

# DEVELOPMENT APPLICATION

Construction of a pair of semi-detached dwellings with  
Torrens Title subdivision

## 3 Hill Street, Fairlight

### Statement of Environmental Effects

Submitted to Northern Beaches Council

On Behalf of Meaghan and Mark Gilbert

25 June 2025 ■ 25001

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## 1.0 INTRODUCTION

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### 1.1 Overview

This Statement of Environmental Effects (**SEE**) is submitted to the Northern Beaches Council (**Council**) on behalf of Meaghan and Mark Gilbert. It describes a Development Application (**DA**) relating to 3 Hill Street, Fairlight (the **site**).

The proposed works the subject of this DA, will demolish the existing dwelling house and associated structures and construct a new pair of semi-detached dwellings with Torrens Title subdivision.

### 1.2 Consent authority and type of application

The estimated development cost (**EDC**) is \$1,175,705 (including GST) (refer to Cost Report). Therefore, in accordance with the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and *State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)*, the DA is to be determined by Council or its delegate (*General development under \$30,000,000*).

Pursuant to Section 4.46 of the EP&A Act, the DA is not integrated development.

A Construction Certificate (**CC**) will be sought separately.

### 1.3 Scope of SEE

The SEE describes the site, its locality and the proposal. It includes an assessment of the proposal under the heads of consideration at Section 4.15(1) of the EP&A Act.

This SEE should be read in conjunction with the following documentation (submitted under separate cover):

- Architectural Plans, by Accurate Design and Drafting (27.02.2025)
- BASIX Certificate (No. 1748183S\_04 & No. 1748177S\_04) (27.02.2025)
- Estimated Development Cost Report, by Building Design & Cost Consultant (21.03.2024)
- Geotechnical Report, by AW Geotechnics Pty Ltd (17.03.2024)
- Landscape Plan by Land Valley Landscape Design (02.01.2025)
- Materials and Finishes Schedule by Accurate Design & Drafting (27.02.2025)
- Site Survey, by Donovan Associates (02.06.2026)
- Stormwater Engineering Drawings, by VNK Consulting Pty Ltd (21.04.2024)
- Subdivision Plan, by Accurate Design & Drafting (27.02.2025)
- Waste Management Plan, by Icon Homes Pty Ltd (03.04.2024).



## 2.0 SITE LOCATION

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### 2.1 The site

The site is identified as Lot 1 in DP 177373 and lot 4 in DP 8925, known as 3 Hill Street, Fairlight (the **site**).

The site has a primary street frontage to Hill Street, and a secondary street frontage to Northcote Avenue (**Figure 1** and **2**).

The site is rectangular in shape with an eastern front and western rear boundary of 16m, and a north and south side boundary of 31m (**Figure 3**).

The site has an area of 509.6m<sup>2</sup> and is occupied by a single storey dwelling house with two separate car garages and a swimming pool to the rear of the site.

A search of Council records did not retrieve any previous approvals for the site.

In accordance with Manly Local Environmental Plan 2013 (**Manly LEP 2013**), the site is zoned R1 – General Residential (Refer to Section 4.1.4 and **Figure 10** for further details).

The site is not identified as a heritage item and it is not located within a heritage conservation area. The site is not in the vicinity of a heritage items.

### 2.2 Surrounding development

The locality is characterised by low density residential development with a regular subdivision pattern.

The area is characterised by a variety of residential forms, ranging from one, two and three storey dwelling houses, semi-detached dwellings and Residential Flat Buildings (**RFB**).

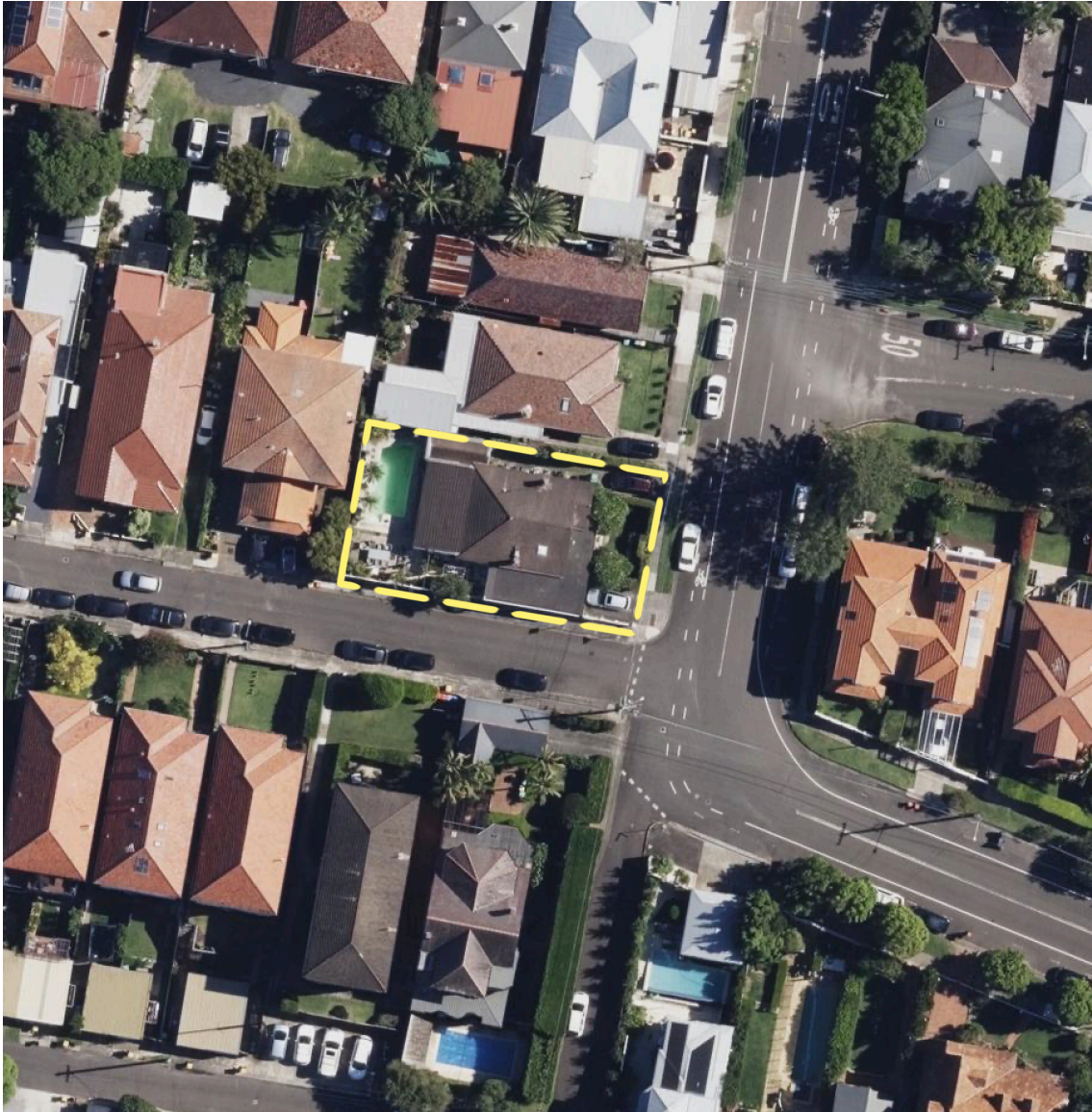
Development surrounding the site comprises:

- **North:** Adjoining the site to the north and sharing a side boundary is 5 Hill Street, a single storey residential dwelling, beyond that is further residential development, with a commercial development (Effie's) on the corner of Hill Street and Sydney Road.
- **South:** To the south of the site and on the opposite side of Northcote Avenue is a row of residential development (two to three storey dwelling house and RFBs) beyond that further residential development.
- **East:** To the east of the site and on the opposite side of Hill Street, is a two-storey residential dwelling, beyond that further residential development
- **West:** To the west of the site and sharing a rear boundary is 2A & 2B Northcote Avenue (a two-storey duplex), beyond that is further residential development.

