

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO
AN EXISTING DWELLING**

LOCATED AT

48 WOOD STREET, MANLY

FOR

CRAIG DINGLE & VERONICA WILLIAMS



**Prepared
October 2020**

Table of Contents

1.0	Introduction	3
2.0	Property Description	3
3.0	Site Description	4
4.0	Surrounding Environment.....	8
5.0	Proposed Development	9
6.0	Zoning and Development Controls	10
6.1	State Environmental Planning Policy No. 55 – Remediation of Land	10
6.2	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	10
6.3	Manly Local Environmental Plan 2013	10
6.4	Manly Development Control Plan 2013 – Amendment 14	13
7.0	Matter for Consideration under the Under Section 4.15 of the Environmental Planning and Assessment Act, 1979	22
7.1	Any environmental planning instrument	22
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	22
7.3	Any development control plan	22
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	23
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	23
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.	23
7.7	The suitability of the site for the development.....	23
7.8	Submissions made in accordance with this Act or the regulations	23
7.10	The public interest.....	23
8.0	Conclusion.....	24

1.0 Introduction

This Statement of Environmental Effects accompanies architectural details prepared on behalf of Craig Dingle and Veronica Williams by Sammy Fedele Architectural Drafting Services, Job No. 06/20, Sheets DA01 – DA16, dated 22 September 2020, to detail the proposed construction of alterations and additions to an existing dwelling including a new carport, driveway, front fence and rear pergola at **48 Wood Street, Manly**.

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:

- *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*

A Pre-Lodgement Meeting was held on 21 April 2019 (No. PLM 2019/0045) to discuss the proposed development for alterations and additions to the existing dwelling, including a new carport. Concern was raised with regard to the elevation of the hardstand and the retention of a suitable soft landscaped area, together with the inclusion of a carport over the proposed hardstand.

In response to Council's concerns, the design of the proposed hardstand has been integrated into the site design, with the new plantings to soften the built form of the development. The proposed carport has been designed to complement the streetscape character of the surrounding development form and scale, together with the design of the existing dwelling, and parking structures within the front setback are not uncommon in the surrounding area.

The proposed car stand area has been limited in its width to adhere to Council's suggestion of a maximum width of 50% of the street frontage, with landscaping to surround the perimeter of the car stand area.

2.0 Property Description

The subject allotment is described as **48 Wood Street, Manly**, being Lot 1, within Deposited Plan 998291 and is zoned R1 General Residential under the Manly Local Environmental Plan 2013.

The land is noted as being within a Foreshore Protection Area and a Terrestrial Biodiversity Area. Furthermore, the site is located within the Long-nosed Bandicoot Habitat Area. These issues will be discussed in further detail within the report.

The site is noted as being within the Class 5 Acid Sulfate Soils Area. This matter will be discussed in further detail within the report

The subject dwelling is listed under Schedule 5 of the MLEP 2013 as a heritage item (Item No. I261), as part of a group of detached dwellings at No. 42 and 46-48 Wood Street. A Heritage Impact Statement has been prepared by Jacob Williams and accompanies this report.

The site has not been identified as being affected by any hazards.

3.0 Site Description

The site is located on the south-western side of Wood Street, to the north of the intersection with Marshall Street.

The site is regular in shape with a width of 7.62m and a length of 45.72m. The site has an area of 348.4m².

The site is currently developed by a one and two storey timber and brick residence on sandstone foundations with a metal roof.

Currently there is no vehicular access to the site. Pedestrian access is available from Wood Street.

The details of the site are included on the survey plan prepared by Byrne & Associated Pty Limited, Reference No. A1 – 10253D3, dated 26 July 2018, which accompanies the DA submission.

