

STATEMENT OF ENVIRONMENTAL EFFECTS

Subdivision of three lots
into five and
construction of five new
dwelling houses with
swimming pools

29-35 Reddall Street,
Manly

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29-35 Reddall Street, Manly



Photomontage of proposed development, with 95 Bower Street shown as per DA2021/0668

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February 2023

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1 Introduction

This statement has been prepared in support of a Development Application proposing the demolition of all existing structures, the subdivision of three lots into five lots, and the construction of five new dwelling houses with swimming pools at the subject site.

The architect has responded to the client brief to design a series of dwelling houses which take advantage of the sites superior locational attributes whilst responding to the established built form characteristics of adjoining development. The design has also been developed through detailed site and context analysis and is responsive to the minutes arising from formal pre-DA discussions with Council.

The benefit of designing all five dwellings at the same time has also ensured that the proposed dwellings work harmoniously together, with a bespoke architectural design solution that is complemented by a high-quality landscaped outcome. The outcome is a development of exceptional design quality affording superior levels of amenity to future occupants whilst maintaining appropriate residential amenity to adjoining properties in relation to views, solar access and privacy.

In addition to this Statement of Environmental Effects, the following documents also accompany the application:

- Architectural Plans by Wolski Coppin Architecture
- Survey by Intrax Consulting Group
- Stormwater Management Plans by ACOR Consultants
- Landscape Plan by iScape Landscape Architecture
- Arborist Report by Urban Forestry Australia
- Assessment of View Sharing by Richard Lamb
- Heritage Impact Statement by Weir Phillips Heritage and Planning
- Geotechnical Report by Douglas Partners
- Flora and Fauna Assessment by SIA Ecological & Environmental Planning Pty Ltd
- Transport and Parking Impact Assessment by Transport Strategies
- Draft Plan of Subdivision by Copland C. Lethbridge
- BASIX Certificate
- Quantity Surveyors Report
- Waste Management Plan by Senica Consultancy Group

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act 1979, as amended (**EP&A Act**),
- Manly Local Environmental Plan 2013 (**MLEP 2013**),
- Manly Development Control Plan 2013 (**MDCP 2013**),
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004,
- State Environmental Planning Policy (Biodiversity and Conservation) 2021, and
- State Environmental Planning Policy (Resilience and Hazards) 2021.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.
- The identified non-compliances with the number of storeys, front and rear setback and swimming pool controls have been acknowledged and appropriately justified having regard to the associated objectives. Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

2 Site Analysis

2.1 Site Description and Location

The subject site is comprised of three separate allotments, as follows:

- 29 Reddall Street, Manly (Lot 84 in DP 8076)
- 31 Reddall Street, Manly (Lot 83 in DP 8076)
- 35 Reddall Street, Manly (Lot 82 in DP 8076)

29 Reddall Street is a rectangular shaped allotment, with a 15.24m wide frontage to Reddall Street, a depth of 42.67m and a total area of 650.3m². A one and two storey dwelling is located generally centrally on the site, with a detached double garage fronting Reddall Street and a swimming pool to the rear.

31 Reddall Street is a rectangular shaped allotment, with a 15.24m wide frontage to Reddall Street, a depth of 42.67m and a total area of 650.3m². A two storey dwelling is located centrally on the site, with no vehicular access to Reddall Street or off-street parking.

35 Reddall Street is an irregularly shaped allotment, with a 26.5m wide frontage to Reddall Street, a 38.25m wide frontage to College Street, a 11.605m wide curved frontage to the intersection of these two streets, and a total area of 1062m². A one and two storey dwelling is situated towards the Reddall Street frontage, with a single garage at the western corner of the site.

When combined, the site has a 56.98m wide frontage to Reddall Street, a 38.25m wide frontage to College Street, a 11.605m wide curved frontage to the intersection of the two streets, and a total area of 2362.6m².

The site experiences a fall of approximately 9m from the upper street frontage to Reddall Street towards the east, with a slope of approximately 21%. 33 trees are currently present on the site, of which 18 trees are exempt trees and 15 are prescribed trees. Of these 15 prescribed trees, two are locally indigenous, two are introduced native species and 11 are introduced exotic species.

The site adjoins a public reserve to the north, with only one neighbouring property to the east (95 Bower Street). The area is predominantly characterised by residential development of varying density, age and scale, including single dwellings, dual occupancies, multi-dwelling housing and residential flat buildings. Buildings within the vicinity of the site, including the existing dwelling, are generally oriented to the east in response to both the subdivision pattern and to take advantage of the available views towards Fairy Bower and Shelly Beach.

St Patrick's Estate, a State Significant Heritage Item, is located on the opposite (southern) side of College Street. Items of local heritage significance are also located in the vicinity of the site including the dwelling at 32 Reddall Street 'Logan Brae' and street trees along Bower Street.

An aerial location photograph is provided at Figure 1, on the following page, with images of the site and its surrounds at Figures 2-6.



Figure 1: Site Location Map
(Source: Six Maps)



Figure 2: The subject site as seen from Reddall Street to the west.



Figure 3: The subject site, as seen from the intersection of Reddall Street and College Street from the south



Figure 4: The subject site, as seen from Reddall Street to the south-west.



Figure 5: The subject site (right) and the adjoining public reserve, as seen from Reddall Street to the north-west.



Figure 6: The subject site as seen from College Street from the south-east.

3 Description of Development

3.1 Details of the Proposed Development

The development application proposes demolition of the existing site structures, the Torrens Title subdivision of three lots into five lots and the construction of five new dwellings with swimming pools.

The general arrangement of the lots and the proposed dwellings are shown on Figure 7, below.

