

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF A NEW TWO STOREY DWELLING
INCLUDING ATTACHED DOUBLE GARAGE**

AT

41 HEATHCLIFF CRESCENT, BALGOWLAH HEIGHTS

FOR

PENINSULA HOMES



**Prepared
July 2020**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural details prepared on behalf of Peninsula Homes, Job No. 20-0306, Drawings No's. DA A1 – A8, S1 – S7, D1 & N1-N2, dated 13 July 2020, to detail the construction of a new dwelling, including a new garage at **41 Heathcliff Crescent, Balgowlah Heights**.

The demolition of the existing dwelling and the associated structures will be carried out under a separate Complying Development Certificate.

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 **41 Heathcliff Crescent, Balgowlah Heights**, being Lot 17 within Deposited Plan 758044 and is zoned R2 Low Density 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 site is identified on Council's DCP Landslip Hazard Map as being within Area G4. This will be discussed further within this submission.

There are no other known hazards affecting the site.

3.0 Site Description

The site is located on the western side of Heathcliff Crescent with a general fall to the rear, western boundary of approximately 2.9m.

The site is irregular in shape with a frontage of 15.91m to Heathcliff Crescent and a rear boundary of 15.605m. The northern and southern side boundaries measure 40.715m and 41.935m respectively. The total site area is 626.0m² (by title) and 629.7m² (by survey).

The site is currently developed with a two storey brick and clad dwelling with a tiled roof.

Stormwater from the roofed areas is to be directed to Heathcliff Crescent in accordance with the Stormwater Management Plan prepared by Barrenjoey Consulting Engineers Pty Ltd, Job No 200609, Sheets SW 1 – SW3.

Vehicular access is currently available from Heathcliff Crescent via a concrete driveway to an existing garage below the current dwelling. The proposal will continue to gain vehicular access to Heathcliff Crescent, with a new crossing and layback to be provided.

The details of the site are included on the survey plan prepared by Clarke Dowdle & Associates, Reference No. 21272, dated 12 September 2017, which accompanies the DA submission.