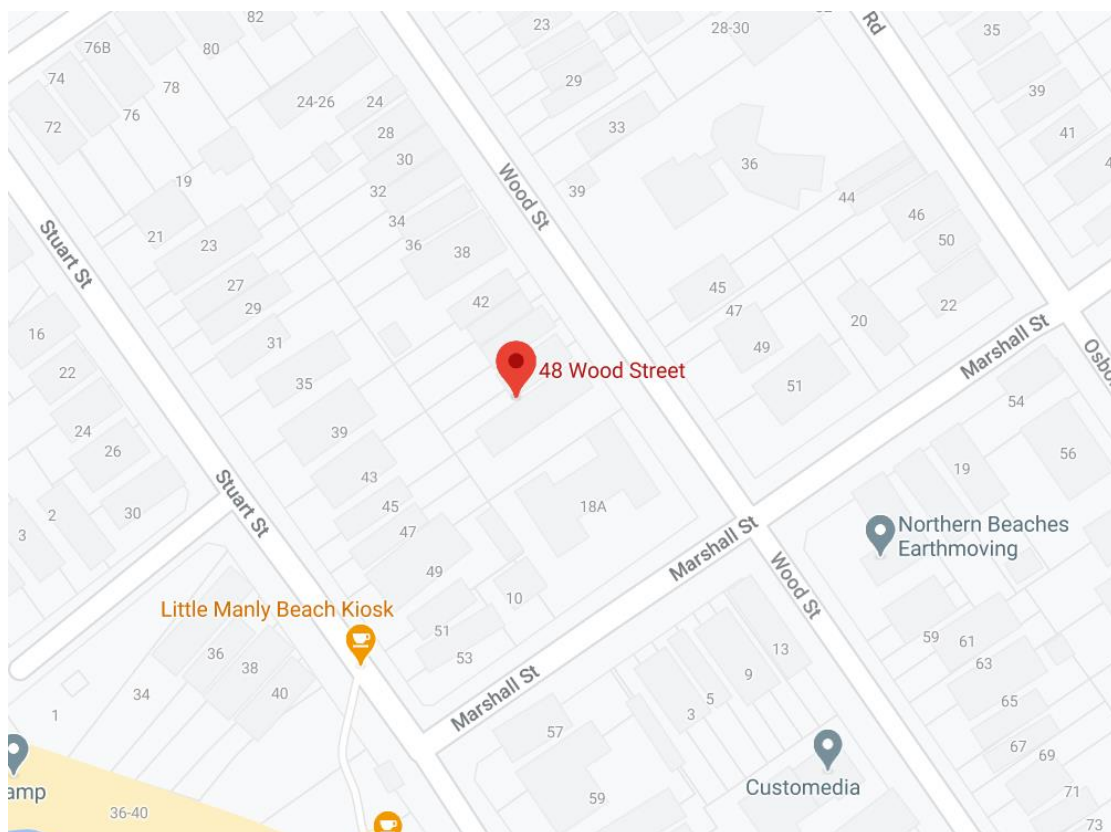


Fig 1: Location sketch
(Source: Google Maps)



Fig 2: View of the subject site, looking south-west from Wood Street



Fig 3: View of the subject site and adjoining development to the west, looking west from Wood Street



Fig 4: View of the adjoining development to the east, looking south-east from Wood Street



Fig 5: View of the existing boundary structures with the neighbouring site at 18A Marshall Street and adjoining the proposed works within the subject site



Fig 6: View of the existing boundary structures with the neighbouring site at 18A Marshall Street and adjoining the proposed works within the subject site, looking north-east



Fig 7: View of the existing front boundary conditions and footpath adjoining the site, looking north-west

4.0 Surrounding Environment

The area surrounding the site is represented by a mix of development comprising single dwellings and multi-storey residential flat buildings.

The immediate neighbour to the north-west comprises a similar two storey detached dwelling. The adjoining property to the south-east is developed with a two storey brick residential flat building.

The area displays a mix of low, medium and high density development, with the proposed new works to complement the scale and form of other residential development in the immediate locality.