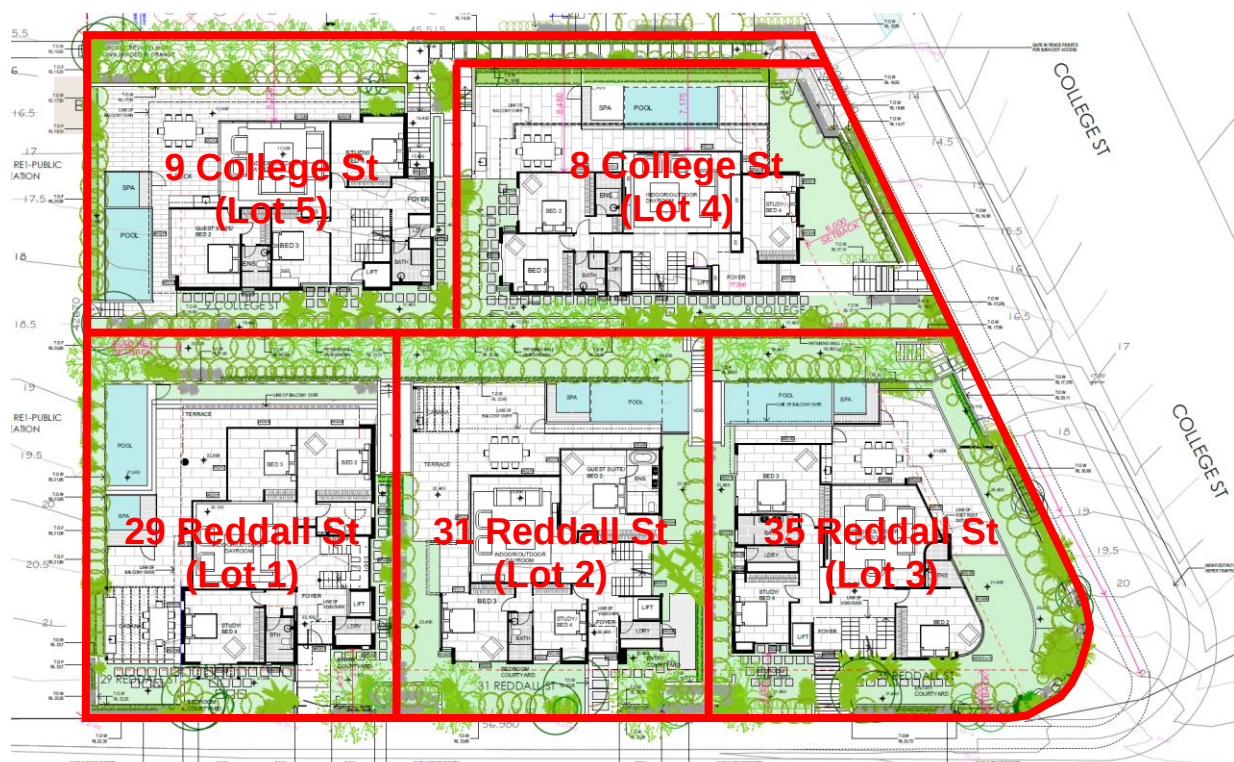


Figure 7: General Arrangement Plan

Specifically, the works proposed are as follows:

29 Reddall Street (Lot 1) – Site area = 468.5m²

Basement

- Two car garage and turning area
- Plant room
- Pool equipment room
- Electrical and comms room
- Water tank storage and plant room
- Internal stair and lift access
- External stair access

Ground

- Entrance foyer
- Laundry
- Three bedrooms, one with an ensuite
- Bathroom
- Indoor/outdoor dayroom
- Internal stair and lift access
- Outdoor terrace and cabana
- Swimming pool and spa
- Landscaping

First Floor

- Master bedroom with ensuite and WIR
- Open plan kitchen/living/dining area
- Butler's pantry
- Guest WC
- Internal stair and lift access
- Northern side balcony
- Eastern rear balcony

31 Reddall Street (Lot 2) – Site area = 468.5m²

Basement

- Two car garage and turning area, with associated ROW for Lot 1
- Plant room
- Pool equipment room
- Electrical and comms room
- Water tank storage and plant room
- Internal stair and lift access
- External stair access

Ground

- Entrance foyer
- Laundry
- Three bedrooms, one with an ensuite and WIR
- Bathroom
- Indoor/outdoor dayroom
- Internal stair and lift access
- Outdoor terrace and cabana
- Swimming pool and spa
- Landscaping

First Floor

- Master bedroom with ensuite and WIR

- Open plan kitchen/living/dining area
- Butler's pantry
- Guest WC
- Internal stair and lift access
- Northern side balcony
- Eastern rear balcony

35 Reddall Street (Lot 3) – Site area = 497.2m²

Basement

- Two car garage and turning area, with associated ROW for Lots 1 and 2
- Plant room
- Pool equipment room
- Electrical and comms room
- Water tank storage and plant room
- Internal stair and lift access

Ground

- Entrance foyer
- Laundry
- Three bedrooms, one with an ensuite
- Bathroom
- Indoor/outdoor dayroom
- Internal stair and lift access
- Outdoor terrace
- Swimming pool and spa
- Landscaping

First Floor

- Master bedroom with ensuite and WIR
- Open plan kitchen/living/dining area
- Butler's pantry
- Guest WC
- Study
- Internal stair and lift access
- Northern side balcony
- Eastern side balcony

8 College Street (Lot 4) – Site area = 455.1m²

Basement

- Two car garage and turning area, with associated ROW for Lot 5
- Plant room
- Pool equipment room
- Electrical and comms room

- Water tank storage and plant room
- Internal stair and lift access

Ground

- Entrance foyer
- Laundry
- Three bedrooms, one with an ensuite
- Bathroom
- Indoor/outdoor dayroom
- Internal stair and lift access
- Outdoor terrace
- Swimming pool and spa
- Landscaping

First Floor

- Master bedroom with ensuite and WIR
- Open plan kitchen/living/dining area
- Butler's pantry
- Guest WC
- Internal stair and lift access
- Northern rear balcony
- Eastern side balcony

9 College Street (Lot 5) – Site area = 473.7m² (including access handle)

Basement

- Two car garage with turning area
- Plant room
- Pool equipment room
- Electrical and comms room
- Water tank storage and plant room
- Internal stair and lift access

Ground

- Entrance foyer
- Laundry
- Three bedrooms, one with an ensuite and WIR
- Bathroom
- Indoor/outdoor dayroom
- Internal stair and lift access
- Outdoor terrace
- Swimming pool and spa
- Landscaping

First Floor

- Master bedroom with ensuite and WIR
- Open plan kitchen/living/dining area
- Butler's pantry
- Guest WC
- Internal stair and lift access
- Wrap around balcony on northern and eastern elevations

The proposed materials and finishes of the dwellings are detailed in the Materials and Finishes Schedule by Wolski Coppin Architecture.

The application proposes the removal of trees as detailed in the accompanying Arborist Report prepared by Urban Forestry Australia with such tree removal being more than adequately compensated for by the implementation of the enhanced landscape regime as detailed on the Landscape Plans prepared by iScape Landscape Architecture.

The proposed excavation is addressed in the accompanying Geotechnical Report by Douglas Partners, with the application also accompanied by Stormwater Management Plans by ACOR Consultants demonstrating the proposed stormwater infrastructure.

The proposed Torrens Title subdivision is detailed in the Draft Plan of Subdivision, Draft Administration Sheet and Draft s88B Instrument by Copland C. Lethbridge.

