EA EXAMPLE ARCHITECTS

Statement of Environmental Effects

Alterations and additions to a dwelling house: a first floor addition with two bedrooms and ensuites, a new ground floor bedroom wing with ensuite and internal stair, internal alterations, a new double garage with a roof garden at the street frontage, a plant and storage room under the front terrace, an extended front deck with a pergola, bin storage with a ramp, front fence and gate, and landscaping

Harbourside lot, Clontarf NSW 2093 (address withheld)

Council
Northern Beaches Council

Prepared for
The owners

Prepared by
Example Architects
Level 2, 10 Example Street, Sydney NSW 2000
02 9000 0000 · planning@example.com

Date
15 October 2025

Contents

1	Introduction	3
2	The site and its locality	3
3	The proposal	6
4	State environmental planning policies	6
5	Manly Local Environmental Plan 2013	7
6	Manly Development Control Plan 2013	9
7	Variations	12
8	Likely impacts	16
9	Suitability of the site	16
10	Submissions and the public interest	16
11	Conclusion	17

1. Introduction

This Statement of Environmental Effects has been prepared to accompany a development application to Northern Beaches Council for alterations and additions to a dwelling house on a harbourside lot at Clontarf. It addresses the matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 (the Act).

This statement should be read in conjunction with the architectural plans prepared by Example Architects (revision A, dated 28 September 2025), the site boundary and identification survey dated 19 May 2025, and the landscape and stormwater plans. A written request under clause 4.6 of Manly Local Environmental Plan 2013 to vary the floor space ratio standard accompanies the application.

2. The site and its locality

2.1 The site

The site is located on the south-west side of the street and has an area of 602.0m², as shown on the survey. It has a frontage of 15.24m and side boundaries of 38.79m and 39.685m. The rear (south-west) boundary adjoins the Harbour Reservation, public recreation land zoned RE1, with Clontarf Beach and Middle Harbour beyond. The lot is smaller than the 750m² minimum lot size for the area.

The land is low at the street, with existing levels of RL 1.73 to 1.88 at the front boundary. It rises to a level platform around the house at RL 3.05 to 3.51 and falls to RL 2.40 to 2.52 at the rear boundary.

The site is occupied by a single storey brick and clad cottage with a tiled and metal roof, with its highest ridge at RL 9.09. The house is set back 0.9m to 0.93m from the north-west boundary, 1.18m from the south-east boundary and 5.47m to 6.19m from the rear boundary. The front of the site contains a stone garage at the north-west corner, set back 4.64m from the street, a raised front terrace with storage beneath, and a paved front yard served by two vehicle crossings.

