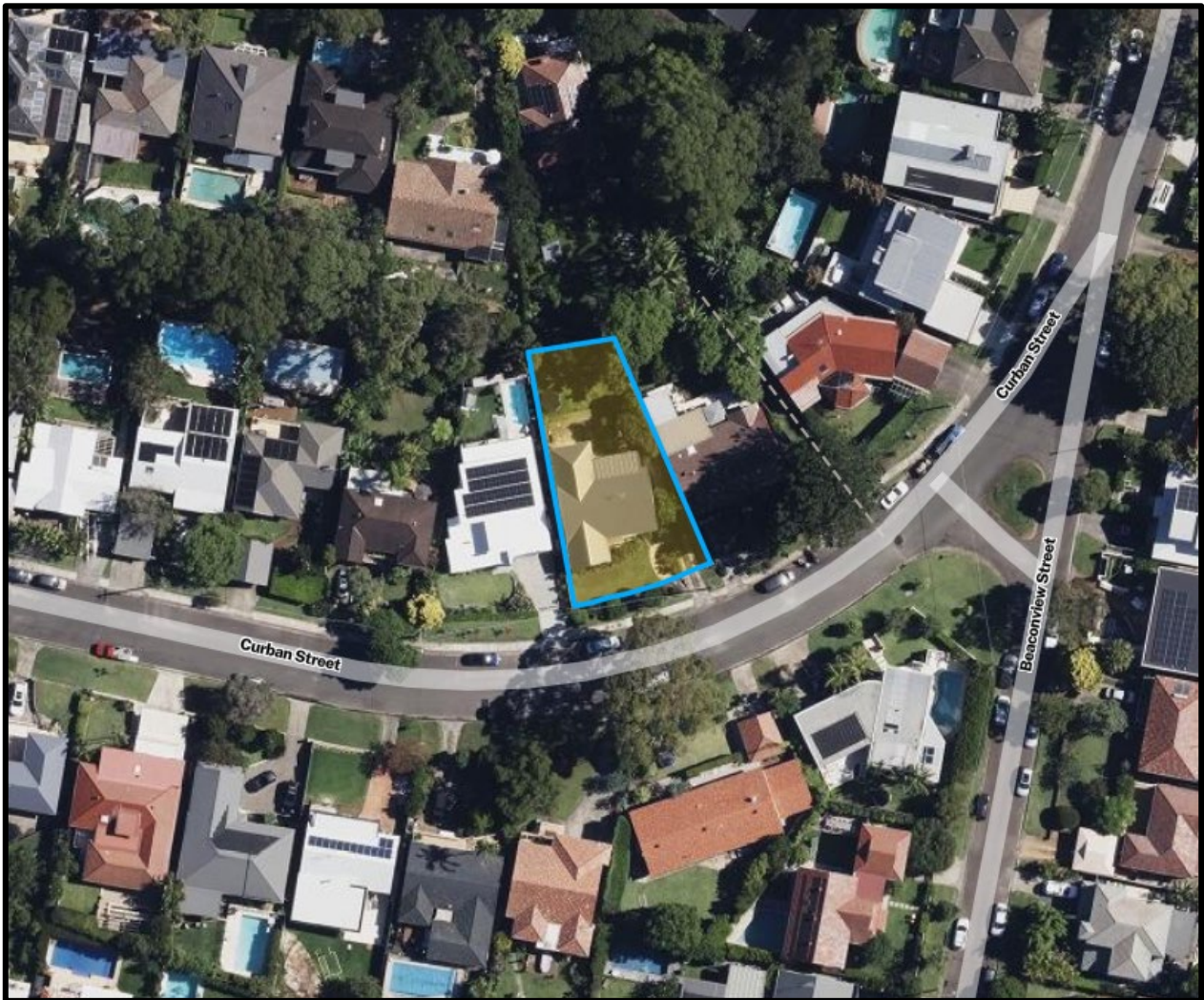


STATEMENT OF ENVIRONMENTAL EFFECTS



SITE: Lot 2 Section 21 DP 758044
43 Curban Street
Balgowlah Heights

PROPOSED DEVELOPMENT: Construction of a carport, vehicle crossing, stepping stones
and a new retaining wall