3.2 Response to Pre-lodgement Feedback

A pre-lodgement meeting was held with Council on 24 June 2021. The advice received in the pre-lodgement minutes has been considered and duly addressed, as follows:

	Council Feedback	Response
Format of application	Given the basement access design, an application for the subdivision of land cannot be considered separately from an application for the dwelling houses.	The subdivision and dwelling houses are proposed in the one application.
Height of buildings	Height non-compliance associated with Lot 3.	All dwellings are maintained below the 8.5m height limit.
Lot size calculation	For the purposes of calculating the effective lot size (i.e. the developable area), the proposed format may warrant the exclusion of the driveways located within the car parking level as these are	Irrespective of whether you include the areas of the driveway or not, each lot meets the 250m ² minimum

	Council Feedback	Response
	subterranean relative to the actual lots upon which each dwelling is constructed above. Notwithstanding, as this is an unusual circumstance, you are advised to seek legal advice to establish the effective lot area and a position on how the proposal satisfies Clause 4.1(3A) of the MLEP 2013.	lot size prescribed by MLEP 2013.
	The GFA and FSR have been derived from the effective lot sizes used under Clause 4.1 (see Note 1 above).	An access handle is only excluded from the lot size calculation for the purpose of clause 4.1 of MLEP 2013. There is nothing in clause 4.5 (Calculation of floor space ratio and site area) of MLEP 2013 that identifies that the area of an access handle is excluded for the purpose of calculating FSR.
Views	The design of the proposal must ensure that through site view corridors are available between buildings (see separate commentary under Clause 4.1.4 below) from both adjacent residential properties and the public domain.	The application is supported by a comprehensive View Analysis by Richard Lamb, which demonstrates that the proposal will not result in any unreasonable impacts upon views.
Setbacks	Front setback to Reddall Street and to College Street	Clause 4.1.4.1 of MDCP 2013 prescribes that street front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity. Detailed site analysis confirms that buildings fronting Reddall Street have setbacks ranging from Nil to

	Council Feedback	Response
		3.0m. The proposed dwellings have been designed in response to this siting of neighbouring and nearby development.
	Despite the 6m requirement for land adjoining a reserve, the setback from the northern side boundary may be treated as a typical side setback, with a minimum setback of 2.0m.	Noted.
	Internal side setbacks are to maximise view corridors.	Noted.
	Reduced internal rear setbacks are supported but should not be further reduced.	Noted.
	The proposed setback to 95 Bower Street includes elements which do not comply with the rear setback control although these may be considered on merit. You are strongly encouraged to redesign the north-eastern wall elements of Lots 4 and 5 to achieve compliance as this would give relief to the bulk and scale of the development when viewed from down slope (Bower Street) and the neighbouring property at No. 95 Bower Street.	Setbacks to 95 Bower Street have been increased, with screening and landscaping proposed within the setback to minimise impacts upon the amenity of the adjoining property. The setbacks to 95 Bower Street are reasonably identified as side setbacks in consideration of the proposed subdivision pattern and the siting of the adjoining dwelling at 95 Bower Street. The proposed development exceeds the minimum side setbacks prescribed by MDCP 2012.
Open Space and Landscaping	Be aware that the above requirement for Total Open Space is contingent upon such	Noted.

	Council Feedback	Response
	areas being contained within a continual and therefore useable area. The plans indicate a terracing which disrupts the containment of continual areas as prescribed by Clause 4.1.5 and are therefore not considered to achieve compliance. The terracing is to be redesigned to ensure that all total open space areas are contained within continual areas of not less than 3.0m dimension in any direction	
Engineering	The applicant proposed a Torrens Title subdivision. However, the proposed building design with the underground ROW and service easement, which is more suitable in a strata subdivision. Furthermore, the proposed Lot 5 has no frontage to a public road which is required by the Clause 4.1 of Council's Manly DCP.	A Draft Plan of Subdivision is provided to demonstrate how the Torrens Title subdivision can be achieved. Lot 5 has been amended to include an access handle to College Street.
	An on-site stormwater detention system is required in accordance with Water Management for Development Policy. The collected stormwater can be discharged into College Street.	The application is supported by Stormwater Management Plans demonstrating consistency with Council's Water Management Policy.
	The applicant shall design the driveways with "minor" impact on Council's footpath. Please be advised that the existing footpath on College Street shall not be altered to accommodate any private access.	The application proposes new footpaths to College Street for the full frontage of the site. The proposed footpath meets the requirements of Manly Specification for Civil Infrastructure Works Development & Subdivisions

	Council Feedback	Response
		2003, Section 4.1, Footway – General where it states: <i>The public footway shall be re-graded across the entire property frontage, as part of any development, in the following circumstances:</i> - <i>The construction of a vehicular crossing into the site would result in unreasonable undulations in the footway or that the vehicular crossing cannot be constructed to match the profile of the footway without causing scraping and bottoming of vehicles.</i> Given the steep climb and to ensure that a standard car will not bottom in and out on entry/exit, the footpath will have to be relocated closer to Colgate Street. It should be noted that the footpath realignment will result in an improved design outcome via: - Reduced footpath gradient due to the lengthening of the path - Reduced crossfall from the current non-Austroroads compliant gradient of 6% to 8.4% to a compliant gradient of 2.5% The project team's traffic engineer – Meg Kong had a phone discussion with Alex Kwok (Council's Development Engineer) on Wednesday 1/9/2021 in relation to the proposed footpaths. Based on the discussion, Council's

	Council Feedback	Response
		engineer has provided the following comments: - 1.2m-wide footpath adjacent to property boundary and widened to 1.5m to 1.8m-wide path if adjacent to the kerb - the maximum longitudinal gradient of the footway shall be 1 in 6 (Council's preference to be 1 in 7) - the maximum change in gradient along footways shall be 1 in 10 with a minimum ease of 4.0 metres. - if the footway gradient exceeds 1 in 8, a concrete or bitumen footpath shall be constructed along the re-graded section of the footway - footway cross-fall shall be a maximum of 3.0% and minimum of 1.0%. The proposed footpath has been designed to achieve the above requirements. Council's engineer has stated that a formal review and comments can only be provided upon receipt of the civil plans.
	A geotechnical investigation and report shall be provided in the Development Application submission to indicate the possible risks and the related risk management methodology.	A Geotechnical Report accompanies this application.

	Council Feedback	Response
Water management	The applicant is required to comply with the Stormwater Quality Objectives as detailed in the Water Management for Development Policy.	Noted.
	Stormwater treatment on individual dwelling lots is complex and expensive. Council gives the applicant two options: 1. Install a combined stormwater treatment facility for the five lots managed under Community Title, or 2. Install under Torrens Title one raingarden or filter cartridge (e.g. By SPEL or Ocean Protect) for EACH dwelling that treats stormwater prior to discharge of stormwater from EACH lot (i.e. five in total).	Noted. The application is supported by Stormwater Management Plans by ACOR Consultants demonstrating compliance with the water quality requirements of the Water Management Policy.
	There are significant high-volume groundwater aquifers in Manly that sit quite close to the ground surface. Groundwater may not be an issue due to the elevation of the lot, however, the applicant is required to conduct a test bore to the proposed depth of the basement as part of the geotechnical study required for such excavations and submit this information as part of the Development Application.	The application is supported by a Geotechnical Report that includes consideration of groundwater.
Landscape	A Landscape Plan is required to demonstrate that the proposed development satisfies the DCP clauses.	The application is supported by a detailed Landscape Plan.
	For prescribed (protected) trees under the DCP, i.e. 5 metres and over, excluding Exempt Species, an Arboricultural Impact	The application is supported by an Arborist Report.