Photographs of the site and surrounding area are located at **Figure 4** and **5** below.



**Figure 1 – Site location plan** (Source: <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>)



**Figure 2 –** Aerial view of the site (Source: <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>)







Figure 4 – The site 3 Hill Street Fairlight



Adjacent the site to the north, sharing a side boundary (5 and 7 Hill Street)



Adjacent the site to the east, opposite side of Hill Street (48 Rosedale Street)



Adjacent the site to the west, sharing a rear boundary (2A & 2B Northcote Avenue)



Adjacent the site to the south, opposite side of Northcote Avenue (1B Northcote Avenue)

Figure 5 – The surrounding area

## 3.0 PROPOSED DEVELOPMENT

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### 3.1 Overview

As illustrated on the Architectural Plans (attached), the proposal comprises the following works:

1. **Demolition and site works** comprising the following:
  - (a) Demolition of the single storey dwelling and associated structures
  - (b) General site works.
2. **Subdivision** of existing Lot (509.6m<sup>2</sup> in size) into two new Torrens Title Lots both 254m<sup>2</sup> in size.
3. **Construction of a pair of semi-detached dwellings** on the newly created lots, each comprising the following:
  - (a) Ground floor: entrance way, living room, kitchen, dining and family room
  - (b) First floor: main bedroom with ensuite, bedroom one and two, plus bathroom.
4. **Car parking and access**
  - (a) Each dwelling will accommodate one car space within the front setback
  - (b) The existing driveway crossing will be modified slightly to accommodate the new vehicle access.
5. **Landscaping** comprising the following:
  - (a) Removal of three trees from the site (exempt species)
  - (b) New supplementary planting to the front, side and rear boundary setbacks
6. **Fencing** comprising the following:
  - (a) New internal dividing fence to the rear (1.8m high lapped and capped timber fence)
  - (b) New side and rear boundary fence (1.8m high lapped and capped timber fence)
7. **Use** of the site as a pair of semi-detached dwellings, one dwelling on each of the newly created lots as follows:
  - (a) House 1: Three-bedroom, three bathroom and livings areas
  - (b) House 2: Three-bedroom, three bathroom and livings areas.

**Table 1** provides an overview of the proposal.

**Figure 6 – 7** show the layout of the proposed dwellings at each level.

**Table 1 – Proposed development summary**

Element	House 1 (Proposed Lot 1)	House 2 (Proposed Lot 4)
Site area (m <sup>2</sup> )	254.76	254.84
Gross Floor Area ( <b>GFA</b> ) (m <sup>2</sup> )	175.85	175.85
Floor Space Ratio ( <b>FSR</b> )	0.69:1	0.69:1
Height (maximum)		
• Building height (m)	7.9	7.9
• RL	51.107	51.107
• Wall height (m)	5.78	5.78
Number of storeys	2 storeys	2 storeys
Open space (m <sup>2</sup> )	138.41	138.41
Landscaped area (m <sup>2</sup> )	108.24	107.86
Parking	1	1

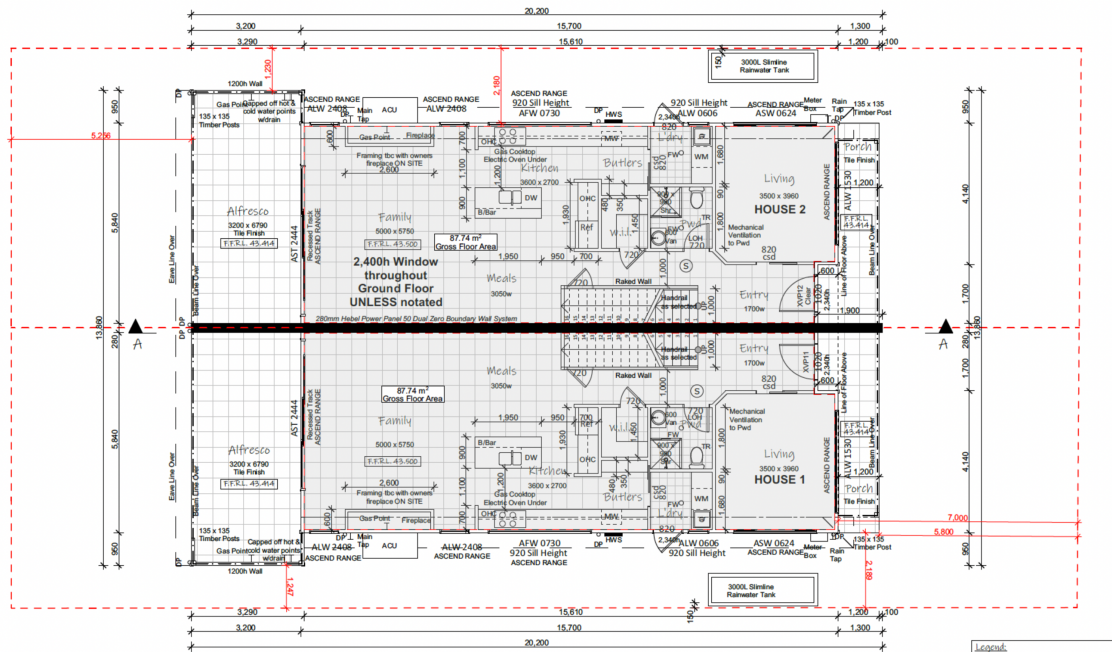


Figure 6 – Extract Ground Floor Plan (Source: Sheet 9/19 Drawing DA22095-13, by Icon Design dated 08.08.2024)

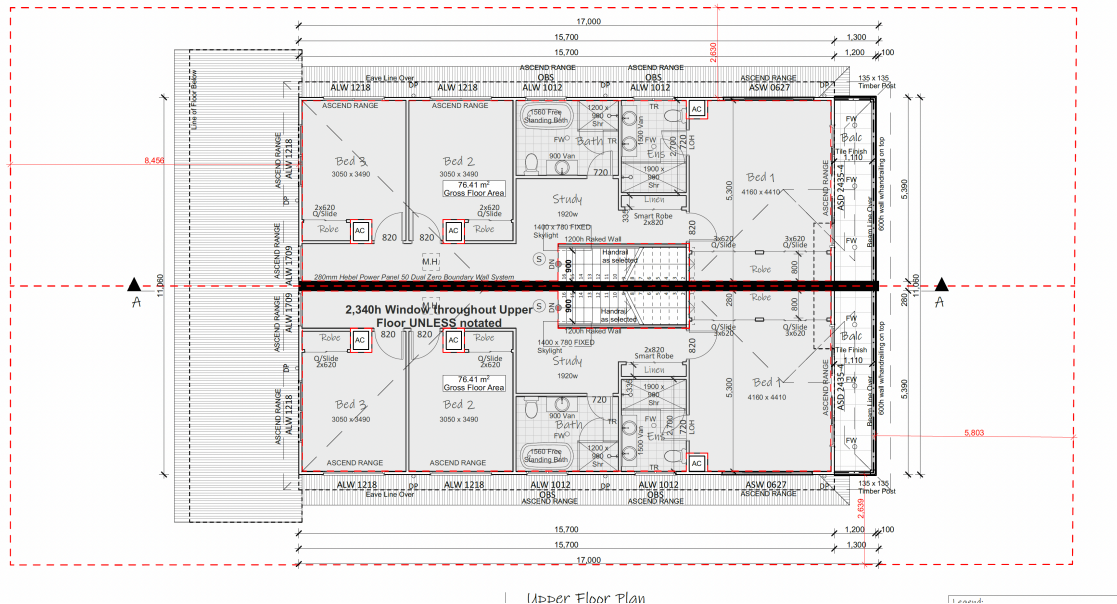


Figure 7 – Extract First Floor Plan (Source: Sheet 10/19 Drawing DA22095-13, by Icon Design dated 08.08.2024)



### 3.2 Design/materials/colours

As illustrated on the Architectural Plans (attached), the proposed semi-detached dwellings have a contemporary design. The scale of the proposed dwellings is consistent with the predominate built form of the area and desired future character of the locality.

