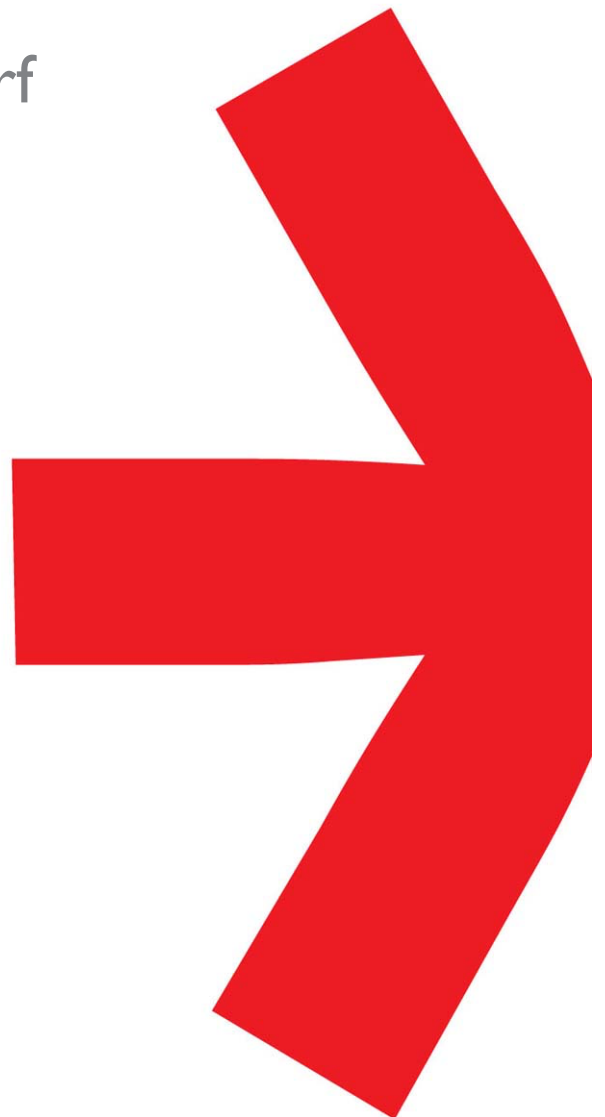


Statement of Environmental Effects

23 Beatrice Street Clontarf

August 2025



Document status

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1 Introduction

Planik Pty Ltd has been engaged to prepare this Statement of Environmental Effects for MMJ Architects for the proposed terrace works at 23 Beatrice Street, Clontarf. The proposed works include the expansion of an existing roof terrace and construction of an openable louvre roof system and balustrade to the existing entry level / third floor of the building.

The site is legally referred to as Lot 3 DP 1168599, has a total area of approximately 1106 m², and has a frontage to Beatrice Street. The site has significant topography, falling approximately 15m from the street. In response to the topography, the existing building is a multi-level residence that steps down the sloping site.

The site is located within the Northern Beaches Council area and is subject to the controls of the Manly Local Environmental Plan 2013 (MLEP 2013) and the Manly Development Control Plan 2013 (MDCP 2013). The subject site is zoned R2 – Low Density Residential, and the proposed works, being ancillary to the dwelling, are permissible with development consent within the zone.

1.1 Pre DA Response to Council Advice

A Pre-DA meeting was held with Council 2 July 2025 and the submitted proposal has been reduced in size and plans were submitted to Council on 9 July to reflect advice received at the Pre-DA meeting. The proposals response to advice receive is outlined below.

Table 1 Pre DA Advice and Response

Advice	Response
Council recognised the existing excavated level causing the proposal to be significantly over height.	The roof terrace area has been reduced in line with this advice.
It was suggested that if the terraced area extension ceased at the intersect of the existing built form and a 8.5m height line from previous natural ground level may be generally supported subject to no privacy, overshadowing and view loss impacts	An indicative natural ground line has been added to the plans to support the proposal – refer Section EW - 01 and EW-O2. Note: this line has been taken from Council's Pre DA advice letter. Impact mitigation is discussed throughout this report.
Open lightweight pergola structure over the existing terraced area	Noted. New non-reflective solid panel roof over terrace is applied.
Design be amended to further reduce the bulk and scale to be consistent	Trafficable terrace and roofed area have been reduced in size by 2.36 m from the west and the roofed area has been setback a further 1.79 m from the north. Built in BBQ element and higher 1500mm semi-opaque splashback have been placed to the south which ensures further setback from and protects the visual privacy of No.21 which is set down from this level.

Advice	Response
Amended development subject to no privacy, overshadowing or view loss issues being identified	Trafficable terrace and roofed area have been reduced in size and setback further from the north. Refer to view impact study submitted with the proposal and analysis within this report.

1.2 Key Opportunities and Objectives

The main opportunities resulting from this proposal include:

- The proposal is contained comfortably setback from the façade edges of the existing built form and is contained within the existing maximum height of the dwelling.
- The extended roof terrace enhances the entry experience and makes the entry to the dwelling also a “place” itself rather than door and stairs.
- The proposal will increase amenity at the roof terrace by creating a larger useable area that has some weather protection.
- Will create a space that will take advantage of the property's outstanding Middle Harbour views, while not impacting the amenity of adjoining dwellings or the neighbourhood with regard to overshadowing, privacy, or significant loss of existing views.

The proposal will also go towards achieving a number of objectives outlined in the Manly Local Environmental Plan 2013 (MLEP) as follows:

Table 2 Manly Local Environmental Plan 2013 Objectives

Objectives	Response
aa) N/A (a) in relation to all land in Manly: (i) to promote a high standard of urban design that responds to the existing or desired future character of areas, and (ii) to foster economic, environmental and social welfare so that Manly continues to develop as an accessible, sustainable, prosperous, and safe place to live, work or visit, and (iii) to ensure full and efficient use of existing social and physical infrastructure and the future provision of services and facilities to meet any increase in demand, and (iv) to ensure all development appropriately responds to environmental constraints and does not adversely affect the character, amenity or heritage of Manly or its existing permanent residential population,	aa) N/A (a) (i) The non-reflective roof and other terrace features will be constructed from high-quality materials, integrated seamlessly with the existing architecture so they do not read as an addition. The proposal makes effective use of the existing building footprint to enhance the dwelling's entry statement while creating a functional and inviting space at this level. (ii) The proposal will not contravene this objective. (iii) The proposal will not have any impact upon the provision of infrastructure or services in the locality, noting it is for minor additions only, infrastructure is as existing. (iv) These matters are not impacted by the proposal as no trees or vegetation will be impacted.
(b) in relation to residential development: (i) to provide and maintain a diverse range of housing opportunities and choices that encourages affordable housing to cater for an ageing population, changing demographics and all socio-economic groups, and	(b) (i) N/A (ii) Existing landscaped areas will be maintained by the proposal and exceed Council requirements. (iii) N/A