	Council Feedback	Response
	Assessment is required to provide clarification on which trees are to be retained, including tree protection measures, and which trees are to be removed.	
	The proposed private entry via the public reserve to the north of 9 College St should be removed as it would not be supported. It is noted that access is already provided via College Street.	Consent is sought for access from 9 College Street to the pedestrian walkway on the adjoining reserve. We note that 29 Reddall Street currently has a private entry gate to the public reserve and that numerous other properties within the area have private access to the RE1 zoned public walkway.
Biodiversity	The subject site is within declared habitat for the endangered population of Long-nosed Bandicoots at North Head, and bandicoot activity has been recorded within and directly adjoining the sites. As such, a Test of Significance (ToS) is required to be prepared in accordance with Manly DCP Clause 5.4.2 and Section 7.3 of the BC Act. Assessment against Manly LEP Clause 6.5 is also required. The ToS must also reference the key threats to survival of the population listed within the endangered population profile and Scientific Committee Determination.	The application is supported by a Flora and Fauna Report.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential environmental impacts are discussed below.

4.1 Manly Local Environmental Plan 2013

4.1.1 Zoning and Permissibility

The subject site is Zoned R1 General Residential. The objectives of R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Dwelling houses are permissible with consent in the R1 General Residential zone. The proposed development will provide for the housing needs of the community with a density more akin to that anticipated by the prescribed minimum subdivision lot size. The proposed development provides a variety of housing types of itself, whilst also contributing to the wider housing stock in the surrounding area.

The proposed Torrens Title subdivision is permissible under the provisions of clause 2.6 (Subdivision - consent requirements) of MLEP 2013.

4.1.2 Minimum Subdivision Lot Size

Pursuant to clause 4.1 of MLEP 2013, the size of any lot resulting from the subdivision of land shall not be less than the minimum area shown on the Lot Size Map of MLEP 2013. The minimum lot size prescribed with respect to the subject site is 250m². Each of the lots exceed the minimum lot size prescribed by this clause, as follows:

- **29 Reddall Street (Lot 1):** 468.5m²
- **31 Reddall Street (Lot 2):** 468.5m²
- **35 Reddall Street (Lot 3):** 497.2m²
- **8 College Street (Lot 4):** 455.1m²
- **9 College Street (Lot 5):** 433.0m² (excluding the 40.7m² access handle to College Street)

Council raised concern regarding the calculation of the minimum lot size in the pre-lodgement minutes, suggesting that the area of the right of carriageways within the basement should be

excluded from any lot size calculation. This concern appears to arise due to the provisions of clause 4.1(3A) of MLEP 2013, which reads as follows:

If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.

We are of the opinion that the right of carriageway arrangement proposed does not constitute an access handle. However, even if Council was to take this position, each lot remains more than the minimum lot size prescribed, as follows:

- **29 Reddall Street (Lot 1):** 468.5m² (no ROW or access handle)
- **31 Reddall Street (Lot 2):** 376.9m² (excluding the 91.6m² ROW)
- **35 Reddall Street (Lot 3):** 417.1m² (excluding the 79.2m² ROW)
- **8 College Street (Lot 4):** 332.9m² (excluding the 122.1m² ROW)
- **9 College Street (Lot 5):** 433.0m² (excluding the 41m² access handle to College Street)

4.1.3 Height of Buildings

Pursuant to clause 4.3 of MLEP 2013 the height of any building on the land shall not exceed a height of 8.5 metres. The objectives of the control 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,*
- 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 environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses*

As demonstrated on the Height Limit Plane Study by Wolski Coppin Architecture, the proposed development is maintained below the 8.5m height plane and is consistent with both the numeric requirement and the objectives of this standard.

4.1.4 Floor Space Ratio

Pursuant to clause 4.4 in the LEP, the site has a maximum floor space ratio (FSR) control of 0.6:1. The objectives of the FSR control are as follows:

- a) *to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*
- b) *to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,*
- c) *to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*
- d) *to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,*
- e) *to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.*

The GFA Calculations Plan by Wolski Coppin Architecture confirms that the proposal complies with the prescribed FSR, as follows:

	Ground GFA	Level 1 GFA	Total GFA	FSR
29 Reddall Street (Lot 1)	149m ²	132m ²	281m ²	0.6:1
31 Reddall Street (Lot 2)	146m ²	135m ²	281m ²	0.6:1
35 Reddall Street (Lot 3)	154m ²	144m ²	298m ²	0.6:1
8 College Street (Lot 4)	139m ²	134m ²	273m ²	0.6:1
9 College Street (Lot 5)	144m ²	140m ²	284m ²	0.6:1
Entire Site	732m ²	685m ²	1417m ²	0.6:1

4.1.5 Heritage

St Patrick's Estate, a State Significant Heritage Item, is located on the opposite (southern) side of College Street. Items of local heritage significance are also located in the vicinity of the site including the dwelling at 32 Reddall Street 'Logan Brae' and street trees along Bower Street.

The proposed development is supported by a detailed Heritage Impact Statement prepared by Weir Phillips Heritage and Planning that concludes that the proposed development will not result in any adverse impacts upon these items of significance.

The report also considers the potential significance of the existing dwellings proposed for demolition and confirms that the dwellings do not meet the threshold for heritage listing. The report concludes:

The proposed development will have a minimal and acceptable impact on the heritage items in the vicinity for the following reasons:

- *The proposed works will not block significant views to or from these items as the sites are either visually and physically removed from each other or are not within their principal view corridors.*
- *The proposed works will have no impact on the significance of the nearby heritage items or on view corridors towards or from these items, and a minimal and acceptable impact on their general setting.*
- *The proposal, although adjacent to St. Patricks Estate is removed from the principal buildings that make up the primary significance of this heritage item. The site is adjacent to the dense, landscaped curtilage that borders and surrounds the significant buildings at the centre of the site.*
- *The proposed finishes and colours are contemporary and neutral in tone, which is an appropriate response to new works. They will sit comfortably within the streetscape and will not detract from the setting of the item.*
- *The proposal, where visible in conjunction with the item will read as part of the varied backdrop typical of the urban setting of this item.*
- *The existing buildings makes a neutral contribution to the streetscape and presents as three structures either highly modified from their original form, both in plan and elevation or as unexceptional example of the Inter-War architectural style.*
- *The proposed dwellings will contribute to the streetscape as a well-designed and detailed development within a mixed streetscape. The proposed finishes are neutral in tone. The building will not have prominence in the streetscape or in the setting of heritage items in the vicinity.*
- *The proposed front and side setbacks match the established pattern in the streetscape and appropriate proportions and massing is demonstrated.*
- *This side of Reddall Street is characterised by narrow front yards, No. 31 Reddall Street, is an anomaly. The front garages are built to the boundary and are integrated with high solid front fences. The proposed development follows this established front setback distance of 3-3.5m and is in keeping with the existing streetscape.*
- *Under the Manly DCP 2013, Phoenix canariensis can be removed without Council approval as the site is not listed as a heritage item and is not located in a Heritage Conservation Area.*
- *The proposed works fulfil the objectives for works to heritage items and in the vicinity of heritage items set out by the Manly LEP 2013 and the Manly DCP 2013.*

4.1.6 Acid Sulfate Soils

The site is identified as being within Area 5 of the Acid Sulfate Map of MLEP 2013. The application does not involve works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land, and as such, Council can be satisfied that the proposal is consistent with the provisions of clause 6.1 of MLEP 2013.

