

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE PROPOSED CONSTRUCTION OF ALTERATIONS AND ADDITIONS
TO AN EXISTING GARAGE & A NEW SEA WALL**

AT

15 MONASH CRESCENT, CLONTARF

FOR

MILENKA KOLENDA



**Prepared
January 2022**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Ms Milenka Kolenda by Mathieson Architects, Project No. 18007, Drawings No's DA.01 Revision A dated 6 October 2021, DA.02, DA.03 & DA.05 Revision A dated 25 October 2021, to detail the proposed construction of alterations and additions to an existing garage and the construction of a new sea wall to replace an existing sea wall at **15 Monash Crescent, Clontarf**.

The site was recently the subject of a development consent for additions and alterations to the existing dwelling, under DA 2019/1265. These works have not commenced and the consent remains valid.

This Statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, (as amended) including:

- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*

2.0 Property Description

The subject allotment is described as **15 Monash Crescent, Clontarf**, being Lot 54 within Deposited Plan 9745 and is zoned E3 Environmental Management Residential under the Manly Local Environmental Plan 2013.

The dwelling is not listed as a heritage item within Schedule 5 of the Manly Local Environmental Plan 2013, nor is it noted as being within a Conservation Area.

The land is identified on Council's Foreshore Scenic Protection Map and is noted as being affected by the Foreshore Building Line. These matters will be discussed further within this submission.

The site is listed as being with the Class 3 & 5 Area on Council's Acid Sulfate Soils Map. This matter will be discussed in further detail within this report.

The site is also listed as being within a Terrestrial Biodiversity Area. This will be discussed further within this submission.

The site is noted as being within the Coastal Environment Area and the Coastal Use Area under the provisions of the *State Environmental Planning Policy (Coastal Management) 2018*. This will be discussed further within this submission.

No known hazards have been identified.

3.0 Site Description

The site is located on the south-western side of Monash Crescent and is relatively flat.

The site has a front, north-eastern boundary to Monash Crescent of 11.74m. The north-western and south-eastern side boundaries measure 40.015m and 39.39m respectively. The rear boundary measures 18.42m and adjoins Clontarf Beach reserve, with a stone retaining wall defining the boundary to the beach. The total area of the site is 594.3m².

The site adjoins public pedestrian access way to Clontarf Beach Reserve to the south-east. An existing sea wall fronts the south-western boundary to the harbour and is to be replaced as part of proposed works. As necessary, the existing boundary retaining walls will be extended to abut provide the new sea wall and support for the proposed sea wall.

Stormwater from the roofed areas is directed to the street gutter in Monash Crescent.

The site is currently developed with a two storey brick dwelling house with a concrete terrace roof.

Vehicular access is currently available from Monash Crescent to an existing detached double garage.

The details of the site are included on the Survey Plan prepared by Bee and Lethbridge, Reference No. 3051, dated 18 October 2018, which accompanies the DA submission.

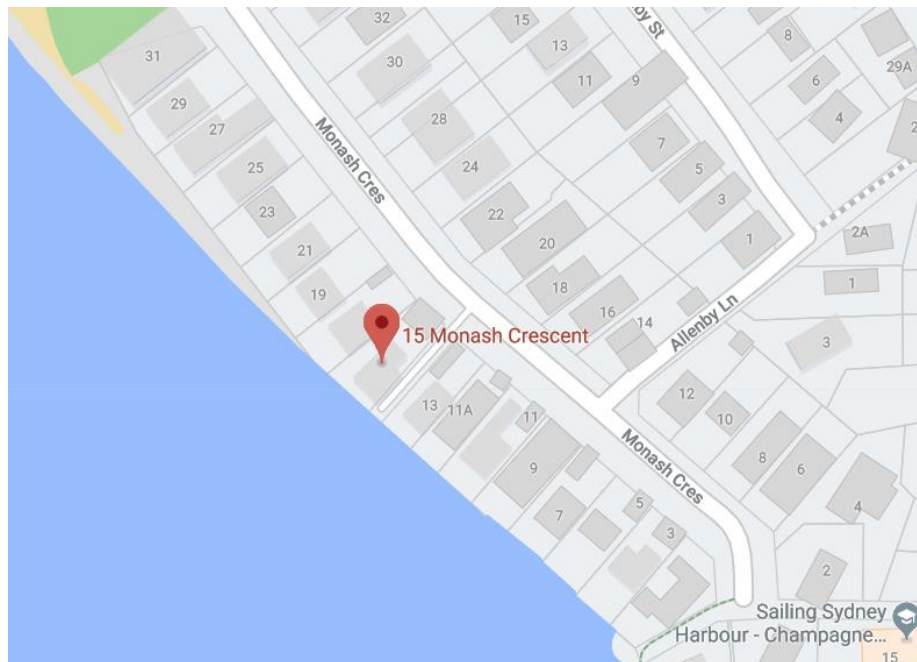


Fig 1: Location sketch
(Source: Google Maps)



Fig 2: View of subject site and garage to be altered, looking south-west from Monash Crescent



Fig 3: View of subject site and adjacent public access to beach reserve, together with south-eastern neighbour at No 13 Monash Crescent



Fig 4: View of public reserve access to Clontarf Reserve and adjacent neighbour at No 13 Monash Crescent, looking south-west



Fig 5: View of subject site and existing sea wall/retaining walls, looking north-west from Clontarf Beach Reserve



Fig 6: View of subject site and neighbouring dwelling at No 17 Monash Crescent, looking south-west



Fig 7: View of streetscape opposite the site, looking north



Fig 8: View of subject site and garage, looking south-west from Monash Crescent (noting elevated three storey dwelling with roof terrace at No 21 Monash Crescent)

4.0 Surrounding Environment

The area surrounding the site is predominantly represented by a mix of development comprising two storey dwellings. The dwellings in the area are characterised by the scenic location and generally retain a consistent setback from the foreshore.