CONTENTS

INTRODUCTION.....	3
DESCRIPTION OF PROPOSED DEVELOPMENT.....	3
LEGISLATIVE REQUIREMENTS.....	4
(a)(i) Relevant environmental planning instruments.....	4
State Environmental Planning Policy (Sustainable Buildings) 2022.....	4
State Environmental Planning Policy (Resilience and Hazards) 2021.....	4
State Environmental Planning Policy (Transport and Infrastructure) 2021.....	5
State Environmental Planning Policy (Biodiversity and Conservation) 2021.....	6
Manly Local Environmental Plan 2013.....	7
(a)(ii) Relevant draft environmental planning instruments	10
(a)(iii) Relevant development control plans	10
Manly Development Control Plan 2013.....	10
(iiiia) Relevant planning agreement, or draft planning agreements.....	21
(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality.....	21
(c) The suitability of the site for the development.....	22
(d) Any submissions made in accordance with this Act or the regulations	23
(e) Public interest	23
CONCLUSION.....	24

This work is copyright. Apart from any use permitted under the Copyright Act 1968, no part may be reproduced by any process, nor may any other exclusive right be exercised, without the written permission of © Urban Planning and Building Consultants, 2025.



INTRODUCTION

This Statement of Environmental Effects is submitted to Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for the construction of a carport, vehicle crossing, a retaining wall and steps. This report is based on plans prepared by Right Angle Design and Drafting Pty Ltd, Job No. RADD25034, dated June 2024.

The subject site is located north of Curban Street and is irregular in shape. The allotment has a curved frontage of 20.165m, a depth of 32.725m and total site area of 580.5m². The site currently contains a two-storey dwelling and a swimming pool which are to be wholly retained as part of the proposed development. Two (2) trees are proposed to be removed in order to site the proposed carport.

All necessary services are available on the site, including underground electricity, reticulated water, sewerage and telecommunications. Drainage is to be directed to the street via a pit within the existing stormwater drainage system in accordance with the concept drainage plan that accompanies this application. An existing sewer line runs along the eastern side boundary; the proposed development is to be built within the zone of influence however it is not considered to damage the asset.

The site is within an established residential area that predominately consists of one and two storey dwelling, with parking and varying in architectural styles. The subject site is not identified to be located within or in proximity to a heritage conservation area or heritage item.

The following sections of this statement address the likely impact of the proposal.

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed works include:

- Construction of detached carport with an electric car charge point
- Construction of a new driveway crossing
- Construction of a 600mm retaining wall
- Creation of new stairs and stepping stones to the entrance
- Creation of a bin storage area with a 1.2m screen fence
- Remove existing path and driveway
- Removal of two (2) trees



LEGISLATIVE REQUIREMENTS

The following sections address the matters for consideration as listed in Part 4 Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

(a)(i) Relevant environmental planning instruments

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 – Standards for Residential Development - BASIX

State Environmental Planning Policy (Sustainable Buildings) 2022 requires all residential development in New South Wales to achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The proposed development is capable of maintaining the required rating for energy efficiency, water efficiency and thermal comfort of the dwelling.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Clause 4.6 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless—*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site is within an existing area historically utilised for residential purposes. No previous land uses are known to have occurred on the site that would result in potential land contamination. No further assessment is considered necessary in this instance.



State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Part 2.3 Development controls

Division 15 Railways

Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors

Section 2.98 Development adjacent to rail corridors

- (1) *This section applies to development on land that is in or adjacent to a rail corridor, if the development—*
- (a) is likely to have an adverse effect on rail safety, or*
 - (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
 - (c) involves the use of a crane in air space above any rail corridor, or*
 - (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

The subject site is not located within proximity to a railway corridor, and does not have a common boundary with a railway corridor. No further assessment is anticipated in this regard.

Division 17 Roads & Traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

Section 2.119 Development with frontage to classified road

- (1) *The objectives of this section are—*
- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*



- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and**
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject site is not located within proximity to a classified road, and does not have a frontage or common boundary with the classified roadway. No further assessment is anticipated in this regard.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

The aims of this chapter of the policy are understood to relate to the protection of the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural area through preservation of trees and other vegetation.

The proposed development includes the removal of two (2) trees. Removal of the identified trees are required to allow the proposed development to occur.

The identified trees are not known to be of increased biodiversity value and is not anticipated to result in reduced amenity to the proposed development as a result of their removal. Replacement planting can be provided as part of the proposed development to ensure amenity of the allotment is maintained as a result of the development.