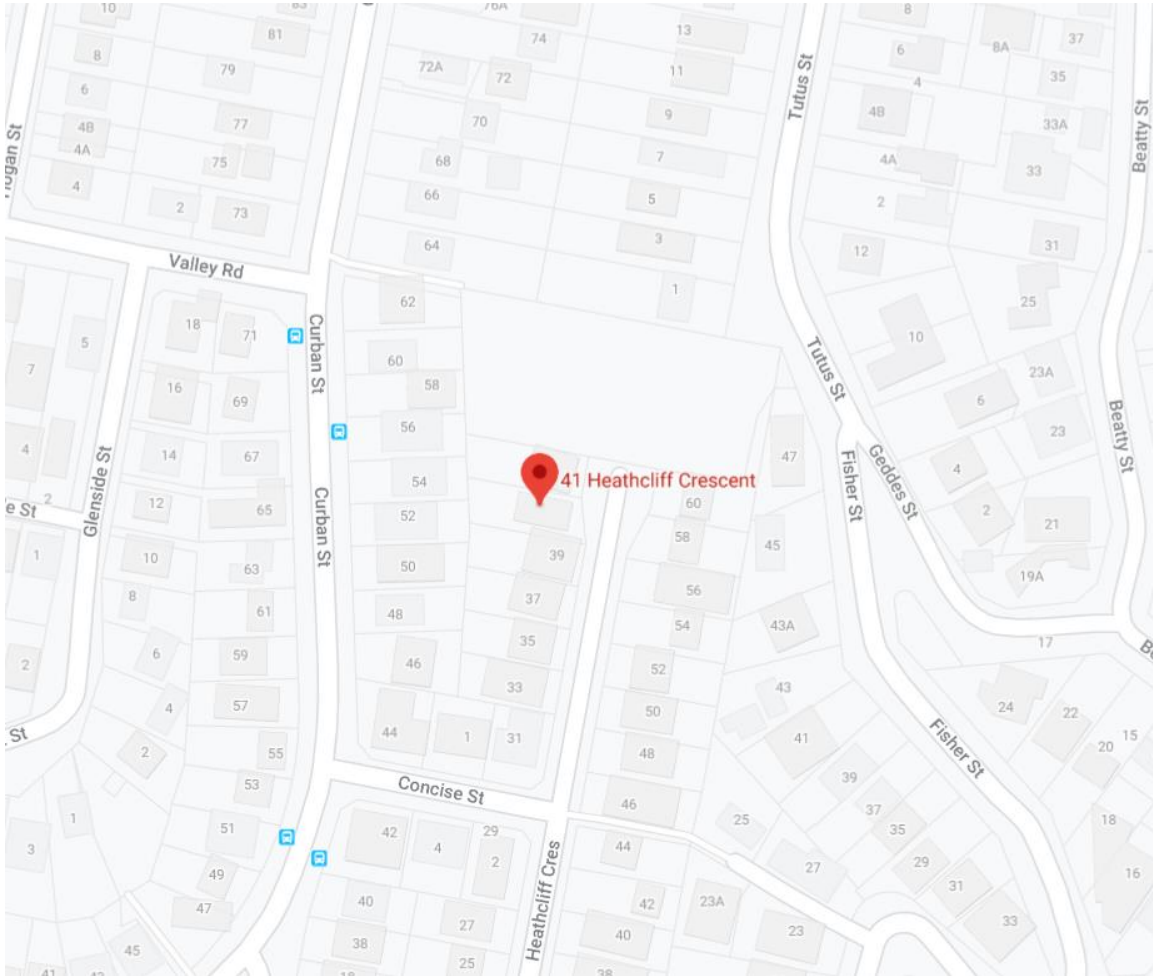


Fig 1: Location sketch
(Source: Google Maps)



Fig 2: View of subject site, looking west from Heathcliff Crescent



Fig 3: View of adjacent neighbour at No 43 Heathcliff Crescent, looking north-west from Heathcliff Crescent



Fig 4: View looking west along the common boundary with the adjacent neighbour at No 39 Heathcliff Crescent



Fig 5: View looking south-west towards the adjacent southern neighbour at No 39 Heathcliff Crescent



Fig 6: View of the existing streetscape to the south of the site in Heathcliff Crescent, looking south-west

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.

Views towards the north and north east from the site towards Manly are available and are highly prized in this locality.