A Materials and Finishes Schedule has been prepared in support of the proposal (see attached).

### 3.3 Building height

The maximum height of the proposed pair of semi-detached dwellings is 7.9m (measured to the top of roof ridge RL 51.107).

The maximum wall height is 5.77m.

### 3.4 Gross Floor Area (GFA) and Floor Space Ratio (FSR)

As calculated by Accurate Design and Drafting the proposed GFA is 175.85m<sup>2</sup> for each dwelling.

With a proposed site area of 254m<sup>2</sup> for each of the newly created lots, the proposed development results in an FSR of 0.69:1 (for each site/dwelling).

### 3.5 Subdivision (Torrens Title)

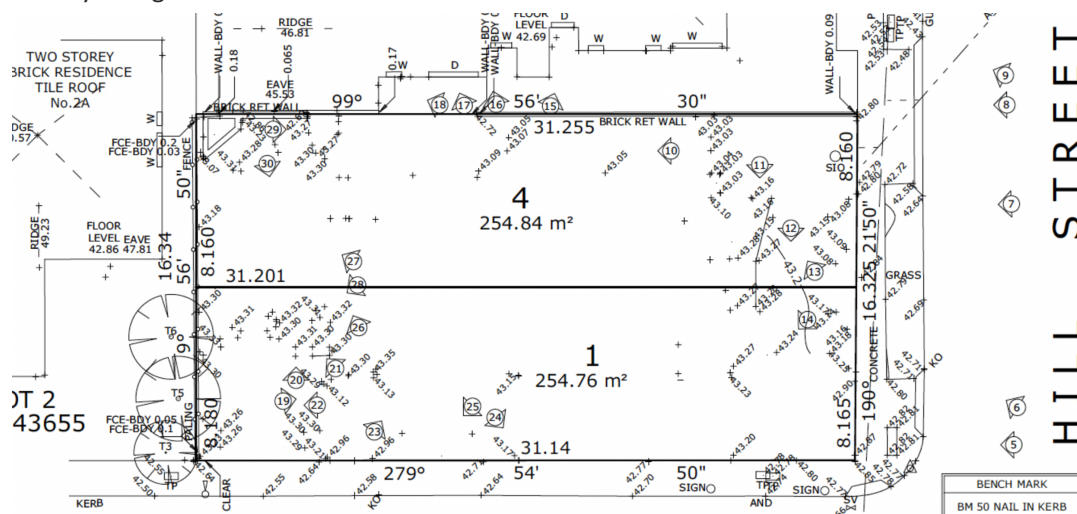
As shown on the proposed Subdivision Plan at **Figure 8** (and attached), the proposal comprises the subdivision of Lot 1 in DP 177373 and Lot 4 in DP 8924 into the two (2) Torrens Title lots (each with an area of 254m<sup>2</sup>).

The proposed subdivision pattern is consistent with the immediately adjoining properties, and surrounding area.

The proposed lot boundaries will reflect the proposed dwelling positions.

### 3.6 Services

Each of the proposed lots is serviced (or able to be serviced) by reticulated water and sewer, telecommunications and electricity infrastructure, as shown on the proposed Survey Plan (attached). Domestic services will be addressed by way of standard easements pursuant to s. 88 of the Conveyancing Act.



**Figure 8**– Proposed Subdivision Plan (Source: Sheet 5/19 Drawing DA22095-13 by Accurate Design and Drafting dated 08.08.2024)

### 3.7 Setbacks

The proposed pair of semi-detached dwellings will share a common boundary in the centre, and will have the following remaining setbacks:

- Front (east): 5.8m
- Side (north and south): 2.1m (GF) – 2.6m (Lvl 1)
- Rear (west): 8.5m.

### 3.8 Site coverage, open space and landscaping

An overview of the proposed open space and landscaped area is detailed below in **Table 2**.

**Table 2 – Existing and proposed site coverage, private open space and landscaping**

Element	Proposed Lot 1	Proposed Lot 2
Open space	138.41m <sup>2</sup> (54.3%)	138.41m <sup>2</sup> (54.3%)
Landscaped area	108.24m <sup>2</sup> (77%)	107.86m <sup>2</sup> (77%)

#### 3.8.1 Tree removal and landscaping

As show on the Demolition Plan and Landscaped Plan (attached), the proposal comprises the following landscaping works:

- Removal of the three (3) trees (exempt species).
- New supplementary planting to the front and side boundary setbacks
- New turf and soft landscaping to the rear
- Two new native species planted for each site.

Due to the location of the proposed works supplementary planting to the front, side and rear boundaries, will remain similar to the existing characteristic of the site and immediate locality.

#### 3.8.2 Fencing

As shown on the Architectural Plans (attached), the proposal comprising the following fencing works:

- New internal dividing fence to the rear (1.8m high lapped and capped timber fence)
- New side and rear boundary fence (1.8m high lapped and capped timber fence).

### 3.9 Demolition and excavation

#### 3.9.1 Demolition

As shown on the accompanying Architectural Plans the following elements are to be demolished on site:

- Demolition of the single storey dwelling
- Demolition of existing fencing, paving, path, swimming pool and driveways.

#### 3.9.2 Excavation

The proposal will require excavation/fill to depths of no more than 500mm to level the site. Refer to Geotechnical Report (attached) for details.

**3.10 Parking and access**

Each dwelling will accommodate one car space within the front setback.

The existing driveway crossing will be modified slightly to accommodate vehicle access for both dwellings.

**3.1 Stormwater**

VNK Consulting Pty Ltd have prepared detailed stormwater plans and a sediment and erosion control plan in support of the proposal. Refer to attached for details.

**3.2 Waste Management**

A Site Waste Management Plan (SWMP) has been prepared in accordance with Council's requirements and accompanies this report.

During construction, the required SWMP will be put into place to ensure minimal impact on the surrounding site. This will record and document the removal and or re-use of demolished materials and waste generated during demolition and construction.

**3.3 National Construction Code (NCC)**

The proposal is capable of complying with the NCC, a detailed report will be completed prior to the issuing of the Construction Certificate (CC).

## 4.0 PLANNING ASSESSMENT

### 4.1 S.4.15(1)(a) Statutory considerations

An assessment of the proposal's compliance with the relevant matters referred to in Section 4.15(1) of the EP&A Act follows in **Table 3**.

**Table 3** – Section 4.15 matters for consideration

Section 4.15 Matters for consideration	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument (EPI) a	An assessment of compliance with the following EPIs follows: <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021 (<b>Resilience and Hazards SEPP</b>)</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021 (<b>Biodiversity and Conservation SEPP</b>)</li> <li>• State Environmental Planning Policy (Sustainable Buildings) 2022 (<b>Sustainable Buildings SEPP</b>)</li> <li>• Manly Local Environmental Plan 2013 (<b>Manly LEP 2013</b>)</li> <li>•</li> </ul>
Section 4.15(1)(a)(ii) – Provisions of any draft environmental planning instrument	Nil
Section 4.15(1)(a)(iii) – Provisions of any development control plan (DCP)	An assessment of compliance with the following DCP follows: <ul style="list-style-type: none"> <li>• Manly Development Control Plan (<b>Manly DCP 2013</b>)</li> </ul>
Section 4.15(1)(a)(iiia) – Provisions of any planning agreement of draft planning agreement	Not applicable
Section 4.15(1)(a)(iv) – Provisions of the regulations	The relevant clauses of the EP&A Regulation have been satisfied.
Section 4.15(1)(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,	An assessment of the likely environmental impacts of the proposal follows.
Section 4.15(1)(c) - The suitability of the site for the proposed development	The site is located in Fairlight, in close proximity to services and is in a highly accessible location. The site has sufficient area to accommodate the proposed subdivision and construction of a pair of semi-detached dwellings and is considered suitable for the proposed development.
Section 4.15(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	The issues raised in submissions will be a matter of the consent authority's consideration.
Section 4.15(1)(e) – The public interest	The proposal is consistent with the objectives of Zone R1 and will not result in any adverse environmental impacts. The proposal is therefore considered to be in the public interest.