Objectives	Response
(ii) to ensure high quality landscaped areas in the residential environment, and (iii) to encourage higher density residential development to be located close to major transport nodes, services and employment opportunities, and (iv) to maintain active retail, business and other non-residential uses at street level while allowing for shop top housing in centres and offices at upper floors in local centres,	(iv) N/A
(c) in relation to business and the economy: (i) to encourage, provide and consolidate business opportunities for a range of uses in appropriate locations that support local employment, community services and economic growth in business centres, and (ii) to recognise that tourism is a major industry and employer in Manly and to encourage its growth and continuing viability while protecting the needs of the local community,	(c) N/A
(d) in relation to transport, infrastructure and amenities: (i) to reduce private car dependency, increase the viability of various public transport modes, minimise conflict between pedestrians and vehicular movement systems and encourage walking and cycling while concentrating intensive land uses and trip generating activities in locations most accessible to public transport and centres, and (ii) to provide for a range of recreational and community service opportunities to meet the needs of residents and visitors to Manly and promote the efficient and equitable provisions of public services, infrastructure and amenities,	(d) N/A
(e) in relation to heritage—to identify, protect, sustain, manage and conserve all heritage, including archaeological relics, sites and resources, places of Aboriginal heritage significance, heritage items (and their curtilages), heritage conservation areas and the cultural (natural and built) environmental heritage of Manly.	(e) The site is not identified as a heritage item, nor is it located within a conservation area.
(f) in relation to the natural environment: (i) to conserve and enhance terrestrial, aquatic and riparian habitats, biodiversity, wildlife habitat corridors, remnant indigenous vegetation, geodiversity and natural watercourses, and (ii) to promote energy conservation, water cycle management (incorporating water conservation, water reuse, catchment management, stormwater pollution	(f) The proposal will not have any impact upon biodiversity, water cycle or the environment in general, noting the works are totally within existing built upon areas on the site.

Objectives	Response
control and flood risk management) and water sensitive urban design, and (iii) to protect, enhance and manage environmentally sensitive land with special aesthetic, ecological, scientific, cultural or conservation values for the benefit of present and future generations, and (iv) to protect existing landforms and natural drainage systems and minimise the risk to the community in areas subject to environmental hazards, particularly flooding, bush fires, acid sulfate soils, sea level rise, tsunami and landslip, and (v) to provide a framework that facilitates and encourages measures to assist the adaptation of the local environment to mitigate the impacts of climate change, and (vi) to give priority to retaining bushland for its own intrinsic value and as a recreational, educational and scientific resource,	
(g) in relation to Manly's unique harbour, coastal lagoon and ocean beach setting: (i) to preserve and enhance the amenity of public places and areas visible from navigable water around Manly, and (ii) to retain open space, make more foreshore land available for public access and protect, restore and enhance riparian land along watercourses and foreshore bushland.	(g) (i) the roof terrace will be marginally visible from the waterway (at some distance) However, the proposed works will complement the building form, distinct building character, building material and finishes and architectural style of the existing building and blend with the locality. (ii) N/A

Table 3 Zone R2 – Low Density Residential Objectives

R2 Objectives	Response
To provide for the housing needs of the community within a low-density residential environment.	Achieved – without altering the density, improvement to the existing rooftop terrace is proposed without extending the buildings footprint.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	N/A

1.3 Manly Local Environment Plan 2013 Development Control Summary

Table 4 Manly LEP 2013 Planning Control Summary

Applicable LEP Control	Requirement	Proposed	Complies
Maximum Height 4.3 (A) Special height provisions: Despite clause 4.3 (2), the height of a building on a lot identified as “Special height provisions” on the Height of Buildings Map must not exceed the height of the highest point of the road adjoining the centre point of the lot boundary that adjoins the road that is the frontage to that lot.	8.5m above natural ground level 	Height of the existing building: 12.96m The proposal extends the roof form of the dwelling entry level terrace by 6.64 m x 6.27 m, but the overall maximum height of the building remains at 12.96m The steel structure roof has a floor to ceiling clearance of 2.63m. Height at the centre of Beatrice Street: 14.82m Therefore, the proposal meets the Special height provision noting that the proposed roof will be below the street height.	No but as existing. A 4.6 Variation is submitted Yes
Floor Space Ratio	0.4:1	No additional floorspace proposed – External area only.	As existing
Minimum Lot Size	950 m ²	No additional lot size proposed – Terrace and its elements only without changing the total area of the site.	As existing
Acid Sulfate Soils	Class 5	No impact – No excavation proposed	Yes
Landslide Risk	Not classified as a landslide risk land	-	-
Scenic Protection Land	Yes	Low impact as proposal is wholly within existing built upon areas and only balustrade glazing and dark terrace roof structure will be visible from the west. Tree canopies and setbacks from the edge of the roof will preserve views from the waterway.	Yes

1.4 Applicant and Ownership

The applicant for this Development Application is MM Architects on behalf of Carys Neill

1.5 Consent Authority

The consent authority for this development is Northern Beaches Council.

1.6 Supporting documentation

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

Plan/Document Title:	Revision	Date:	Prepared by:
Architectural Plans Perspectives Landscape Calculations	A	14 08 25	MM Architects
Survey		04 02 25	CMS Surveyors
Statement of Environmental Effects	B	13 08 25	Planik Pty Ltd

1.7 Structure of the Report

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

- | | |
|-----------|---|
| Section 1 | Introduction. |
| Section 2 | Examines the existing site conditions in terms of location, context, access and relevant planning controls. |
| Section 3 | Describes the development proposal through development statistics, built form, materials and the site conditions. |
| Section 4 | Assesses the development proposal against relevant planning controls. |
| Section 5 | Summarises the environmental effects of the proposed development under the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, which lists matters for consideration by a consent authority in determining a development application. |
| Section 6 | Concludes the statement of environmental effects. |

2 Site and Context

2.1 Site Location and Description

The site is legally referred to as Lot 3 DP 1168599. The total area of the site is 1,106 m², and the frontage setback from Beatrice Street is 18.8 m. Currently, the site contains three floors with a separate garage just below street level.