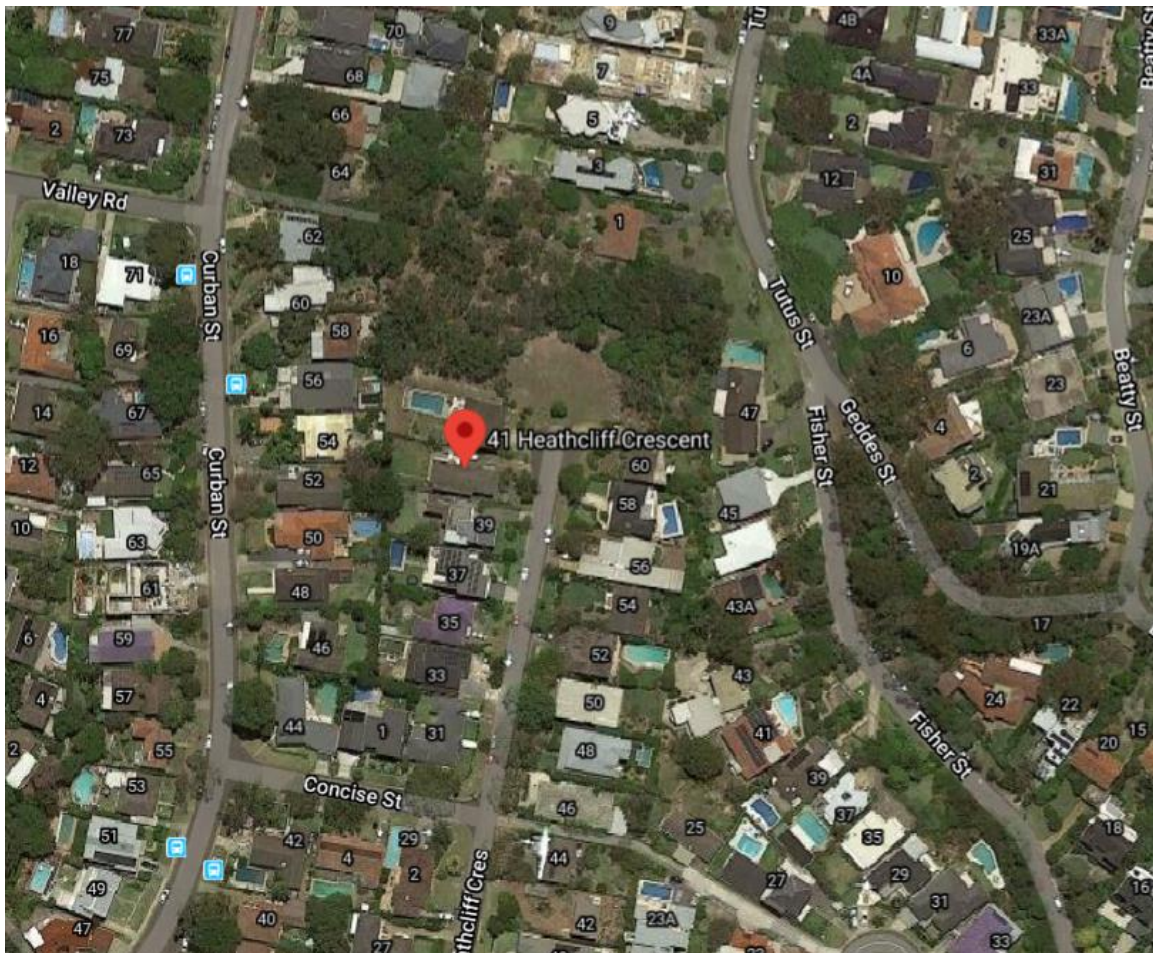


Fig 7: Aerial view of subject site
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans prepared by Sally Gardner Design and Draft, the proposal seeks consent for the construction of a new two storey dwelling, including a new double garage.

The demolition of the existing dwelling and the associated structures will be carried out under a separate Complying Development Certificate.

The new dwelling will comprise:

Ground Floor	Proposed new ground floor level to provide for three bedrooms (including one with ensuite), bathroom, laundry, family room, internal access stairs and attached double garage
First Floor	Proposed new first floor level to provide for new external stairs, entry porch, front verandah, foyer, open plan living with coffered ceiling, kitchen with pantry, lounge, powder, store, master suite with dressing, study and ensuite, lounge, alfresco and internal access stairs
External Works	Proposed new driveway, with existing crossing and layback to be removed

The proposal dwelling is modest in bulk and scale, with a low profile pitched roof form which assists with minimising the visual impact of the proposed dwelling.

The proposed external finishes comprise a mix of vertical cladding and face brickwork together with metal sheet roofing.

A generous area of soft landscaping is maintained. The proposal does not seek the removal of any significant vegetation. New plantings are provided throughout the site as detailed in the submitted Landscape Plan prepared by Sally Gardner Design and Draft.

The development indices for the site are:

Site Area	629.7m ²
Permissible FSR	0.45:1 or 283.36m ²
Proposed FSR	0.448:1 or 282.4m ²
Required Open Space/Landscape	55% open space – 346.34m ² /35% landscaped area – 121.22m ²
Proposed Open Space	64.25% or 404.61m ²
Proposed Landscape	87.91% or 304.51m 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).

