

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR PROPOSED ADDITIONS AND ALTERATIONS TO AN  
EXISTING DWELLING**

**AT**

**8A LINKMEAD AVENUE, CLONTARF**

**FOR**

**ANDREW LITTLE & VANESSA PELTIER**

**Prepared  
November 2021**

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## 1.0 Introduction

This Statement of Environmental Effects accompanies architectural details prepared on behalf of Andrew Little & Vanessa Peltier by C+M Studio Pty Ltd, Job No. 2019\_106, Drawings No's. DA00-DA003, DA101-DA103, DA110-DA112, DA120, DA210-213, DA301-DA304, DA600, DA801-DA802, DA901, DA910, DA914 & DA954 Issue 8 dated 3 November 2021, to detail proposed alterations and additions to the existing dwelling at **8A Linkmead Avenue, Clontarf**.

Prelodgement Meeting No. 2020/0115 was held on 18 June 2020 to discuss the subject proposal for the construction of additions and alterations to the existing dwelling and swimming pool. The design of the proposal has been modified to address the concerns raised by Council, with amendments made to the upper floor level to address Council's Building Envelope requirements and provide for suitable view corridors to be retained to enable equitable view sharing for the surrounding properties.

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*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*

## 2.0 Property Description

The subject allotment is described as **8A Linkmead Avenue, Clontarf**, being Lot 2 within Deposited Plan 534547 and is zoned E3 Environmental Management 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. This will be discussed further within this submission.

The site is identified on Council's DCP Landslip Hazard Map as being within Area G1 & G2. This will be discussed further within this submission.

The site is noted as being within the Class 5 Acid Sulfate Soils Area. This will be discussed further within this submission.

The site is noted as being Bushfire Prone Land. Accordingly, a Bushfire Report has been prepared by Australian Bushfire Consulting Services, Reference No 21-039-2 dated 24 August 2021 and accompanies this submission.

The site is identified on Council's Biodiversity Map. This will be discussed further within this submission.

There are no other known hazards affecting the site.

### 3.0 Site Description

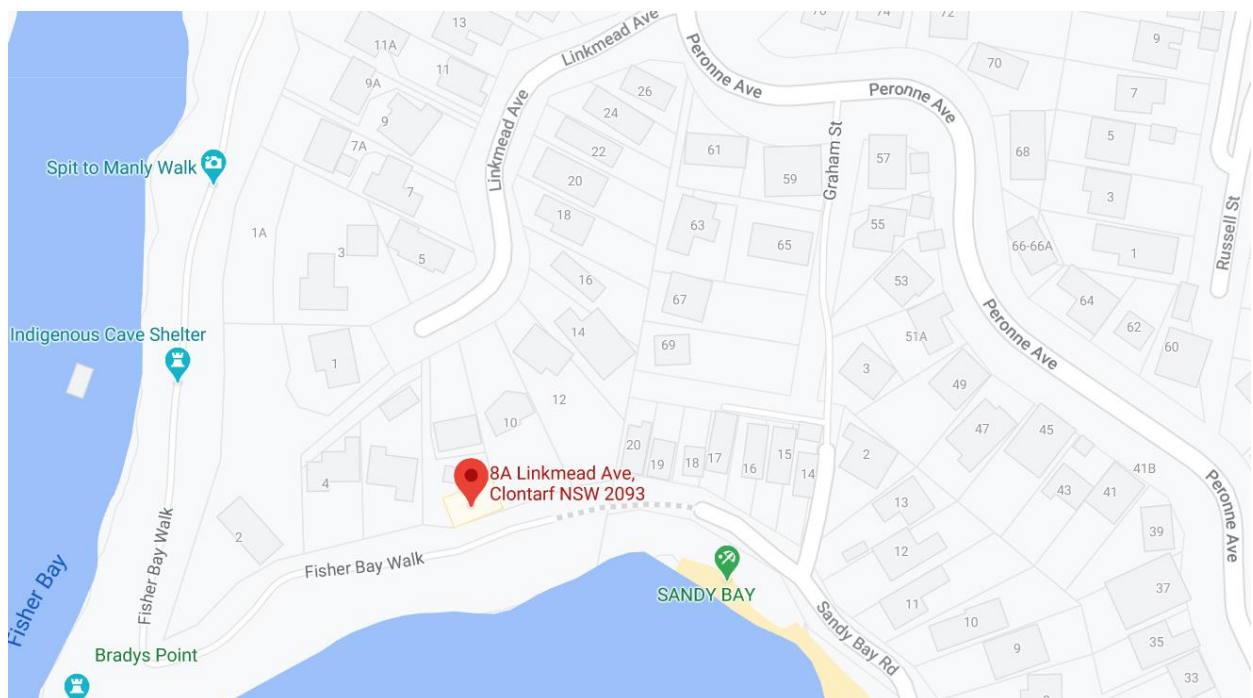
The site is a battle-axe allotment located on the southern side of Linkmead Avenue with a general fall to the south of approximately 18.96m over the site's length.

