer sun. There is a need to control summer sun penetration and prevent the overheating of the building. This can be achieved using appropriate solar shading devices. The most effective way of controlling overheating of a dwelling is to prevent summer sun from reaching glazed areas. a) The design of buildings may reduce summer sun penetration to north, east and west facing walls of buildings incorporated by the use of external solar shading devices, such as; awnings, external venetians, balconies, pergolas, eaves, overhangs, sails and the like. b) The minimum projection width for north facing overhangs, or shading devices, should be a width equivalent to at least 45 percent of the height of the shaded opening, measured from the bottom of the glass, to be shaded.	The building is designed to maximise the winter sun and to shade the house from summer sun through the positioning of the eaves and roof.
3.5.2.3 Trigeneneration and Cogeneration <u>Cogeneration</u> means the use of a power generator (for example, gas turbines) to simultaneously generate both electricity and useful heat. The heat may be used for various applications such as space heating or water heating. <u>Trigeneneration</u> means use of the waste heat to provide cooling similar to cogeneration. If the demand for cooling is high, the waste heat of the electricity generation process can be transformed into cooling energy by an absorption chiller. Trigeneneration can be a cost-effective option, for certain developments such as major data centres requiring both onsite	N/A

electricity generation with large year-round cooling requirements. Cogeneration and trigeneration systems can vary in size from large scale power stations to modular units for individual buildings. The cost-effectiveness of cogeneration and trigeneration varies greatly according to the specific power, heating and cooling requirement of the site or business.	
3.5.3 Ventilation Building design that provides natural ventilation/cooling during summer is an important consideration in the design stage of new building works. Ventilation is also necessary for the good health of buildings by replacing internal air which may contain carbon dioxide, damp and contaminants with fresh outside air. This paragraph provides passive solar design principles and measures to optimise natural ventilation through: a) building design and orientation to prevailing wind; and b) the location and area of permanent openings, windows and doors.	The building is designed to allow for adequate ventilation.
3.5.3.1 Building Design and Orientation to prevailing wind a) Buildings are to be orientated to benefit from cooling summer breezes (generally easterly/north easterly in Manly) where possible. b) Buildings are to provide for cross ventilation by locating windows and openings in line with both each other and the prevailing breezes.	The building is designed to comply with this control.
3.5.3.2 Location and area of openings a) The area of unobstructed window opening should be equal to at least 5 percent of the floor area served. b) Locate windows and openings in line with each other, and with the prevailing breezes to assist ventilation so that air can pass through a building from one side to the other, replacing warm inside air with cooler outside air. c) Consider the use of solar or naturally activated exhaust fans to ventilate external walls. This also keeps living areas cool in summer and dry in winter. d) Rooms in residential flat buildings which access exposed balconies are to include a separate opening window as well as a door.	The proposed development complies with this control.
3.5.5 Landscaping 3.5.5.1 Considerations in Plant Selection and Landscaping Design a) Matters to consider in selecting trees and vegetation best suited to conserving energy in buildings include:	Existing trees are to be retained where possible with some trees to be removed. The proposed landscaping is to enhance the design of the dwelling.

i. adaptability to site conditions i.e. size of block, soils, microclimate (wind, sun and shade pattern, slope, proximity to existing vegetation, building services, water requirements); ii. canopy density for shading/cooling; iii. seasonal character i.e. deciduous species; iv. growth patterns - height and spread of canopy and root spread. Make sure you find out the heights of trees when buying from nurseries and try to choose trees that grow to approximately 6m to 10m in height and that have low maintenance requirements; v. choosing plant material with low water requirements, and plants that are fire retardant if you live in a fire hazard area; vi. weed invasion - near bushland can be prevented by choosing plant and landscaping materials carefully; and vii. the relationship between the building and the garden landscaping needs to be considered at an early stage in the design process. Where possible provide direct access from the principal indoor living areas to those outside. These considerations need to be carried out in conjunction with the architect/ builder. b) Landscaping should generally contribute to energy efficiency by: i. controlling sun to reduce summer heat gain, by shading the house and outdoor spaces, without reducing solar access in winter; ii. controlling winds to reduce both heat loss, (by providing protection from unfavourable winds) and heat gain (by funnelling cooling summer breezes); iii. improving outdoor comfort levels in summer, through shading, absorbing heat and funnelling breezes.	
3.5.7 Building Construction and Design 3.5.7.1 Environmentally Sound Building Materials a) Where possible, reuse existing site materials and materials that have a low embodied energy. That is, materials that have the least impact on the environment in production. b) Building materials should be selected to increase the energy efficiency of the building, and to minimise damage to the environment. In particular, the use of plantation and recycled timber is encouraged, and no rainforest timbers or timbers cut from old growth forests	The proposed development complies with this control.