Chapter 6 – Water Catchments

The main objective of this plan is to protect, enhance and maintain the catchments, foreshores, waterways and islands of Sydney Harbour. Given the location of the subject site and the low-density nature of the development, the proposed development is not expected to have any detrimental impact on the aims and objectives of Chapter 6 of SEPP (Biodiversity and Conservation) 2021.



Stormwater drainage plans have been prepared and are lodged for Council's consideration. The plans demonstrate that the cumulative impact of water quality for the region will be minimal. Subject to appropriate conditions, the proposal will be consistent with SEPP (Biodiversity and Conservation) 2021, particularly in relation to total catchment management, water quality and the metropolitan strategy.

Manly Local Environmental Plan 2013

The LEP is divided into several Parts and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

Part 2 Permitted and prohibited development

Clause 2.2 Zoning of land to which this plan applies

The subject site is zoned *R2 Low Density Residential* pursuant to Clause 2.2 of *Manly Local Environmental Plan 2013*.

The proposed development is ancillary development to the existing dwelling on the allotment. A 'dwelling' is defined in the Plan as "*a building containing only one dwelling*".

The identified zone permits the construction of a 'dwelling house' therefore ancillary development is permitted subject to development consent from Council.

Clause 2.3 Zone Objectives and land use table

The objectives of the R2 Zone are as follows:

- *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*

The proposed development is ancillary to the existing low-density residential development, being compatible with the existing and future character of the locality. The proposed works are designed to



provide a high level of amenity for adjoining residents whilst considering the natural constraints of the site.

The proposed development includes parking facilities and a clear pedestrian entry to the existing dwelling to meet the day-to-day needs of the existing and future residents.

The proposed development is therefore considered to meet the relevant objectives of the R2 zone.

Part 4 Principal development standards

Clause 4.3 Height of Buildings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
8.5m ridge height	Dwelling height unchanged by proposal.	Yes
	Proposed carport – 4.85m	Yes

Clause 4.4 Floor Space Ratio

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
0.45:1	No proposed change to existing FSR	Yes

Clause 4.6 Exceptions to Development Standards

The proposed development does not contravene the development standards of the LEP.

Part 5 Miscellaneous Provisions

Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance or within a heritage conservation area. The subject site is not located within proximity to the heritage listed items or conservation areas.



Clause 5.11 Bush fire hazard reduction

The subject site is not identified to be bushfire prone land on Council's maps.

Clause 5.21 Flood planning

The subject site has been identified to have a small area along the western boundary to be a Low-Risk Planning Precinct. The proposed development does not occur in this area and is not envisioned to exacerbate the flood risk.

Part 6 Additional local provisions

Clause 6.1 Acid Sulfate Soils

The subject property is not known to be identified as being affected by Acid Sulfate Soils.

Clause 6.2 Earthworks

Minimal ground disturbance is required to provide a platform to site the carport, steps and retaining walls. Balanced cut and fill, all earthworks can be suitably battered and/or retained to ensure structural adequacy and minimal impact on the adjoining properties.

Clause 6.4 Stormwater management

Drainage from the proposed development is to be directed to the street via a pit within the existing stormwater drainage system in accordance with the concept drainage plan that accompanies this application.

The subject site contains adequate permeable surfaces to ensure on-site infiltration of water whilst minimising overland flow that would detrimentally impact adjoining properties.

Clause 6.8 Landslip risk

The subject site is not identified to be located in a Landslip Risk area.



Clause 6.9 Foreshore scenic protection area

The subject site is not identified as being within a foreshore scenic protection area.

Clause 6.12 Essential Services

All necessary services are available on the site including access to water, sewer, stormwater drainage and suitable vehicular boundary.

* * *

Conclusion with respect to LEP requirements

The proposal is considered to generally satisfy the objectives of all the relevant development standards relating to dwelling houses as contained within MLEP 2013.

(a)(ii) Relevant draft environmental planning instruments

There are no known draft environmental planning instruments that would prevent the subject development from proceeding.

(a)(iii) Relevant development control plans

Manly Development Control Plan 2013

The DCP is divided into several parts and the relevant provisions that apply to the subject development area listed, together with a comment with respect to compliance.

PART 3 General Principles of Development

This part outlines the general principles to be considered and applied to all form of development.



3.1 Streetscapes and Townscapes

3.1.1 Streetscape (Residential areas)

The neighbourhood generally consists of one storey detached dwellings and some two storey varying in architectural style. The proposed development is considered to be in keeping with the character of the area. The proposed development does not require the removal of any street trees and would provide parking provisions evident to have been provided to most dwelling along the street.