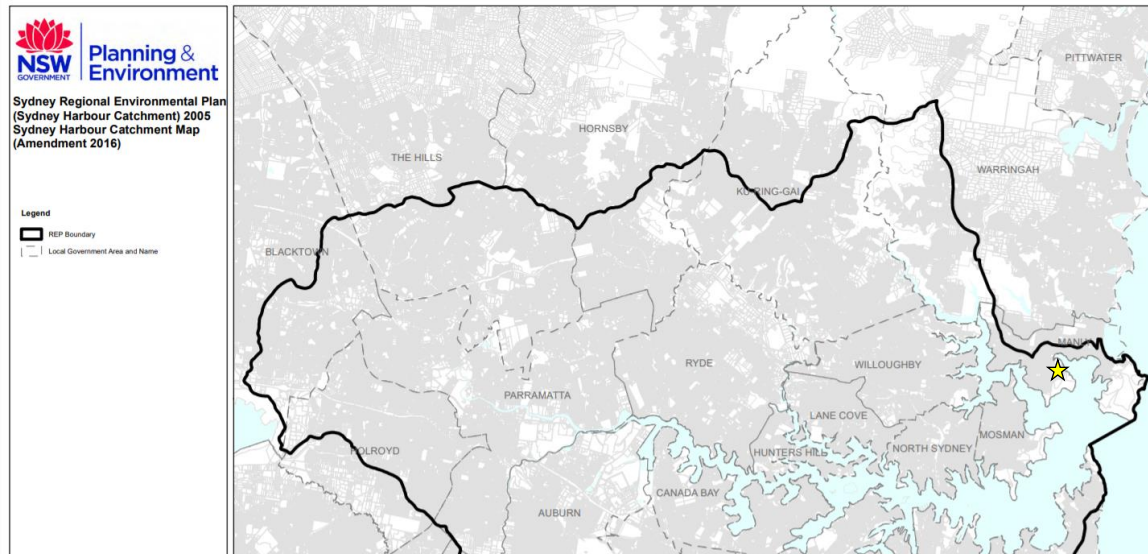


Fig 8: Extract from SH SREP

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 the construction of a new dwelling, with an appropriate bulk and scale which follows the topography of the land, the proposal is considered to be consistent with the relevant aims of the Clause.

The runoff from the proposed development will be suitably managed, 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 within a disturbed area of the site. 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 proposal will see the construction of a new dwelling which will complement existing neighbouring dwellings by being at a similar height and scale to the surrounding development along Heathcliff Crescent, 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 construction of a new 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 Heathcliff Crescent 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.

6.2 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 R2 Low Density Residential under the provisions of the MLEP 2013.

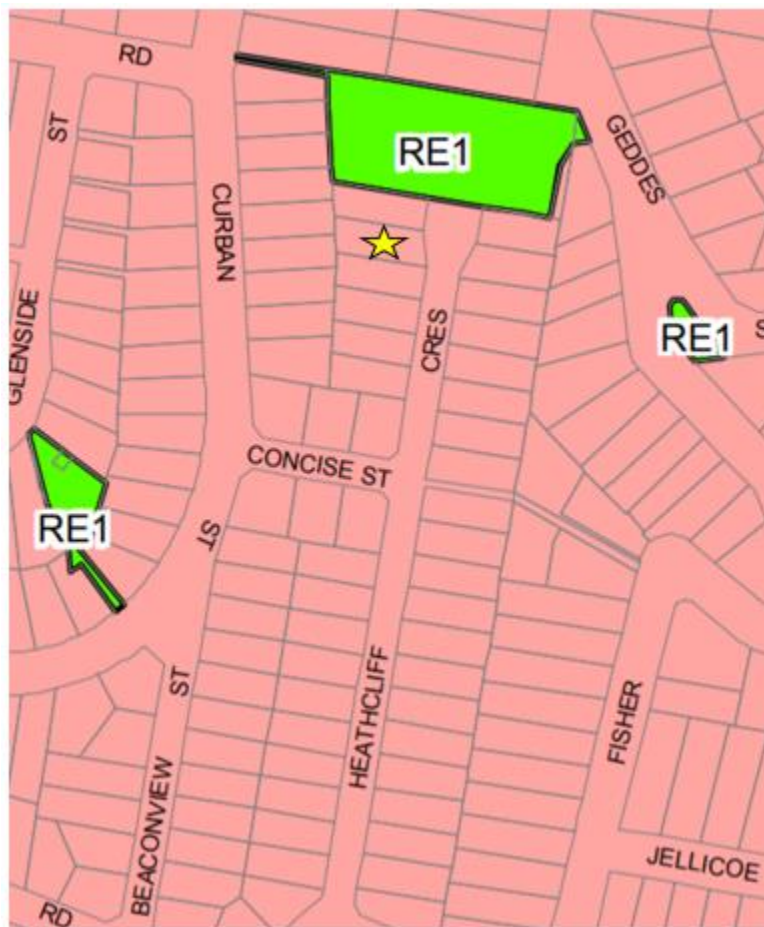


Fig 9: Extract of Manly Local Environmental Plan 2013 Zoning Map

The development of and use of the land for residential purposes is consistent with the objectives of the R2 Low Density Residential, which are noted over as:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

It is considered that the proposed new 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 the construction of a new 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. The proposed dwelling has been designed to allow for views to be enjoyed past and over the dwelling towards the north-east for properties to the south.
- 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 Balgowlah Heights is 8.5m. The proposed new dwelling will present a maximum building height of approximately 7.73m which readily complies with this control.

Clause 4.4 – Floor space ratio

A maximum floor space ratio control of 0.45:1 is required for development in this locality. The proposal provides a floor space ratio of 0.448:1, which complies with this provision.

Clause 6.2 – Earthworks

The proposed works will require some minor excavation to accommodate the proposed ground floor level.

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 proposal is accompanied by Stormwater Plans prepared by Barrenjoey Consulting Pty Ltd, Job No 200609, Sheets SW 1 – SW3.