4.1.7 Earthworks

The application is supported by a Geotechnical Report that provides a series of recommendations to ensure that the proposed excavation can be undertaken appropriately. The consent authority can be satisfied that the excavation proposed to accommodate the basement will not have a detrimental impact on environmental functions and processes, neighbouring

uses, cultural or heritage items or features of the surrounding land, consistent with the provisions of clause 6.2 of MLEP 2013.

4.1.8 Stormwater Management

The application is supported by detailed Stormwater Management Plans that demonstrate an appropriate stormwater management solution for the site. The consent authority can be satisfied that the proposed development—

- (a) has been designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
- (b) includes on-site stormwater retention for use as an alternative supply to mains water, and
- (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters.

As such, the consent authority can be satisfied that the proposal is consistent with the provisions of clause 6.4 of MLEP 2013.

4.1.9 Terrestrial Biodiversity

The site is mapped as being within a Biodiversity Area as shown on the Biodiversity Map of MLEP 2013. The application is supported by a Flora and Fauna Assessment Report that considers whether the development is likely to have—

- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
- (iv) any adverse impact on the habitat elements providing connectivity on the land.

Further, the report recommends appropriate measures to avoid, minimise or mitigate the impacts of the development.

As such, the consent authority can be satisfied that the development is designed, sited and will be managed to avoid any significant adverse environmental impact, consistent with the provisions of clause 6.5 of MLEP 2013.

4.1.10 Scenic Protection Area

Pursuant to clause 6.9 of the MLEP 2013 the subject site is located within the foreshore scenic protection area. 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.

As demonstrated by the accompanying photomontage (Figure 8), the proposed development is consistent with the bulk and scale of development within the visual catchment of the site. The proposed dwellings are to be finished in natural tones and softened by substantial landscaping, to ensure that the development appropriately blends with its surrounds. Noting that Figure 8 is a bird's eye view, as opposed to a view from street level, the visibility of the development from the waterway and the general public domain will be less than that shown and Council can be satisfied that the proposed development will not result in any unreasonable or adverse visual impacts when views from public places or the foreshore.



Figure 8: Photomontage of proposed development, with 95 Bower Street shown as per DA2021/0668

4.2 Manly Development Control Plan 2013

The relevant provisions of the Manly Development Control Plan 2013 in relation the proposed works are detailed as follows:

Control	Requirements	Proposed	Compliance
Streetscape (Residential Areas) 3.1	Streetscape is defined and represents the inter-relationship between buildings, landscape and open spaces in the street scene. Local amenity and identity are closely linked to streetscape character. Development should recognise predominant streetscape qualities, such as building form, scale, patterns, materials and colours and vegetation which contributes to the character of the local area.	The application is supported by detailed Site Analysis by Wolski Coppin Architecture to identify the existing streetscape character. As a result of such analysis, Council can be satisfied that the proposed development appropriately responds to the established building line of Reddall Street, the materiality of surrounding development, and the quality of existing landscaping, such that the development can be said to be consistent with the streetscape character of the area.	Yes
Heritage Considerations 3.2.1	Proposed development in the vicinity of a heritage item or conservation area must ensure that: i. it does not detract or significantly alter the heritage significance of any heritage items, conservation area or place; ii. the heritage values or character of the locality are retained or enhanced; and	St Patrick's Estate, a State Significant Heritage Item, is located on the opposite (southern) side of College Street. Items of local heritage significance are also located in the vicinity of the site including the dwelling at 32 Reddall Street 'Logan Brae' and	Yes

Control	Requirements	Proposed	Compliance
	iii. any contemporary response may not necessarily seek to replicate heritage details or character of heritage buildings in the vicinity, but must preserve heritage significance and integrity with complementary and respectful building form, proportions, scale, style, materials, colours and finishes and building/street alignments.	street trees along Bower Street. The proposed development is supported by a detailed Heritage Impact Statement prepared by Weir Phillips Heritage and Planning that concludes that the proposed development will not result in any adverse impacts upon these items of significance. The report also considers the potential significance of the existing dwellings proposed for demolition and confirms that the dwellings do not meet the threshold for heritage listing.	
Landscape Design 3.3.1	To encourage appropriate tree planting and maintenance of existing vegetation. To retain and augment important landscape features and vegetation remnant populations of native flora and fauna.	Detailed Landscape Plans prepared by iScape Landscape Architecture accompany this application. A range of native trees and plants are proposed to complement the architectural form of the development and to provide sufficient habitat of native fauna.	Yes

Control	Requirements	Proposed	Compliance
Preservation of Trees 3.3.2	To protect and enhance the urban forest of the Northern Beaches. To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.	An Arborist Report by Urban Forestry Australia accompanies this application. Of the 15 prescribed trees proposed for removal, only two are locally indigenous and two are introduced native species. The remaining 11 prescribed trees are introduced exotic species. Suitable compensatory landscaping is proposed on the Landscape Plans prepared by iScape Landscape Architecture that accompany this application.	Yes
Sunlight Access and Overshadowing 3.4.1	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).	The application is supported by Shadow Diagrams and Views from the Sun prepared by Wolski Coppin Architecture. The Shadow Diagrams confirm that the proposed development will not result in any unreasonable overshadowing of the adjoining property at 95 Bower Street. The View from the Sun diagrams demonstrate that living rooms and areas of private open	Yes

Control	Requirements	Proposed	Compliance
		space will receive ample sunlight in midwinter, in excess of the 4 hour minimum prescribed.	
Privacy and Security 3.4.2	To minimise loss of privacy to adjacent and nearby development by: • appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings; • mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings. To increase privacy without compromising access to light and air. To balance outlook and views from habitable rooms and private open space. To encourage awareness of neighbourhood security.	The spatial separation afforded by the adjoining reserve combined with existing and proposed landscaping ensures that appropriate levels of privacy are maintained for the dwelling at 97 Bower Street. The proposed dwellings on Lot 4 and 5 have been designed with generous setbacks to the common boundary with 95 Bower Street, to accommodate high quality landscaping and privacy screens to minimise potential overlooking of the downslope dwelling. The proposed dwellings have also been designed to maximise privacy internally on the site, with sufficient spatial separation, screens and landscaping proposed to mitigate any adverse privacy impacts. The proposed development strikes an	Yes