The dwelling has been sensitively designed and placed around existing trees which maintains its landscape setting.

The land slopes away approximately 5 metres from Beatrice Street to the building's entry level. The slope continues significantly toward the harbour, descending nearly 10 metres to the rear boundary. This results in a total elevation change of around 15 metres across the site's 45-metre depth.

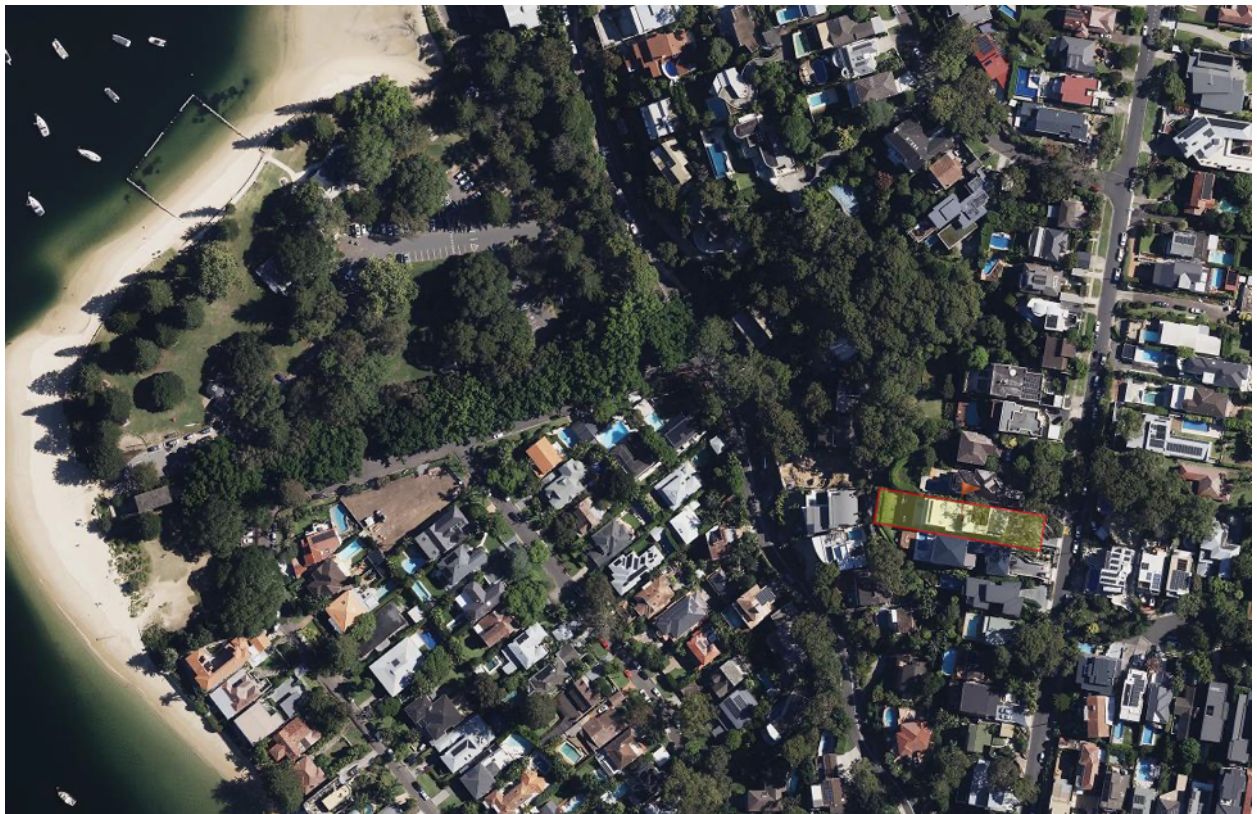


Figure 1 Site Location Map. Source: SIX Maps



Figure 2 Eastern elevation from the Beatrice Street viewpoint

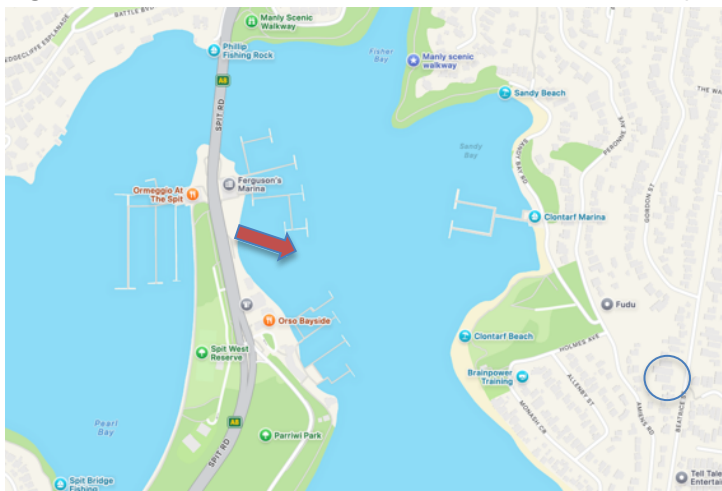


Figure 3 Location of photographs were taken from the area south of the Spit Bridge towards the site



Figure 4 Viewpoint from the waterway to the subject site (max zoom)



Figure 5 View from the Spit (Minimal Zoom)



Figure 6 View of the existing roof from the Beatrice Street with the proposed roof to be set forward /west of existing. Note the eucalypt at dwelling entry level will form a backdrop to the proposed terrace works.



Figure 7 View (at left above) from existing terrace back towards southern elevation and windows at No.25 Beatrice Street. View (at right above) across rooflines and foreshore trees to the south.



Figure 8 Elevated views from the existing dwelling entry terrace to the southwest and northwest of Middle Harbour

2.2 Locality and Surrounding Context

The locality includes a mix of regular and grand multi-level dwellings of eclectic styles set amongst landscape settings with mature tree canopies. The steep topography and orientation towards the Spit Bridge makes all of the built forms visible from the waterway.



Figure 9 Site Context Map. Source: SIX Maps

2.3 Legislation

The following assessment has been structured in accordance with Section 4.15(1)(a) of the *Environmental Planning & Assessment Act 1979 (EP&A Act)*.

The plans of the proposed development have been assessed in accordance with the relevant state, regional and local planning policies detailed below.