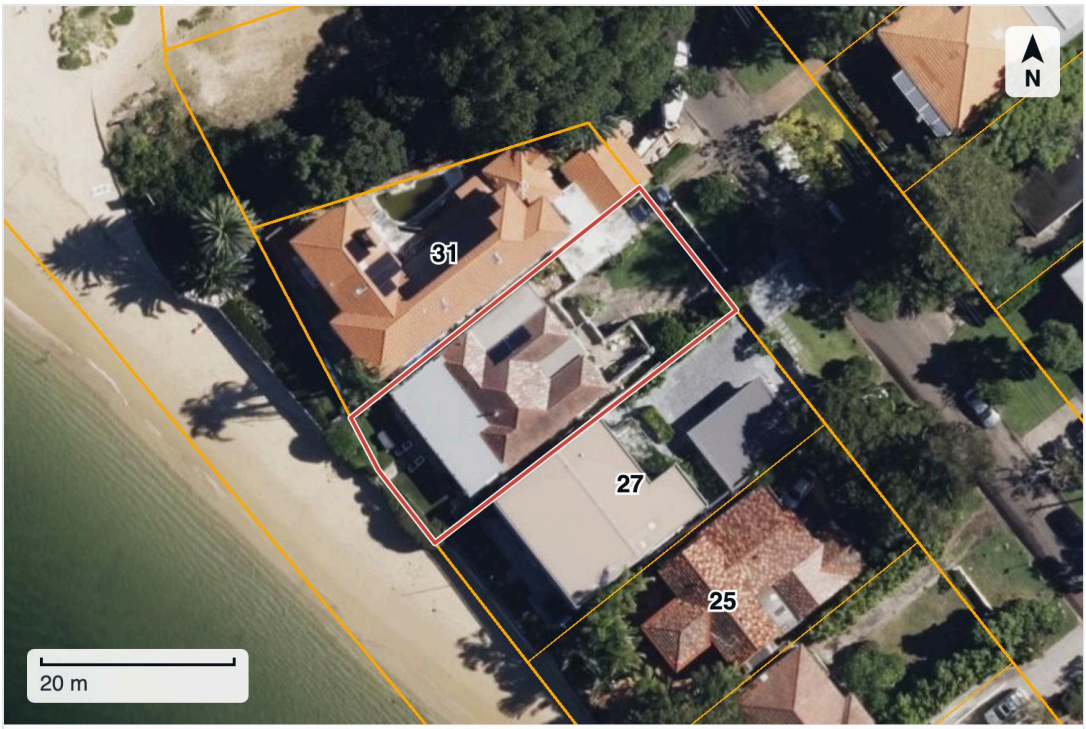
2.2 The locality

The site is located on the Clontarf foreshore flats. The adjoining houses at No. 31, to the north-west, and No. 27, to the south-east, are shown on the survey as two storey rendered houses, each with a garage at its street end.

The site is within the Foreshore Scenic Protection Area under the LEP, and the landscape heritage items I1 Harbour foreshores and I42 Clontarf Park are in the vicinity. The site is also mapped as Class 3 acid sulfate soils, as Biodiversity on the Terrestrial Biodiversity Map, and within the Sydney Harbour Foreshores and Waterways Area.

2.3 Site history

Development consent DA2021/2390 was granted in 2022 for alterations and additions to the dwelling house. This application is for a new design and does not rely on that consent.



The site

House numbers: NSW Spatial Services address points. Imagery, base map and cadastre: NSW Spatial Services (CC BY 4.0).

Figure 1. Aerial photograph of the site.



The site

Imagery, base map and cadastre: NSW Spatial Services (CC BY 4.0).

Figure 2. Locality plan.

