

27<sup>th</sup> June 2019

The General Manager  
Northern Beaches Council  
Po Box 882  
**MONA VALE NSW 1660**

**Statement of Environmental Effects**  
**Modification of development consent 46/2017**  
**Alterations and additions to an existing semi-detached dwelling**  
**6B Carlton Street, Manly**

**1.0 Introduction**

On 17<sup>th</sup> July 2017 development consent DA 46/2017 was granted for alterations and additions to the existing semi-detached dwelling located on the subject allotment involving the construction of a small sitting room and bathroom at the upper level of the building with direct access to the existing roof terrace and construction of a new enlarged awning over.

On 5<sup>th</sup> June 2019 development consent DA 2018/1438 was granted for upper level alterations and additions to No. 6A Carlton Street being the eastern semi-detached dwelling in the pair. The adjoining upper level additions were approved with a maximum parapet height of RL 15.7m AHD being higher than the maximum roof/ awning RL approved for the development on the subject site.

We have been engaged to prepare an application seeking the modification of the subject development consent pursuant to s4.55(1A) of the Environmental Planning and Assessment Act 1979 (the Act). Specifically, the application seeks to:

- Increase the height of the parapet to match that recently approved on No. 6A Carlton Street, and
- Increase the awning height to match the height of the adjacent living room.

Having regard to the minor nature of the modifications sought, relative to what has previously been approved on both No. 6A and 6B Carlton Street, we have formed the considered opinion that the minor roof and awning height changes proposed will not give rise to any adverse streetscape, environmental, built form or residential amenity consequences and will not compromise the performance of the approved development when assessed against the applicable statutory considerations.

Under such circumstances, Council can be satisfied that the modifications sought involve minimal environmental impact and the development as modified represents substantially the same development as originally approved. Accordingly, the application is appropriately dealt with by way of s4.55(1A) of the Act.

## **2.0 Statutory Planning Considerations**

### **2.1 Manly Local Environmental Plan 2013**

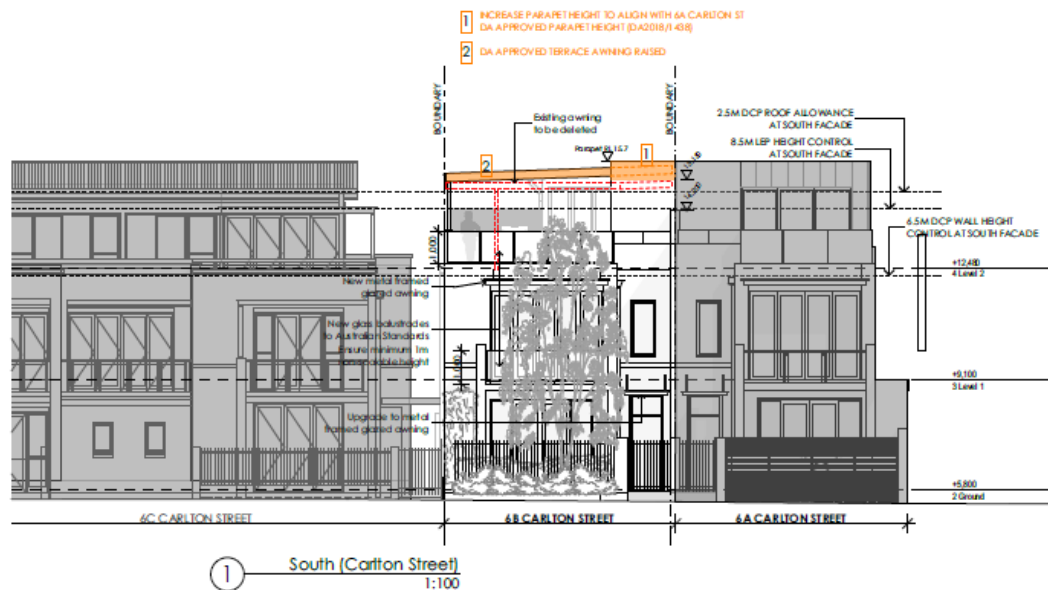
#### **Height of Buildings**

Pursuant to Clause 4.3 of MLEP 2013 the height of a building on the subject land is not to exceed 8.5 metres in height. The stated objectives of the control are as follows:

- (a) *to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*
- (b) *to control the bulk and scale of buildings,*
- (c) *to minimise disruption to the following:*
  - (i) *views to nearby residential development from public spaces (including the harbour and foreshores),*
  - (ii) *views from nearby residential development to public spaces (including the harbour and foreshores),*
  - (iii) *views between public spaces (including the harbour and foreshores),*
- (d) *to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,*

- (e) *to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.*

It has been determined that the proposed upper level sitting room additions will have a maximum building height of 9.9 metres which represents a non-compliance of 1.4 metres or 16%. This height and policy compliance exceedance are identical to that approved at No. 6A Carlton Street (DA2018/1438). It is also noted that the sitting room roof will continue to sit below the ridge line established by the existing townhouse development to the west as depicted in Figure 1 below.