2.3.1 State

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022

2.3.2 Local

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

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

3 Development Proposal

3.1 Summary of Proposal

The proposed works include:

Rooftop Terrace Level

- Extension to the trafficable part of third floor terrace
- The installation of a new non-reflective solid panel roof over terrace on the third-floor terrace.
- Construction of a new solid roof 6.64 m x 6.27 m
- Construction of built in BBQ element to the south of the terrace and a semi-opaque higher splash back element 1500mm.
- The installation of 1-metre-high new frameless glass balustrades around the perimeter of the terrace.
- Application of new tiled finishes to match the existing terrace areas, enhancing the cohesion of the space, with non-reflective finishes used throughout to eliminate potential glare impacts on neighbouring properties.

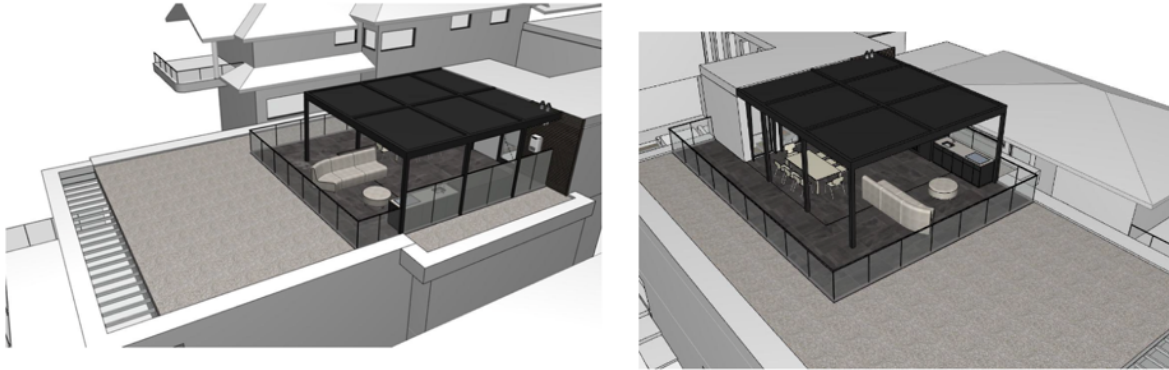


Figure 10 Existing 3D perspective of the proposal and relationship to No. 25 Beatrice Street at left and No. 21 at right.

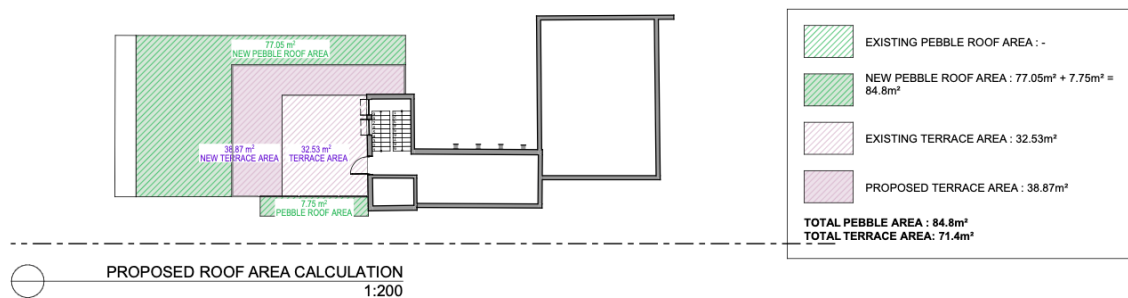


Figure 11 Terrace floor plan and calculations

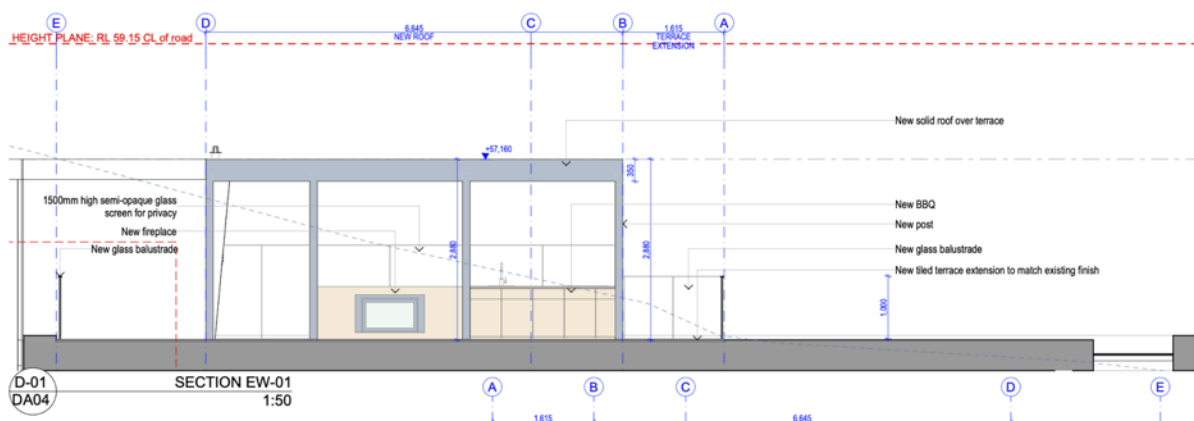


Figure 12 Detailed Section including proposed works

4 Statutory Planning Assessment

4.1 Zoning and Permissibility

The site is subject to the controls of the Manly Local Environmental Plan 2013 and is zoned R2 Low Density Residential under the MLEP 2013. The proposed works are permissible with consent.