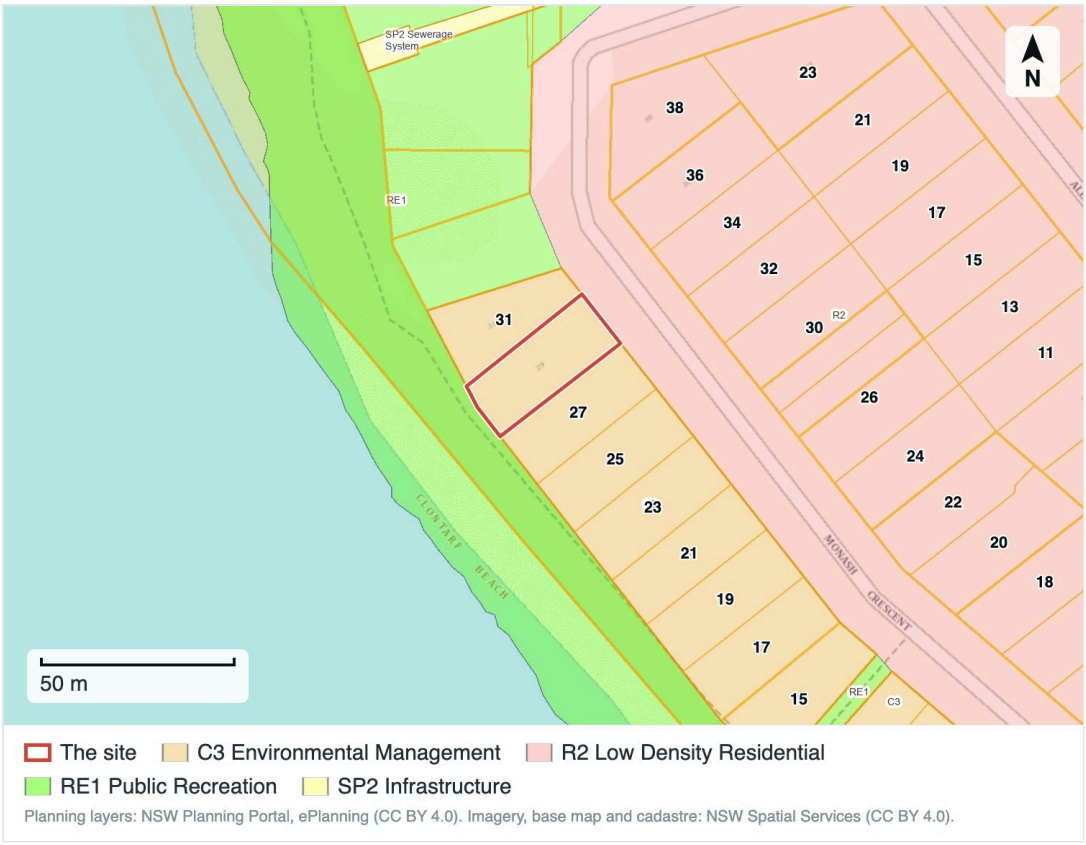


Figure 3. Zoning map extract.