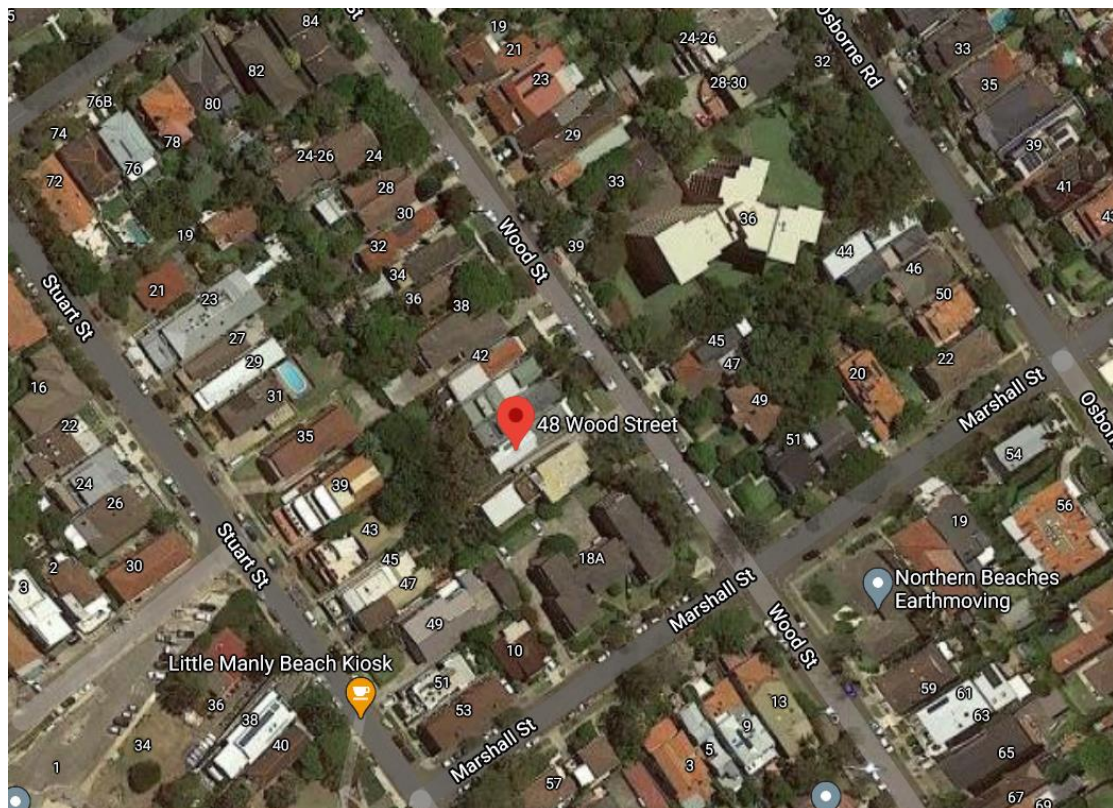


Fig 8: Aerial view of subject site
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying architectural plans, the proposed works include minor additions and alterations to the existing dwelling and the provision of an off-street car space with a single carport cover to the proposed hard stand.

Specifically, the new works comprise:

The new works will comprise:

Lower Ground Floor

- Extension of existing rear patio with new metal roofing over

Ground Floor

- New window to eastern elevation of the existing study

External Works

- New single carport and driveway, with new elevated crossing from Wood Street
- New front fence
- New landscaping works within the front yard
- Reconstruction of the existing footpath to provide for appropriate access levels to the public footway

The proposed works have been designed with a form and external colours and finishes which complement the existing heritage listed dwelling.

The proposed car stand and access driveway, together with the re-shaping of the footpath access adjacent to the site and the adjoining property at No 46 Wood Street will be constructed in accordance with the Civil Details prepared by Taylor Consulting, Sheet 1 dated 2 November 2020.

The development indices for the site are noted as:

Site Area	348.4m²
Allowable Floor Space Ratio	0.6:1 or 209m ²
Proposed Floor Space Ratio	No changes to existing FSR
Required Open Space (Area OS3) – 55% total/35% soft open space	55% or 191.62m ² /35% or 67.07m ²
Proposed Total Open Space	47% or 164m ²
Proposed Soft Open Space	70% or 135m ²

6.0 Zoning and Development Controls

6.1 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.

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

A BASIX is not required for the proposed development.

6.3 Manly Local Environmental Plan 2013

The land is zoned R1 General Residential under the provisions of the MLEP 2013.