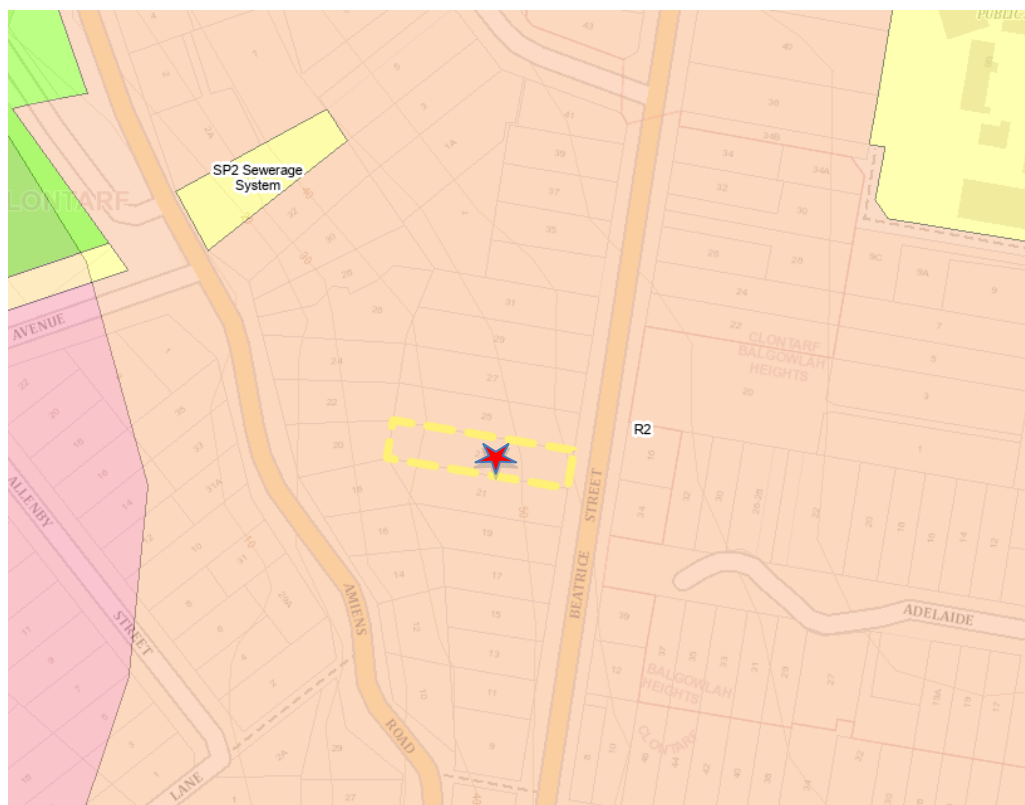


Figure 13 Manly Environmental Plan 2013 Zone R2

Table 5 Zone R2 Low Density Residential Land Use Table

R2 – Low Density Residential Land Use Table
2 Permitted without consent Home-based child care; Home occupations
3 Permitted with consent Attached dwellings; Bed and breakfast accommodation; 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
4 Prohibited Advertising structures; Water treatment facilities; Any other development not specified in item 2 or 3

4.2 Environmental Planning and Assessment Act 1979

4.2.1 Section 1.3 – Objects

The Environmental Planning and Assessment Act, 1979 (the Act) is the principal planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act are:

1.3 Objects of Act

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

For the reasons set out below, it is considered that the proposed development satisfies the above stated objects of the Act:

- The proposed works will facilitate sustainable development by reusing built spaces to enhance functionality without expanding the building footprint.
- The proposal will result in the orderly and economic use and development of the site.
- Good design principles will be considered to integrate form and function in response to the site's character, while ensuring there are no unreasonable adverse impacts on the environment.

4.3 Environmental Planning and Assessment Regulation 2000

4.3.1 Clause 92 – Demolition

Only minor demolition works are proposed to the existing balustrades around the terrace and the existing tiled.

4.3.2 Clause 98 – Compliance with the BCA

All building work will comply with the BCA.

4.4 State Environmental Planning Controls

4.4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of the Resilience and Hazards SEPP have been considered in the assessment of the development application. The site does not have a history of previous land use that may have caused contamination, and there is no evidence that indicates the site is contaminated. Accordingly, the development application is satisfactory, having regard to the relevant matters for consideration under this SEPP.

4.4.2 State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

The application is not subject to clause 2.48 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure that trigger a written referral to the energy authority.

The application is not subject to clause 2.119 of the SEPP as the site does not have frontage to a state classified road.

The application is not subject to clause 2.120 of the SEPP as the proposed use will not be adversely affected by road noise or vibration.

The proposal is not adjacent to a rail corridor and therefore Clause 2.100 of the SEPP does not apply.

4.4.3 State Environmental Planning Policy (Sustainable Buildings) 2022

A BASIX certificate is not required as these works are external to the building and adjacent to the entry and stairs.

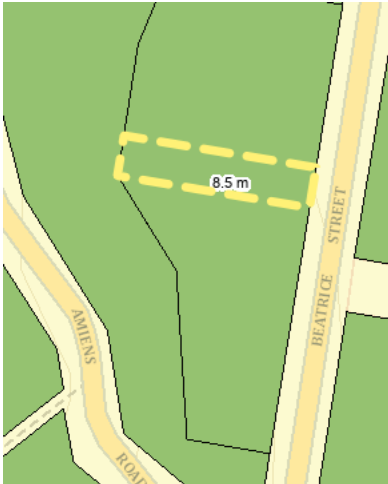
4.5 Manly Local Environmental Plan 2013

Manly Local Environmental Plan 2013 (MLEP2013) is the primary planning instrument applicable to the subject site. The following table provides applicable clauses from the MLEP 2013.

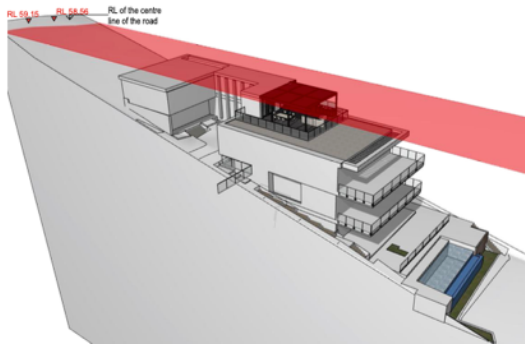
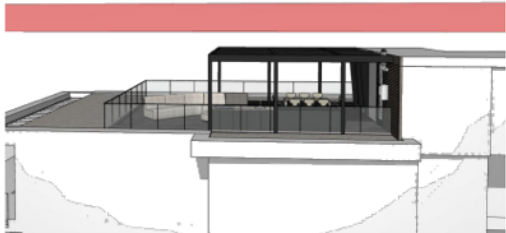
Table 6 Manly Local Environmental Plan 2013 Applicable Controls.