The site is irregular in shape with a frontage to Linkmead Avenue of 3.44m. The site has a minimum depth of 22.405m, excluding the access handle (eastern side boundary), and a maximum depth of 59.105m including the access handle (western side boundary). The angled rear boundary measures a total of 29.375m. The total site area is 768.0m<sup>2</sup>.

The site is currently developed with a three storey rendered residence with a tiled roof. A carport and attached timber deck and shed are located within the front yard. Stormwater from the roofed areas is dispersed within the yard, above the reserve below the site.

Vehicular access is currently available from Linkmead Avenue via an existing concrete and paved driveway, with parking provided in the existing double carport, which is to be extended as part of the proposed works.

The details of the site are included on the survey plan prepared by Hill & Blume Pty Ltd, Reference No. 61871, dated 15 January 2020, which accompanies the DA submission.



**Fig 1: Location sketch**  
(Source: Google Maps)





**Fig 2: View of driveway entry to the subject site, looking south from Linkmead Avenue**



**Fig 3: View of the adjoining dwelling at No 8 Linkmead Avenue, looking south-east**





**Fig 4: View of the neighbouring development to the west of the site, looking south-west**



**Fig 5: View of the existing driveway access, looking south towards the turning & parking area**





**Fig 6: View looking north along the existing driveway access**



**Fig 7: View of the existing parking/turning area, looking south**





**Fig 8: View of the existing carport and dwelling, looking south-east**



**Fig 9: View of the rear elevation of the adjoining neighbour at No 8 Linkmead Avenue, looking north-east**





**Fig 10: View looking south towards the existing dwelling, looking south**



**Fig 11: View looking south-west towards the existing dwelling**



**Fig 12: View of the rear elevation of the subject dwelling, looking north-west from the reserve boundary**



#### 4.0 Surrounding Environment

The area surrounding the site is predominantly represented by a mix of development comprising dwellings of varying sizes.

The dwellings in the vicinity have been designed with living areas and associated open space that are oriented to take advantage of the district views available to the site.

The site and surrounding properties enjoy views to the south towards Clontarf Reserve.



**Fig 13: Aerial view of subject site**  
(Source: Google Maps)

## 5.0 Proposed Development

As detailed within the accompanying plans prepared by C+M Studio Pty Ltd, the proposal seeks consent for proposed alterations and additions to the existing dwelling.

The new works to provide for additions and alterations to the existing dwelling comprise:

<b>Lower Ground Floor</b>	Alterations and additions to existing lower ground floor to provide for kids room/guest, laundry & storage, ensuite, internal and external stairs.
<b>Ground Floor</b>	Alterations and additions to existing ground floor to provide for new living, study, powder, open plan dining, kitchen with pantry, and living, balcony and external stairs
<b>First Floor</b>	Alterations and additions to existing first floor level to provide for extension of master bedroom, robe, and bedroom 2
<b>External Works</b>	Replacement of existing carport, new access to dwelling, new swimming pool and associated paving

The proposed external finishes comprise weatherboard cladding with tile roofing. The external finishes are detailed in the architectural submission.

The proposal will not require the removal of any significant trees with exotic introduced shrubs to be removed from the eastern boundary area allow for the construction of the pool. The perimeter of the site is capable of accommodating future plantings.

The proposed design is supported by an Arboricultural Impact Assessment Report prepared by Rain Tree Consulting, Report Reference No 17221 dated which notes that no prescribed trees will be removed as a result of the construction work. Some exempt species will be removed and the AIA report provides recommendations for protection measures to be considered during the construction to ensure that the impact on trees being retained with the site is minimised.

The AIA confirms that no prescribed trees will require removal, with only exempt species nonprescribed trees affected and requiring removal to accommodate the new work.