There is a mix of development styles including more recent modern homes with swimming pools. The development in the area is not characterised by any unifying architectural theme, however there is a common one-to-two storey scale.

Contemporary style dwellings have become prevalent as older housing stock is renewed and replaced.

Detached garages at or near the street frontage are a common feature within this street and the proposed alterations to the existing garage are located primarily over and to the rear of the existing garage structure.



Fig 9: Aerial view of subject site
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans prepared by Mathieson Architects, the proposal seeks consent for the construction of alterations and additions to an existing garage and the construction of a new sea wall to replace an existing sea wall at the beach reserve boundary. The works will also see the reconstruction of the existing beach access stairs and landscaping within the immediate yard areas facing the beach.

A Coastal Engineering Risk Management Report has been prepared by Horton Coastal Engineering, dated 19 January 2022 to address the proposed sea wall construction the proposed works will be carried out in accordance with the recommendations contained within Section 7 of the report to ensure that the replacement of the sea wall will result in a long-term safe structure for the site.

A fundamental consideration in Council's assessment of the recent DA 2019/1265 was whether the proposal constituted additions and alterations or should be considered a new dwelling. The works were approved as additions and alterations following Council's assessment and the Land and Environment Proceedings under [2021]NSWLEC 1052.

The current proposal intends to retain the significant majority of the existing garage and to add to and alter the garage to provide the opportunity for additional off street storage. The fundamental nature of the garage as an off street parking facility for two vehicles and ancillary dwelling storage space will be unchanged.

The proposal has been assessed against the provisions of the Demolition Planning Principle as follows:

Qualitative issues

- *How is the appearance of the existing building to be changed when viewed from public places?*

The proposal largely maintains the existing siting of the garage building as it presents to Monash Crescent. The proposal retains the predominant single storey scale of the existing garage, with the current low pitched roof to be replaced with a parapet style flat roof, which is compatible with a number of other recently constructed garages in the immediate vicinity, notably the immediately adjacent garage at number 17 Monash Crescent.

The proposal will see minor changes to the siting and appearance of the existing garage, including a new garage door and new parapet roof form. The general bulk and scale of the garage is only marginally increased through the slight height increase to provide for internal storage space below the roof. The new building will continue to present as a detached single storey garage structure and respects the existing streetscape conditions.

Whilst the proposal will see changes to the external finishes and window openings and minor changes to the external form of the garage, the proposal follows the front and

side setbacks of the existing garage and therefore by maintaining the general siting of the existing building, is therefore considered suitable for the site.

- *To what extent, if any, will existing landscaping be removed and how will that affect the setting of the building when viewed from public places?*

The proposal will not see the removal of any significant vegetation, and will see a minor increase in the available area of soft landscaping throughout the site from 95m² to 97m². The proposal will maintain the landscaped setting of the existing dwelling, as viewed from neighbouring properties, the public domain and the waterway.

- *To what extent, if any, will the proposal impact on a heritage item, the curtilage of a heritage item or a heritage conservation area?*

The site is within the vicinity of a number of heritage items, however the proposal is not considered to detract from the significance of the heritage items, as discussed in Clause 5.10 of MLEP.

- *What additional structures, if any, in the curtilage of the existing building will be demolished or altered if the proposal is approved?*

The proposal will not see any change to the approved form of the dwelling with the proposal to see additions and alterations to the existing garage and the replacement of existing sea wall with a new engineer designed structure. The siting of the garage remains largely unchanged.

- *What is the extent, if any, of any proposed change to the use of the building?*

The proposal maintains the existing use as a detached dwelling development.

- *To what extent, if any, will the proposed development result in any change to the streetscape in which the building is located?*

The proposal will not result in any substantial changes to the Monash Crescent streetscape, the additions and alterations to the garage to result in a parapet style flat roof detached structure, which is compatible with a number of other examples in the immediate vicinity. Surrounding development consists of single detached dwellings. The proposed additions to the existing dwelling maintain a suitable setback from Monash Crescent. The proposed new works are therefore considered to be consistent with the streetscape and the scale and form of the surrounding development.

- *To what extent, if any, are the existing access arrangements for the building proposed to be altered?*

The existing access driveway will be replaced with new paving and provide access to the existing garage, to be modified.

- *To what extent, if any, will the outlook from within the existing building be altered as a consequence the proposed development?*

The outlook from within the existing garage towards the street and neighbouring properties will be largely unaltered.

- *Is the proposed demolition so extensive to cause that which remains to lose the characteristics of the form of the existing structure?*

As discussed above, the proposed new works to the garage will generally follow the existing side setbacks. The proposal will not see any change to the approved form of the proposed works to the dwelling. It is considered that the new works sufficiently maintain the characteristics of the existing dwelling and garage such that they constitute alterations and additions.

Quantitative issues

- *To what extent is the site coverage proposed to be changed?*

The proposed site coverage will decrease through the removal of redundant paved areas. The works will see a minor increase in the landscaped area from 95m² to 97m².

- *To what extent are any existing non-compliances with numerical controls either increased or diminished by the proposal?*

The proposed setbacks of the new works will follow the existing setbacks of the garage and maintain compliance with this control.

The proposal maintains compliance with the open space control, and substantially improves the available area of soft landscaping.

The proposed landscaped area will increase marginally from 95m² to 97m².