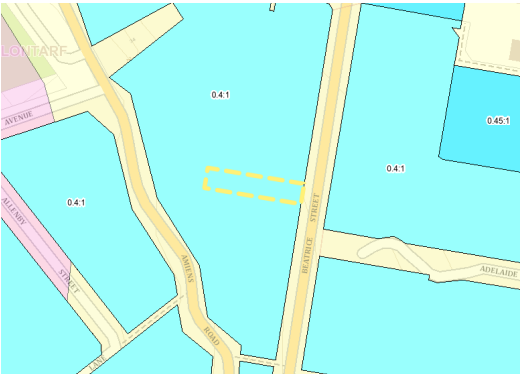
MLEP2013 Relevant Controls	Response	Compliant
Clause 1.2 Aims of Plan (2) The particular aims of this Plan are as follows— (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts, (a) in relation to all land in Manly— (i) to promote a high standard of urban design that responds to the existing or desired future character of areas, and (ii) to foster economic, environmental and social welfare so that Manly continues to develop as an accessible, sustainable, prosperous, and safe place to live, work or visit, and (iii) to ensure full and efficient use of existing social and physical infrastructure and the future provision of services and facilities to meet any increase in demand, and (iv) to ensure all development appropriately responds to environmental constraints and does not adversely affect the character, amenity or heritage of Manly or its existing permanent residential population, (b) in relation to residential development— (i) to provide and maintain a diverse range of housing opportunities and choices that encourages affordable housing to cater for an ageing population, changing demographics and all socio-economic groups, and (ii) to ensure high quality landscaped areas in the residential environment, and (iii) to encourage higher density residential development to be located close to major transport nodes, services and employment opportunities, and (iv) to maintain active retail, business and other non-residential uses at street level while allowing for shop top housing in centres and offices at upper floors in local centres, (c) in relation to business and the economy—	Please refer to responses in Table 1.	Yes

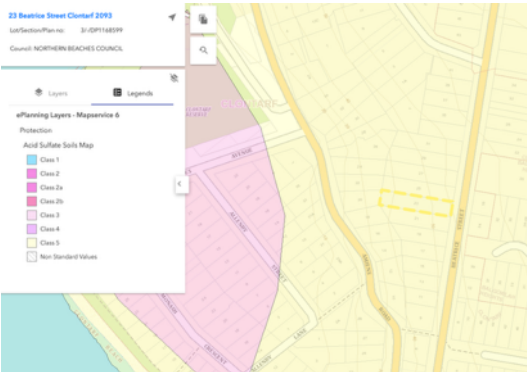
MLEP2013 Relevant Controls	Response	Compliant
(i) to encourage, provide and consolidate business opportunities for a range of uses in appropriate locations that support local employment, community services and economic growth in business centres, and (ii) to recognise that tourism is a major industry and employer in Manly and to encourage its growth and continuing viability while protecting the needs of the local community, (d) in relation to transport, infrastructure and amenities— (i) to reduce private car dependency, increase the viability of various public transport modes, minimise conflict between pedestrians and vehicular movement systems and encourage walking and cycling while concentrating intensive land uses and trip generating activities in locations most accessible to public transport and centres, and (ii) to provide for a range of recreational and community service opportunities to meet the needs of residents and visitors to Manly and promote the efficient and equitable provisions of public services, infrastructure and amenities, (e) in relation to heritage—to identify, protect, sustain, manage and conserve all heritage, including archaeological relics, sites and resources, places of Aboriginal heritage significance, heritage items (and their curtilages), heritage conservation areas and the cultural (natural and built) environmental heritage of Manly, (f) in relation to the natural environment— (i) to conserve and enhance terrestrial, aquatic and riparian habitats, biodiversity, wildlife habitat corridors, remnant indigenous vegetation, geodiversity and natural watercourses, and (ii) to promote energy conservation, water cycle management (incorporating water conservation, water reuse, catchment management, stormwater pollution control and flood risk management) and water sensitive urban design, and (iii) to protect, enhance and manage environmentally sensitive land with special aesthetic, ecological, scientific, cultural or conservation values for the benefit of present and future generations, and (iv) to protect existing landforms and natural drainage systems and minimise the risk to the community in areas subject to		

MLEP2013 Relevant Controls	Response	Compliant
environmental hazards, particularly flooding, bush fires, acid sulfate soils, sea level rise, tsunami and landslip, and (v) to provide a framework that facilitates and encourages measures to assist the adaptation of the local environment to mitigate the impacts of climate change, and (vi) to give priority to retaining bushland for its own intrinsic value and as a recreational, educational and scientific resource, (g) in relation to Manly's unique harbour, coastal lagoon and ocean beach setting— (i) to preserve and enhance the amenity of public places and areas visible from navigable water around Manly, and (ii) to retain open space, make more foreshore land available for public access and protect, restore and enhance riparian land along watercourses and foreshore bushland.		
R2 Low Density Residential Zone objectives	Please refer to responses in Table 2.	Yes
4.3 Height of buildings (1) The objectives of this clause are as follows— (a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality, (b) to control the bulk and scale of buildings,	The total height of the existing building from ground level (under slab) to the proposed terrace roof is 12.96 metres, which exceeds the maximum 8.5 metre height specified in the LEP.  The extrapolated 8.5 metre height line above natural ground level height is examined as this considers the original topography of the site and how the dwelling and surrounding buildings have been set into the landscape and created the existing streetscape character. This NGL height line intersects the roof approximately 8.3m away from the proposed	No

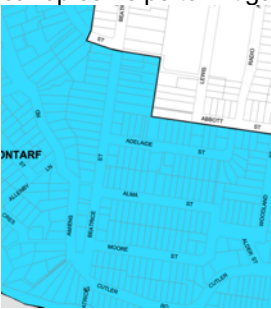
MLEP2013 Relevant Controls	Response	Compliant
(c) to minimise disruption to the following— (i) views to nearby residential development from public spaces (including the harbour and foreshores), (ii) views from nearby residential development to public spaces (including the harbour and foreshores), (iii) views between public spaces (including the harbour and foreshores), (d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings, (e) to ensure the height and bulk of any proposed building or structure in a recreation or conservation zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses. (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	staircase and during the Pre DA meeting it was considered that subject to acceptable impacts this may be a line of tolerance for exceeding the standard.  A demonstration of the proposal meeting the objectives of the height standard notwithstanding the breach of height is presented in the attached 4.6 variation. However, key points include: The proposal does not seek to increase the existing maximum height of the building. It does not involve any vertical extension of floor space or an additional storey. The proposed non reflective solid roof to the terrace is attached to and extended from the entry to the dwelling. The roof extends 6.27 m. It is noted that the proposed roof to the terrace will sit at the same level of the existing roof to the garage and only glimpses of the terrace roof will be visible from Beatrice Street. A partially obstructed vantage point is shown in Figure 6. The plans demonstrate that the terrace and roof are both well set in from the northern edge of the built form and the windows from No.25 that overlook the site. It is noted that No.21 is set down from the terrace and the activity areas (BBQ) of the proposal are placed strategically to the south of the terrace: 1. To reduce obstruction of outlook and views from No. 25; and 2. to reduce view lines from the terrace to the south. The setbacks and functional terrace arrangement maintains neighbours visual and acoustic privacy.	