are to be used in Manly. Building Specification for timber should specify plantation or regrowth timbers, or timbers grown on Australian farms or State Forest plantations, or recycled timbers. Recommended building timbers are located at Schedule 8 of this plan. Note: <i>Whilst the commercial considerations of choice of building materials are generally influenced by availability, economy and market considerations, greater energy efficiency and environmental sustainability can be achieved by careful choice of building materials.</i> c) Material choice should also take account of environmental considerations, namely: i. abundant or renewable resources; ii. energy efficient materials, with low embodied energy; iii. recycled materials; iv. non-polluting materials; v. environmentally acceptable production methods; vi. durable materials, with low maintenance; and vii. recyclable and reusable materials. d) Wood certified by the Forest Stewardship Council known as 'Good Wood' must be utilised where possible. The Forest Stewardship Council sets the international standard for credible forest management and chain of custody certification and remains the most widely recognised and best regarded in the world. e) 'Good Wood' is certified by the Forest Stewardship Council and comes from ethically and ecologically sustainable sources. Buying Good Wood tells companies there is no market for illegal and destructive timber and forces them to act responsibly.	
3.5.7.3 Glazing Notes: <i>The thermal performance of a building relies upon a balance of thermal mass materials, and the area of glass exposed to sunlight. The northern orientation of major glazed areas should receive maximum solar radiation (heat gain) during winter, and a minimum amount during summer.</i> Windows should be rated under the Window Energy Rating Scheme and Building Code of Australia Section J - Part 2 Glazing. a) <u>Clerestory windows and skylights:</u> Where sun penetration is required to the southern parts of the house, glass roofs, skylights, or clerestory windows can be used.	The living spaces are orientated to the north east.

However, they must be shaded in summer to reduce excessive heat gain. b) <u>Orientation of living spaces:</u> Where a dwelling's living spaces are orientated northwards, aim to achieve a glazed area of up to 30 percent of the dwelling's floor area in this direction.	
3.5.7.4 Insulation See also Building Code of Australia Section J - Part 1 Building Fabric. a) Bulk insulation: such as glass fibre, rock wool and foamed plastics reduce conducted heat flow. This is achieved by the material itself and air trapped between its fibres or particles resists heat conduction. b) Reflective insulation: reduces radiant heat flow by reflecting most of the radiation on the warm side and not emitting much on the cool side. Effective reflective insulation needs to be used in conjunction with an air space. c) Draught proofing: In winter, draughts can cause a heat loss of around 20 percent in homes with insulated ceilings. In summer, hot air leaking into a building can be uncomfortable. To reduce heat loss/gain from a building, provide adequate draught excluders or weather-stripping to all windows and doors. d) Fitted curtains with pelmet: To reduce heat loss in winter and heat gain in summer, fit internal close fitting curtains with pelmet. e) Wall and roof colour Lighter colours are preferred for wall and roof materials. Dark walls and roofs absorb heat, light walls and roofs reflect heat. This phenomenon is particularly important in summer where solar radiation is absorbed by the roof and walls, heating the building. f) Pipes and storage tanks Pipes and storage tanks should be insulated for hot water systems.	The building is designed to comply with the Australian standards.
3.5.8 Water Sensitive Urban Design	
3.5.8.1 Principles of Water Sensitive Urban Design Under LEP clause 6.4 Stormwater Management, the principles of Water Sensitive Urban Design to be considered in granting development consent for any development in residential, business and industrial zones are summarised as follows:	The proposed stormwater for the site complies with Council standards.

a) protection and enhancement of natural water systems (including creeks, rivers, lakes, wetlands, estuaries, lagoons, groundwater systems) and riparian land; b) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments; c) minimisation of harmful impacts of urban development by mimicking natural water runoff regimes where possible and appropriate; d) integration of vegetated stormwater treatment and harvesting systems into the landscape in a manner that maximise visual and recreational amenity of urban development and also provides water quality benefits; e) reduction in potable water demand through water efficiency and rainwater and stormwater harvesting; and f) location of water quality and stormwater treatment measures outside riparian land.	
<u>3.7 Stormwater Management</u> The following consideration and requirements apply to the management of stormwater: a) In support of the purposes of LEP clause 6.4(3), all developments must comply with the Council's 'Stormwater Control Policy' (see Council Policy Reference S190). The standards to achieve the controls contained in the Stormwater Control Policy are provided in Council's "Specification for On-site Stormwater Management 2003" and "Specification for Stormwater Drainage". Stormwater management measures are to be implemented and maintained in accordance with the Specification for Stormwater Management; b) Stormwater disposal systems must provide for natural drainage flows to be maintained; c) Pervious surfaces and paving will be used for driveways, pathways and courtyards where practical; d) Notwithstanding the prevailing BASIX water conservation targets, the collection of rainwater/run-off for non-potable uses exceeding the target is encouraged; and e) A qualified drainage/hydraulic engineer will design all stormwater controls, devices and water storage systems; and f) In relation to development in the LEP Zone B6 Enterprise Corridor, Burnt Bridge Creek runs through this land. Land in this locality is also generally low-lying. In this regard stormwater runoff from new developments in these LEP zones must be limited to that currently existing for the	A stormwater management plan accompanies this application.