- *To what extent is the building envelope proposed to be changed?*

As noted in the submitted south west and north east elevations (Drawing No. DA.02), the building envelope and the form of the dwelling as it presents to Monash Crescent will remain largely unchanged.

The alterations and additions to the garage will follow the existing side setbacks, and will not see any unreasonable loss of views, privacy, amenity and solar access for neighbouring properties.

- *To what extent are boundary setbacks proposed to be changed?*

As stated above, the proposed new works will largely follow the existing setbacks of the garage and sea wall and will maintain compliance with Council's setback controls.

The proposal will maintain the front building line of the dwelling, with the siting of the existing garage to be largely maintained.

- *To what extent will the present numerical degree of landscaping on the site be changed?*

The proposal will present a minor increase in landscaped area from 95m² to 97m² with the private open space areas within the dwelling largely retained. Whilst the proposal will not meet Council's 40% landscaped area control, it results in a minor increase in soft landscaping.

- *To what extent will the existing floor space ratio be altered?*

The total floor area will be marginally increased by properly 5m² through the increased storage area to the rear of the garage; however, the building is consistent with the scale and form of the surrounding low density development.

In general, the external bulk and scale of the dwelling is unaltered and the proposal will see a minor change to the height and slight increase in footprint to the garage.

- *To what extent will there be changes in the roof form?*

The proposal will replace the existing low pitched roof of the garage with a parapet style flat roof form which is compatible with other structures in the area, notably the garage immediately to the north-west at No 17 Monash Crescent. The inclusion of a parapet style roof form is considered to be in keeping with the contemporary appearance of the new works in the area and will minimise the visual impact of the new works as viewed from the public domain.

- *To what extent will there be alterations to car parking/garaging on the site and/or within the building?*

The proposal will see the construction of alterations to the existing garage which largely maintain the siting and form of the existing structure.

- *To what extent is the existing landform proposed to be changed by cut and/or fill to give effect to the proposed development?*

The proposal is largely contained within the building footprint and will not see any change to the existing landform.

- *What relationship does the proportion of the retained building bear to the proposed new development?*

The form of the existing dwelling and the approved future works will be unchanged. The alterations to the garage are largely within the same location on site and visual presentation to the street will remain that of a detached garage structure.

The proposal maintains a reasonable portion of the existing building fabric, such that it is deemed reasonable to consider the development as alterations and additions.

The external finishes of the new works to the existing dwelling have been detailed in the External Finishes Schedule which accompanies the DA submission.

The proposal will maintain existing rooftop terrace.

The development indices for the site are:

Site Area	594.3m ²
Permissible FSR	0.4:1 or 237.72m ²
Approved FSR	0.622:1 or 370m ² (excluding existing garage storage) <i>(Exceptions considered for undersized allotments)</i>
Total Proposed GFA (including additional garage storage area – 6m ²)	388m ² or 0.652:1
Required Open Space (Area OS4)	60% or 356.58m ²
Proposed Open Space	87% or 520m ² (See DCP discussion)
Required Landscaped Area	40% or 142.63m ²
Existing Landscaped Area	18.26% (of proposed open space) or 95m ²
Proposed Landscaped Area	18.95% (of proposed open space) or 97m ²

6.0 Zoning and Development Controls

6.1 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is located such that this proposal requires consideration against the provisions of State Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005 (SREP 2005).



Fig 9: Extract from SH SREP

The proposed works are assessed against the requirements of this Policy as follows.

The subject site is located within the Sydney Harbour Catchment and is identified as being within the Foreshores and Waterways Area.

The site does not adjoin any “Strategic Foreshore Sites”.

Clause 14 provides the planning principles for land within the Foreshores and Waterways area. The relevant principles are discussed below:

- (a) development should protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores*

Comment: The proposed works will retain the form of the approved works to the dwelling. The proposal sees the replacement of an existing sea wall within the boundaries of the land and alterations to the existing garage. Given the reasonable separation from the foreshore area, it is not considered that there will be any significant impact on the natural assets or unique environmental qualities of Sydney Harbour and foreshores.

- (b) public access to and along the foreshore should be increased, maintained and improved, while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation*

Comment: The proposed works are wholly within private property and do not result in the removal or detrimental impact on any natural assets of the catchment. The extent of existing public access to the foreshore will not be unreasonably diminished as a result of the proposed works.

- (c) access to and from the waterways should be increased, maintained and improved for public recreational purposes (such as swimming, fishing and boating), while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation.*

Comment: As discussed, the proposed works are wholly on private property and do not result in the removal of or any or detrimental impact to the natural assets of the catchment. The extent of existing public access to the foreshore will not be unreasonably diminished as a result of the proposed works.

- (d) development along the foreshore and waterways should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands and foreshores*

Comment: The proposed works will see the replacement of an existing sea wall with a new engineered wall which enhance the appearance of the site from the public walkway and provide for long-term safe structure adjoining the public domain. The works will be compatible with the surrounding development along Monash Avenue and as facing the beachfront reserve and will not detract from the natural assets of the harbour locality.

The proposal will not see any changes to the existing rear building line and is a complementary scale to the existing development in the locality.

- (e) adequate provision should be made for the retention of foreshore land to meet existing and future demand for working harbour uses*

Comment: As discussed, the proposed works are wholly on private property and do not result in the removal or detrimental impact on any natural assets of the catchment. The proposal will not impact on the working function of the Harbour waters.

- (f) public access along foreshore land should be provided on land used for industrial or commercial maritime purposes where such access does not interfere with the use of the land for those purposes*

Comment: N/A to the proposed residential use.

- (g) the use of foreshore land adjacent to land used for industrial or commercial maritime purposes should be compatible with those purposes*

Comment: N/A to the proposed residential use.