#### 4.1.1 Resilience and Hazards SEPP

##### Remediation (Chapter 4)

Section 4.6(1)(A) of SEPP Resilience and Hazards requires the consent authority to consider whether land is contaminated.

Given the site's extended use for residential purposes, the site is unlikely to be contaminated.

#### 4.1.2 Biodiversity and Conservation SEPP

##### Removal of vegetation (Chapter 2)

The Biodiversity and Conservation SEPP – Chapter 2 regulates the clearing of native vegetation on urban land. The aims of the policy are to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

As the site is located within the Northern Beaches Local Government Area (**LGA**), within Zone R1 – General Residential; the provisions of this SEPP apply to the clearing of:

- Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
- Vegetation on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8.

The proposed works require the removal of three trees (exempt species) as a result of their proximity to the building works, suitable replacement planting is proposed to offset their removal.

#### 4.1.3 Sustainable Buildings SEPP

The proposal is identified under the *Environmental Planning and Assessment Regulation 2000 (EPA Reg)* as a BASIX affected building.

As such, a BASIX Certificate has been prepared for each of the proposed new dwellings (attached under separate cover).

An appropriate condition should be imposed on the consent requiring compliance with the BASIX commitments.

#### 4.1.4 Manly LEP 2013

As detailed in **Table 5** below, the following relevant provisions in Manly LEP 2013 apply:

- **Zoning/Permissibility (Figure 10)** - The site is located on land zoned R1 – General Residential.  
The proposed construction of a pair of semi-detached dwellings with Torrens Title subdivision is permitted with consent in the zone.
- **Minimum lot size (Figure 11)** – The site is subject to a 250m<sup>2</sup> minimum lot size standard.  
The existing lot is 509.6m<sup>2</sup> in size and the proposed Torrens Title subdivision will result in two lots greater than 250m<sup>2</sup> (254m<sup>2</sup> each) and therefore complies with the standard.
- **Height (Figure 12)**- The site is subject to a maximum building height standard of 8.5m.  
The maximum height of the pair of semi-detached dwelling is 7.9m (measured to the top of the roof ridge) and therefore complies with the standard.
- **Floor Space Ratio (FSR) (Figure 13)** - The site is subject to an FSR standard of 0.6:1.  
As calculated by Accurate Design and Drafting **Table 4** summarises the proposed site area, GFA/FSR and departure from the FSR standard.

A Clause 4.6 Written Request to contravene the FSR standard has been prepared for the proposal. Refer to attached for details.

**Table 4 – Summary of the proposed site area, proposed GFA and FSR, and non-compliance with the standard**

	Proposed Site Area	Proposed GFA (m <sup>2</sup> )	Proposed FSR	FSR Standard / Permitted GFA (m <sup>2</sup> )	Non-compliance with the FSR Standard
<b>House 1</b>	254.76	175.85	0.69:1	0.6:1 / 152.86	15% / 22.99m <sup>2</sup>
<b>House 2</b>	254.84	175.85	0.69:1	0.6:1 / 152.90	15% / 22.95m <sup>2</sup>

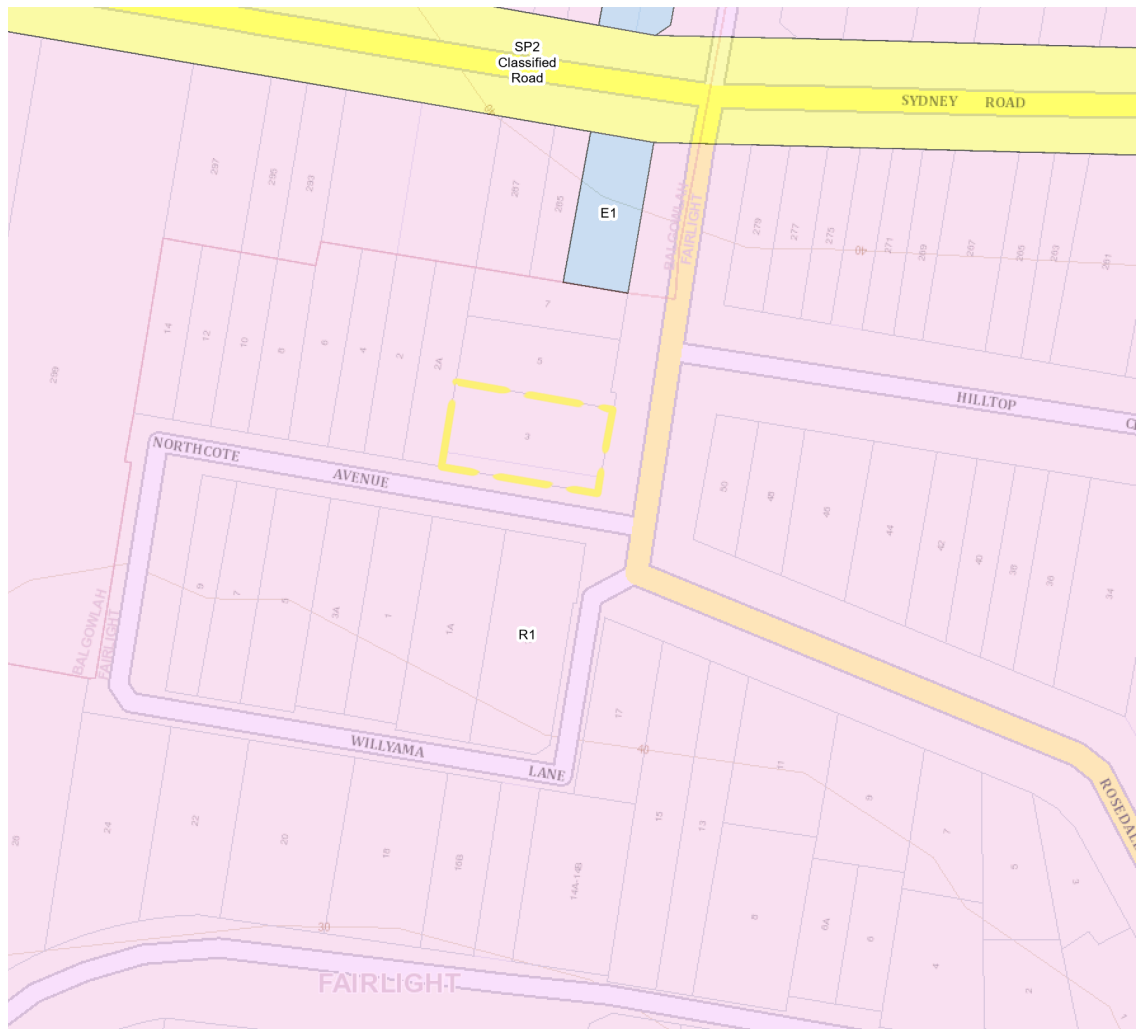
- **Heritage** – The site is not identified as a heritage item nor is it located within a Heritage Conservation Area. There are no heritage items in the vicinity.