Control	Requirements	Proposed	Compliance
		appropriate balance between the obtainment of available views and visual privacy, to a degree that is commensurate with adjoining and nearby dwellings.	
Maintenance of Views 3.4.3	To provide for view sharing for both existing and proposed development and existing and future Manly residents. To minimise disruption to views from adjacent and nearby development and views to and from public spaces including views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths). To minimise loss of views, including accumulated view loss ‘view creep’ whilst recognising development may take place in accordance with the other provisions of this Plan.	A highly detailed Assessment of View Sharing has been prepared by Richard Lamb to identify the potential impact of the proposal upon existing view corridors towards Fairy Bower, Shelly Beach and St Patricks Estate. The View Sharing Assessment specifically considers impact upon views enjoyed from: • 97 Bower Street • 28 Reddall Street • 30 Reddall Street • 32 Reddall Street • 7 College Street (Units 1, 2, 4, 5, 6, 7, 8, 9 and 10) The View Sharing Assessment concludes: <i>The proposed development has no impact or a minor impact on the majority of views from a range of</i>	Yes

Control	Requirements	Proposed	Compliance
		<i> dwellings adjacent to the site. The highest level of impact on view sharing at moderate, or mid-scale, would be to view points that would be affected by view loss caused by any permissible development on the site. The analysis of a range of views, carried out according to the Land and Environment Court policy for photomontages used in evidence and adopting the planning principle in Tenacity, shows that the proposal would comply with view sharing principles.</i>	
Stormwater Management 3.7	To manage urban stormwater within its natural catchments and within the development site without degrading water quality of the catchments or cause erosion and sedimentation. To manage construction sites to prevent environmental impacts from stormwater and protect downstream properties from flooding and stormwater inundation.	Stormwater Management Plans accompany this application.	Yes

Control	Requirements	Proposed	Compliance
Waste Management 3.8	To facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development (ESD). Encourage the ongoing minimisation and management of waste handling in the future use of premises. To ensure waste storage and collection facilities complement waste collection and management services, offered by Council and the private service providers and support on-going control for such standards and services.	The waste generated from the demolition will be sorted and disposed of appropriately. Materials will be recycled or reused where appropriate. A Waste Management Plan accompanies this application.	Yes
Safety and Security 3.10	To ensure all development are safe and secure for all residents, occupants and visitors of various ages and abilities. To ensure that the design process for all development integrate principles of 'Safety in Design' to eliminate or minimise risk to safety and security. To contribute to the safety and security of the public domain.	The new dwelling will provide high levels of safety and security to the future occupants. The proposed development has appropriate regard for the CPTED principles.	Yes

Control	Requirements	Proposed	Compliance
Wall Height 4.1.2.1	7.2m – 7.8m	As demonstrated in the accompanying plans by Wolski Coppin Architecture, the proposed development is generally consistent with the prescribed wall height limit, with only minor protrusions above the wall height plane, including: - Raked skillion roof of 29 Reddall Street, - Raked skillion roof of 31 Reddall Street, and - Raked skillion roof of 9 College Street. The extent of non-compliance is limited to a maximum height of 600mm and does not attribute to any unreasonable impacts upon the amenity of nearby dwellings. Rather, the non-compliance provides for enhanced amenity of the proposed dwellings, with a raked roof form and clerestory windows to provide light and ventilation to the central parts of the dwelling. The non-compliance is avoided when measured to proposed ground levels, and the wall height of the	No – acceptable on merit.

Control	Requirements	Proposed	Compliance
		development will not be perceived to be non-compliant as seen from the public domain. The minor non-compliances are supportable on merit.	
Number of Storeys 4.1.2.2	2 storeys	2-3 storeys A minor portion of the First Floor 3 overlaps the Basement Level to a point where it is technically classified as a third storey. The minor non-compliance is considered to be reasonable in this instance, as the dwellings have a two storey appearance from the public domain and as the three storey elements do not give rise to any adverse impacts upon adjoining dwellings. Further, there are a number of three and four storey dwellings, dual occupancies and residential flat buildings within the visual catchment of the site, such that even if the proposed dwelling were perceived to be three storey dwellings, the	No – acceptable on merit.

Control	Requirements	Proposed	Compliance
		proposal cannot be said to be inconsistent with the character of surrounding development.	
Roof Height 4.1.2.3	Max 2.5m	Achieved	Yes
FSR 4.1.3	0.6:1	0.6:1	Yes
Front Setback 4.1.4.1	Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity. Where building lines are neither consistent nor established, a minimum 6m front setback generally applies.	<u>Reddall Street</u> As demonstrated on the Indicative Building Footprints and Reddall Street Setback Analysis Plan by Wolski Coppin Architect, existing buildings fronting the eastern side of Reddall Street are sited with Nil – 3.0m setbacks. The proposed new dwellings fronting Reddall Street are setback 3.2m – 4.3m from the Reddall Street frontage, consistent with the provisions of this clause. <u>College Street</u> There is no defined or established setback to College Street, and as such, the 6.0m minimum setback applies.	Yes No – acceptable on merit.

Control	Requirements	Proposed	Compliance
		The alignment of the dwellings fronting College Street adopts an average 6m setback in response to the skew of the boundary, with some elements slightly forward of the 6m building line and some slightly behind. The basement entrances are located forward of the 6m building line. The entrances are integrated with proposed retaining walls and landscaping and are consistent with the character of the locality which has a prevalence of carparking structures forward of the front building line. The proposed development is consistent with the spatial proportions of surrounding and nearby development, and the elements forward of the 6m front building line do not result in adverse impacts upon the amenity of adjoining properties. The proposed development represents a flexible approach to the siting of buildings that has appropriate regard to	

Control	Requirements	Proposed	Compliance
		the character of the locality.	
Side Setbacks 4.1.4.2	29 Reddall St (Lot 1): North: 6m South: 2.2m – 2.6m 31 Reddall St (Lot 2): North: 2.3m - 2.7m South: 2.3m – 2.7m 35 Reddall St (Lot 3): North: 2.4m East: 2.4m 8 College St (Lot 4): West: 1.8m East: 2.5m 9 College St (Lot 5): West: 1.7m East: 2.7m	29 Reddall St (Lot 1): North: 6m* South: 1.3m *A cabana is proposed within the 6m setback and is consistent with the expressed variations that allow for cabana structures designed to reflect the landscaped character of the locality. 31 Reddall St (Lot 2): North: 2.8m – 4.6m South: 2.8m – 3.4m 35 Reddall St (Lot 3): North: 1.6m East: 6.6m 8 College St (Lot 4): West: 2.4m East: 7.1m – 8.4m 9 College St (Lot 5): West: 2.7m – 3.0m East: 4.9m – 5.3m There are two areas of non-compliance in relation to the side setbacks prescribed,	No, acceptable on merit.