site for a 1 in 5 year storm or 40 litres per second whichever is the least, unless the drainage system is demonstrated to be sufficient for unimpeded discharge for a fully developed catchment area. Developers should assess whether their land warrants additional drainage considerations because of its location. The NSW Government Floodplain Development Manual may be useful in this assessment.	
<u>3.8 Waste Management</u> 3.8.1 Waste and Recycling Storage Areas a) Garbage storage areas must be of sufficient size to store the number of bins required by Council, being: i. For single dwellings and duplexes and multi-unit dwelling with individual waste and recycling storage areas: 1 x 80 litre bin for residual waste, 2 x 120 litre bins for paper and co-mingled (container) recycling, 1 x 240 litre bin for vegetation recycling. ii. For multi-unit dwellings where there is a common waste and recycling storage area, Council allocates a 240L general waste bin, a 240-litre paper recycling bin and a 240 litre co-mingled (container) recycling bin to be shared by every 4 residential dwellings. Provision for space for a 240-litre vegetation bin should be included where such bins are allocated. iii. For mixed use developments: The building must include no less than two independently designated areas or garbage rooms for commercial and residential occupants; to keep commercial waste and recycling separate to residential waste and recycling. iv. For commercial developments: Council does not provide a waste collection service for commercial developments. It is recommended that private waste contractors are consulted early in the development process to ensure that garbage storage areas are adequately designed. b) Any waste storage facility must be architecturally designed to reflect the design style of the proposed /existing building and not detract from the visual amenity and streetscape character in the immediate vicinity. And should also be wholly contained within the property and not placed on any leased or Council land. In this respect, the storage facility must be screened from the street frontage in a manner that improves the streetscape appearance of the facility	The proposed development complies with this control with a waste management plan provided with this development application.

3.8.2 Demolition and Construction Waste Management Requirements for the management of wastes, particularly in relation to the demolition of buildings are as follows: a) Footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval; b) Any material moved off-site is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1998; c) Demolition and construction waste dockets demonstrating lawful disposal of waste must be retained onsite and kept readily accessible for inspection by regulatory authorities such as Council, the Environmental Planning Authority or Work Cover NSW; d) Waste is only to be disposed of at an appropriately licensed facility; e) Production, storage and disposal of hazardous waste are only conducted in accordance with any applicable Environmental Planning Authority guidelines.	The waste management plan provided with this development application set out the waste management for demolition and construction.
3.8.3 Composting a) In relation to single dwellings, a composting facility should be installed on site where practicable, away from the main building and in such a way that it does not adversely impact on neighbouring properties.	The installation of a composting facility will be at the discretion of the owner.
<u>3.10 Safety and Security</u> 3.10.1 Safety The principle of ‘safety in design’, is to be considered for all development in relation to the design and assessment of DAs to ensure developments are safe and secure for residents, all other occupants and visitors. b) Vehicular Access is to be designed and located to achieve safety by: i. locating car park entry and access on secondary streets or lands where available; ii. minimising the number and width of vehicle access points; iii. providing clear sight lines at pedestrian and vehicular crossings; and iv. separating pedestrian and vehicular access. This separation is to be distinguishable and design solutions in this regard may include changes in surface materials, level changes and use of landscaping for separation.	The proposed development complies with the principles of safer by design.

3.10.2 Security (Casual Surveillance) In order to promote safety and security, all development is to be designed to maximise opportunities for passive surveillance of public and communal areas by: a) orientating some rooms to the street; b) providing sight lines to the street frontage from the window(s) of at least one habitable room unobscured by trees or any other object; c) ensuring the design of fences, walls and landscaping minimise opportunities for concealment and encourage social interaction; and d) preferring double glazing on windows in areas of high street noise rather than the high fences or walls as a sound attenuation measure.	The proposed development complies with this control.
Development Control	Compliance
4 Development Controls and Development Types	
4.1 Residential Development Controls 4.1.1 Dwelling Density, Dwelling Size and Subdivision 4.1.1.1 Residential Density and Dwelling Size Residential Density Areas Minimum Residential Density a) The maximum permissible residential density control at Figure 24 - Minimum Residential Density applies to land identified in Residential Density Areas on the Minimum Residential Density Map at Schedule 1 - Map A in this plan. - D1: 50 sqm of site area required per dwelling - D2: 150 sqm of site area required per dwelling - D3: 250 sqm of site area required per dwelling - D4: 300 sqm of site area required per dwelling - D5: 500 sqm of site area required per dwelling - D6: 600 sqm of site area required per dwelling - D7: 750 sqm of site area required per dwelling - D8: 950 sqm of site area required per dwelling - D9: 1150 sqm of site area required per dwelling <u>Dwelling Size</u> Dwellings are required to have the following minimum internal areas: – Studio dwellings: 35sqm – 1 bedroom dwellings: 50sqm – 2 bedroom dwellings: 70sqm	The proposed development complies with this control.