#### 4.1.5 Manly DCP 2013

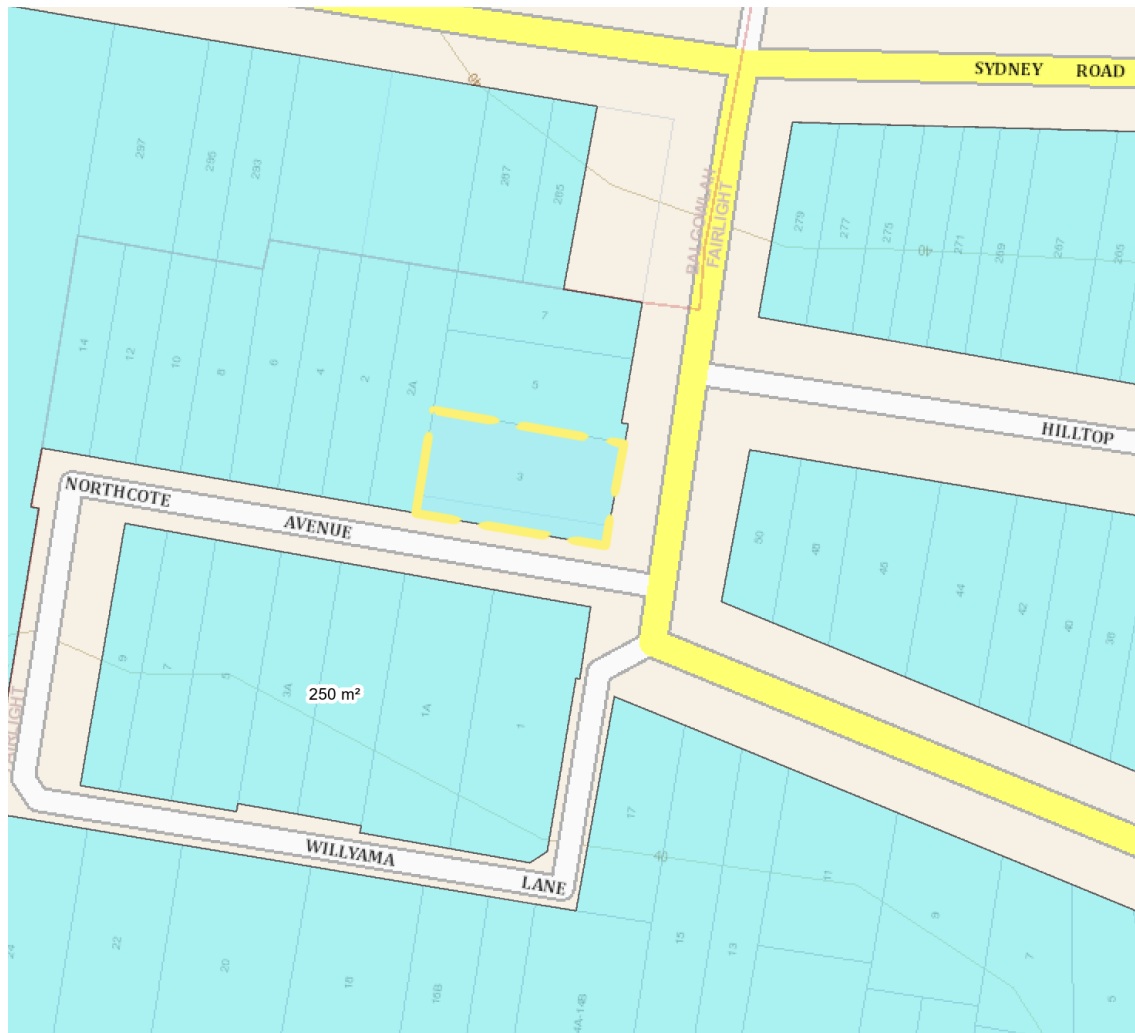
Manly DCP 2013 is the companion document to Manly LEP 2013. **Table 6** sets out the relevant provisions and the compliance of the proposal and shows that the proposal generally complies with the controls.

#### 4.1.6 Northern Beaches s 7.12

The proposal is subject to the provisions of the Section 7.12, which enables Council to impose a condition requiring the payment of a levy based on development cost (a 1% levy would apply to the proposal), as the cost of works is above \$100,000.