MLEP2013 Relevant Controls	Response	Compliant
4.3A Special height provisions (1) The objective of this clause is to maintain public views to Sydney Harbour from street level on local roads above steeply sloping sites on certain land. (2) Despite clause 4.3 (2), the height of a building on a lot identified as “Special height provisions” on the Height of Buildings Map must not exceed the height of the highest point of the road adjoining the centre point of the lot boundary that adjoins the road that is the frontage to that lot.	The site is subject of the special height provisions. The proposal seeks for complying with the objectives of the clause 4.3A.  As shown in the figure, the proposed elements will remain below the height of the road at the reference point. This ensures that the additions will not obstruct the public view corridor, while respecting the site’s topography and visual connection to the harbour.  The above and below perspectives show the height plane from Beatrice Street and demonstrates that the structure will not penetrate that plane.  The additions are centralised on the roof, so they are tucked out of view and do not significantly interfere with public views.	YES

MLEP2013 Relevant Controls	Response	Compliant
	Additionally, as Beatrice Street is higher than the dwelling, viewing from the street to harbour is not impeded by the additions on the roof. 	
4.4 Floor space ratio (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. 2 A) N/A gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes— (a) the area of a mezzanine, and (b) habitable rooms in a basement or an attic, and (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes— (d) any area for common vertical circulation, such as lifts and stairs, and (e) any basement— (i) storage, and (ii) vehicular access, loading areas, garbage and services, and (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and (g) car parking to meet any requirements of the consent authority (including access to that car parking), and	The FSR map lists the maximum FSR for the site as 0.4:1. The proposed terrace will not modify the previous FSR, as terraces are excluded from the calculation of GFA. 	NA

MLEP2013 Relevant Controls	Response	Compliant
(h) any space used for the loading or unloading of goods (including access to it), and (i) terraces and balconies with outer walls less than 1.4 metres high, and (j) voids above a floor at the level of a storey or storey above.		
6.1 Acid Sulfate Soils (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	The site is identified as containing Class 5 ASS. No excavation proposed. 	Yes
6.2 Earthworks (1) The objectives of this clause are as follows— (a) to ensure that earthworks and associated groundwater dewatering for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, (b) to allow earthworks of a minor nature without requiring a separate development consent. (2) Development consent is required for earthworks unless— (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given. (3) Before granting development consent for earthworks (or for development	No earthworks are proposed.	Yes

MLEP2013 Relevant Controls	Response	Compliant
involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. Note— The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.		
6.4 Stormwater Management	The minor works will be connected to existing stormwater system on the site.	Yes
6.9 Foreshore Scenic Protection Area (1) The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly. (2) This clause applies to land that is shown as “Foreshore Scenic Protection Area” on the Foreshore Scenic Protection Area Map. (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	The site is located within the Foreshore Scenic Protection Area. The terrace enhancements are designed on the existing building surface in a way that helps preserve views from Beatrice Street and the Neighbour at No. 25 towards the waterway. The modest scale and open form structure of the additions ensures that the views are not dominated by the built form when viewed from the waterway. The natural screening provided by the existing tree	YES

MLEP2013 Relevant Controls	Response	Compliant
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.	canopies helps to mitigate any visual impacts.  Refer to the figures below: 	

4.6 Manly Development Control Plan 2013

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

Table 7 Manly Development Control Plan 2013 Applicable Controls

MDCP2013 Relevant Controls	Response	Compliant
Part 3–		
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;	i)The proposal will seamlessly integrate with the local character by aligning with the architectural style of the existing dwelling and surrounding area, utilizing complementary materials and finishes, and complementing the existing proportions of the building to ensure visual harmony within the receiving environment ii) The proposed terrace elements are designed with a low profile and are positioned well back from the existing building edge. This setback and dark colour scheme allows the additions to visually recede when viewed from both public and private vantage points. The site's natural slope, combined with existing vegetation, further screens the works, reducing visibility from the harbour and neighbouring properties. 	Yes

MDCP2013 Relevant Controls	Response	Compliant
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.	The above picture taken from the south of the spit bridge and on zoom, reveals the context of the built forms. The addition of a non-reflective roofed area into this scene will be absorbed easily and will blend into the existing forms that make up the Clontarf hill side. iii) While the proposal does not comply with the LEP height standard, it is important to note that only the open form terrace roof structure adds to the height but will be read ostensibly as a compliant built form as it will not add any further vertical mass beyond the current building height. The proposed works will be contained within the existing building footprint in the middle of the built form on the site. iv) No extension beyond the existing perimeter of the dwelling is proposed. The trafficable area of the terrace will be extended at appropriate setbacks from the edge of the roof, ensuring it does not dominate the visual landscape. v) N/A vi) The terrace design, incorporating a non-reflective roof, offers an innovative solution to enable more functional use of an expanded and weather protected outdoor space. The use of transparent glass balustrades and a minimalist structural framework helps maintain the building's proportions, while the refined roofline enhances its integration with the hillside context. In the broader streetscape, the proposed form is likely to appear more recessive than the existing white third-floor entry element. vii) The proposal will emphasize the use of sustainable materials and finishes including plantation timber	

MDCP2013 Relevant Controls	Response	Compliant
	elements that align with and maintain the finishes that are common to the locality.	
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.	The proposed rooftop, featuring a contemporary flat profile, complements the existing building while respecting the established character of the Clontarf locality. Its design preserves waterway views from neighbouring properties through generous setbacks from the existing building footprint and adjoining boundaries. The use of dark, non-reflective materials for the roof structure further minimises visual prominence and potential glare impacts. Figure 7 depicts the relationship between the southern façade and windows of No.25 Beatrice Street and the existing pebbled rooftop and terrace at No. 23. The views to the south from those windows is predominantly over roof forms towards the southern end of Middle Harbour. The open structure proposed and its limited size ensures that open views to the Harbour particularly to the west are maintained and cross views to the south can still be gained through the proposed terrace area and the pebbled roof. Figure 8 explores the full extent of views from gained from No.23 and the eaves of No. 23 are depicted in the second picture and a similar outlook is expected from that dwelling.	Yes
3.3 Landscaping		
3.3.1 Landscape Design		
Landscape Character 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	The open space on the site exceeds the control @ 84%. The proposal does not impact the open space.	Yes