– 3 bedroom dwellings: 90sqm				
4.1.2 Height of buildings				The proposed development is 6.4m high and is within the maximum wall height and complies with this control.
4.1.2.1 Wall Height				
a) Within the LEP Height of Buildings development standard, the maximum external wall height is calculated based on the slope of the land under the proposed wall. Figures 26, 27 and 28 provide guidelines for determining the maximum height of external walls based on the particular slope of the land along the length of these proposed walls. The maximum wall height control will also vary from one building, elevation or part elevation to another depending on the slope of land on which the wall is sited. Within the range of maximum wall heights at Figures 26 and 28, the permitted wall height increases as the slope of the land increases up to a gradient of 1 in 4, at which point the permitted maximum wall height is capped according to Figure 26.				
Subzones on the LEP Height of buildings (HoB)map	Maximum wall Height on flat land (no gradient)	Maximum Wall Height on land with a site gradient less than 1:4	Maximum wall height on land with a site gradient of 1:4 or steeper	
Area ‘L’ (11m)	9m	See figure 28- maximum wall height determined by the slope	10.5m	
Area ‘N1’ (13m)	12m		12m	
All other areas on map	6.5m		8m	
b) For the purpose of determining maximum wall height, the slope of the land is calculated at natural ground level along the full length of the proposed wall expressed as a ratio that is applied in Figure 27 - Interpretation of Wall Height based on Slope. The slope of land on which the wall is sited will differ from one building to another and from one elevation of that building to another elevation and will be used in Figure 28 below to determine the maximum wall height in each case.				
4.1.2.2 Number of Storeys				The proposed development is two storeys high and complies with this control.
a) Buildings must not exceed 2 storeys, except on land in areas 'L' and 'N1' on the LEP Height of Building Map and notwithstanding the wall and roof height controls in this plan.				
b) Buildings on land in areas 'L' and 'N1' on the LEP Height of Building Map Buildings must not exceed 3 storeys notwithstanding the wall and roof height controls in this plan.				
c) Variation to the maximum number of storeys may be considered:				
i. where specific physical site constraints warrant an exception to this requirement. In these circumstances the				

development must still fully comply with other numeric height controls and development standards; and		
ii. to allow an additional understorey where that storey satisfies the meaning of basements in the LEP.		
4.1.2.3 Roof Height a) Pitched roof structures must be no higher than 2.5m above the actual wall height *, calculated in accordance with Figure 29. b) Roof parapets may extend up to 0.6m above the actual wall height where Council considers that a parapet is considered to be appropriate to the design of the development and satisfies the objectives of this DCP and the LEP. For example, a parapet roof should not result in the appearance of lift structures and the like that protrude above the roof. <u>Roof Pitch</u> c) The maximum roof pitch must be generally no steeper than 35 degrees. A roof with a steeper pitch will be calculated as part of the wall height. In this regard the wall height controls at paragraph 4.1.2.1 of this plan will apply to the combined wall height and the height of the roof steeper than 35 degrees.		The proposed development roof parapet is 725mm high but is considered to be an appropriate design for the proposed development as it does not result in any issues in relation to the amenity of adjoining neighbours and is still within the maximum height of buildings and the maximum wall heights for the site.
4.1.3 Floor Space Ratio (FSR) 4.1.3.1 Exceptions to FSR for Undersized Lots The undersized nature of a lot is a matter that Council may consider in determining whether ‘compliance with the standard is unreasonable or unnecessary in the circumstances of the case’ and ‘there is sufficient environment planning grounds to justify contravening the development standard’ under LEP clause 4.6(3). a) The extent of any exception to the LEP FSR development standard pursuant to LEP clause 4.6 in this plan is to be no greater than the achievable FSR for the lot size indicated in Figure 30 - Extent of FSR Variation for Undersized Lots.		
Subzones on the LEP Lot Size (LSZ) Map	Maximum Variation to FSR for undersized lots	The proposed development has an FSR of 0.42:1 however with the development being on a undersized lot based on the LEP minimum lot size (750sqm) for the purpose of the DCP control the FSR is therefore based on 40% of 750sqm which equates to a FSR of 0.41:1. The development therefore results in a minor variation to the development standard and a variation request is provided with this development application in accordance with clause 4.6 of the LEP.
Area ‘C’	Calculation of FSR based on 250 sqm lot size/ site area	
Area ‘D’	Calculation of FSR based on 300sqm lot sizes/site area	
Area ‘I’	Calculation of FSR based on 500sqm lot size/ site	
Area ‘M’	Calculation of FSR based on 600 sqm lot size/ site area	
Areas ‘R’, ‘T’ & ‘U’	Calculation of FSR based on 750sq, lot size/ site area	

4.1.4 Setbacks 4.1.4.1 Street Front Setbacks a) Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity. b) Where the street front building lines of neighbouring properties are variable and there is no prevailing building line in the immediate vicinity i.e. where building lines are neither consistent nor established, a minimum 6m front setback generally applies. This street setback may also need to be set further back for all or part of the front building façade to retain significant trees and to maintain and enhance the streetscape. c) Where the streetscape character is predominantly single storey building at the street frontage, the street setback is to be increased for any proposed upper floor level. See also paragraph 4.1.7.1. d) Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun- hoods, chimneys, meter boxes and the like, where no adverse impact on the streetscape or adjoining properties is demonstrated to Council's satisfaction.	The proposed development results in a minor breach to the front setback requirement with a small portion of the front of the dwelling being 5.945m from the front boundary. It is noted that the rest of the dwelling complies with the control and it is requested that Council consider the minor non-compliance acceptable on merit as the development achieves the outcomes of the control.
4.1.4.2 Side Setbacks and Secondary Street Frontage a) Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building. b) Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sun- hoods, and the like, if it can demonstrate there will be no adverse impact on adjoining properties including loss of privacy from a deck or balcony. c) All new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries; d) For secondary street frontages of corner allotments, the side boundary setback control will apply unless a prevailing building line exists. In such cases the prevailing setback of the neighbouring properties must be used. Architecturally the building must address both streets. e) Side setbacks must provide sufficient access to the side of properties to allow for property maintenance, planting of vegetation and sufficient separation from neighbouring properties. See also paragraph 4.1.4.3.b.vi.of this plan. f) In relation to the setback at the street corner of a corner allotment the setback must consider the need to facilitate any improved traffic conditions including adequate and safe levels of visibility at the street intersection. In this regard Council may consider the need for building works including front fence to be setback at this corner of the site to provide for an unobstructed	The proposed development is setback 1/3 of the wall height from the side boundaries. The windows within the 3m habitable window boundary are to non-habitable rooms and complies with this control.