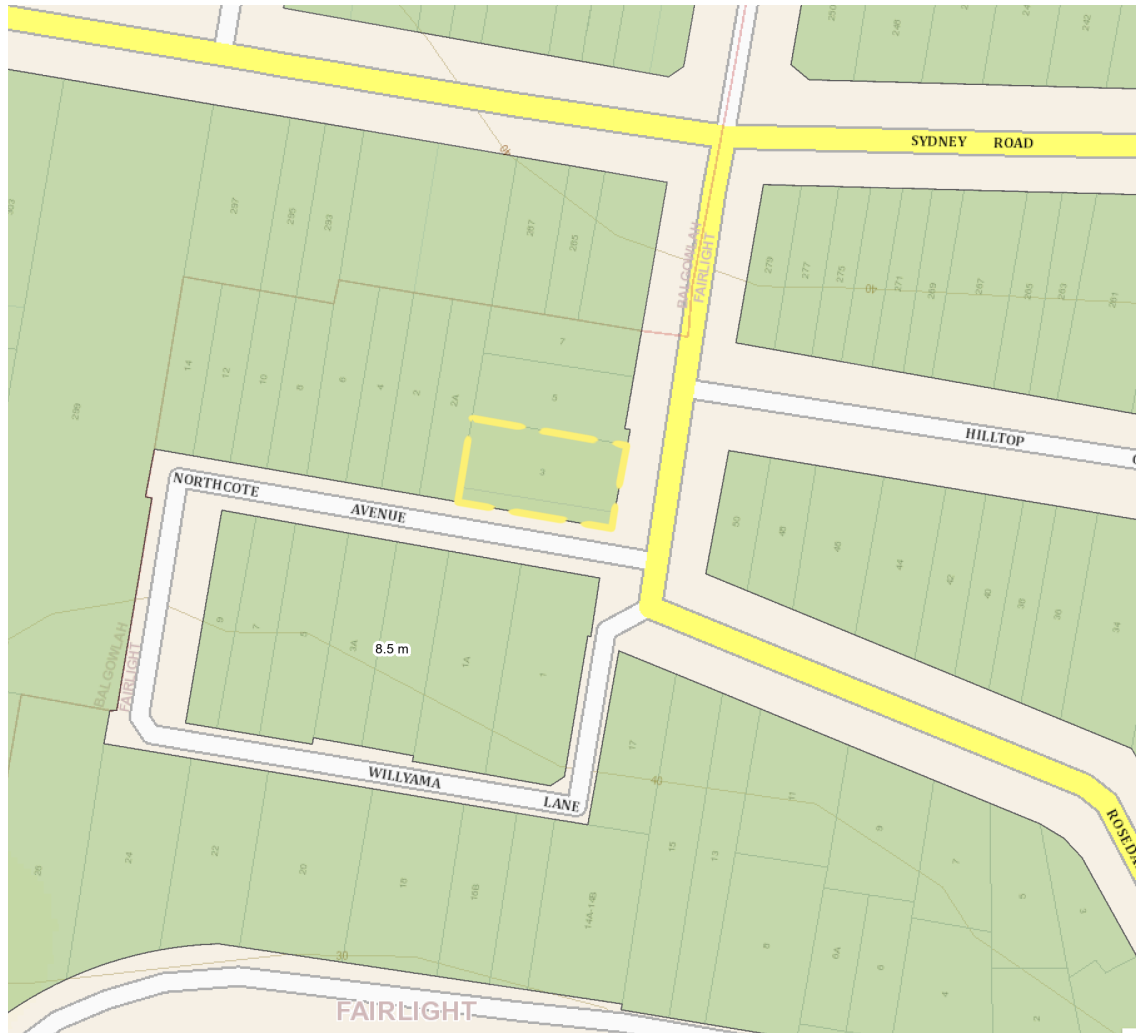


**Figure 9 – Land Zoning Map Manly LEP 2013** (Source: <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>)



**Figure 10** – Minimum Lot Size Map Manly LEP 2013 (Source: <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>)





**Figure 11 – Height of Buildings Map Manly LEP 2013** (Source: <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>)



**Figure 12 – Floor Space Ratio Map Manly LEP 2013** (Source: <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>)

**Table 5 – Compliance with the relevant provisions of Manly LEP 2013**

Control	Proposal/Compliance
Zone objectives and Land Use Table (cl. 2.2 and cl. 2.3)	<b>✓</b> <i>Semi-detached dwellings are permissible with consent.</i>
The objectives for Zone R1 are: <ul style="list-style-type: none"> <li>• To provide for housing needs of the community</li> <li>• To provide for a variety of housing types and densities</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents</li> </ul>	<b>✓</b> Consistent with the relevant zone objectives, the proposal: <ul style="list-style-type: none"> <li>• Provides for the housing needs of the community</li> <li>• Provides a variety of housing types</li> <li>• Provides a low impact development, and does not result in any adverse impacts</li> </ul>
Minimum lot size (cl. 4.1)	<b>✓</b> <ul style="list-style-type: none"> <li>• Existing lot size 509.6m<sup>2</sup></li> <li>• Proposed lot size 2 x 254m<sup>2</sup></li> </ul>
Height of buildings (cl. 4.3)	<b>✓</b> <ul style="list-style-type: none"> <li>• Maximum building height 7.9m (measured to top of roof ridge)</li> </ul>
Floor Space Ratio (FSR) (cl. 4.4)	<b>X</b> <ul style="list-style-type: none"> <li>• Proposed FSR is 0.69:1 which equates to 175.85m<sup>2</sup> of GFA per dwelling.</li> </ul>
Exception to development standard (cl 4.6)	<b>✓</b> Refer to the Clause 4.6 Written Request to Vary the FSR standard (attached)
Heritage conservation (cl. 5.10)	N/A <ul style="list-style-type: none"> <li>• The site is not a heritage item</li> <li>• The site is not located within a heritage conservation area</li> <li>• The site is not in the vicinity of a heritage</li> </ul>
Acid sulfate soils	<b>✓</b>

Control		Proposal/Compliance
(cl 6.1)	<i>Class 5 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.</i>	<ul style="list-style-type: none"> <li>Minimal excavation work proposed. No works to occur within 500m of an adjacent class below 5m or lower the water table by 1m</li> </ul>
Earthworks (cl 6.2)	Development consent is required for earthworks	<p>✓</p> <ul style="list-style-type: none"> <li>The proposal will require excavation to depths of approximately 0.5m to level the site</li> <li>Refer to Geotech Report (attached).</li> </ul>
Stormwater management (cl. 6.4)	<p>Development consent must not be granted unless the consent authority is satisfied that the development:</p> <ul style="list-style-type: none"> <li>is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water</li> <li>includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water</li> <li>avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.</li> </ul>	<p>✓</p> <ul style="list-style-type: none"> <li>Refer to Stormwater Plans (attached).</li> </ul>

**Table 6 – Compliance with the relevant provisions of Manly DCP 2013**

CONTROL	COMPLIANCE
<b>3.0 GENERAL PRINCIPLES</b>	
<b>3.1 Streetscapes and Townscapes</b>	
<p><b>Design and visual improvement</b></p> <p>Development in the streetscape should be designed to:</p> <ul style="list-style-type: none"> <li>• Complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality.</li> <li>• Ensure the bulk and design of development does not detract from the scenic amenity of the area.</li> <li>• Maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment.</li> <li>• Address and compliment the built form and style of any heritage property in the vicinity.</li> <li>• Visually improve existing streetscapes through innovative design solutions.</li> </ul>	<ul style="list-style-type: none"> <li>✓ The architectural plans demonstrate that the proposal sits comfortably within the streetscape and surrounding area</li> <li>– The proposal uses materials and finishes that are sympathetic to the character of the residential area</li> </ul>
<b>3.3 Landscaping</b>	
<ul style="list-style-type: none"> <li>• The design of open space should respond to the character of the area.</li> <li>• Landscaped Areas must be capable of supporting new native tree species that are typically expected to reach a mature height of 10m.</li> <li>• Trees should not be positioned in locations that may significantly affect neighbouring properties in terms of: blocking winter sunlight.</li> <li>• Undercroft areas must be presented as a positive space and integrated into the design of the building.</li> </ul>	<ul style="list-style-type: none"> <li>✓ A Landscape Plan has been prepared in accordance with the DCP and is attached.</li> </ul>
<b>3.4 Amenity (Views, Overshadowing, Overlooking, Privacy, Noise)</b>	
<p><b>Solar access</b></p> <ul style="list-style-type: none"> <li>• 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 between 9am to 3pm June 21st</li> <li>• Where there is no winter sunlight available to open space of adjacent properties, the calculations for the purposes of sunlight will relate to the equinox in March and September 9am to 3pm</li> </ul>	<ul style="list-style-type: none"> <li>✓ Shadow diagrams for midwinter have been prepared (attached) and are discussed in detail below at Section 4.2.2</li> </ul>

CONTROL	COMPLIANCE
<b>Maintaining solar access into living rooms of adjacent properties</b> In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties: <ul style="list-style-type: none"> <li>For adjacent buildings with an east-west orientation the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at least 2 hours from 9am to 3pm on the winter solstice (21 June)</li> </ul>	
<b>Privacy and security</b> <ul style="list-style-type: none"> <li>Use narrow, translucent or obscured glass windows to maximise privacy where necessary</li> <li>When building close to boundaries, windows must be off-set from those in the adjacent building</li> <li>Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties</li> <li>To provide casual surveillance of the street and to provide a sense of security sight lines to the street frontage should not be obscured by trees or any other object; fences, walls and landscaping should minimise opportunities for concealment.</li> </ul>	✓ Refer to Section 4.2.1
<b>Window design</b> <ul style="list-style-type: none"> <li>Use narrow, translucent or obscured glass windows to maximise privacy where necessary</li> <li>When building close to boundaries, windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy.</li> </ul>	✓ Consistent with the provisions: <ul style="list-style-type: none"> <li>A small number of openings to the north and south side boundary façade are proposed, limiting overlooking.</li> </ul>
<b>Balconies and Terraces</b> <ul style="list-style-type: none"> <li>Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties. Architectural screens must be fixed in position and suitably angled to protect visual privacy</li> <li>Recessed design of balconies and terraces can also be used to limit overlooking and maintain privacy.</li> </ul>	✓ Consistent with the provisions: <ul style="list-style-type: none"> <li>The first floor front balcony located off the main bedroom and overlooks the street, the balcony is appropriate in size and promotes casual surveillance of the street, without detrimental impacts to the privacy of adjacent dwellings</li> </ul>
<b>Acoustic privacy</b> <ul style="list-style-type: none"> <li>Consideration must be given to the protection of acoustical privacy in the design.</li> <li>Development likely to generate noise should be located in a manner, which considers the acoustical privacy of neighbours.</li> </ul>	✓ Consistent with the provisions <ul style="list-style-type: none"> <li>Proposed new dwellings will not cause a nuisance to the nearest residential neighbours.</li> </ul>

CONTROL	COMPLIANCE
<b>Views</b> <ul style="list-style-type: none"> <li>The design of any development, including the footprint and form of the roof is to minimise the loss of views.</li> <li>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.</li> </ul>	<b>✓</b> The proposal will not adversely affect any public or private views over and above the existing conditions
<b>3.5 Sustainability</b>	
<b>Environmentally sound building materials</b> <ul style="list-style-type: none"> <li>Where possible, reuse existing site materials</li> <li>Building materials should be selected to increase the energy efficiency of the building, and to minimise damage to the environment</li> <li>Material choice should also take account of environmental considerations</li> <li>Wood certified by the Forest Stewardship Council known as 'Good Wood' must be utilised where possible.</li> </ul>	<b>✓</b> Able to comply <ul style="list-style-type: none"> <li>Where possible materials will be reused or recycled</li> <li>Appropriate building materials will be selected to increase energy efficiency.</li> </ul>
<b>3.7 Stormwater management</b>	
<ul style="list-style-type: none"> <li>All developments must comply with the "Council's Policy for Stormwater Control", "Specification for On-site Stormwater Management 2003" and "Specification for Stormwater Drainage"</li> <li>Stormwater disposal systems must provide for natural drainage flows to be maintained</li> <li>Pervious surfaces and paving will be used where practical</li> <li>A qualified drainage/hydraulic engineer will design all stormwater controls, devices and water storage systems.</li> </ul>	<b>✓</b> Refer to Stormwater Plans (attached)
<b>3.8 Waste management</b>	
<b>Demolition and construction waste management</b> Requirements for the management of wastes in relation to the demolition: <ul style="list-style-type: none"> <li>Footpaths, public reserves, street gutters are not used as places to store demolition waste.</li> <li>Any material moved off-site is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1998.</li> </ul>	<b>✓</b> A demolition and construction management plan will be prepared and submitted to Council for approval prior to the issuing of the CC.