- (h) water-based public transport (such as ferries) should be encouraged to link with land-based public transport (such as buses and trains) at appropriate public spaces along the waterfront*

Comment: N/A to the proposed residential use.

(i) the provision and use of public boating facilities along the waterfront should be encouraged.

Comment: N/A to the proposed residential use.

Part 3, Division 2 details the *Matters for Consideration* to be considered by the consent authority in the assessment of a proposal within the land subject to SREP 2005. As the works seek consent for alterations and additions to the existing dwelling, which are well removed from the waterfront, the following Clauses of Division 2 are considered to be relevant to the proposal.

Clause 20 - General requires that Council take into consideration the Division prior to granting consent.

Clause 21 - Biodiversity, ecology and environment protection

The matters to be taken into consideration in relation to biodiversity, ecology and environment protection are as follows:

- (a) development should have a neutral or beneficial effect on the quality of water entering the waterways,*
- (b) development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),*
- (c) development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),*
- (d) development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access,*
- (e) development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation,*
- (f) development should retain, rehabilitate and restore riparian land,*
- (g) development on land adjoining wetlands should maintain and enhance the ecological integrity of the wetlands and, where possible, should provide a vegetative buffer to protect the wetlands,*
- (h) the cumulative environmental impact of development,*
- (i) whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance.*

As the works will not have any physical impact on the waterway or the land adjoining the waterfront, the proposal is considered to be reasonable. No significant vegetation is to be removed to facilitate the construction.

The proposal is considered to have a neutral effect on the waterway.

22 Public access to, and use of, foreshores and waterways

The proposed works will not have any direct effect on the public use of the waterfront and will not diminish the public's ability to have access to and utilise the waterway.

23 Maintenance of a working harbour

The proposal will not have any impact on the harbour and will not affect the principles encouraging the maintenance of the harbour as a functional, working harbour.

24 Interrelationship of waterway and foreshore uses

The proposed works will not impact on the relationship between the public land and the waterway. The proposal is not inconsistent with the identified principles within Clause 24.

Replacement of the sea wall with a new engineered design structure will provide for a safe sea wall at the public private land interface which is in the public interest.

25 Foreshore and waterways scenic quality

The matters to be taken into consideration in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways are as follows:

- (a) the scale, form, design and siting of any building should be based on an analysis of:
 - (i) the land on which it is to be erected, and*
 - (ii) the adjoining land, and*
 - (iii) the likely future character of the locality,**
- (b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries,*
- (c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores.*

The bulk and scale of the proposed works is compatible with the surrounding development along Monash and due to the modest form will not have any detrimental impact on the visual qualities of the harbour and the foreshore area. The continued residential use of the land is a characteristic of the area and the anticipated future character of this locality.

26 Maintenance, protection and enhancement of views

By observing the objectives of Council's maximum height controls and allowing for views to and from the public spaces, the proposal will not have any detrimental effects on views to and from Sydney Harbour or the waterway.

27 Boat storage facilities

The proposed works are within private land and will not have any impact on boat storage facilities in the locality.

There are no other provisions of SREP (Sydney Harbour Catchment) 2005 that applies to the proposed development. It is considered that the proposal complies with SREP (Sydney Harbour Catchment) 2005.

6.1.1 Sydney Harbour Foreshores Area Development Control Plan

The Plan applies to all development proposals within the Foreshores and Waterways Area identified in SREP (Sydney Harbour Catchment) 2005 (refer to the Foreshores and Waterways Area map). It principally relates to the waterway and adjoining land identified on the maps accompanying this plan. The subject site is located within a foreshore area identified on the map and therefore the DCP applies to the proposed development.

As noted below in the extract of Map 15, the site is within the area defined as “Urban Development with Scattered Trees.”

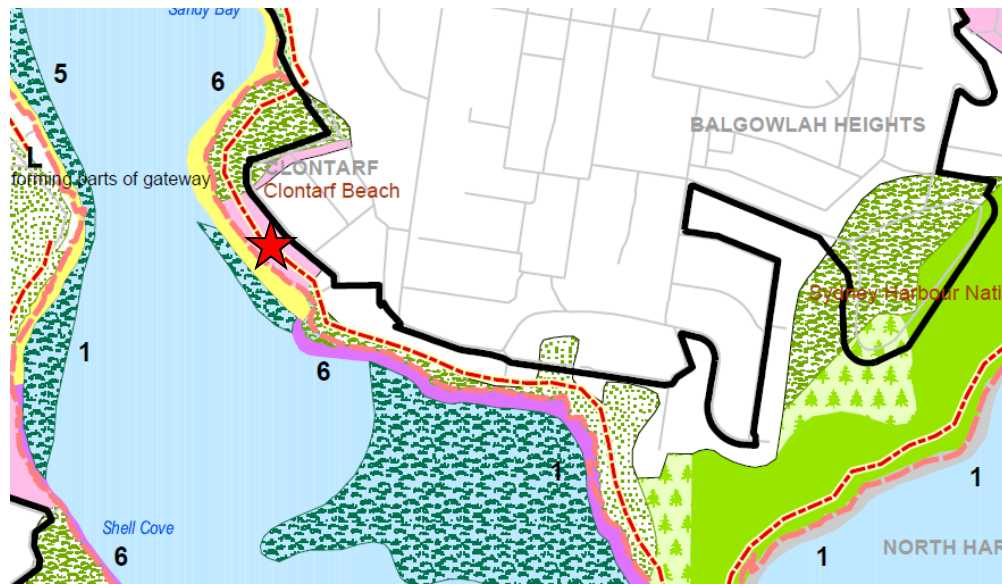


Fig 10: Extract of Map 15 – Ecological Communities & Landscape Characters

Given that the works are wholly within the private land, it is considered that the proposal achieves the performance criteria of the DCP for the following reasons:

- The proposal does not result in the removal of any significant vegetation.
- The proposal does not alter the natural features (e.g rock outcrops) of the existing waterway.
- The proposal will not introduce exotic plant species.
- The proposal does not result in any removal of the existing native foreshore vegetation.
- The proposal will not alter the landscaped character of the foreshore area.