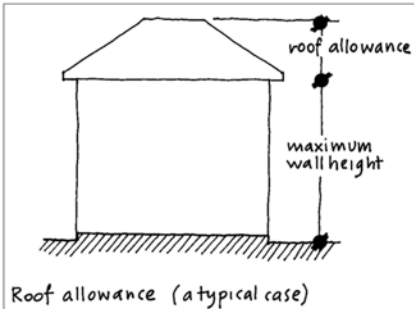
MDCP2013 Relevant Controls	Response	Compliant
site. Setbacks of buildings from open space should also be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshore. ii. In higher density areas: the provision of adequate private 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.	The pictures supplied from the western side of the bay demonstrate that the site and neighbours are all viewed in a landscape setting with tree canopies surrounding. N/A N/A	

3.4 Amenity

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 development is considered acceptable against the sunlight access and overshadowing based on the following assessment: - Considering the significant setbacks from the edge of the existing roof, elements will not create substantial new shadows beyond the existing building shadow. - The positioning of the northern property (No. 25 Beatrice Street) naturally assists in preserving its solar access, particularly during winter months when shadows are predominantly cast to the south. This property is positioned above the additions due to the steep topography and orientation of the site. - This development does not limit access to sunlight for the adjoining property at 21, nor does it add significant new shadows to the existing ones. Additionally, due to the sufficient building separation the terrace does not cast any	Yes
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MDCP2013 Relevant Controls	Response	Compliant
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. c) Templates may be required to indicate the height, bulk and positioning of the proposed development and to assist Council in determining that view sharing is maximised and loss of views is minimised. The templates are to remain in place until the application is determined. A registered surveyor will certify the height and positioning of the templates.	b) The proposed terrace roof is generously setback from side boundaries so that views between and over buildings are maintained by the proposal. c) View modelling is presented at DA12 and Figure 7 and 8 present the views available from the terrace and the relationship between the site and the southern elevation and windows at No.25. Loss of primary views do not occur.	
3.7 Stormwater Management	The proposed terrace roof will be connected to the existing stormwater system on the site.	Yes
Part 4–		
4.1 Residential Development Controls		
4.1.2 Height of buildings		
b) LEP Zones where numeric height controls in this DCP apply Height controls under paragraph 4.1.2 of this plan apply to development in LEP Zones R1, R2, R3, E3 and E4. This part of the DCP does not apply to development of other lands subject to the LEP Height of Building standard identified on the LEP Height of Building Map. <u>b) Exceptions to Height</u> Where an existing building exceeds the maximum height controls in this plan or the height of building standards in the LEP, any alterations and/or additions to the building must not increase the overall height of the existing building.	The existing height of building is not exceeded by the proposal.	Yes
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. * Note: In this paragraph 'actual wall height means the wall height that is either existing or proposed rather than the maximum achievable wall height control in this plan.	N/A N/A	

MDCP2013 Relevant Controls	Response	Compliant
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. Note: As the LEP definition 'Building Height' incorporates plant and lift overruns, these structures must be similarly contained and not protrude above the maximum roof height.  Figure 29 - Roof height Roof Pitch 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.	N/A	
4.1.2.4 Application of DCP Controls in respect of Land Identified under 'Special Height Provisions' under Clause 4.3A of the LEP While LEP clause 4.3A Special Height Provision prescribe the maximum building height for certain lots identified on the LEP Height of Building Map, the DCP guidelines at paragraphs 4.1.2 of this plan provide more detailed height control (walls, roof & storeys) on any part of the lot where the application of the DCP height controls do not conflict with the LEP i.e. where in the circumstances of the case, the DCP provides for a greater building height overall.	Noted and compliant	Yes
4.1.4 Setbacks		
4.1.4.2 Side Setbacks 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.	Minimum side setbacks are as existing. Lower level setback is 740mm from side boundary and 1975 mm from southern boundary	As existing.

MDCP2013 Relevant Controls	Response	Compliant
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. Note: In relation to assessing privacy in this paragraph, the anticipated lines of sight are to be determined from any location on the terrace at an eye level of 1.6m above the proposed finished floor level. Council may require sketches to accompany the DA demonstrating critical view lines from the proposed development to adjoining spaces and windows in sectional drawings. 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).	The roof terrace is below the street line and set in from the edge of the built form to preserve privacy to neighbours and orientates outlook towards the waterway. The inbuilt BBQ with rear splashback prevents views down to No. 21 noting that building is set down from the terrace level. The trafficable area has been reduced in size on advice received at the Pre DA meeting.	Yes
4.1.7 First Floor and Roof Additions	Not Applicable as the proposal does not include the addition of habitable space on the roof.	N/A

5 Environmental Effects

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

Table 8 Section 4.15(1) Provisions to consider

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

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

Table 9 Response to Potential Environmental Impacts

Potential Impacts	Response
<i>Context and Setting</i>	The proposal is suitable within the physical context of the site both from Beatrice Street, neighbouring dwellings and from the waterway.
<i>Access, Transport and Traffic</i>	No change to existing access arrangements
<i>Public Domain</i>	The Public Domain is unaltered, and views of the proposal are primarily obstructed by the existing built forms on the site, tree canopy and the topography.
<i>Utilities</i>	Utilities will serve the site as prior to development and will be upgraded where necessary.
<i>Heritage</i>	The proposal does not impact heritage items.
<i>Other Land Resources</i>	No other land resources will be impacted by the proposal.
<i>Water Quality</i>	Not impacted
<i>Air and Microclimate</i>	The air and microclimate will be maintained as a result of this proposal.
<i>Ecological</i>	Not impacted
<i>Waste</i>	Waste from any demolition or excavation will be removed by a licensed contractor
<i>Energy</i>	N/A
<i>Noise and Vibration</i>	N/A
<i>Natural Hazards</i>	N/A
<i>Technological Hazards</i>	N/A
<i>Safety, Security and Crime Prevention</i>	The proposal is not expected to result in any security issues.
<i>Social Impact in Locality</i>	The proposal will not have a negative social impact in the locality.
<i>Economic Impact in Locality</i>	No negative impacts.

Potential Impacts	Response
<i>Site Design and Internal Design</i>	The proposal respects the existing built forms on the site and neighbouring sites.
<i>Construction</i>	No off-site impacts will result from the works.
<i>Cumulative Impacts</i>	No negative cumulative impacts are expected to be created by this development.

6 Conclusion

The proposed development has been assessed against the provisions of the Manly LEP 2013 and Manly DCP 2013 and is consistent with their overall aims and objectives. It presents a cohesive, non-reflective roof and terrace design that meets the needs of the residents while minimising potential impacts. The extended terrace will create a more functional space, enhancing comfort and amenity for recreational use. The design also responds to the site's orientation, with appropriate setbacks that protect both visual and acoustic privacy for neighbouring properties.