CONTROL	COMPLIANCE
<ul style="list-style-type: none"> <li>Demolition and construction waste docket demonstrating lawful disposal of waste must be retained onsite and kept readily accessible.</li> <li>Waste is only to be disposed of at an appropriately licensed facility.</li> <li>Production, storage and disposal of hazardous waste are only conducted in accordance with any applicable Environmental Planning Authority guidelines.</li> </ul>	
<b>3.10 Safety and Security</b>	
<ul style="list-style-type: none"> <li>The principle of 'safety in design' is to be considered for all development in relation to the design and assessment of DAs to ensure developments are safe and secure for residents, all other occupants and visitors.</li> </ul>	√ Complies
<b>4.0 DEVELOPMENT CONTROLS FOR DEVELOPMENT TYPES</b>	
<b>4.1 Residential Development Controls</b>	
<b>Density</b>	√
<ul style="list-style-type: none"> <li>The maximum permissible residential density is 1 dwelling per 250sqm of site area (D3)</li> <li>Dwellings are required to have the following internal areas: 3 bedroom – 90m<sup>2</sup></li> <li>The minimum internal areas include only one-bathroom, additional bathroom increase internal area by 5m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>One (1) dwelling per 250m<sup>2</sup> Lot</li> <li>Dwelling 1 internal area 175.85m<sup>2</sup></li> <li>Dwelling 2 internal area 175.85m<sup>2</sup></li> <li>The two dwellings each contain three bedrooms with three bathrooms, plus additional living area</li> </ul>
<b>Residential land subdivision</b>	√
<ul style="list-style-type: none"> <li>A subdivision involving a new lot for residential development less than 500sqm must identify on the subdivision plan that a dwelling can be successfully accommodated on each allotment, in compliance with this Plan.</li> <li>Each lot must have frontage to a public road being at least 1m wide, with the land held as fee simple irrespective of whether this frontage serves as part of a right of way for access or not;</li> <li>The provision of drainage, easements and servicing requirements must be considered and any resultant adverse impacts- environmental or otherwise are to be minimised or resolved in the design. In particular sufficient details of stormwater management are to accompany the subdivision.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed Torrens Title subdivision, comprising two lots (254m<sup>2</sup> in size each) can accommodate a dwelling on each lot, as shown on the accompanying plans and detailed within this SEE.</li> <li>Each lot has a frontage to a public road (8.16m wide for each lot)</li> <li>Each of the proposed lots is serviced (or able to be serviced) by reticulated water and sewer, telecommunications and electricity infrastructure, as shown on the proposed Survey Plan (attached). Domestic services will be addressed by way of standard easements pursuant to s. 88 of the Conveyancing Act.</li> <li>Refer to Section 4.2.4 for details</li> </ul>



CONTROL	COMPLIANCE
<b>Height of buildings</b> <ul style="list-style-type: none"> <li>Maximum wall height 6.5m</li> </ul>	<b>✓</b> <ul style="list-style-type: none"> <li>North elevation max wall height 5.78m</li> <li>South elevation max wall height 5.78m</li> </ul>
<b>Number of storeys</b> <ul style="list-style-type: none"> <li>Buildings must not exceed 2 storeys</li> </ul>	<b>✓</b> <ul style="list-style-type: none"> <li>Two (2) storeys proposed for each dwelling</li> </ul>
<b>Roof height</b> <ul style="list-style-type: none"> <li>Pitched roof structures must be no higher than 2.5m above the actual wall height</li> <li>The maximum roof pitch must be generally no steeper than 35 degrees</li> </ul>	<b>✓</b> <ul style="list-style-type: none"> <li>Pitched roof no higher than 2.5m above wall height (approximately 2m)</li> <li>Roof pitch no steeper than 35 degrees</li> </ul>
<b>Front setbacks</b> <ul style="list-style-type: none"> <li>Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity</li> </ul>	<b>✓</b> <ul style="list-style-type: none"> <li>The proposed front setback of the pair of semi-detached dwellings is 5.8m, and is generally located within the footprint of the existing dwelling to demolished.</li> <li>The proposed front setback has been designed to match the prevailing front setback along the western side of Hill Street.</li> </ul>
<b>Side setbacks</b> <ul style="list-style-type: none"> <li>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</li> <li>All new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries</li> </ul>	<b>✓</b> <p>Side boundary setback to the north and south ranges between:</p> <ul style="list-style-type: none"> <li>Ground level: 2.1m</li> <li>First floor: 2.6m</li> </ul> <p>The minimum side setback required (wall height 5.78m) is 1.8m</p>
<b>Rear</b> <p>The distance between any part of a building and the rear boundary must not be less than 8m</p>	<b>✓</b> Complies <ul style="list-style-type: none"> <li>8.5m to rear building line</li> </ul>
<b>Open space and landscaping</b> <ul style="list-style-type: none"> <li>Total open space at least 55% of the site (minimum dimensions of 3m, and minimum of 12sqm unbroken)</li> <li>Landscaped area at least 35% of open space</li> <li>For lots between up to 500m<sup>2</sup> a minimum of 2 native trees are required</li> </ul>	<b>X/✓</b> <p>Open space</p> <ul style="list-style-type: none"> <li>Total open space required is 140.12m<sup>2</sup> for each site (55% of 254.76m<sup>2</sup> site area)</li> <li>Proposed total open space equals 138.41m<sup>2</sup> (54.3%) for each site at the ground floor level (a shortfall of 1.72m<sup>2</sup>). This very minor shortfall is considered reasonable on balance.</li> </ul> <p>Open space above ground</p> <ul style="list-style-type: none"> <li>Open space permitted above ground &lt; 25% of total open space.</li> </ul>

CONTROL	COMPLIANCE
	<ul style="list-style-type: none"> <li>Open space above ground 6.64m<sup>2</sup> for each dwelling (balcony) (however does not meet the minimum open space dimensions to be included in total open space).</li> </ul> <p>Landscaped area</p> <ul style="list-style-type: none"> <li>Total landscaped area required &gt; 35% of open space (35% of 140.12m<sup>2</sup> = 49m<sup>2</sup>)</li> <li>Proposed landscaped area equals 108.41m<sup>2</sup> &amp; 107.86m<sup>2</sup> (77%)</li> <li>Refer to Architectural Drawings and Landscape Plan for details</li> </ul> <p>Tree retention</p> <ul style="list-style-type: none"> <li>The application proposes the removal of three trees (exempt species) and includes additional supplementary planting to offset their removal</li> <li>Two native trees to be provided for each site.</li> </ul>
<b>Private open space</b> <ul style="list-style-type: none"> <li>Minimum area of principal private open space for dwelling house is 18sqm</li> </ul>	<b>✓</b> Complies <ul style="list-style-type: none"> <li>Proposed private open space for each dwelling is &lt;18m<sup>2</sup></li> </ul>
<b>Car parking (Semi-detached dwellings) in LEP Residential Zones</b> <ul style="list-style-type: none"> <li>2 resident parking space for each dwelling</li> </ul>	<b>X</b> <ul style="list-style-type: none"> <li>One car space provided for each dwelling. See Section 4.2.3 for details.</li> </ul>
<b>Parking design</b> <ul style="list-style-type: none"> <li>The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain the desired character of the locality.</li> <li>Garage and carport structures forward of the building line must be designed and sited so as not to dominate the street frontage. In particular:</li> <li>garages and carports adjacent to the front property boundary may not be permitted if there is a reasonably alternative onsite location; <ul style="list-style-type: none"> <li>carports must be open on both sides and at the front; and</li> <li>the maximum width of any garage, carport or hardstand area is not to exceed a width equal to 50 percent of the frontage, up to a maximum width of 6.2m.</li> </ul> </li> </ul>	<b>✓</b> Complies <ul style="list-style-type: none"> <li>The proposed car spaces located on hard stand within the front setback (one for each dwelling), reflects the existing arrangements onsite, minimising the impact on the streetscape.</li> </ul>
<b>Vehicular access</b>	<b>✓</b> Complies