The development indices for the site are:

Site Area	768m <sup>2</sup>
Permissible FSR	0.4:1 or 307.2m <sup>2</sup>
Proposed FSR	0.380:1 or 292m <sup>2</sup>
Required Open Space/Landscape	60% open space – 460.8m <sup>2</sup> /40% landscaped area – 184.32m <sup>2</sup>
Proposed Open Space	69.4% or 533.2m <sup>2</sup>
Proposed Landscape	47.7% of open space or 254.5m <sup>2</sup>



## 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 14: 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, however it is not identified as being within the Foreshores and Waterways Area.

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

Clause 13 provides the planning principles for land within the Sydney Harbour Catchment and these are noted as:

- (a) *development is to protect and, where practicable, improve the hydrological, ecological and geomorphological processes on which the health of the catchment depends,*
- (b) *the natural assets of the catchment are to be maintained and, where feasible, restored for their scenic and cultural values and their biodiversity and geodiversity,*
- (c) *decisions with respect to the development of land are to take account of the cumulative environmental impact of development within the catchment,*
- (d) *action is to be taken to achieve the targets set out in Water Quality and River Flow Interim Environmental Objectives: Guidelines for Water Management: Sydney Harbour*

*and Parramatta River Catchment (published in October 1999 by the Environment Protection Authority), such action to be consistent with the guidelines set out in Australian Water Quality Guidelines for Fresh and Marine Waters (published in November 2000 by the Australian and New Zealand Environment and Conservation Council),*

- (e) development in the Sydney Harbour Catchment is to protect the functioning of natural drainage systems on floodplains and comply with the guidelines set out in the document titled Floodplain Development Manual 2005 (published in April 2005 by the Department),*
- (f) development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour,*
- (g) the number of publicly accessible vantage points for viewing Sydney Harbour should be increased,*
- (h) development is to improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off, prevent the risk of increased flooding and conserve water,*
  - (i) action is to be taken to achieve the objectives and targets set out in the Sydney Harbour Catchment Blueprint, as published in February 2003 by the then Department of Land and Water Conservation,*
  - (j) development is to protect and, if practicable, rehabilitate watercourses, wetlands, riparian corridors, remnant native vegetation and ecological connectivity within the catchment,*
- (k) development is to protect and, if practicable, rehabilitate land from current and future urban salinity processes, and prevent or restore land degradation and reduced water quality resulting from urban salinity,*
- (l) development is to avoid or minimise disturbance of acid sulfate soils in accordance with the Acid Sulfate Soil Manual, as published in 1988 by the Acid Sulfate Soils Management Advisory Committee.*

As the proposal is seeking to provide for additions and alterations to an existing dwelling, with minimal site disturbance, the proposal is considered to be consistent with the relevant aims of the Clause.

The works are largely contained within the existing built footprint and as such, the stormwater characteristics of the site will be generally unchanged, with no increased stormwater loading to the public foreshore or waterway.

**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 are mostly within the footprint of the existing development. 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 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.

- (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 alterations and additions to an existing dwelling which will largely retain the bulk and scale of the existing dwelling, and complement existing neighbouring dwellings by being at a similar height and scale to the surrounding development along Linkmead Avenue, and will not detract from the natural assets of the harbour locality.

The proposal will respect and complement the bulk and scale of the existing dwelling and is complementary 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.

## **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 Linkmead Avenue 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 “Open Forest Type “B” & Sandy Beach Area.” The site is above the waterfront.



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

Given that the works are not immediately adjacent to the waterway and 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 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 foreshore vegetation.
- The proposal will not alter the landscaped character of the foreshore area, as the garden areas are unchanged, with the existing perimeter screening surrounding the lower portion of the site.
- The proposed development is provided with a substantial setback from the waterway and will be substantially screened from any view from the waterway.

### **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 development is not prominently viewed from the waterway and is similar in scale and form to the surrounding development.
- The proposal maintains the development's setback to the foreshore.

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 has been designed to respect the water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

#### 6.4 Manly Local Environmental Plan 2013

The land is zoned E3 Environmental Management under the provisions of the MLEP 2013.



**Fig 16: Extract of Manly Local Environmental Plan 2013 Zoning Map**

The development of and use of the land for residential purposes is consistent with the objectives of the E3 Environmental Management, which are noted over 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 additions and alterations to the existing dwelling 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 site is utilised as housing and will continue to maintain the residential use.
- The works will provide for alterations and additions to an existing dwelling which will maintain the residential scale and character of the locality.
- The proposal will maintain 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.
- As detailed in this report the proposal maintains appropriate solar access to the surrounding properties.