splay. The maximum dimension of this triangular shaped splay would be typically up to 3m along the length of the site boundaries either side of the site corner.				
4.1.4.4 Rear Setbacks a) The distance between any part of a building and the rear boundary must not be less than 8m. b) Rear setbacks must allow space for planting of vegetation, including trees, other landscape works and private and/or common open space. The character of existing natural vegetated settings is to be maintained. See also paragraph 3.3 Landscaping. c) On sloping sites, particularly where new development is uphill and in sensitive foreshore locations, consideration must be given to the likely impacts of overshadowing, visual privacy and view loss. d) Rear setbacks must relate to the prevailing pattern of setbacks in the immediate vicinity to minimise overshadowing, visual privacy and view loss.				The proposed development is setback greater than the required 8m requirement to the rear of the property and complies with this control.
4.1.5 Open Space and Landscaping 4.1.5.1 Minimum Residential Total Open Space Requirements <u>Numeric Controls</u> a) Open Space must be provided on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground. The minimum total open space requirement is determined as a percentage of the site area in Figure 34 and applies to residential accommodation and other permissible development in the LEP Zones R1, R2, R3, E3 & E4 and residential development in any other zone excluding shop top housing in LEP Zone B1 Neighbourhood Centre (see paragraph 4.2.8.3) and Zone B2 Local Centre.				The proposed development has an open space area of 61.11% and is 1.11% over the control requirement of 60%.
Residential Open Space Areas at DCP Schedule 1- Map B	Total Open space (minimum percentage of site area)	Landscaped Area (minimum percentage of total open space)	Open space Above Ground (maximum of total Open space)	
Area OS1	At least 45% of the site area	At least 25% of open space	In relation to dwelling houses: no more than 25% of Total Open Space.	
Area OS2	At least 50% of the site area	At least 30% of open space	In relation to all other land uses permitted in the Zone: No more than 40% of Total Open Space	
Area OS3	At least 55% of the site area	At least 35% of open space		

Area OS4	At least 60% of the site area	At least 40% of open space		
b) Minimum dimensions and areas for Total Open Space Total Open Space (see Dictionary meanings including landscape area, open space above ground and principal private open space) must adhere to the following minimum specifications: i. horizontal dimension of at least 3m in any direction; and ii. a minimum unbroken area of 12sqm. iii. A variation to the minimum specifications in i) and ii) above may only be considered for Above Ground Open Space where it can be demonstrated that lesser dimensions or areas will better serve to minimise amenity impacts on neighbours. A lesser areas of above ground open space may be included or calculated under the minimum requirements in the circumstances of the case. In all other cases open space that does not comply with the minimum specification is not included or calculated under the minimum requirements for total open space. <u>Provisions for Total Open Space Above Ground</u> Note: This paragraph limits the extent of total open space which may be provided above ground level. See dictionary meaning of 'open space above ground' c) Open Space Above Ground is limited on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space above Ground Level. The maximum open space above ground requirement is determined as a percentage of the Total Open Space. <u>Amenity Considerations</u> i) Areas of total open space that are above ground are considered to have a potentially greater impact on the amenity of neighbours. Accordingly, the provision of open space that is above ground is to be confined to a maximum percentage of the total open space for any development. In particular, roof terraces and large decks are discouraged and are not a preferred design option when providing open space above ground. ii) All open space above ground including verandas, balconies, terraces, are not to be enclosed. iii) The Total Open Space Above Ground as provided for in Figure 34 may be refused by Council where privacy and/or view loss are issues and where development				