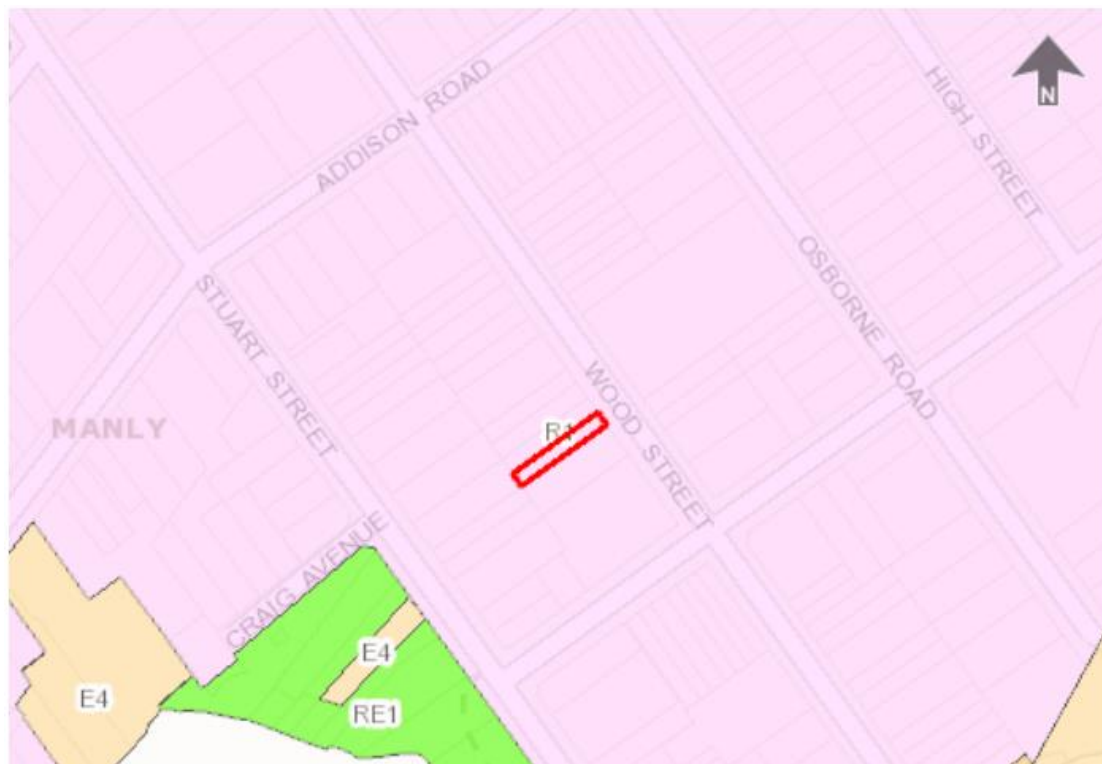


Fig 9: Extract of Manly Local Environmental Plan 2013

The development of and use of the land for residential purposes is consistent with the R1 zone objectives, which are noted as:

- *To provide for the housing needs of the community within a low density residential environment*
- *To provide for a variety of housing types and densities*
- *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 alterations and additions to the existing dwelling will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal largely maintains the existing built form of the dwelling and therefore maintains consistency with the existing varied residential within the locality.
- The proposed new works will provide for increased residential amenity, together with improved functionality through the introduction of vehicular access and on-site parking.
- The proposal does not have any impact on views, solar access or amenity for the neighbouring properties.
- The site is utilised as housing and will continue to maintain the residential use.
- The proposed alterations and additions will conserve the significance of the heritage item located on the site.
- The proposal will continue to present as a single storey dwelling which is compatible with the existing development in this portion of Wood Street.

Clause 4.3 provides controls relating to the 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 Manly is 8.5m. The proposed new works present an overall height of approximately 5.45m which will readily comply with the statutory height limit.

Clause 4.4 provides a maximum floor space ratio control of 0.6:1 for development in this locality. The proposed new works will not see any change to the floor space ratio of the existing dwelling.

Clause 5.10 relates to heritage conservation. The subject dwelling is listed under Schedule 5 of the MLEP 2013 as a heritage item (Item No. I261), as part of a group of detached dwellings at No. 42 and 46-48 Wood Street. Accordingly, a Heritage Impact Statement has been prepared by Jacob Williams and accompanies and accompanies this submission.

The report concludes:

The proposal alterations and additions to the dwelling and driveway and carport at 48 Wood Street Manly 2095 will provide a suitable outcome for the site, while providing off-street parking.

The proposal does not adversely impact the heritage items values nor views to the heritage item, with views considered to be maintained and enhanced by raising the footpath and creating a visual cue to the dwelling's façade.