#### **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 to the existing dwelling will present a maximum building height of approximately 9.691m which does not comply with this control.

Accordingly, a submission has been prepared pursuant to Clause 4.6 and accompanies this statement.

#### **Clause 4.4 – Floor space ratio**

A maximum floor space ratio control of 0.4:1 is required for development in this locality. The proposal provides a floor space ratio of 0.380:1, which readily complies with this provision.

#### **Clause 6.2 – Earthworks**

The proposed works are largely contained within the existing building footprint and will not require any substantial disturbance of the existing site conditions, with the exception of the works required to accommodate the swimming pool.

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 in that:

- (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 new roof areas will be connected to the proposed stormwater system which disperses stormwater within the site and above the public reserve area.

#### **Clause 6.5 – Terrestrial biodiversity**

The subject site is identified as being within Council's Biodiversity Area. The objective of this clause is to maintain terrestrial biodiversity by:

- (a) protecting native fauna and flora, and*
- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the conservation and recovery of native fauna and flora and their habitat.*

The new works are largely contained within an existing disturbed area of the site, and a generous area of soft landscaping is maintained.

The proposal will see the removal of a number of non-prescribed shrubs and small trees which fall within the footprint of the proposed swimming pool. The remaining vegetation within the site will be retained and assist with softening the built form of the new works.

The proposal will not result in any adverse impacts for native flora and fauna, and protects the natural landscape and processes within the locality.

The proposal is in keeping with the desired outcomes of this clause, and is suitable in the biodiversity area.

#### **Clause 6.8 – Landslide risk**

The site is identified on Council's DCP mapping as being within Area G1 and G2 on the Landslip Hazard Map.

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.

A Geotechnical Investigation has been prepared by White Geotechnical Group under report reference J3206C dated 23 November 2021.

The Investigation concludes:

*"The proposed development is suitable for the site. No geotechnical hazards will be*

*created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice”.*

The proposal will therefore 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**

The site is not affected by the foreshore building line.

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.



## 6.5 Manly Development Control Plan 2013

Council's DCP Development Control Plan 2013 – Amendment 14 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 3.1.1 Streetscape (Residential Areas)

It is suggested that the proposed additions and alterations to the existing dwelling, which will not substantially alter the bulk and scale of the existing dwelling, and do not exceed the existing maximum ridge height, will enhance the street view of the site.

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 proposal will see the construction of alterations and additions to the existing dwelling.

The proposed works will not see any substantial increase to the bulk and scale of the dwelling as viewed from the foreshore or neighbouring properties.

The new works are complementary to the existing locality and the surrounding development. The proposal is in keeping with the character of existing surrounding development, and is therefore worthy of Council's support.

### **Clause 3.3 Landscaping**

The proposed new works will maintain a generous area of soft landscaping within the site. The new works will present an appropriate form and footprint, which is appropriately set back from the street, side and rear boundaries.

The existing landscaping on site will continue to minimise overlooking to neighbouring properties.

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

The objectives of the clause are noted as:

- |                     |   |
|---------------------|---|
| <i>Objective 1)</i> | <i>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.</i> |
| <i>Objective 2)</i> | <i>To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.</i>  |

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

- The internal living areas are retained at the ground floor level, and are therefore not considered to result in any impacts on the privacy of neighbouring dwellings. The proposed swimming pool and terrace are suitably separated from the eastern neighbour. Non-trafficable coping is provided along the northern and eastern elevations of the proposed swimming pool, which minimises opportunities for overlooking.
- The proposed additions will not see any substantial change to the solar access currently received by the neighbouring properties.
- The proposed additions to the existing dwelling will not increase the existing maximum ridge height of the dwelling.

### **Clause 3.5 Sustainability**

A BASIX Certificate has been prepared to support the new works and confirm that the additions will achieve the appropriate thermal performance criteria.

### **Clause 3.7 Stormwater Management**

The new roof areas will be connected to the proposed stormwater system which disperses stormwater within the site and above the public reserve area. The proposal will not see a significant increase in the roof area, with the stormwater run-off characteristics of the site to be largely maintained.