does not satisfy particular considerations in the following paragraphs iv) and v). iv) Roof terraces are not permitted unless designed for privacy with no direct lines of sight to adjoining private open spaces or habitable window openings both within the development site and within adjoining sites. v) Council may also require methods of sound attenuation and/or acoustic treatment to be indicated in the DA to protect the acoustic amenity of neighbouring properties and the public. See paragraph 3.4.2.4 Acoustical Privacy (Noise Nuisance).	
4.1.5.2 Landscaped Area <u>Numeric Controls</u> a) Landscaped Area must be provided on site in accordance with above Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space above Ground Level. The minimum landscaped area requirement is a percentage of the actual * total open space onsite. Note: 'Actual' space refers here to proposed (or existing where no change proposed), rather than the minimum requirement for open space in this plan. <u>Minimum Dimensions and Areas</u> b) Minimum dimensions and areas must provide for the following: - soil depth of at least 1m for all landscaped areas either in ground or above ground in raised planter beds; and See also paragraph 4.1.5.1.c regarding the extent of open space above ground. - a minimum horizontal dimension of 0.5m measured from the inner side of the planter bed/ box, wall or any other structure which defines the landscaped area and incorporating an appropriate drainage and irrigation regime. See also paragraph 3.3 Landscaping regards requirements for design and planting principles. c) <u>Minimum Tree Plantings</u> - The minimum tree numbers must be in accordance with Figure 37 - Minimum Number of Native Trees Required. - The minimum tree requirement may include either existing established native trees or new native trees planted at a pot/container size to be at least 25 litres capacity and being a species selected in accordance with Schedule 4 Part B - Native Tree Selection. - The required minimum number of native trees required under this paragraph must be planted in a deep soil zone as defined in this plan's Dictionary. Note: Suggested minimum soil volumes for tree planting generally are as follows: Large size trees (13-18m high with 16m spread) required 80	The proposed development complies with this control. A landscape plan is included. Deep soil is maintained on the site with the soil depth greater than 1m requirement.

cubic metres of soil. Medium size trees (9-12m high with 8m spread) requires 35 cubic metres of soil. (Source: NSW Apartment Design Code 2015).			
Site Area (sqm)	Areas in the LEP Lot size map	Minimum number of native trees listed in Schedule 4 Part B	
Up to 500	Area 'C'	1 tree	
Up to 500	All areas except 'C'	2 trees	
Between 500 and 800	All areas	3 trees	
Over 800	Area 'C'	3 trees	
Over 800	All areas except area 'C'	4 trees	
<u>Landscaping Driveways</u> d) Driveways alongside boundaries will be sufficiently setback to provide a landscaped area at least 0.5m wide between the driveway area and side boundary for the length of the driveway. Any parking hard stand area or carport associated with the driveway should also be similarly setback unless requiring a greater setback elsewhere under this plan.			
4.1.5.3 Private Open Space <u>Principal Private Open Space</u> a) Principal private open space is to be provided in accordance with the following minimum specifications: i. Minimum area of principal private open space for a dwelling house is 18sqm; and ii. Minimum area of principal private open space for residential accommodation with more than 1 dwelling on the site is 12sqm for each dwelling.			The proposed development complies with this control
4.1.6 Parking, Vehicular Access and Loading 4.1.6.1 Parking Design and the Location of garages, carports or hardstand areas a) The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain the desired character of the locality. b) Garage and carport structures forward of the building line must be designed and sited so as not to dominate the street frontage. In particular: i. garages and carports adjacent to the front property boundary may not be permitted if there is a reasonably alternative onsite location; ii. carports must be open on both sides and at the front; and			The proposed development complies with this control.

c) the maximum width of any garage, carport or hardstand area is not to exceed a width equal to 50 percent of the frontage, up to a maximum width of 6.2m. d) in relation to the provision of parking for dwelling houses, Council may consider the provision of only 1 space where adherence to the requirement for 2 spaces would adversely impact on the streetscape or on any heritage significance identified on the land or in the vicinity.	
4.1.6.4 Vehicular Access a) All vehicles should enter and leave the site in a forward direction. b) Vehicular access and parking for buildings with more than 1 dwelling is to be consolidated within one location, unless an alternative layout/design would better reflect the streetscape or the building form. c) Vision of vehicles entering and leaving the site must not be impaired by structures or landscaping. d) Particular attention should be given to separating pedestrian entries and vehicular crossings for safety. e) Vehicular access will not be permitted from pedestrianised areas in Manly Town Centre. f) In relation to the development of 15-17 Suwarrow Street and 28-34 Balgowlah Road Fairlight, should vehicular access for future development be through L M Graham Reserve, a right of way will be required at the eastern most part of the site, being a 1 metre right of way required for lots 29 and 30 in Sec 5, DP 939916. The right of way should nominate Council or any person nominated by Council as the beneficiary as well as Lot 1 in DP1022202, the other lots of the site, lots 29, 30, 31 and 32 in Section 5 of DP 939916, known as 15-17 Suwarrow Street Fairlight.	The proposed development complies with this control
4.1.6.5 Driveways and Crossings a) Driveway crossovers/ gutter crossings should be minimised and spaced to maximise kerb-side car parking spaces. An appropriate means of minimising impacts in this regard may involve relocation of garages or carports away from the front property boundary if there is a reasonable alternative location. b) Particular attention should be given to separating pedestrian entries and vehicular crossings. c) The use of porous pavements and retention of existing vegetation is strongly encouraged in the design of driveways in order to maximise stormwater infiltration	The proposed development complies with this control
4.1.7.1 First Floor Additions a) First floor additions must complement the architectural style of the ground floor and where possible retain existing roof forms. Notwithstanding setback provisions, the addition may follow the existing ground floor wall setbacks providing adjoining	N/A