**Figure 1** – South (Carlton Street) elevation showing height of proposed sitting room roof relative to the height of the approved works at No. 6A Carlton Street (DA2018/1438) and relative to that of the townhouse development to the west.

Whilst the clause 4.6 of MLEP 2013 variation mechanism does not apply to an application seeking to modify a consent pursuant to s4.55 of the Act, an assessment of the proposed building height increase against the objectives of the control is outlined below. Such assessment confirms that the objectives of the standard are satisfied, notwithstanding the building height variation sought, and according strict compliance is both unreasonable and unnecessary.

- (a) *to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*

Response: Despite the variation proposed to the building height the proposed addition will sit comfortably within the established streetscape. The proposed additions will sit below the height of the adjoining buildings to the west and will be identical to that approved at No. 6A Carlton Street (DA2018/1438).

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council (2005) NSW LEC 191 we are of the opinion that most observers would not find the height of the proposed development offensive, jarring or unsympathetic in a streetscape context having regard to the built form characteristics of development within the sites visual catchment. Accordingly, it can be reasonably concluded that the proposal is compatible with its surroundings.

The proposal is consistent with this objective.

*(b) to control the bulk and scale of buildings,*

Response: The proposed works represent a minor increase to the existing building height with the resultant height, bulk, scale of the dwelling entirely consistent with the built form characteristics established by neighbouring dwellings and development generally within the site's visual catchment. The proposal is consistent with this objective.

*(c) to minimise disruption to the following:*

- (i) views to nearby residential development from public spaces (including the harbour and foreshores),*
- (ii) views from nearby residential development to public spaces (including the harbour and foreshores),*
- (iii) views between public spaces (including the harbour and foreshores),*

Response: having inspected the site and its immediate surrounds to determine available view lines we have formed the considered opinion that the minor increase in approved building height will not give rise to any adverse public or private view affectation. The proposal is consistent with this objective.

*(d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,*

Response: We confirm that existing compliant levels of solar access will be maintained to adjoining development with any additional shadowing falling across the roadway between 9 am and 3pm on 21<sup>st</sup> June. The proposal is consistent with this objective.

- (e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.*

Response: N/A

### **Floor Space Ratio**

Pursuant to Clause 4.4 MLEP 2013 the maximum FSR for development on the site is 0.6:1 representing a gross floor area (GFA) of 194m<sup>2</sup>. We confirm the previously approved FSR of 0.76:1 is not altered as a consequence of the modifications sought.

### **Foreshore Scenic Protection Area**

Pursuant to clause 6.9 of the MLEP 2013 its objective states that this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, Pacific Ocean and the foreshore in Manly.

The subject site partially falls within the Manly Foreshore Scenic Protection Area. The proposed roof/ awning height modifications will not be readily discernible as viewed from the Pacific Ocean or Manly foreshore area and to that extent will not give rise to any adverse impact on the aesthetic amenity of this area.

## **2.2 Manly Development Control Plan 2013**

Having assessed the modified development against the applicable provision of MRDCP we note the following:

- The siting and scale of the development remains acceptable and consistent with the existing and desired future character of the street as reflected by recently approved and constructed development in the street.
- The proposal maintains the previously approved building setbacks and an appropriate spatial relationship with adjoining development;
- The modified proposal does not compromise the residential amenity outcomes afforded to adjoining development in relation to visual and aural privacy and solar access with compliant levels of solar access maintained; and
- The previously approved stormwater drainage regime is not altered.

### 3.0 Conclusion

This application seeks to:

- Increase the height of the parapet to match that recently approved on No. 6A Carlton Street DA 2018/1438, and
- Increase the awning height to match the height of the adjacent living room.

We note that the modifications sought do not materially alter the approved building form, footprint, setbacks, floor space, drainage or landscaping circumstances. Importantly, the spatial relationship of the proposal to adjoining development is maintained together with a complimentary and compatible streetscape presentation and appropriate residential amenity outcomes.

To that extent Council can be satisfied that the modifications involve minimal environmental impact and the development as modified represents substantially the same development as originally approved. Accordingly, the application is appropriately dealt with by way of section 4.55(1A) of the Act.

Having given due consideration to the relevant considerations pursuant to section 4.15(1) of the Act it is considered that the application, the subject of this document, succeeds on merit and is appropriate for the granting of consent.

Yours sincerely

**Boston Blyth Fleming Pty Limited**



**Greg Boston**

B Urb & Reg Plan (UNE) MPIA

**Director**