Part 3 Landscape Assessment

The site is within the unmapped area and adjoins the Landscape Character 6 locality. It is considered that the proposal achieves the stated Performance Criteria for the Landscape Character 6 Category for the following reasons:

- The proposal does not result in any removal of the existing native foreshore vegetation.

- The proposal will not alter the landscaped character of the foreshore area, as suitable garden areas are maintained, with new plantings provided throughout the site to soften and screen the built form of the development.

Part 4 Water Based and Land/Water Interface Developments

The proposed development is not defined as Water Based or Land/Water Interface Development and as such this part does not apply to the proposed development.

Part 5 Land Based Development

This part provides design guidelines for land based development. The proposed development is considered to be defined as Land Based Development. The following clauses of this Part apply to the proposed development:

Clause 5.4 Built Form

This clause requires that buildings and other structures should generally be of a sympathetic design to their surroundings. It is considered that this has been achieved for the following reasons:

- The proposed alterations and additions maintain the general form of the existing garage, and are similar in scale and form to existing surrounding development.
- The replacement of the existing sea wall with a new sea wall maintains the development's setback to the foreshore.
- The appearance of the site from the waterway remains largely unchanged.

There are no other provisions of the DCP that apply to the proposed development.

6.2 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

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

The proposal is for non-habitable floor area and the new sea wall structure and therefore is not subject to the provisions of SEPP BASIX.

6.4 State Environmental Planning Policy (Coastal Management) 2018

The subject site is identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 is to:

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*

- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under Division 5 of SEPP (Coastal Management) 2018 are:

The relevant provisions of this clause are addressed as follows:

Division 3 Coastal environment area

13 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment:

The proposal provides for the construction of alterations and additions to an existing garage and the replacement of the existing sea wall. The proposed works will be carried out in accordance with the recommendations of the consulting Structural Engineer, which will ensure that appropriate structural integrity for the site will be maintained.

A Coastal Engineering Risk Management Report has been prepared by Horton Coastal Engineering, dated 19 January 2022 to address the proposed sea wall construction the proposed works will be carried out in accordance with the recommendations contained within Section 7 of the report to ensure that the replacement of the sea wall will result in a long-term safe structure for the site.

The collected stormwater will be directed to the existing system, which eventually flows to Middle Harbour.

Sediment and erosion control measures will be carried out to minimise the impact of the works on the waterway.

Division 4 Coastal use area

14 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) Aboriginal cultural heritage, practices and places,*
 - (v) cultural and built environment heritage, and*
 - (b) is satisfied that:*
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*
- (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment

The proposal will not result in the removal of any existing public access along the foreshore.

The proposed works are modest in height and scale, and will not result in any loss of views to the foreshore area. By being stepped to follow the sloping topography of the site, the proposal will protect the visual amenity of the locality.

The site does not contain any heritage items, nor is it within a conservation area. The site has been previously cleared, and it is not anticipated that any items of Aboriginal heritage will be encountered.

Division 5 General

15 Development in coastal zone generally—development not to increase risk of coastal hazards

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.

Comment

The proposal provides for the construction of alterations and additions to an existing garage and the replacement of a sea wall. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment: No coastal management programs have been identified.

17 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

Comment: Noted

18 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*

- (c) the coastal environment area,
- (d) the coastal use area.

Comment

Noted

6.5 Manly Local Environmental Plan 2013

The land is zoned C3 (Formerly E3) Environmental Management under the provisions of the MLEP 2013.