properties are not adversely impacted by overshadowing, view loss or privacy issues. b) The dwelling and the form of alterations and additions must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences or the aesthetic quality of the former Manly Council area. In this regard, it may be preferable that the addition be confined to the rear of the premises or be contained within the roof structure.	
4.1.7.2 Habitable Rooms in the Roof Structure Habitable rooms will be permitted in a roof structure subject to compliance with all other controls in this plan and the LEP including height and FSR in the LEP. However alterations and additions to a building which existed prior to 2007 may involve habitable rooms within an existing roof structure that is above the maximum wall and roof height; (see paragraph 4.1.2 of this plan) subject to the rooms not detracting from the character or integrity of the roof structure and not adversely impacting on the amenity of adjacent and nearby properties and the streetscape. Similarly, alterations and additions which exceed the maximum height must not increase the overall height of the building. Consideration may be given in this paragraph to the application of LEP clause 4.6 in considering exceptions to the LEP Building Height standard	N/A
4.1.10 Fencing Freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point.	The proposed fence is 1.5m high and complies with the exception to max height of fences 4.1.10.1 below.
4.1.10.1 Exceptions to maximum height of Fences a) In relation to stepped fences or walls on sloping sites (see paragraph 4.1.8), the fence and/or wall height control may be averaged. b) In relation to open/ transparent fences, height may be increased up to 1.5m where at least 30 percent of the fence is open/ transparent for at least that part of the fence higher than 1m. c) In relation to development along busy roads: - where a development will be subjected to significant street noise, Council may consider exceptions to the permitted fence height where the use of double glazing or thicker glazing for the residence is not available. The use of double glazing for windows in the development is the preferred means of noise reduction. See also paragraph 3.4.2.4 Acoustical Privacy. - fences to the southern side of French's Forest Road, Seaforth may achieve a maximum height of 1.5m with 'solid' fencing.	The proposed fence is 1.5m. The fence is masonry with timber infill and complies with this control.
4.1.10.2. Fencing Height in relation to the height of retaining walls	N/A

Fences must be setback at least 1m from the lip of any retaining wall unless the combined height of the fence and retaining wall is contained within the maximum fence height required in this plan.	
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2.2.4 The likely impacts of that development – Section 4.15(b)

2.2.4.1 Aboriginal Archaeology

The requirement for an Aboriginal Heritage Impact Assessment (AHIA) is based on Part 2 of the NPWS Guidelines for Aboriginal Heritage Impact Assessments. Part 2 states that an AHIA is generally not required where:

- a) The proposed development is on land previously subject to intensive ground disturbance and the development will impact only on the area subject to the previous disturbance;*
- b) The impact of the proposed activity is unlikely to cause any additional damage to Aboriginal objects than that which has already occurred; and*
- c) The proposed development is in an area that has been identified in strategic planning, rezoning or other assessment studies as having low Aboriginal heritage potential.*

Based on the abovementioned points it is noted that the proposed development is not likely to cause any damage to Aboriginal objects as the development is located within an existing residential area with existing site disturbances.

2.2.4.2 CONTEXT AND SETTING

The proposed development has demonstrated consistency of the surrounding locality through the environmental planning regulations and site features informing the overall development design. It has also shown to be consistent with the surroundings through its consistency with the existing residential development of the area.

2.2.4.3 VISUAL IMPACT

The development has been designed in a way and style that complements the area. The development is not expected to create an eye sore to the surrounding community.

2.2.4.4 ACCESS, TRANSPORT AND TRAFFIC

Due to the small nature of the development it is not considered to cause any impact on the local road network.

2.2.4.5 PUBLIC DOMAIN

The proposed development will not have an impact on any public domain. The development contributions derived from this development in providing infrastructure and public domain improvements.

2.2.4.6 SERVICES

Electricity, telephone and physical, legal and emergency service access exists to the existing development. The site has reticulated (town) water supply and reticulated sewer service available.

2.2.4.7 European Heritage

The site is close proximity to the heritage item of the street trees of Alan Avenue. This does not impact on the site.