CONTROL	COMPLIANCE
<ul style="list-style-type: none"><li>• All vehicles should enter and leave the site in a forward direction.</li><li>• Vehicular access and parking for buildings with more than 1 dwelling is to be consolidated within one location, unless an alternative layout/design would better reflect the streetscape or the building form.</li><li>• Vision of vehicles entering and leaving the site must not be impaired by structures or landscaping.</li><li>• Particular attention should be given to separating pedestrian entries and vehicular crossings for safety.</li></ul>	<ul style="list-style-type: none"><li>– The existing vehicle crossings are to remain in the same location</li><li>– Sightlines into and out of the vehicle access are maintained</li><li>– Pedestrian and vehicle entrances are separate.</li></ul>

#### 4.2 S.4.15(1)(b) Impact on the environment

As demonstrated above the proposal will have no significant detrimental effects relating to environmental, social or economic impacts on the locality. An assessment of the proposal's potential privacy, overshadowing, parking and traffic impacts follow.

##### 4.2.1 Privacy

Due to the nature and location of proposed works, the proposal will not result in any adverse visual or acoustic privacy impacts as follows:

- **North:** Adjacent the site and sharing a side boundary to the north is 5 Hill Street, Fairlight, a single-storey residential dwelling. The proposal will not result in any adverse privacy or acoustic impacts over and above the existing conditions, as only minimal openings to the northern façade are proposed. Along with a compliant setback and additional supplementary planting.
- **South:** Adjacent the site on the opposite side of Northcote Avenue is a two-storey dwelling and RFB. Due to the distance separating the two, the intervening road and the orientation of the buildings to the street, there is unlikely to be any perceivable difference over and above existing conditions as a result of this development by way of visual or acoustic privacy.
- **East:** Adjacent the site on the opposite side of Hill Street is a row of one to two storey residential dwellings. Due to the distance separating the two, the intervening road and the orientation of the buildings to the street, there is unlikely to be any perceivable difference over and above existing conditions as a result of this development by way of visual or acoustic privacy.
- **West:** Adjoining the site to the west, and sharing a rear boundary is 2A & 2B Northcote Avenue (a duplex building). Due to the orientation of these building facing south, distance separating the proposed rear façade (8.5m), along with new supplementary planting, the proposal will have limited impact on the occupants of these building over and above existing conditions.

##### 4.2.2 Overshadowing

Shadow diagrams for midwinter have been prepared by Accurate Design and Drafting (attached).

The proposal will create additional overshadowing to the adjacent footpath and road way to the south (Northcote Avenue) at 9.00 am, 12.00 midday and 3.00 pm. The proposal does not overshadow any private property or principal private open space during midwinter.

The proposal does not reduce solar access to more than one third of the existing sunlight accessing the private open space of the adjacent properties, consistent with Clause 3.4.1.1 of Manly DCP.

The proposal also complies with Clause 3.4.1.2 of Manly DCP, which requires solar access to windows of living rooms to adjacent buildings be maintained for at least 2 hours between 9.00 am and 3.00 pm.

##### 4.2.3 Car parking and traffic

The proposed parking (being one allocated to each dwelling) along with the reliance on the existing modified vehicle crossovers is reasonable and consistent with the residential character of the area.

The proposed change of use from a dwelling to a pair of semi-detached dwellings will also have no appreciable impact on the road network. As such the proposal is considered acceptable.

##### 4.2.4 Planning Principal – Subdivision

The Parrot Planning Principle was established by former Senior Commissioner Roseth in the decision of *Parrot v Kiama* {2004} NSWLEC77, which recognised the following in respect to the subdivision of land (using our emphasis):

17 When should a subdivision application include information on the buildings to be built on the resulting allotment(s)? It is normal practice in Australia to subdivide land without constraints on the buildings that can later be built. While this practice is appropriate in most cases, it is not always so. I have adopted the planning principle that a subdivision application should provide constraints on future buildings when the proposed allotments are smaller than usual, or environmentally sensitive or where significant impacts on neighbours is likely and needs careful design to minimise them.

18 In this case the proposed battleaxe allotment is not small, though it is much smaller than its neighbours. It is environmentally sensitive because of its extreme steepness. It is in a location where the adjoining allotments all have rear yards and thus it breaks the established building line. Any future building on it will be closer to the Stafford Street properties than other houses are to their southern neighbours. The likelihood of adverse impact is high. This is not to say that an acceptable dwelling cannot be designed on the allotment, only that it would require a higher than usual level of design skill. The design of the future house (at least the outline design) is not a matter that is appropriately left till later.

For the reasons set out below, the proposed subdivision of the site into two separate Torrens Title Lots, is acceptable:

- In accordance with Manly LEP 2013, the proposed resulting lots exceed the minimum lot size requirements, with a minimum lot size of 254m<sup>2</sup> required and 250m<sup>2</sup> proposed.
- The proposed resulting lots are regular in shape and configuration and have a road frontage. As such, the proposed subdivision and proposed future dwellings on each newly created lot will replicate an existing established building pattern with minimal and acceptable impacts by way of building bulk, solar access and visual and acoustic privacy.
- As set out in **Table 6**, the resulting lots and proposed new dwellings satisfy the relevant provisions contained within Manly DCP 2013. Demonstrating that the proposed lots do not require a higher than usual level of design to accommodate the two dwellings.
- The site is not identified as environmentally sensitive, nor does it contain critical habitat.
- The site is generally flat, and the geotechnical mapping indicating that there was no evidence of current, significant, or overall slope instability on the site (refer to Geotechnical Report, attached).
- Proposed excavation and construction on the newly created lots has been identified as low risk (refer to Geotechnical Report, attached).

For these reasons, the proposed subdivision application satisfies the Parrot Planning Principal, clearly demonstrating that the newly created lots can and do accommodate appropriate dwellings with no impediment or constraint on its design or significant impact on the surrounding area.

#### **4.3 S.4.15(1)(c) The suitability of the site for the proposed development**

Having regard to the characteristics of the site and its location, the proposal is considered appropriate in that the proposed development:

- Is permitted with consent
- Makes a positive contribution to the character of the locality
- Will not result in any detrimental environmental impacts for adjoining properties or the surrounding area.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

**4.4 S.4.15(1)(d) Any submissions made in accordance with the Act or Regulations**

It is expected that the consent authority will consider submissions (if any) in its assessment of the DA.

**4.5 S.4.15(1)(e) The public interest**

The DA will be notified/advertised in accordance with Council policy and submissions received will be considered in the DA assessment.

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

## 5.0 CONCLUSION

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The proposed demolition of the single dwelling house and construction of a pair of semi-detached dwellings with Torrens Title subdivision at 3 Hill Street, Fairlight offers the following benefits:

- Meets the objectives of the zone and complies with Manly LEP 2013 (with the exception of the FSR standard, which has been addressed in a Clause 4.6 Written Request) and the provisions and controls in Manly DCP 2013
- A high standard of architectural design and building materials, commensurate with the existing and desired future character of the area
- Is in keeping with the subdivision pattern of the immediately adjoining properties, and surrounding context
- The proposal will not result in any significantly adverse amenity impacts for adjoining and nearby residents (outlooks/views, privacy, noise and overshadowing)
- Does not require the removal of any significant trees, with additional supplementary planting proposed to enhance the existing character of the area
- Compliance with Sustainable Buildings SEPP
- Supports the orderly and economic use and development of the land.

In view of its merits and the absence of any significant adverse effects, the proposal is considered worthy of approval.