Control	Requirements	Proposed	Compliance
	Buildings, swimming pools and garden sheds on sites with a common boundary to land zoned in the LEP as Zones RE1 Public Recreation, RE2 Private Recreation, E1 National Parks and E2 Environmental Conservation must be set back at least 6m from this common boundary and in the case of rear setbacks, the minimum 8m setback prevails. However, gazebos, barbeques, child play equipment and the like may be permitted within this setback provided they are designed to complement the natural or landscape character of the adjacent LEP Zones.	being the southern setback of the dwelling at 29 Reddall Street and the northern setback of the dwelling on 35 Reddall Street. Despite the non-compliance proposed, sufficient spatial separation is achieved between the dwellings fronting Reddall Street, with setbacks between dwellings equal to or in excess of those that currently exist. As demonstrated in the Assessment of View Sharing by Richard Lamb, the non-compliances do not result in any adverse impacts upon existing views, and as the dwellings have been designed in response to each other, the non-compliance will not result in any adverse impacts upon the adjoining dwelling proposed. As such, a variation is reasonably supportable in relation to the two areas of non-compliance proposed.	

Control	Requirements	Proposed	Compliance
	All new windows from habitable rooms of dwellings that face the side boundary are to be setback at least 3m from side boundaries;	Windows associated with habitable rooms are generally setback more than 3m from boundaries. However, there are two exceptions, being the windows associated with Bedroom 3 on the ground floor of Lot 3 and 4. The windows are offset from any windows on the adjoining dwellings and sufficient privacy will be maintained by the proposed boundary fence and landscaping. As such, the proposed windows are supportable on merit in this instance.	No, acceptable on merit.
Rear Setback 4.1.4.4	The distance between any part of a building and the rear boundary must not be less than 8m. Buildings, swimming pools and garden sheds on sites with a common boundary to land zoned in the LEP as Zones RE1 Public Recreation, RE2 Private Recreation, E1 National Parks and E2 Environmental Conservation must be set back at least 6m from this common boundary and in the case of rear setbacks,	<u>29 Reddall St (Lot 1)</u>: 4.68m to ground terrace and upper balcony, 6m to external wall. The reduced rear setback on Lot 1 is considered to be an appropriate outcome as it is an internal setback and as the dwelling at Lot 5 has been designed in consideration of the reduced setback proposed. Further, the dwelling has been designed with a 6m	No, acceptable on merit

Control	Requirements	Proposed	Compliance
	the minimum 8m setback prevails. However, gazebos, barbeques, child play equipment and the like may be permitted within this setback provided they are designed to complement the natural or landscape character of the adjacent LEP Zones.	setback to the side boundary, to maximise view corridors for properties up slope. <u>Lot 2:</u> 3m to ground terrace, 6m to upper balcony and 7.2m to external wall. The reduced rear setback on Lot 2 is considered to be an appropriate outcome as it is an internal setback and as the dwellings on Lots 4 and 5 have been designed in consideration of the reduced setback proposed. Sufficient spatial separation is achieved, with high quality landscaping proposed to ameliorate overlooking between dwellings. <u>Lot 3:</u> N/A, the site is a corner site with two frontages. <u>Lot 4:</u> 1.4m to balcony and 2.6m to external wall. The reduced rear setback on Lot 4 is considered to be an appropriate outcome as it is an internal setback and as the dwelling on Lot 5 has been designed in	

Control	Requirements	Proposed	Compliance
		consideration of the reduced setback proposed. Sufficient spatial separation is achieved, with high quality landscaping proposed to ameliorate overlooking between dwellings. Further, the reduced rear setback allows for more generous setbacks to be provided on the eastern side boundary, to minimise impacts upon the adjoining dwelling at 95 Bower Street. <u>Lot 5:</u> 1.2m to the swimming pool, 4.0m to the upper floor balcony and 5.2m to the external wall. The reduced rear setback on Lot 5 allows for more generous setbacks to be provided along the common boundary with 95 Bower Street. The siting of the proposed swimming pool is not dissimilar to the existing swimming pool on the site, and does not result in any adverse impacts upon views. Further, due to the topography of the land, the reduced rear setback to the dwelling will not impact upon	

Control	Requirements	Proposed	Compliance
		views to the ocean from upslope or views to St Patricks Cathedral from 97 Bower Street, as demonstrated in the View Sharing Assessment that accompanies this application. Overall, the siting of the proposed development is considered to be an appropriate contextual that is consistent with the objectives of the rear setback control, as follows: • The reduced rear setbacks do not impact upon the spatial proportions of the streetscape. • The proposal demonstrates a flexible approach that provides for the enhancement of local amenity. The proposal provides greater spatial separation between the dwellings fronting Reddall Street to maximise view corridors, and greater setbacks to the common boundary to 95 Bower Street to maximise privacy. • Despite reduced setbacks, sufficient landscaping between dwellings is achieved.	

Control	Requirements	Proposed	Compliance
Open Space and Landscaping 4.1.5.1	55% (minimum) Total Open Space	<u>Lot 1</u> : 68% <u>Lot 2</u> : 65% <u>Lot 3</u> : 62% <u>Lot 4</u> : 61% <u>Lot 5</u> : 56%	Yes
	35% (minimum) Soft Landscaping	<u>Lot 1</u> : 46% <u>Lot 2</u> : 51% <u>Lot 3</u> : 60% <u>Lot 4</u> : 35% <u>Lot 5</u> : 36%	Yes
	25% (maximum) above ground open space	<u>Lot 1</u> : 10% <u>Lot 2</u> : 12% <u>Lot 3</u> : 10% <u>Lot 4</u> : 15% <u>Lot 5</u> : 13%	Yes
	1 tree per lot	Each lot has more than 1 tree.	Yes
Parking Design 4.1.6.1	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 proposed garages are located within the basements and will not be visible from the public domain. The basement entries are integrated with the landscaped treatment of	Yes

Control	Requirements	Proposed	Compliance
	the desired character of the locality. All vehicles should enter and leave the site in a forward direction.	College Street and are compatible with the character of surrounding development. There is sufficient area within each basement to allow for vehicles to turn, to enter and leave in a forward direction. By putting the garages underground and having a ROW through the basement, the proposal is limited to two standard width driveway crossovers rather than the five double width crossovers that may otherwise occur in association with five separate lots. This increases the amount of on street parking spaces available and improves the appearance of the street edge by maximising landscaping in the front setback of each house rather than driveways or carports.	
Development on Sloping Sites 4.1.8	The design of development must respond to the slope of the site, to minimise loss of views and amenity from public and private spaces. Developments on sloping sites must be designed to generally step with the	The proposed dwellings are suitably responsive to the fall of the land and have a two storey appearance to the public domain. A Geotechnical Report is provided to	Yes