The new roof areas will be connected to the street gutter.

Clause 6.8 – Landslide risk

The site is identified on Council's DCP mapping as being within Area G4 on the Landslip Hazard Map.

A Preliminary Assessment of Site Conditions has been prepared in support of the application which suggests that further geotechnical assessment is not required.

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.

The proposal will therefore satisfy the provisions of this clause.

Clause 6.12 – Essential services

The services that are available to the existing dwelling are to be provided to the proposed new dwelling.

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 new dwelling, which presents a modest bulk and scale with articulated wall lines, 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 a new two storey dwelling and includes a new garage.

The proposed works present a compatible bulk and scale as viewed from the streetscape and neighbouring properties, which is evidenced by compliance with the statutory built form controls, building height and floor space ratio.

The new works are complementary to the existing locality and the surrounding development. The proposal is complementary to the character of the Heathcliff Crescent streetscape, 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 proposed new landscaping as detailed in the submitted Landscape Plan (Drawing No. S7) will assist with minimising overlooking to neighbouring properties, and softening and screening the built form of the development.

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 proposed new internal living areas at the first floor level are orientated towards the front of the subject site, and are therefore not considered to result in any significant impacts on the privacy of the adjacent neighbouring dwellings. A blade wall is provided to the northern and southern edges of the proposed front verandah, which will ensure that suitable privacy is maintained by restricting direct views towards the side boundary for each of the neighbouring properties. The proposed rear alfresco narrows towards the northern extremity, which minimises opportunities for overlooking to the northern neighbour.
- The proposal is accompanied by Shadow Diagrams (S4 – S6) which demonstrate the solar access received by the subject and neighbouring properties throughout the day. Whilst the proposal will result in overshadowing to the adjoining dwelling at No. 39 Heathcliff Street due to its location immediately to the south of the proposed dwelling, suitable solar access will continue to be available to internal living areas as indicated in the elevational shadow diagrams.
- The proposed new dwelling is modest in bulk and scale, and will not result in any significant or adverse visual impacts within the locality.
- The subject and adjoining properties enjoy views to the north towards North Harbour Reserve and distant views to the north-east towards Manly. The proposed new dwelling has been designed with a compatible overall height and generous setbacks to the front and rear boundary, in order to maximise view retention for the adjacent properties to the south. Consideration has been given to the existing outlook for the adjoining property at No 39 Heathcliff Crescent, which enjoys views across the eastern portion of the site towards Manly.

The proposed new dwelling will see a slight increase in the height of the upper floor level, when compared to the existing dwelling on the site. Currently the first floor level of the existing dwelling it is noted as RL 64.11m. In order to provide for improved amenity, views and more functional floor ceiling heights to the ground floor level, the first floor level of the new dwelling will be positioned at RL64.920m (increase in height of 810mm), with a proposed ridge level of RL 69.320m.

The corresponding first floor level of the adjoining dwelling at No 39 Heathcliff Crescent it is understood to be at RL 66.27m (1.35m above proposed first floor level of subject dwelling), with an upper level and terraces at RL 69.15m.

The location of the proposed dwelling allows for continued views diagonally across the front portion of the site towards Manly, which combined with the relative levels of the neighbouring dwelling at No 39 Heathcliff Crescent being higher than the proposal, allows for views to be maintained over and past the proposed dwelling,

- Given the residential nature of the proposed development, no adverse acoustic impacts for neighbouring properties are anticipated. The proposed air-conditioning unit will be selected and maintained to minimise any potential acoustic impacts for neighbouring properties.

Clause 3.5 Sustainability

A BASIX Certificate has been prepared to support the proposed development and confirm that the proposed development will achieve the appropriate thermal performance criteria.

Clause 3.7 Stormwater Management

The proposal is accompanied by Stormwater Plans prepared by Barrenjoey Consulting Engineers Pty Ltd, Job No 200609, Drawings no's SW1-SW3.

The new roof areas will be connected to the street gutter in Heathcliff Crescent .