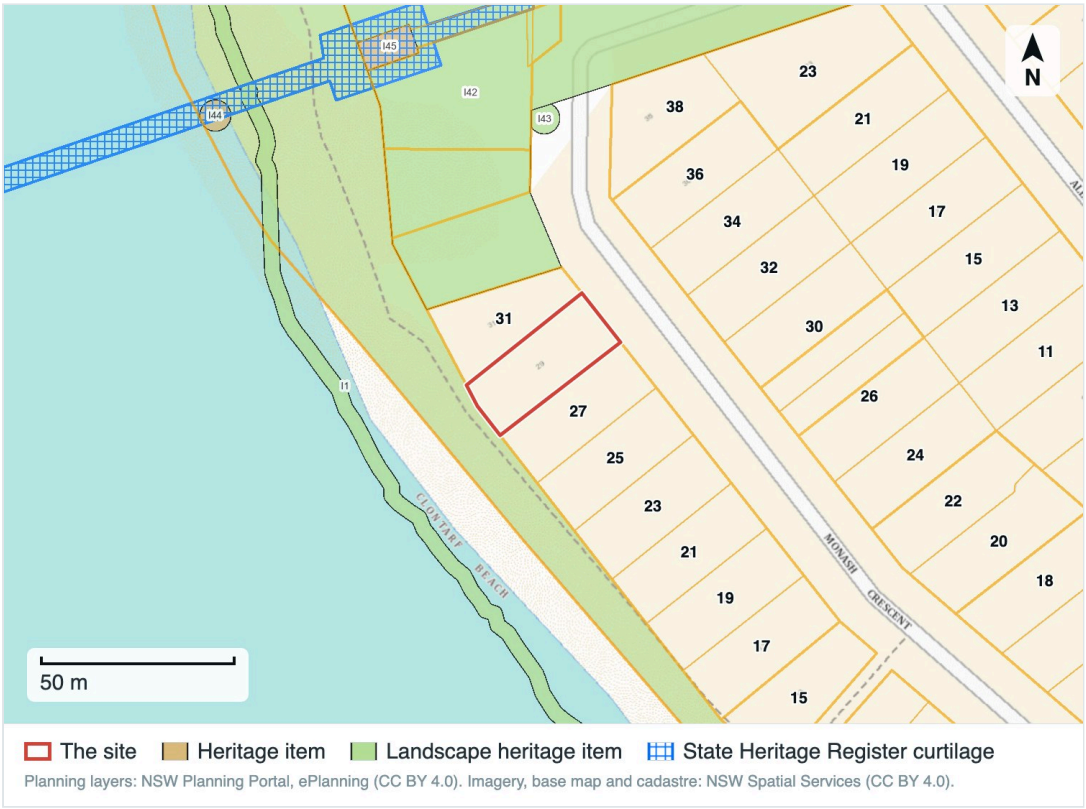


Figure 4. Mapped constraints. Mapped near the site: Heritage item; Landscape heritage item; State Heritage Register curtilage.

3. The proposal

The proposal retains the existing cottage, with additions at the front and a new first floor. It comprises:

- demolition of the stone garage, the raised area beside it, the front stair and terrace with the storage room beneath, some internal walls, and the south-east driveway;
- construction of a double garage at the north-west corner of the frontage, 6.625m wide and 7.4m deep, with a floor level of RL 2.40, parking for 2 spaces and a planted roof garden behind a stone-clad parapet at RL 5.80;
- a ground floor wing behind the garage containing a third bedroom, ensuite, laundry and the stair to the first floor, with its front wall 7.375m from the street;
- a lower level under the new wing and the terrace, at RL 1.5, containing a sub floor area and a plant and storage room of 40.3m², as shown on the plans;
- a first floor addition over the front part of the house containing two bedrooms, each with an ensuite, under a hipped tiled roof with a ridge at RL 11.43, and skylights SK1 and SK2;
- a rebuilt front terrace of 6.15m by 4.85m with a pergola, an external stair from the courtyard and a new front entry;
- internal alterations to the existing bedrooms, bathroom and study;
- bin storage in the south-east side passage;
- a new timber gate and fence at the front boundary, and landscaping of the front garden, including two new trees, a Banksia serrata and a Water Gum (Tristaniopsis laurina);
- roof and surface drainage to the existing outlet to Middle Harbour.

The rear yard, verandah and stairs to the reserve are retained. On completion, the house will contain 5 bedrooms and a study. The plans' floor area table gives a total floor area of 298m². External materials are terra cotta tiles, natural stone below ground floor level, painted timber screens and cladding to the first floor.

4. State environmental planning policies

4.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6

The site is within the Sydney Harbour Catchment and the Foreshores and Waterways Area. Section 6.6 relates to water quality. Roof and surface water will drain to the existing outlet, and sediment and erosion controls will be in place during construction. The drainage plans show a small increase in hard surfaces, from 450.4m² to 475.1m². The proposal is not expected to have an adverse impact on water quality in the harbour.

Section 6.9 relates to public access to the foreshore. There is no new work in the rear yard, and public access to the foreshore is unchanged.

Section 6.28 sets out matters for consideration in the Foreshores and Waterways Area. The works are confined to the front of the lot and do not affect the intertidal foreshore, natural landforms or native foreshore vegetation. The first floor is set back 17m from the rear boundary and finished in recessive materials, so the visual qualities of the foreshore, as seen from the water and the beach, are maintained. No work is proposed in the part of the lot within the mapped Seagrass Proximity (40m) area.

4.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 2

Chapter 2 applies to vegetation in non-rural areas. One small tree, survey tree 4/0.4/3, is to be removed from the front garden. It is below the height at which the DCP defines a plant as a tree, and new native trees will be planted in its place. The trees retained on and near the site are addressed in an arborist report by Example Arborists (August 2025), which accompanies the application.

4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

The site is mapped as coastal environment area and coastal use area under Chapter 2. Sections 2.10 and 2.11 do not apply to land within the Foreshores and Waterways Area. Under section 2.12, the proposal will not increase the risk of coastal hazards, as the works are at the front of the lot, away from the harbour, and the rear yard facing the harbour is unchanged. Under section 2.13, Council must consider any certified coastal management program that applies.