Control	Requirements	Proposed	Compliance
	topography of the site; and avoid large undercroft spaces and minimise supporting undercroft structures by integrating the building into the slope whether to the foreshore or a street.	accompany the application.	
Swimming Pools 4.1.9	Swimming pools and spas must be built on or in the ground and not elevated more than 1m above natural ground level. Consideration of any exception to exceed the height above ground must demonstrate that any swimming pools and/or spa and their curtilage and/or concourse more than 1m above natural ground level: i) would not detract from the amenity or character of the neighbourhood; and ii) is a minimum distance from any side boundary equivalent to the height of the swimming pools and/or spa and their curtilage and/or concourse at any point above existing ground level. The setback of the outer edge of the pool/spa concourse from the side and rear boundaries must be at least 1m, with the	The proposed swimming pools are elevated above ground by more than 1m. However, the pools will sit within terraced gardens, and will have the appearance of in-ground pools. The elevated nature of the swimming pools will be screened from view by proposed vegetation and will not be readily visible from the public domain. The pools are sufficiently setback from the side and rear boundaries, more than the minimum setbacks prescribed.	No, acceptable on merit.

Control	Requirements	Proposed	Compliance
	water line being at least 1.5m from the boundary.		

4.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

4.3.1 Sydney Harbour Catchment

The site is identified as being within the Sydney Harbour Catchment and is subject to the provisions of Chapter 10 of SEPP (Biodiversity and Conservation) 2021.

An assessment of the proposal against the relevant aims of the chapter has been undertaken, and the consent authority can be satisfied in this regard. The impact upon views to the waterway was of upmost importance throughout the design phase, and as demonstrated by the View Sharing Assessment, the proposed development does not result in any unreasonable impacts upon views. The proposed dwellings will sit comfortably in a landscaped setting as seen from the waterway.

4.4 State Environmental Planning Policy (Resilience and Hazards) 2021

4.4.1 Coastal Management

Chapter 2 of SEPP (Resilience and Hazards) aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner that is consistent with the objects of the *Coastal Management Act 2016*.

The site is identified as “coastal use area” on the Coastal Use Area Map and the provisions of Chapter 2 of this policy are applicable to the proposal.

The proposed development will not result in any adverse impacts upon access along the foreshore, overshadowing of the foreshore, the visual amenity of the coastline, or any items of heritage significance. Further, the proposal will not result in any adverse impacts upon views to the foreshore, as outlined in the accompanying View Sharing Assessment by Richard Lamb.

The application has considered the surrounding coastal and built environment, and the bulk, scale and size of the proposed development, with a high-quality architectural solution that appropriately responds to the context of the site. The proposed development is consistent with the provisions of clause 2.11 of this policy.

Clause 2.12 of SEPP (Resilience and Hazards) prescribes that development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. The proposed development is not likely to cause increased risk at the site or for adjoining land, and the consent authority can be satisfied in this regard.

4.4.2 Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The site has been used for residential purposes for an extended period with no known prior land uses. In this regard, the potential for contamination is extremely unlikely.

The site is not identified as a contaminated site on the NSW EPA's list of notified sites, nor is it in the vicinity of any listed sites. The consent authority can be satisfied that the subject site is suitable for the proposed development.

As such, the proposed development is consistent with the provisions of Chapter 4 of this policy.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to the residential component of the development and aims to encourage sustainable residential development.

A BASIX certificate accompanies the development application and demonstrates that the proposal achieves compliance with the BASIX water, energy and thermal efficiency targets.

4.6 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as Amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended):

(i) The provision of any planning instrument

The proposal is permissible and generally in conformity with the provisions of MLEP 2013.

The proposal is also consistent with all applicable SEPPs, including the relevant provisions of SEPP (Building Sustainability Index: BASIX), SEPP (Resilience and Hazards) and SEPP (Biodiversity and Conservation) 2021.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

(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 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

MDCP 2013 is applicable to this application and has been considered in detail in this report.

(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

N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

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

[The assessment considers the Guidelines (in italics) prepared by the Department of Planning and Environment in this regard].

Context and Setting

i. What is the relationship to the region and local context in terms of:

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

The character and massing of the proposed development is entirely commensurate with that established by adjoining development and development generally within the visual catchment of the site, with no adverse residential amenity impacts in terms of views, privacy or overshadowing to adjoining properties.

ii. What are the potential impacts on adjacent properties in terms of:

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*
- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

The proposed development will not result in any adverse impacts upon access, transport and traffic, as confirmed by the accompanying Transport and Parking Assessment Report.

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

Existing utility services will be connected to service the new dwelling.

Flora and Fauna

The application is accompanied by a Flora and Fauna Report.

Waste Collection

Normal domestic waste collection will apply to the proposed dwellings.

Natural hazards

The site is not identified on any natural hazard maps of MLEP 2013. A Geotechnical Report has been prepared to address the excavation proposed.

Economic Impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

Is the development design sensitive to environmental considerations and site attributes including:

- *size, shape and design of allotments*

- *The proportion of site covered by buildings*
- *the position of buildings*
- *the size (bulk, height, mass), form, appearance and design of buildings*
- *the amount, location, design, use and management of private and communal open space*
- *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are minimal and within the scope of the general principles, desired future character and built form controls.

How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

Construction

- *What would be the impacts of construction activities in terms of:*
- *The environmental planning issues listed above*
- *Site safety*

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

Does the proposal fit in the locality

Are the constraints posed by adjacent development prohibitive

Would development lead to unmanageable transport demands and are there adequate transport facilities in the area

Are utilities and services available to the site adequate for the development

Are the site attributes conducive to development

The site is in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The proposed works are permissible and consistent with the intent of the LEP and DCP controls as they are reasonably applied to the proposed development. The development would not be contrary to the public interest.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly, approval of the development would be in the public interest.

5 Conclusion

The architect has responded to the client brief to design a series of dwelling houses which take advantage of the sites superior locational attributes whilst responding to the established built form characteristics of adjoining development. The design has also been developed through detailed site and context analysis and is responsive to the minutes arising from formal pre-DA discussions with Council.

The benefit of designing all five dwellings at the same time has also ensured that the proposed dwellings work harmoniously together, with a bespoke architectural design solution that is complemented by a high-quality landscaped outcome. The outcome is a development of exceptional design quality affording superior levels of amenity to future occupants whilst maintaining appropriate residential amenity to adjoining properties in relation to views, solar access and privacy.

It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.
- The identified non-compliances with the number of storeys, front and rear setback and swimming pool controls have been acknowledged and appropriately justified having regard to the associated objectives. Such variations succeed pursuant to section 4.15(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.

Boston Blyth Fleming Pty Limited



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Director