Properties within the street provide varied front fences and/or retaining walls to delineate private boundaries at the street frontage. The proposed development is considered to be in keeping with surrounding character and streetscape providing a clear private boundary through the proposed retaining walls and parking facilities for the occupants, reducing the demand for on street parking.

3.2-3.10 General Principles development controls

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>3.2 - Heritage Considerations</u> LEP Clause 5.10(4) requires that Council consider the effect of proposed development on heritage significance of a heritage item or heritage conservation area.	The subject site is not located within a conservation area or identified as a heritage item.	Yes
<u>3.3 - Landscaping</u> Encourage appropriate tree planting and maintenance of existing vegetation. Retain and augment important landscape features and vegetation remnant populations of native flora and fauna.	The removal of two trees is required to allow the proposed development. Post development landscaping can occur.	Yes



<p><u>3.4 - Amenity (Views, Overshadowing, Overlooking / Privacy, Noise)</u></p> <p>Sunlight Access & Overshadowing: Not to reduce sunlight to POS of adjoining by >1/3</p> <p>Not to reduce sunlight to glazed areas of adjacent buildings: East / West orientation 2 hrs 9am-3pm 21 June to adjoining glazed areas. North / South orientation 4 hrs 9am-3pm 21 June to adjoining glazed areas.</p> <p><i>Privacy and Security:</i> Use of narrow, translucent or obscured glass where necessary in order to reduce privacy intrusion.</p> <p>Incorporation of architectural or landscape screens to balconies.</p> <p><i>Maintenance of Views:</i> To provide view sharing for both existing and proposed development. Minimise loss of views and disruption of views from adjacent and nearby developments.</p>	<p>Solar access to existing POS area unchanged by proposal.</p> <p>Solar access unchanged by proposal.</p> <p>No new windows proposed. Privacy screen proposed around bin storage area</p> <p>No balconies proposed as part of this DA</p> <p>The proposed development is not anticipated to result in a detrimental loss of views due to scale of works and maintaining existing side/rear setbacks and building height.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
<p><u>3.7 / Stormwater Management</u> Manage urban stormwater within its natural catchments and within the development site without degrading water quality of the catchments or cause erosion and sedimentation.</p>	<p>Sediment and Erosion Control measures to be in place prior to commencement.</p>	<p>Yes</p>



Manage construction sites to prevent environmental impacts from stormwater and protect downstream properties from flooding and stormwater inundation. Promote ground infiltration of stormwater where there will be no negative (environmental) impacts and to encourage on-site stormwater detention, collection and recycling.	Stormwater to be connected to the existing drainage system for the property. There will be no additional runoff associated with the ancillary development.	Yes
<u>3.8 / Waste Management</u>	Waste Management Plan provided.	For Council's consideration.
<u>3.10 / Safety and Security</u> Design to incorporate safe vehicle access. <i>Security (Casual Surveillance)</i> Development to be designed to maximise opportunities for passive surveillance of public and communal areas.	Proposed new front path and steps provides a safer access separate to vehicle access. No entrapment areas are created as part of the proposed. The proposed carport has been positioned on an angle to allow continued casual surveillance from the entry and from the habitable rooms within the front façade.	Yes Yes

PART 4 Development Controls and Development Types

4.1 Residential Development Controls

The subject property is located within Residential Density Area – D5 and Open Space Area – OS3 in accordance to Council's DCP.

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>4.1.1 / Dwelling density, dwelling size & subdivision</u> (Refer to Schedule 1 – Map A)		