The proposal is not out of character of the streetscape, with many dwellings – including one within the heritage listing – having driveways and car parking spaces within the front setback. The proposal aims to reduce impacts to the streetscape and provide a development suitable for site conditions.

In view of its merits and absence of adverse effects, the proposed alterations and additions should be considered worthy of approval.

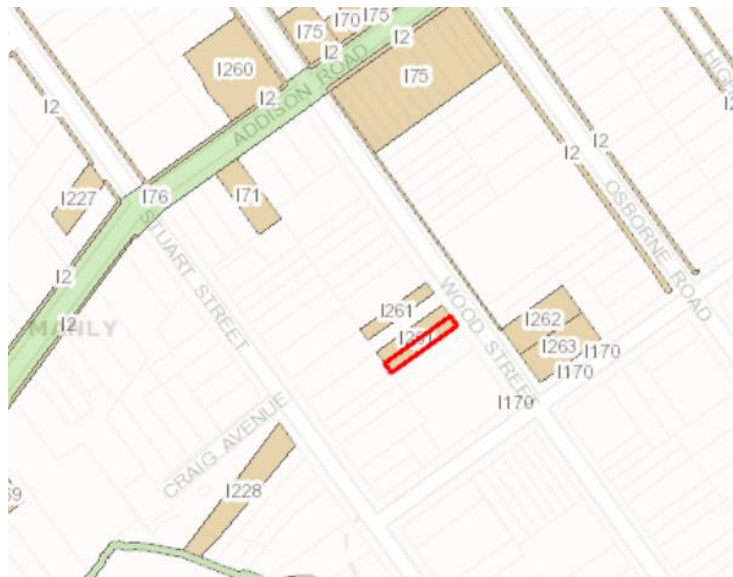


Fig 10: Extract of Manly Local Environmental Plan 2013 Heritage Map

Clause 6.1 addresses the impact of works in relation to acid sulfate soils. The site is identified as Class 5 Acid Sulfate Soil. The proposal will not see any major excavation to accommodate the proposed works, and it is not anticipated that any acid sulfate soils will be encountered.

Clause 6.5 relates to biodiversity. The site has been identified as being within Council's Biodiversity zone. Given the limited site disturbance suggested by the proposal, together with the inclusion of suitable access through the front fence for bandicoots, it is considered that further investigation is not warranted in this instance. As discussed within the Pre-Lodgement Meeting, Council will review the proposal to assess the suitability of the works in relation to the Biodiversity zone.

Clause 6.9 relates to foreshore scenic protection areas. The site has been identified as being within Council's Foreshore Scenic Protection zone. The proposal provides for minor alterations to the existing dwelling, which will not see any change to the overall height or roof form of the dwelling.

The proposed new carport and rear patio are modest in bulk and scale, and will not be visually prominent within the locality.

The proposal will not see the removal of any significant vegetation and the existing vegetation will be retained and protected. The proposal is therefore considered appropriate in the foreshore scenic protection area.

There are no other clauses of the MLEP 2013 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the MLEP.

6.5 Manly Development Control Plan 2013 – Amendment 14

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)

The proposal provides for minor alterations to the rear of the existing dwelling.

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 existing height, bulk and gross floor area of the dwelling remains unchanged. The proposal will maintain the existing primary façade of the dwelling which maintains consistency with the locality, and the proposal is therefore not considered to result in a significant impact on the site as viewed from Wood Street. A modest single open carport is provided in the front setback.

The proposed works are minor and are respectful to the heritage significance of the site, with all works sited to the rear of the dwelling and are not overbearing within the Wood Street streetscape.

Clause 3.2.2 – Alterations or Additions to Heritage Items or Conservation Areas

The subject dwelling is listed under the MLEP 2013 as a heritage item (Item No. I261), as part of a group of detached dwellings. The proposal seeks to provide for minor alterations to the existing dwelling, including a new carport, driveway, front fence, rear patio and landscaping.