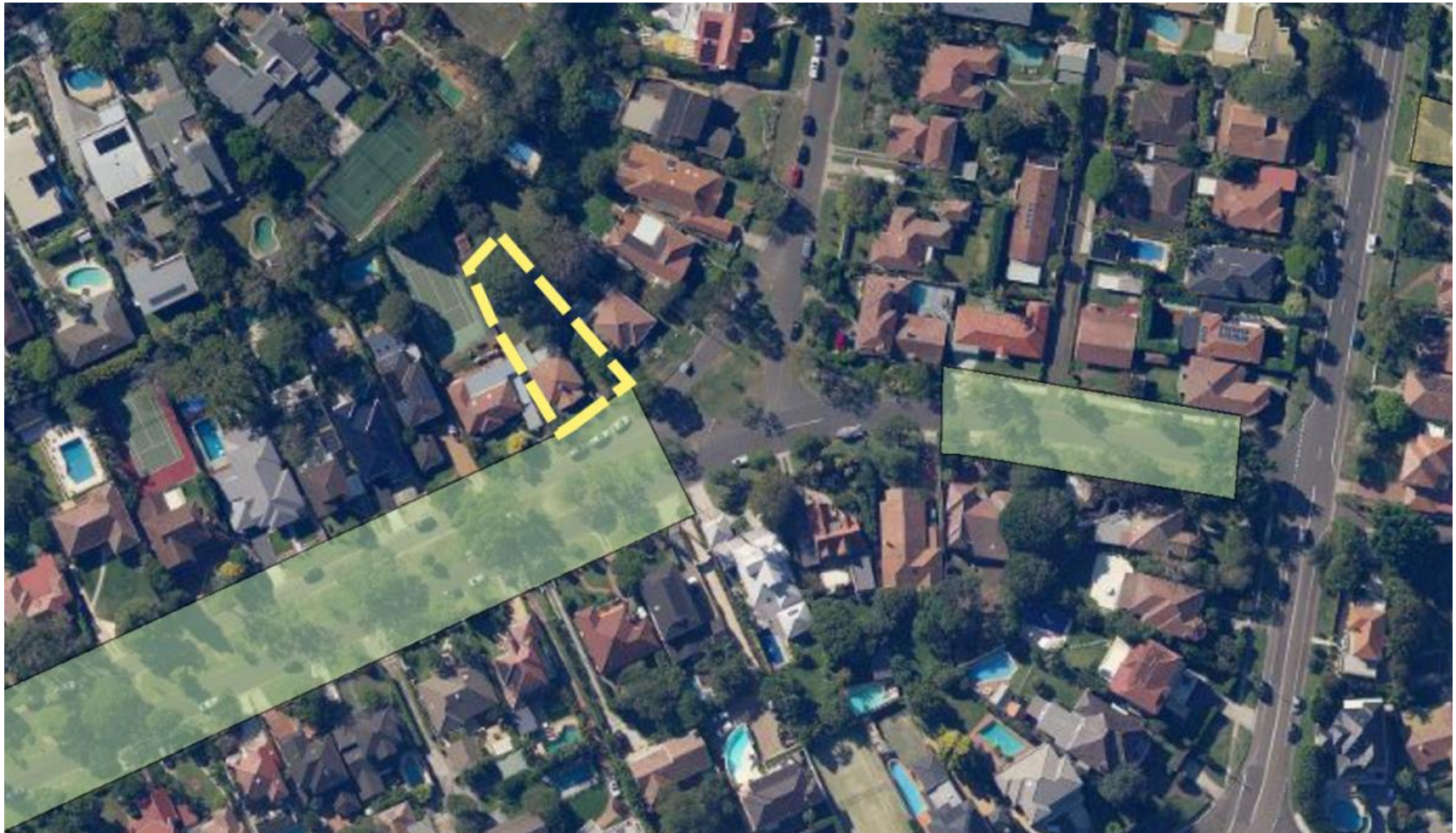


Figure 3: Map of heritage item

2.2.4.8 Flooding

The site is not located within a flood prone area.

2.2.4.9 Landslip Risk Hazard

The site is not mapped as being a landslip hazard and as such no geotechnical report is required.

2.2.4.10 Bushfire

The site is not located within a bushfire zone.

2.2.4.11 Ecology

The physical works that will result from the proposed development will involve some minor earthworks for the footing/ slab.

2.2.4.12 Noise and Vibration

No potential noise or vibration impacts have been identified. Construction noise will be as per normal construction times/processes.

2.2.4.13 Social and Economic Impact

The proposed development should have no social or economic impact on the area.

2.2.5 Suitability of the Site – Section 4.15(c)

The subject site is considered suitable for the proposed use as the area is surrounded by similar buildings of a similar size. As such it is considered that the development is suitable for the site and the surrounding area.

2.2.6 The Public Interest – Section 4.15(e)

The proposed development is considered to be in the public interest.

3 Conclusion

This Statement of Environmental Effects comprehensively demonstrates that the proposed *demolition of the existing dwelling and construction of a new two storey dwelling* is an appropriate and suitable development when tested against the relevant heads of consideration detailed within the section 4.15(C) of the *Environmental Planning & Assessment Act, 1979*.

This report has identified all key issues associated with the proposal and demonstrated that the proposal can be developed appropriately with respect to these issues. The proposal is consistent with the zone objectives and other planning provisions and will make a positive contribution to the area.

The proposal is considered acceptable and should be approved because:

- The site is suitable for the proposal;
- The SoEE has identified all constraints associated with the land and demonstrated that the proposal can be undertaken whilst effectively minimising these constraints;
- The proposal will generate positive social and economic impacts;
- The proposal will generate only negligible environmental impacts; and
- The proposal is within the public interest.

The proposal has been assessed in accordance with S.4.15 of the EP&A Act 1979. This assessment has concluded that under the zone the development is a permissible land use.

Northern Beaches Council's Development Control Plan for Manly has also been considered and proposal complies with the DCP in all respects of the controls.

This report has assessed environmental considerations of the proposal, including heritage, flooding, access, ecological considerations, waste management, stormwater runoff, Aboriginal archaeology and servicing, and has concluded that there are no likely adverse environmental impacts associated with the proposal and that infrastructure either is, or can be developed to support the proposal.