<p>Density and Size</p> <p>D1 – 50m² per dwelling</p> <p>D2 – 150m² per dwelling</p> <p>D3 – 250m² per dwelling</p> <p>D4 – 300m² per dwelling</p> <p>D5 – 500m² per dwelling</p> <p>D6 – 600m² per dwelling</p> <p>D7 – 750m² per dwelling</p> <p>D8 – 950m² per dwelling</p> <p>D9 – 1150m² per dwelling</p>	<p>1 dwelling retained on site</p>	<p>Yes</p>
<p>Minimum internal areas:</p> <p>Studio dwelling – 35sqm</p> <p>1 bedroom dwelling – 50sqm</p> <p>2 bedroom dwelling – 70sqm</p> <p>3 bedroom dwelling – 90sqm</p> <p>*Includes 1 bathroom, all additional bathrooms add 5sqm. 4th bedroom increase min. internal area by 12sqm.</p>	<p>No changes to internal areas.</p>	<p>N/A</p>
<p><u>4.1.2 / Height of Buildings</u></p> <p>Overall height / As per LEP</p>	<p>See Clause 4.3 above</p>	<p>Yes</p>
<p>Maximum wall height:</p> <p>6.5m for flat sites</p>	<p>Dwelling all height unchanged by proposal.</p>	<p>N/A</p>
<p>Max 2 storey (except LEP areas 'L' and 'N1' on the HoB Map.)</p>	<p>Two storeys retained.</p>	<p>Yes</p>
<p>Roof Height – 2.5m</p>	<p>Dwelling Roof height unchanged by proposal.</p> <p>Proposed carport roof height 1.65m</p>	<p>Yes</p> <p>N/A</p>
<p>Parapets – 0.6m above wall height</p>	<p>No parapets proposed.</p>	
<p>Roof Pitch - <35°</p>	<p>Dwelling roof pitch unchanged by proposal.</p> <p>Proposed carport roof pitch<35°</p>	<p>Yes</p>



<p><u>4.1.3 / Floor Space Ratio</u></p> <p>As per LEP</p> <p>Except where lot size is less than the minimum lot size shown on the LEP Map.</p> <p>See Figure 30.</p>	<p>No proposed change to existing FSR</p>	<p>N/A</p>
<p><u>4.1.4 / Setbacks (front, side and rear)</u></p> <p><i>Front setback</i></p> <p>Consistent with the adjoining dwellings or 6.0m where no prevailing setback. Projections into the front setback may be accepted for unenclosed balconies, roof gables. where there are no adverse impact on the streetscape or adjoining properties.</p> <p><i>Side setbacks and secondary street frontages</i></p> <p>Side – not less than 1/3 height of adjacent external wall i.e.</p> <p>Windows in living & dining to be >3m from side boundaries.</p> <p>Secondary street to apply side setbacks unless a prevailing setback is apparent.</p> <p>Variations to side setbacks in Areas D3 – D9</p> <p>Council may consider an exception to the side setback control to enable windows at 90° to the boundary to provide some flexibility in the siting and design of buildings which assist in satisfying setback objectives relating to privacy subject to the following</p>	<p>Proposed carport located within front setback</p> <p>Min. required 1.147m Proposed. 900mm</p> <p>No changes to existing living and dining windows.</p> <p>Subject site is not a corner lot</p> <p>The subject site is identified to be located in area D5 and therefore this clause applies</p> <p>No windows proposed as part of this DA</p>	<p>No -see below</p> <p>No -see below</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>



<p>Walls located within 0.9m of any one of the side boundaries may be considered but must</p> <ul style="list-style-type: none"> i. Contain no windows ii. be constructed to one side boundary only iii. max. height 3m iv. max. length 35% of adjoining side boundary v. submit a standard finish and materials for external surfaces which complement the external architectural finishes of adjacent properties and/or the townscape character vi. obtain a right of way to provide access for maintenance and vii. satisfy the objectives for setback in this plan and the applicant demonstrate no disadvantage to the adjacent allotment through increased overshadowing, or loss of view and no impediment to property maintenance. 	<p>Proposed development contains no windows, is located only to the eastern side boundary, however has a height of 3.44m and therefore this variation does not permit a 0.9m setback</p>	<p>No -see below</p>
<p>Rear Setback - 8m</p>	<p>No change to existing dwellings rear setback</p>	<p>Yes</p>
<p>Setbacks adjoining RE1, RE2, E1, E2: 6m from common boundary (8m from rear)</p>	<p>Subject site adjoining R2</p>	<p>N/A</p>
<p><u>4.1.5 / Open space and Landscaping</u> Min. Total Open Space OS1 - 45% OS2 – 50% OS3 – 55% OS4 – 60%</p>	<p>67% total open space provided</p>	<p>Yes</p>