This clause provides the following:

- a) Alterations or additions to heritage items or buildings within a conservation area will not necessarily seek to replicate, overwhelm, dominate or challenge heritage details or character of the building or structure of heritage significant buildings. However, a contemporary response which complements and respects the form and scale of the original buildings may be considered if the heritage significance is retained.*
- b) Consideration should be given to whether making a house bigger will ruin its appearance. Additions to small houses can easily overwhelm them and use up garden space needed for private open space and impact the setting and pattern of development in the locality. Modest additions work best and can be organised as wings or pavilions to the existing house. All additions must be at the back of the house, not the front.*

The proposed works are modest in bulk and scale, and will therefore respect the heritage significance of the subject dwelling.

A Statement of Heritage Impact has been prepared and accompanies this submission.

The proposal is therefore considered to be in keeping with the provisions of this clause.

Clause 3.1.1.3 – Roofs and Dormer Windows

The proposal seeks to maintain the roof form of the existing dwelling.

Clause 3.3 – Landscaping

No substantial indigenous planting is to be removed to accommodate the new works. The existing vegetation on site is to be retained and protected.

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

The objectives of the clause are noted as:

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

It is suggested that the works will achieve these objectives as the proposal provides for the construction of alterations and additions to the existing dwelling, which will not result in any impacts on the views, solar access, privacy or amenity currently received by neighbouring properties.

The proposed new patio is sited at ground level which is considered to retain the existing privacy levels enjoyed by residents of the subject dwelling and neighbouring properties.

Clause 3.5 – Sustainability

Given the minor nature of the proposal, a BASIX Certificate is not required in this instance.

Clause 3.7 – Stormwater Management

The existing stormwater arrangements remain unchanged. The new roof areas will be connected to the existing stormwater system.

Part 4 – Residential Development Controls

Site Area 316.2m² - Density Sub Zone D3 (250m² per lot)

Compliance Table

Control	Required	Proposed	Compliance
Clause 4.1.1 Residential Density & Subdivision	Density Area D3 – 1 dwelling per 250m ²	Site area is 316.2m ²	Yes – existing site and dimensions are unchanged
Clause 4.1.2 Height of Buildings	Maximum height – 8.5m	Maximum height of new works 5.45m	Yes
	Wall height – 6.5m	N/A – wall height remains unchanged	N/A
	Max two storeys	Two storey dwelling maintained	Yes
	Roof height – 2.5m above wall height	N/A – existing roof form remains unchanged	N/A
Clause 4.1.13 Floor Space Ratio (FSR)	0.6:1	N/A – no changes to existing FSR	N/A

Clause 4.1.4 Setbacks (front, side and rear)	Relate to neighbouring sites or 6m	Existing front setback of the dwelling remains unchanged. Proposed carport will stand 600mm from the front boundary. This is discussed further in Clause 4.1.6. Proposed rear setback of 10.2m maintains consistency with the siting of neighbouring buildings.	Yes
Side Boundary setback – 1/3 of wall height Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, and the like, if it can demonstrate there will be no adverse impact on adjoining properties including loss of privacy from a deck or balcony.		The proposal will not see any change to the side setbacks of the existing dwelling. As the proposed rear patio is unenclosed and sited at ground level, the proposed side setbacks are considered acceptable in this instance as it follows the setback of existing lower ground floor. The proposed new works will not present any further overshadowing, and privacy impacts are minimised through the siting of the patio flush	Yes – on merit

		with the existing yard level.	
Clause 4.1.5 Open space and Landscaping	Area OS 3 Min 55%/35%	Proposed total open space 47% or 164m² and proposed soft open space 70% or 135m². The landscaped area readily complies with this control, however the open space area will present a minor variation to the requirement. Compliance with this control is constrained by the existing site conditions, and the available open space area remains largely unchanged. The proposal will not require the removal of any significant vegetation. New landscape plantings are provided within the front yard, which assist with softening the built form of the development. Suitable pervious areas are maintained within the site to minimise any	Yes – on merit