Chapter 4 requires Council to consider whether the land is contaminated. The site has been used for residential purposes, and no previous land uses are known that would result in contamination. No further assessment is considered necessary.

4.4 State Environmental Planning Policy (Sustainable Buildings) 2022

BASIX certificate A1789012 accompanies the application, and its commitments are shown on the plans.

4.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

The site does not have frontage to a classified road. The survey shows no overhead power lines or poles near the works, so referral to the electricity supply authority under section 2.48 is not required.

5. Manly Local Environmental Plan 2013

The site is zoned C3 Environmental Management. The proposal is for alterations and additions to an existing dwelling house, which is permitted with consent in the zone.

The proposal is consistent with the objectives of the zone. The new work is at the street end of the lot, and the rear yard, verandah and harbour edge are retained. The first floor is set well back from the foreshore and finished in recessive materials. New native planting replaces the one small tree to be removed, and stormwater will drain to the existing outlet, with sediment controls during construction.

Control	Requirement	Proposal	Complies
Zone C3: permissibility	Dwelling houses permitted with consent	Alterations and additions to one dwelling house	Yes
4.3 Height of buildings	Maximum 8.5m	8.38m at the ridge above the side path, the building's highest point over existing ground	Yes
4.4 Floor space ratio	0.4:1	0.495:1	No, see section 7.1
5.10 Heritage conservation	Council must consider the effect on heritage items in the vicinity, including I1 Harbour foreshores and I42 Clontarf Park	Works at the street front, with the first floor 17m from the rear boundary and away from the foreshore items	Yes

Control	Requirement	Proposal	Complies
5.21 Flood planning	Development in the flood planning area to be compatible with flood behaviour and to manage risk to life	Lower level at RL 1.5 in flood-compatible materials; habitable floors above Council's estuarine planning level for the site	Yes
6.1 Acid sulfate soils	Consent required on Class 3 land for works more than 1m below natural ground	Lower level 0.2m below the natural ground level of RL 1.7	Yes
6.2 Earthworks	Council must consider the effects of earthworks on drainage, soil stability, amenity and the quality of any fill	Cut for the lower level at RL 1.5; sediment and erosion control details SD 4-1 to SD 6-14	Yes
6.4 Stormwater management	Compliance with Council's Water Management for Development Policy	Drainage to the existing outlet to Middle Harbour; OSD not required; stormwater plans reissued for the Rev A design	Yes
6.5 Terrestrial biodiversity	Development on land mapped as Biodiversity to avoid or minimise adverse impacts	Removal of one small tree, survey tree 4/0.4/3, from the front garden	Yes
6.8 Landslide risk	Applies to land on the Landslide Risk Map	The site is not mapped; the DCP places it in Zone D (beach foredune and alluvial flats, under 5°)	N/A
6.9 Foreshore scenic protection area	Minimise contrast with the natural setting; non-reflective materials that blend in	Recessive tiles, stone and timber; first floor 17m from the rear boundary	Yes
6.10 Limited development on foreshore area	Development between the foreshore building line and the water limited to listed works	No works between the foreshore building line and the water; no new work in the rear yard	N/A
6.12 Essential services	Water, electricity, sewage disposal, stormwater drainage and vehicular access to be available	Existing connections retained; drainage to the existing outlet to Middle Harbour	Yes

Under clause 5.21, Council's mapping does not identify a flood planning area on the site. The habitable floors are above Council's estuarine planning level for the site, and the garage and lower level will be built in flood-compatible materials.

Clause 6.1 applies to land affected by acid sulfate soils. The site is Class 3 land, where works more than 1m below natural ground require consent and an acid sulfate soils management plan. The lower level is cut 1.91m below the raised ground beside the house, but only 0.2m below the natural ground level of RL 1.7 established by the geotechnical investigation. An acid sulfate soils management plan is therefore not required, and a preliminary acid sulfate soils assessment accompanies the application.