<p>Min. % of Total Open Space as Landscaped Area</p> <p>OS1 - 25%</p> <p>OS2 – 30%</p> <p>OS3 – 35%</p> <p>OS4 – 40%</p> <p>Max. 25% open space can be above ground.</p> <p>Private Open Space for dwellings: Min. 18sqm Principal POS; and > 1 dwelling on site = 12sqm unbroken area.</p> <p>Min. no endemic trees:</p> <p>Lot Size Map Area C(<500m²) = 1</p> <p>Other Lot Size Map Areas(<500m²) = 2</p> <p>All Lot Size Map Areas(500-800m²) = 3</p> <p>Lot Size Map Area C(>800m²) = 3</p> <p>Other Lot Size Map Areas(>800m²) = 4</p>	<p>76% landscaped area proposed.</p> <p>Noted</p> <p>POS unchanged by proposal, continued to be provided in the rear setback</p> <p>>3 trees retained on the subject site</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><u>4.1.6 / Parking, Vehicular Access and Loading</u></p> <p><u>4.1.6.1 Parking Design and location of garages, carports or hardstand areas</u></p> <p>Location must minimise their visual impact on the streetscape and neighbouring properties</p> <p>Garage and carport structures forward of the building line must be designed and sited to not dominate the street frontage and carports must be open on both side and at the front</p> <p>Max. width 50% of frontage/ max. 6.2m</p>	<p>Proposed carport is an open structure and as such would not add bulk to the existing streetscape appearing similar to many properties along the street including no.47,49 and 31-37.</p> <p>5.9m/ 29.3%</p>	<p>Yes</p> <p>Yes</p>



<u>4.1.6.4 Vehicular Access</u> All vehicles shall enter and leave in forward direction	Suitable outcome considered to be achieved for a residential development on a suburb street as it is not expected to adversely impact the safety or flow of traffic. The proposed vehicular access to the property is in keeping with the established pattern in the street as identified above.	Merit consideration
Particular attention should be given to separating pedestrian entries and vehicular crossing for safety	Separate entrance proposed via driveway and stepping stones, and are clearly separated by the existing tree.	Yes
<u>4.1.10 / Fencing</u> Free standing walls and fences between the front street boundary and building max. 1m above ground level at any point. Exceptions to max. height Open/transparent fences, height may be increased to 1.5m where min. 30% of the fence is open/transparent for at least part of the fence higher than 1m	Proposed 1.2m screen fence along eastern boundary to screen proposed bin storage area	No – see below

Variation Requests

Front setback – Council's DCP requires development to be consistent with the adjoining dwellings or 6.0m where no prevailing setback. The proposal maintains the front setback to the building as per the existing dwelling however provides a 0m setback to the proposed carport requiring a variation to this control.

It is understood that the setback controls are designed to ensure that the proposed development is compatible with the surrounding development whilst minimising the impact on the adjoining developments.



The proposed encroachment into the front setback is to an open structure with the dwelling provided with a compliant setback ensuring no additional bulk to the front elevation. Due to the open nature of the proposed carport the non-compliance is not anticipated to result in any detrimental impact to the area by way of streetscape character. The proposed carport is designed to be in keeping with the dwelling design to ensure it is not visually dominant when viewed from the street. Further, similar parking arrangements are located along the street and will therefore be in keeping with the street.

Despite the required variation it is anticipated that the proposal will have no greater impact than that of a compliant proposal and will be able to meet the objectives of the clause. Therefore, a variation to the front setback requirement is considered to be appropriate for the subject site and should be supported in this instance.

Side setback – Council's DCP requires residential development to provide a minimum side setback to be a third of the height of adjacent external wall meaning the proposed development requires a minimum side setback of 1.147m. However, the proposed carport has a 0.9m side setback and requires a variation to the setback control in this instance.

It is understood the objectives of this control is to ensure that the proposed development is compatible with the surrounding development whilst minimising the impact on the adjoining developments.

The small scale of the carport is considered to be visually incorporated with the existing dwelling, without providing any overshadowing to the POS of the subject site or neighbouring allotments. The proposed carport is to be constructed to match the materials and colours of the existing dwelling, to be visually cohesive with both the existing dwelling and the streetscape. Furthermore, it is an unenclosed structure, minimising any bulk that may be provided by a building forward of the building line.

As outlined above it is considered appropriate that a variation to this control is granted. The carport provides additional amenity to the subject site by way of providing a shielded car parking space, without adversely affecting either the subject site or neighbouring allotments. It is considered that the non-compliance is numerical only, and that the subject development is just as capable of meeting development objectives as a compliant proposal.



Fencing – Council’s DCP allows fencing with a maximum height of 1m within the front setback, however the proposed development includes 1.2m high fencing to the eastern side boundary and front boundary within the front setback to screen the bin storage area. Thus, requiring a variation to this control.