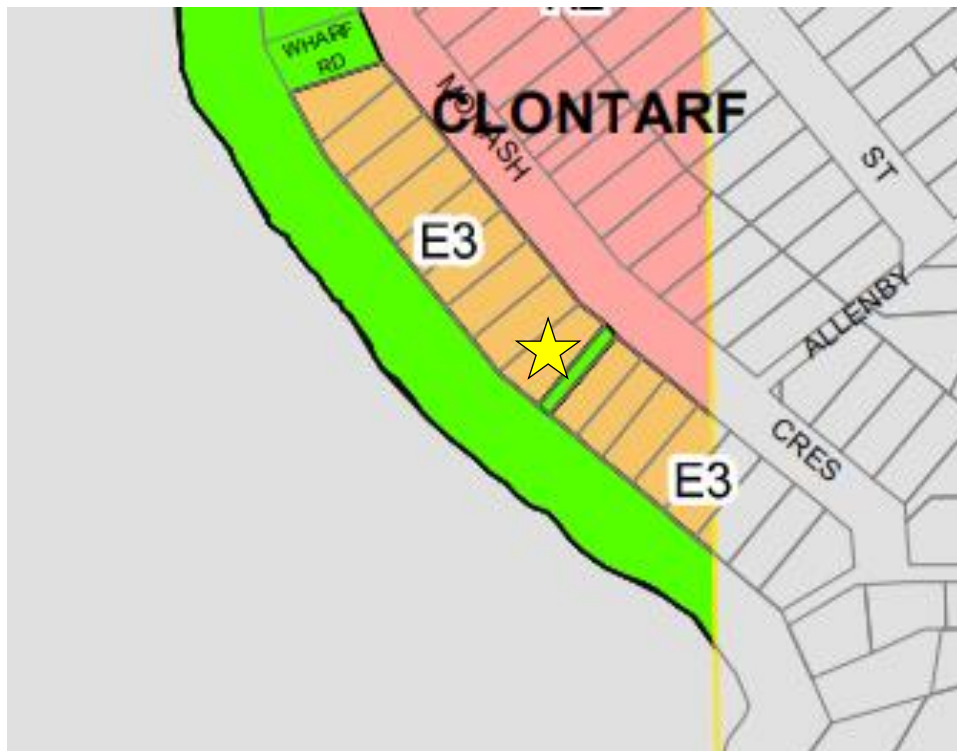


Fig 11: Extract of Manly Local Environmental Plan 2013 Zoning Map

The development of and use of the land for residential purposes is consistent with the C3 Environmental Management objectives, which are noted as:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To protect tree canopies and provide for low impact residential uses that does not dominate the natural scenic qualities of the foreshore.*
- *To ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation.*

- *To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate, and minimise the impact of hard surfaces and associated pollutants in stormwater runoff on the ecological characteristics of the locality, including water quality.*
- *To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.*

It is considered that the proposed new works to the existing garage and replacement of the sea wall will achieve the zone objectives and are consistent with the established character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other dwellings in the vicinity and therefore complements the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any significant impact on long distance views for the neighbouring properties.
- The site is utilised as housing and will continue to maintain the residential use.
- The works will provide for alterations to an existing garage and the replacement of the sea wall which will maintain the residential scale and character of the locality.
- Maintaining an appropriate level of amenity to the adjoining properties.
- The proposal does not unreasonably obstruct any significant views from private property or the public domain.

Clause 4.3 – Height of buildings

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The building height limit for development in this portion of Clontarf is 8.5m. The proposed new works will provide a maximum overall height of 4.510m which come to be complies with the maximum height control.

Clause 4.4 – Floor space ratio

A maximum floor space ratio control of 0.4:1 for development in this locality is required. The new works to the existing garage will see a minor increase in the gross floor area by 6m² to provide additional storage space at the rear of the garage. The total gross floor area will be 388m² or 0.625:1 which exceeds the control.

The bulk and scale of the approved dwelling on the alterations considered under DA2019/1265 is otherwise unchanged.

A clause 4.6 submission has been prepared to discuss this in further detail.

Clause 6.1 – Acid sulfate soils

The site is identified within the Class 3 & 5 Acid Sulfate Soils areas. It is not anticipated that any acid sulfate soils will be encountered as a result of the proposed works due to the limited extent of excavation.

Clause 6.2 – Earthworks

The proposal will not require any substantial excavation to accommodate the new works.

All works will be carried out under the supervision and direction of a Structural Engineer and will be managed to ensure that the amenity and safety of the subject and neighbouring dwellings will be protected.

Clause 6.4 – Stormwater management

The proposal meets the objectives of the clause as stated below:

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The collected stormwater will be directed to the existing system, which eventually flows to Middle Harbour.

Clause 6.5 – Terrestrial biodiversity

The site is identified as being within a biodiversity area. The proposed alterations and additions are largely contained within the existing building footprint, and are not considered to result in any adverse impacts on the biodiversity of the site or locality.

Clause 6.8 – Landslide risk

The subject site is identified within Area G3 on Council's DCP Landslip Hazard Map.

A Geotechnical Investigation was previously prepared by JK Geotechnics, Reference No. 2694YJrpt, dated 18 October 2019. As the proposal does not involve any substantial site disturbance, with the proposed replacement of the existing sea wall not involving further bulk excavation of the site, it is not considered that further geotechnical assessment is necessary in this instance.

Subject to compliance with the recommendations contained within this report, the proposal will satisfy the provisions of this clause.

Clause 6.9 – Foreshore scenic protection area

Clause 6.9 relates to development within the Foreshore Scenic Protection Area and notes within (3):

- 3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:*
- (a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,*
 - (b) measures to protect and improve scenic qualities of the coastline,*
 - (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,*
 - (d) measures to reduce the potential for conflict between land-based and water-based coastal activities.*

In this regard, it is considered that the proposal is suitable in the Foreshore Scenic Protection area, as the works will respect the height, scale and form of the surrounding residential development and the existing development on the site.

Clause 6.10 – Limited development on foreshore area

As noted in Appendix 1, the site is affected by the Foreshore Building Line. The provisions of this clause are outlined below:

- (2) *Development consent must not be granted to development on land in the foreshore area except for the following purposes—*
- (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,*
 - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,*
 - (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*
- (3) *Development consent must not be granted under this clause unless the consent authority is satisfied that—*
- (a) the development will contribute to achieving the objectives for the zone in which the land is located, and*
 - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*
 - (c) the development will not cause environmental harm such as—*
 - (i) pollution or siltation of the waterway, or*
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*
 - (iii) an adverse effect on drainage patterns, and*
 - (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and*

- (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*
 - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*
 - (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and*
 - (h) sea level rise or change of flooding patterns as a result of climate change has been considered.*
- (4) In satisfying itself about a matter mentioned in subclause (3) (e), the consent authority must give consideration to the following—*
- (a) continuous public access to and along the foreshore through or adjacent to the proposed development,*
 - (b) public access to link with existing or proposed open space,*
 - (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,*
 - (d) public access to be located above mean high water mark,*
 - (e) reinforcing the foreshore character and respect for existing environmental conditions.*

The proposal seeks to provide for the construction of alterations and additions to an existing garage and the replacement of existing sea wall, which are works that are specifically contemplated within clause 6.10 (2)(c). As the proposed works seek to replace existing sea wall with a new sea wall in a similar location, the proposal is considered to be reasonable and addresses the objectives of the foreshore development control.