## Part 4 – Residential Development Controls

### Site Area 768m<sup>2</sup> - Density Sub Zone D9 (1150m<sup>2</sup> per lot)

#### Compliance Table

Control	Required	Proposed	Compliance
<b>Clause 4.1.1</b> Residential Density & Subdivision	Density Area D9 – 1 dwelling per 1150m <sup>2</sup>	Site area 768m <sup>2</sup>	Yes – existing site and dimensions are unchanged
<b>Clause 4.1.2</b> Height of Buildings	Maximum height – 8.5m  Wall height – 7.1m	<p>Maximum height of new works – 9.691m</p> <p>Max wall height approx. 9.691m and therefore does not comply with this control.</p> <p>Compliance with this control is constrained by the sloping topography of the site and location of existing development.</p> <p>The built form of the development will follow the sloping topography of the site which assists with minimising the visual bulk of the development.</p> <p>The development will not result in any adverse impacts for neighbouring properties in terms of views or overshadowing.</p> <p>The proposal is in keeping with the desired outcomes of the wall height control and is worthy of support on merit.</p>	<p>No – refer to Clause 4.6 submission</p> <p>N/A – unchanged</p>



Control	Required	Proposed	Compliance
	Max two storeys  Roof height – 2.5m above wall height	Max three storeys (existing)  <2.5m	N/A – unchanged  Yes
<b>Clause 4.1.13</b> Floor Space Ratio (FSR)	0.4:1	Proposed FSR 0.380:1 and therefore readily complies with this control.	Yes
<b>Clause 4.1.4</b> Setbacks (front, side and rear)	<u>Front</u> 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 adjoining properties is demonstrated to Council's satisfaction.	As the subject site is a battle-axe allotment, the new works are well separated from the street front boundary and readily comply with the front setback control.	Yes
Side Boundary setback – 1/3 of wall height	<u>Side</u> Eastern side - 1/3 x 8.9m = up to 2.97m  Western side - 1/3 x 8.9m = up to 2.97m	<b>Lower ground floor</b> Eastern side – unchanged Western side – unchanged  <b>Ground floor</b> Eastern side – 1.5m (min 1.8m) Western side – 3m	N/A N/A  Yes – on merit Yes

Control	Required	Proposed	Compliance
Rear setback – 8m		<p><b>First floor</b>            Eastern side – unchanged            Western side – 9.7m</p> <p>The new works will comply with the side setback control, with the exception of the minor works at the ground floor level which will stand a minimum of 1.5m from the eastern side boundary.</p> <p>The new works follow the existing side setbacks of the dwelling, and are not considered to result in any adverse impacts for neighbouring properties. The proposed side setbacks are therefore deemed worthy of support.</p> <p>The new works will present a nil setback to the rear boundary in accordance with the existing arrangements.</p> <p>Compliance with this control is constrained by the siting of the existing dwelling and the irregular configuration of the subject battle-axe lot.</p> <p>The rear boundary of the site adjoins a public reserve, with overgrown vegetation and a steeply sloping topography, which minimises the visibility of the new works within the foreshore locality.</p> <p>The proposed rear setback will therefore not result in any adverse impacts to any residential property, and is</p>	Yes – on merit

Control	Required	Proposed	Compliance
		considered worthy of support on merit.	
<b>Clause 4.1.5</b> Open space and Landscaping	Area OS 4 Open space: Min 60% site area  Landscaping: 40% of open space	<p>Proposed open space – 64% Proposed soft open space – 60%</p> <p>The landscaped area complies with Council’s control, however the open space will varies Council’s requirement.</p> <p>The objectives of this control are as follows:</p> <ul style="list-style-type: none"> <li>• <i>To retain and augment important landscape features and vegetation including remnant populations of native flora and fauna.</i></li> <li>• <i>To maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland.</i></li> <li>• <i>To maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area.</i></li> <li>• <i>To maximise water infiltration on-site with porous landscaped areas and surfaces and minimise stormwater runoff.</i></li> <li>• <i>To minimise the spread of weeds and the</i></li> </ul>	Yes



Control	Required	Proposed	Compliance
		<p><i>degradation of private and public open space.</i></p> <ul style="list-style-type: none"> <li><i>To maximise wildlife habitat and the potential for wildlife corridors.</i></li> </ul> <p>The subject site presents an existing variation to the open space control, and the proposal results in a minor reduction in the available open space area of 42.9m<sup>2</sup>.</p> <p>The proposed works, including new pool, will enhance the appearance of the subject site and function of the open space area.</p> <p>A generous area of soft landscaping is maintained, which softens the built form of the development and minimises the impact on stormwater flows in the locality.</p> <p>Notwithstanding the variation to the open space control, the proposal is in keeping with the desired outcomes of this clause and is worthy of support on merit.</p>	
<b>Clause 4.1.6</b> Parking	Min 2 spaces	Parking for two cars will be available in the proposed carport.	Yes