It is understood that the objectives of this control are to ensure that surveillance of the street is not adversely affected and to contribute to a positive streetscape.

This clause also makes reference to Part 3.1 Streetscapes and Townscapes, of which provides further controls relating to the location and impact upon the streetscape. Within this part controls are also provided relating to garbage areas, requiring them to not be visible off site. The proposed fences are proposed to ensure the garbage areas are not visible. The proposed fencing relates to a small area within the front setback and does not expand across whole frontage and therefore casual surveillance to the street continues to be accessible.

Therefore, despite the numerical non-compliance the proposed front fencing is not considered to pose no greater impact than that of a compliant proposal. Thus, a variation to this control is considered reasonable and appropriate for the variation request to be supported.

4.4 Other Development (all LEP Zones)

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>4.4.1 Demolition</u> To demonstrate that the degree of demolition considers any existing building on the land to be ecologically sustainable, conserve heritage and comply with the requirements of the Northern Beaches Waste Management plan	Proposed demolition has been identified on the site analysis plan and a Waste management plan has been provided as part of this development application.	Yes
<u>4.4.5 Earthworks (Excavation and Filling)</u> NGL to be maintained within 0.9m of side and rear boundary.	No change to side and rear boundary NGL	Yes



Max. excavation – 1m	<1m	Yes
Max. fill – 1m	<1m	Yes
Retaining walls within 1m of the front boundary - Max. 1m high.	Proposed 600mm retaining wall along front boundary	Yes

* * *

Conclusion with respect to DCP requirements

The proposed development is considered to meet the aims and objectives of the DCP.

(iia) Relevant planning agreement, or draft planning agreements

There are no known planning agreements that would prevent the proposed development from proceeding.

(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality

The following matters are understood to be relevant when considering on site impacts.

Siting and Design

The proposed carport, and retaining wall will be compatible in terms of height, bulk and scale with surrounding developments within the area.

The siting of the proposed works provides suitable boundary setbacks, contributing to spatial separation and openness between dwellings.

The front façade continues to be appropriately articulated and contains a variety of roof forms and elements and the proposed stepping stones and steps provide a clear entry. In this way, the proposal



provides a clear definition of the entry and provides varied shadow lines due to the different construction elements and finishes.

Sedimentation Control

Due to the topography of the site, earthworks will be required for the construction of the proposed carport and retaining wall, as shown on the development plans. All disturbed areas will be provided with sedimentation controls in accordance with Council's policy with compliance required as a condition of consent.

Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

Noise and Vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged to occur during construction.

(c) The suitability of the site for the development

The subject site is within an established residential area within reasonable driving distance to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.

The proposed ancillary development, the subject of the application, can be constructed with all services necessary and have been designed to suit site constraints and the character of the surrounding residential setting.

The proposed works are permitted with development consent under the provisions of Manly Local Environmental Plan 2013, and generally satisfies the objectives of the Manly Development Control Plan 2013 as discussed above.



(d) Any submissions made in accordance with this Act or the regulations

Council will consider any submissions received during the relevant notification period for this development application.

(e) Public interest

As the proposal can satisfy the objectives of all relevant planning instruments and development control plan, approval of the subject dwelling is considered to be in the public interest.



CONCLUSION

The proposed development has been considered in respect of the relevant Environmental Planning Instruments and is deemed to be satisfactory with respect to those requirements taking into consideration the overall merits of the design presented.

The residential use of the site is permitted with development consent under the provisions of Manly Local Environmental Plan 2013 and can satisfy the objectives of the relevant development control plan for the area.

It is considered that the construction of ancillary development will complement and blend with the existing and likely future character of Balgowlah Heights. The proposal is not expected to have an adverse impact on the surrounding natural or built environment.

The appropriateness of the development has been evident within this statement and within the supporting documentation submitted to Council. The proposed ancillary development appropriately identifies and relates to the sites use as a residential development.

Having considered the requirements of all environmental planning instruments and DCP's the proposed landuse activity is considered acceptable and maintains the integrity of the existing locality. There are no potential adverse impacts from the development having considered the relevant heads of consideration under S4.15 of the E P and A Act 1979.

Given the relevant planning policies, codes and requirements of the EP & A Act 1979 have been duly satisfied the proposed development is on balance worthy of approval.

Olivia McQuaid

Town Planner (PIA (Assoc.))

Urban Planning & Building Consultants

1 September 2025