The existing dwelling encroaches on the foreshore area, and the new works will fall within the foreshore area.

There are no other clauses of the MLEP 2013 that are considered to be relevant to the proposed development.

It is considered that the proposal achieves the requirements of the MLEP.

6.6 Manly Development Control Plan 2013

Council's DCP Development Control Plan 2013 provides the primary control for development within the area.

The DA submission will address the Council's submission requirements outlined in Part 2 – Process.

The primary areas which are applicable to the proposed works are detailed within Part 3 – General Principles of Development & Part 4 – Development Controls and Development Types.

Clause 2.1.13 Site Stability (Geotechnical Survey) Reports

The site is located within the 'G3' Zone on Council's Potential Geotechnical Landslip Hazard Areas Map.

A Geotechnical Investigation was previously prepared by JK Geotechnics, Reference No. 2694YJrpt, dated 18 October 2019. As the proposal does not involve any substantial site disturbance, with the proposed replacement of the existing sea wall not involving further bulk excavation of the site, is not considered that further geotechnical assessment is necessary in this instance.

Subject to compliance with the recommendations contained within this report, the proposal will satisfy the provisions of this clause.

Clause 3.1.1 Streetscape (Residential Areas)

The proposed new works to the existing garage are complementary to its neighbours in terms of its bulk and scale, and maintains the existing setback from the street frontage.

The intended outcomes are noted as:

- i) complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;*
- ii) ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed from surrounding public and private land;*
- iii) maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys;*
- iv) avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like. See also paragraph 4.1.8 Development on Sloping Sites and paragraph 4.1.9 Swimming Pools, Spas and Water Features;*
- v) address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also paragraph 3.2 Heritage Considerations;*

- vi) *visually improve existing streetscapes through innovative design solutions; and*
- vii) *Incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged. See also paragraph 3.5.7 Building Construction and Design*

The new works to the garage are consistent with the scale and form of housing in the immediate locality and are not prominently viewed from any surrounding public areas. The proposal is therefore in keeping with the character of the Monash Crescent streetscape, and worthy of Council's support.

Clause 3.3 Landscaping

The proposed new works will maintain generous areas of soft landscaping, with new landscape plantings to be provided throughout the site. The proposal will see a minor increase in the available landscaped area from 95m² to 97m².

The new works will present an appropriate form and footprint, which is appropriately set back from the street and side boundaries. The rear yard area can be provided with supplementary screen planting to provide adequate soil depth to sustain the screening.

Clause 3.4 Amenity (Views, Overshadowing, Overlooking/Privacy, Noise)

The objectives of the clause are noted as:

- Objective 1) To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties.*
- Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.*

It is suggested that the works will achieve these objectives as:

- The proposal is for non-habitable floor area which will not result in any substantial change to the privacy and amenity enjoyed by the neighbouring properties.
- The proposal does not see any changes to the approved bulk and scale of the existing dwelling and the changes considered under DA2019/1265.
- The site and surrounding properties are sited on relatively flat land, thereby receiving limited views. The proposal is therefore not anticipated to result in any unreasonable impacts on views received by neighbouring properties.

Clause 3.5 Sustainability

A BASIX Certificate is not required in this instance as the works provide for non-habitable floor space and replacement of an existing sea wall.

Clause 3.7 Stormwater Management

It is proposed to connect collected stormwater to a new outlet designed in accordance with Council's specifications, which will discharge to Middle Harbour. The works will not see any significant increase in the built footprint.

Part 4 – Residential Development Controls

Site Area 594.3m² - Density Sub Zone D7 (750m² per lot)

Compliance Table

Control	Required	Proposed	Compliance
Clause 4.1.1 Residential Density & Subdivision	Density Area D7 – 1 dwelling per 750m ²	Site area is 594.3m ²	Yes – existing site and dimensions are unchanged
Clause 4.1.2 Height of Buildings	Maximum height – 8.5m	Maximum height – 4.510m	Yes
	Wall height – 6.5m	4.05m	Yes
	Max two storeys	Max single storey	Yes
	Roof height – 2.5m above wall height	Roof style <2.5m	Yes
Clause 4.1.13 Floor Space Ratio (FSR)	0.4:1	0.65:1 for lot size of 594.3m ² . The proposed changes will see a minor increase in the total gross floor area by 6m ² which is attributable to the proposed additional storage of the rear of the garage. As per Clause 4.1.3.1, an exception is permitted for	Yes – on merit (refer to Clause 4.6 submission)

Control	Required	Proposed	Compliance
		undersized lots when the relevant LEP Objectives and the DCP controls are satisfied. The site is within Area R under Council's LEP mapping, which prescribes a minimum lot size of 750m². When calculated for the required minimum lot size of 750m², the proposed FSR is 0.517:1 which presents a minor non-compliance with the control. See Clause 4.6 submission for discussion of LEP provisions.	
Clause 4.1.4 Setbacks (front, side and rear)	Front a) Relate to neighbouring sites and the prevailing building lines or 6m c) Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, chimneys, meter boxes and the like, where no adverse impact on the streetscape or	No changes to existing front setback of the garage. The proposed works maintain a consistent pattern with the neighbouring dwellings.	Yes