<p><b>Clause 4.1.6.4</b> Vehicular Access</p>	<p>a) All vehicles should enter and leave the site in a forward direction.</p> <p>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 building form.</p> <p>c) Vision of vehicles entering and leaving the site must not be impaired by structures or landscaping.</p> <p>d) Particular attention should be given to separating pedestrian entries and vehicular crossings for safety.</p>	<p>The proposal will retain the existing driveway which will continue to provide access to the proposed new carport.</p>	<p>Yes</p>
<p><b>Clause 4.1.6.6</b> Tandem, Stacked and Mechanical Parking Areas</p>	<p>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</p>	<p>N/A – double carport provided.</p>	<p>N/A</p>

	<p>parking spaces to all occupants and visitors to the building. In this regard:</p> <p>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</p> <p>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.</p>		
<p><b>Clause 4.1.7</b> First Floor and Roof Additions</p>	<p>a) First floor additions must complement the architectural style of the ground floor and where possible retain existing roof forms. Notwithstanding</p>	N/A	N/A

	<p>setback provisions, the addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.</p> <p>b) The dwelling and the form of alterations and additions must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences or the aesthetic quality of Manly. In this regard, it may be preferable that the addition be confined to the rear of the premises or be contained within the roof structure.</p>		
<p><b>Clause 4.1.8</b> Development on Sloping Sites</p>	<p><i>Area G1 &amp; G2</i> Site Stability Report required in Area G1.</p>	<p>The proposed works are largely contained within the existing building footprint.</p> <p>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</p>	<p>Yes</p>

		<p>dwellings will protected.</p> <p>A Geotechnical Investigation has been prepared by White Geotechnical Group which suggests that the site is suitable for the proposed development and provides recommendations to be observed during the construction. The proposed works will be carried out in accordance with the requirements of the Geotechnical Investigation.</p>	
<p><b>Clause 4.1.9</b> Swimming pools, spas and Water features</p>	<p>Height above ground not more than 1m</p> <p>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</p> <p>Pool not to exceed 30% of total open space</p>	<p>The proposal seeks to provide for the construction of a new inground swimming pool.</p> <p>The proposed pool coping is up to 990mm above the proposed terrace and 696mm above the natural ground level and therefore complies with the control.</p> <p>The pool coping and water line will stand 950mm and 1.3m from the western side boundary, and therefore does not meet Council's pool setback requirement.</p>	<p>Yes – on merit</p>



		<p>The objectives of this control are as follows:</p> <ul style="list-style-type: none"> <li>• <i>To be located and designed to maintain the privacy (visually and aurally) of neighbouring properties and to minimise the impact of filter noise on neighbouring properties;</i></li> <li>• <i>To be appropriately located so as not to adversely impact on the streetscape or the established character of the locality;</i></li> <li>• <i>To integrate landscaping; and</i></li> <li>• <i>To become an emergency water resource in bush fire prone areas.</i></li> </ul> <p>The proposed pool is well separated from neighbouring dwellings, and will not result in any adverse privacy or acoustic impacts for neighbouring properties.</p> <p>The existing landscaping will assist with softening and screening the built form of the swimming pool.</p>	
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		The proposal is in keeping with the desired outcomes of this clause, and is worthy of support on merit.	
<b>Clause 4.1.10</b> 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.  Transparent fences permitted up to 1.5m in height.	No new fencing proposed.	N/A

## **7.0 Matters for Consideration 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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and**

There are no draft instruments applying to the land.

### **7.3 Any development control plan**

The development has been designed to comply with the requirements of Council's Manly Development Control Plan 2013.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the side and rear setback and pool height and setback controls are a

reasonable alternative solution to compliance where the site conditions result in a challenge to designing for new development which fully respects the criteria.

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, and**

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 proposed alterations and additions to the existing dwelling, 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 2013.

**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.

**7.8 Any 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 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 provide for the proposed construction of alterations and additions to the existing dwelling, which respects and complements the site's location.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbours amenity and by complementing the existing style and character of the surrounding 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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Appendices:

Clause 4.6 Submission – Maximum Building Height