		potential impacts of stormwater runoff within the locality. The proposal is in keeping with the desired outcomes of this clause, and is worthy of support on merit.	
Clause 4.1.6 Parking	2 spaces In relation to the provision of parking for dwelling houses, Council may consider the provision of only 1 space where adherence to the requirement for 2 spaces would adversely impact on the streetscape or on any heritage significance identified on the land or in the vicinity.	The proposal provides one car space within the new carport. In order to minimise the impact of the proposed new parking on the subject heritage item, a single car space is deemed appropriate.	Yes
Clause 4.1.8 Development on Sloping Sites	<u>Area G4 – Potential Hazards and Requirements</u> Geotechnical assessment may be required depending on location and nature of development and man-made cut and fill. Residential footings are to be in accordance with AS2870. Potential hazards for this land include rock falls & minor slumping of soil and fill materials from top of unsupported cuts onto public and private pathways, roadways and building platforms. There is little to moderate typical consequences of failure involving damage of some or part of structures (for example, to a dwelling or roadway), with part of site requiring some	The proposal will see minor excavation of the site in order to accommodate the new concrete footings and piers. The works will be carried out under the guidance of a qualified Structural Engineer, and the proposal therefore satisfies the provisions of this clause.	Yes

	stabilisation works. Large scale stabilisation works are unlikely to be required in Area G4.		
Clause 4.4.5 Earthworks	To retain the existing landscape character and limit change to topography and vegetation within the MLEP area by: Limiting excavation 'cut and fill' and other earthworks Discouraging the alteration of the natural flow of ground and surface water Ensuring that development not cause sedimentation to enter drainage lines and waterways Limiting the height of retaining walls and encouraging the planting of native plant species to limit their impact	The proposal will see minor excavation of the site in order to accommodate the new concrete footings and piers. Appropriate erosion and sediment controls will be carried out to ensure minimal site disturbance. The works will be carried out under the guidance of a qualified Structural Engineer. The proposal therefore satisfies the provisions of this clause.	Yes

Part 5 – Special Character Precincts Areas and Sites

Compliance Table

Control	Required	Proposed	Compliance
Clause 5.4.1 Foreshore Scenic Protection Area	Further to matters prescribed in the LEP, the development in the Foreshore Scenic Protection Area must also: i) minimise the contrast between the built environment and the natural environment ii) maintain the visual dominance of the natural environment; iii) maximise the retention of existing vegetation including tree canopies, street trees, wildlife corridors and habitat; iv) not cause any change, visually, structurally or otherwise, to the existing natural rocky harbour foreshore areas; v) locate rooflines below the tree canopy; vi) consider any effect of the proposal when viewed from the harbour / ocean to ridgelines, tree lines and other natural features; and vii) use building materials of a non-reflective quality and be of colours and textures that blend with the prevailing natural environment in the locality	The relevant provisions of the LEP are addressed within Clause 6.9 of the LEP above. The proposal provides for minor alterations to the existing dwelling, which will not see any change to the overall height or roof form of the existing dwelling. The proposed carport and patio are modest in height and scale. The proposal will not see the removal of any significant vegetation and the existing vegetation will be retained and protected. The proposal is therefore considered appropriate in the foreshore scenic protection area.	Yes

Clause 5.4.2 Threatened Species and Critical Habitat Lands	Any development of land with known habitat for threatened species must consider the likely impacts of the development and whether further assessment needs to be undertaken by a Species Impact Statement.	The proposal will not involve substantial site disturbance and provision has been made within the proposed front fence to allow for ground dwelling animals including bandicoots to move throughout the site. In this instance, it is understood that Council will review the proposal to assess its suitability within the biodiversity zone.	Complies
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7.0 Matter for Consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979

7.1 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

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

7.3 Any development control plan

The development has been designed to comply with the requirements of Manly Development Control Plan 2013 – Amendment 14.

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 the numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the open space control is reasonable given the available open space is not substantially altered.

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.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

7.4 Any planning agreement that has been entered into under section 7,4, or any draft planning agreement that a developer has offered to enter into under section 7.4

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

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

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

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

It is considered that the proposal, which seeks approval for the construction of minor alterations to the existing dwelling, is reasonable. The development will maintain a favourable bulk and scale relationship with other development in the vicinity. It is considered that the resultant development is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's LEP and Council's Codes and Policies.

7.7 The suitability of the site for the development

The subject land is currently zoned R1 General Residential under the Manly Local Environmental Plan 2013 and is considered suitable for the proposed development.

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

7.8 Submissions made in accordance with this Act or the regulations

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

7.10 The public interest

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

8.0 Conclusion

The principal objective of this development is to support the design of alterations to the existing dwelling which satisfy the stated objectives of Council's Development Controls.

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

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

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