Control	Required	Proposed	Compliance
	adjoining properties is demonstrated to Council's satisfaction.		
Side Boundary setback – 1/3 of wall height	<u>Side/Secondary</u> Wall height – 3.7m x 1/3 = 1.23m	No changes to existing compliant side setbacks.	Yes
Rear setback – 8m	<u>Rear</u>	No changes to existing rear setback.	Yes
Clause 4.1.5 Open space and Landscaping	Area OS 4 Open space: Min 60% site area Landscaping: 40% of open space	Proposed open space area 87% or 520m ² . (78% or 463m ² including 25% of rooftop terrace) and complies with this control. Proposed landscaped area 97m ² or 18.65% of total open space. The Objectives of this control are as follows: <i>Objective 1) To encourage appropriate tree planting and maintenance of existing vegetation.</i> <i>Objective 2) To retain and augment important landscape features and vegetation remnant populations of native flora and fauna.</i> The proposal will present a landscaped area of 97m ² or which is a marginal	Yes Yes – on merit

Control	Required	Proposed	Compliance
		increase from the approved landscaped area of 95m². Whilst the proposal will not meet Council's 40% landscaped area control, it results in a substantial increase in soft landscaping. The proposal is in keeping with the Objectives of this control, as the proposal improves the existing landscaping arrangements. The proposal is therefore acceptable on merit and worthy of Council's support.	
Clause 4.1.6 Parking	Min 2 spaces	Parking for two vehicles provided within existing garage	Yes
Clause 4.1.6.4 Vehicular Access	a) All vehicles should enter and leave the site in a forward direction. b) Vehicular access and parking for buildings with more than 1 dwelling is to be consolidated within one location, unless an alternative layout/design would better reflect the streetscape or the	The proposal provides for alterations and additions to the existing garage. The works will see the extension of existing garage wall, new contemporary garage roof and new garage doors. These new contemporary works will complement the Monash Crescent streetscape.	Yes

Control	Required	Proposed	Compliance
	building form. c) Vision of vehicles entering and leaving the site must not be impaired by structures or landscaping. d) Particular attention should be given to separating pedestrian entries and vehicular crossings for safety.		
Clause 4.1.6.6 Tandem, Stacked and Mechanical Parking Areas	The design location and management of parking facilities involving tandem, stacked and mechanical parking (including car stackers, turntables, car lifts or other automated parking systems) must consider the equitable access and distribution of parking spaces to all occupants and visitors to the building. In this regard: a) all parking spaces in any tandem or stacked arrangement are to be allocated to the same dwelling/strata unit and must not be used as visitors parking; and	N/A	N/A

Control	Required	Proposed	Compliance
	b) where the proposed development involves a tandem, stacked and mechanical parking arrangement which necessitates more than one parking space being attributed to a single dwelling unit under paragraph i) above; Council must be satisfied that sufficient parking spaces are reasonably allocated to all other dwelling units within the development.		
Clause 4.1.8 Development on Sloping Sites	<u>Area G3 - Potential Hazards</u> Potential for Geotechnical Hazards includes settlement of foundations due to failure of unsupported excavations, dewatering & vibrations and other construction activity. Possibility of earthquake induced settlement of foundation also exists in this area. Typical consequences of failure comprise little to moderate damage of some or part of	The subject site is identified within Area G3 on Council's DCP Landslip Hazard Map. A Geotechnical Investigation was previously prepared by JK Geotechnics, Reference No. 2694YJrpt, dated 18 October 2019. As the proposal does not involve any substantial site disturbance, with the proposed replacement of the existing sea wall not involving further bulk excavation of the	Yes

Control	Required	Proposed	Compliance
	structures, including neighbouring land including dwellings or roadway and typically requiring some stabilisation works over part of the site. The need for large scale stabilisation works is unlikely in Area G3.	site, is not considered that further geotechnical assessment is necessary in this instance. Subject to compliance with the recommendations contained within this report, the proposal will satisfy the provisions of this clause.	
Clause 4.1.9 Swimming pools, spas and Water features	Height above ground not more than 1m a) Swimming pools and spas must not be located within the front setback i.e. between the front boundary of the lot and the building line. Consideration of any exception to the required location must demonstrate that any swimming pools and/or spa and their curtilage and/or concourse: i) does not detract from the amenity or character of the neighbourhood; and ii) is a minimum distance from the front boundary equivalent to at least twice the height of the swimming	N/A – No pool proposed	N/A – No pool proposed

Control	Required	Proposed	Compliance
	pools and/or spa and their curtilage and/or concourse at any point above existing ground level. b) Setback of outer edge of pool concourse from side and rear boundaries must be at least 1m with water line being at least 1.5m from the boundary		
Clause 4.1.10 Fencing	Freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point.	No new front fencing proposed.	N/A

7.0 Matter for Consideration under the Under Section 4.15 of the Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 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

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to generally comply with the requirements of Manly's Development Control Plan 2013 – Amendment 11.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 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

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks consent for the construction of alterations and additions to an existing garage and the replacement of an existing sea wall, which will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's MLEP 2013 and Council's Codes and Policies, in particular the Manly DCP.

7.7 The suitability of the site for the development

The subject land is currently zoned E3 Environmental Management under the Manly Local Environmental Plan 2013 and is considered suitable for the proposed development.

The subject site does not exhibit any significant constraint to the construction of the proposed development.

7.8 Submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The public Interest

The proposal will not unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The principal objective of this development is to support the construction of alterations and additions to an existing garage and the replacement of existing sea wall with a new sea wall which satisfy the stated objectives of Council's Development Controls.

By maintaining our neighbour's amenity and by complementing the scale and form of other development in the immediate locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

VAUGHAN MILLIGAN

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Grad. Dip. Urban & Regional Planning (UNE)

APPENDIX 1 FORESHORE BUILDING LINE