Part 4 – Residential Development Controls

Site Area 629.7m² - Density Sub Zone D5 (500m² per lot)

Compliance Table

Control	Required	Proposed	Compliance
Clause 4.1.1 Residential Density & Subdivision	Density Area D5 – 1 dwelling per 500m ²	Site area 629.7m ²	Yes – existing site and dimensions are unchanged
Clause 4.1.2 Height of Buildings	Maximum height – 8.5m Wall height – 7.2m Max two storeys Roof height – 2.5m above wall height	Maximum height of new works – 7.7m Max proposed northern and southern wall height 5.7m and 4.2m respectively. Max two storeys <2.5m	Yes Yes Yes Yes
Clause 4.1.13 Floor Space Ratio (FSR)	0.45:1	Proposed FSR 0.448:1	Yes
Clause 4.1.4 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,	The minimum proposed setback of the deck and front building line is 6.3m and 8.3m respectively and will readily comply with the 6m setback control.	Yes

Control	Required	Proposed	Compliance
Side Boundary setback – 1/3 of wall height	chimneys, meter boxes and the like, where no adverse impact on the streetscape or adjoining properties is demonstrated to Council's satisfaction. <u>Side</u> Northern side - 1/3 x 5.75m = 1.9m Southern side - 1/3 x 4.23m = 1.4m	Proposed northern and southern setbacks of dwelling 1.1m and 1.06m respectively and therefore do not comply with the side setback control. The objectives of this control are as follows: • <i>To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.</i> • <i>To ensure and enhance local amenity.</i> • <i>To promote flexibility in the siting of buildings.</i> • <i>To enhance and maintain natural features.</i> • <i>To assist in appropriate bush</i>	Yes – on merit

Control	Required	Proposed	Compliance
Rear setback – 8m		<i>fire asset protection zones.</i> The abovementioned setbacks are the minimum setback provided, and the majority of the side elevations present an increased setback to side boundaries. The portion of the development that does not comply with the side setback requirement is not considered to result in any adverse impacts for neighbouring properties. The considered location of habitable room windows minimises opportunities for overlooking. The proposed side boundaries are capable of accommodating soft landscaping. The proposed side setbacks are therefore considered worthy of support on merit. The proposal maintains a setback in excess of 14.786m, which comfortably	N/A

Control	Required	Proposed	Compliance
		exceeds Council's minimum rear setback requirement.	
Clause 4.1.5 Open space and Landscaping	Area OS 4 Open space: Min 55% site area Landscaping: 35% of open space	Proposed open space – 64.25% Proposed soft open space – 87.91%	Yes
Clause 4.1.6 Parking	Min 2 spaces	Parking for two cars will be provided in the new double 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 building form. c) Vision of vehicles entering and leaving the site must not be impaired by structures or landscaping. d) Particular attention should be	The proposal will provide a new driveway to provide access to the proposed new garage, utilising the existing. Suitable visibility is provided to and from the proposed vehicular access point. Forward entry and exit is not provided, however given the quiet nature of the Heathcliff Crescent cul-de-sac, safe access to and from the site will be provided.	Yes

Control	Required	Proposed	Compliance
	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 b) where the proposed development involves a tandem, stacked and mechanical parking arrangement which necessitates more than one parking space being	N/A – double garage provided.	N/A

Control	Required	Proposed	Compliance
	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 4.1.7 First Floor and Roof Additions	a) First floor additions must complement the architectural style of the ground floor and where possible retain existing roof forms. Notwithstanding 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. 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		N/A

Control	Required	Proposed	Compliance
	regard, it may be preferable that the addition be confined to the rear of the premises or be contained within the roof structure.		
Clause 4.1.8 Development on Sloping Sites	<i>Area G4</i> Geotechnical assessment may be required depending on location and nature of development and man-made cut and fill. Report is required.	A Preliminary Assessment of Site Conditions has been prepared which suggests that given the minimal site disturbance and the nature of the site, further geotechnical assessment is not required. 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.	Yes
Clause 4.1.9 Swimming pools, spas and Water features	Height above ground not more than 1m Setback of outer edge of pool concourse from side and rear boundaries must be at least 1m with water line being	No pool proposed.	N/A

Control	Required	Proposed	Compliance
	at least 1.5m from the boundary Pool not to exceed 30% of total open space		
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 freestanding walls or fences 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 setback control is 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 the construction of a new two storey dwelling with double garage incorporated on the ground floor level, 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 R2 Low Density Residential 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 construction of a new two storey dwelling, which incorporates a double garage on the ground floor level with vehicle access from Heathcliff Crescent, which respects and complements the site's location.

The design of the proposed new dwelling has had appropriate regard for the existing amenity and outlook enjoyed by the surrounding properties, including the valuable views towards the north and north-east. The proposal has been sited with floor levels and a position on the site which allows for views over and past the new dwelling.

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

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)