Clause 6.9 seeks to protect the scenic qualities of the foreshore. The first floor is set back 17m from the rear boundary, the existing single storey form towards the harbour is retained, and the terra cotta tiles, stone and timber are recessive against the foreshore setting.

6. Manly Development Control Plan 2013

The relevant controls of Manly Development Control Plan 2013 are addressed in the tables below. The DCP refers to the C3 zone by its former name, E3. The variations are addressed in section 7.

6.1 Height, floor space and setbacks

Control	Requirement	Proposal	Complies
3.9.1 Plant rooms	Plant rooms limited to the plant footprint plus 0.5m and not used for storage	Plant and storage room of 40.3m²	No, see section 7.1
4.1.2.1 Wall height: first floor side walls	Maximum 6.5m	6.35m	Yes
4.1.2.1 Wall height: first floor front wall	Maximum 6.5m on flat land, rising to 8m at a slope of 1:4	7.28m to 7.70m	No, see section 7.8
4.1.2.2 Number of storeys	Maximum 2 storeys	Three levels under the stair wing, being the sub floor at RL 1.5, the ground floor at RL 3.70 and the first floor	No, see section 7.5
4.1.2.3 Roof rise above the wall	Maximum 2.5m	2.03m	Yes
4.1.3.1 FSR on undersized lots	Up to 300m² on an undersized lot	298m² on the plans' floor area table; 338m² with the plant and storage room	No, see section 7.1
4.1.4.1 Front setback: garage	Minimum 6m	0m	No, see section 7.2
4.1.4.1 Front setback: house and first floor	Minimum 6m	Bed 3 wing 7.375m; first floor 13.3m	Yes
4.1.4.2(a) Side setback: garage	One third of the wall height, 1.3m	0m	No, see section 7.2
4.1.4.2(a) Side setback: Bed 3 wing	One third of the wall height, 1.0m to 1.5m	0.9m	No, see section 7.3
4.1.4.2(a) Side setback: first floor, north-west	One third of the wall height, 2.0m	0.86m	No, see section 7.3
4.1.4.2(a) Side setback: first floor, south-east	One third of the wall height, 2.1m	1.12m	No, see section 7.3
4.1.4.2(c) Side windows	3m from the side boundary	W/N 1 and W/N 2 (Bed 3 and ensuite) and W/N 4 (Bed 4)	No, see section 7.3
4.1.4.3(b) Walls within 0.9m of a side boundary	Walls up to 3m high, no windows, one side only, 35% of the boundary	Garage wall 3.92m to 3.98m on the boundary	No, see section 7.2

Control	Requirement	Proposal	Complies
4.1.4.4 and 4.1.4.6 Rear setback and RE1 boundary	Minimum 8m	First floor 17m	Yes
4.1.7.1 First floor additions	May follow the existing ground floor wall setbacks where neighbours are not adversely affected by overshadowing, view loss or loss of privacy	First floor on the existing wall lines, 0.9m to 0.93m and 1.18m from the side boundaries	No, see section 7.3
4.4.5.1(b) Ground within 0.9m of boundaries	Natural ground to be retained within 0.9m of side and rear boundaries	Garage floor raised 0.27m to 0.58m on the north-west boundary	No, see section 7.2
4.4.5.1(b) Ground within 0.9m: bin ramp	Natural ground to be retained within 0.9m of side and rear boundaries	Top of the bin ramp 0.43m to 0.48m above the existing path	No, see section 7.9
4.4.5.2 Excavation	Excavation generally limited to 1m below natural ground, except for basement parking and pools	Lower level 0.2m below the natural ground level of RL 1.7	Yes
4.4.5.3 Fill	Maximum 1m above natural ground	Garage floor 0.27m to 0.58m above existing ground	Yes

6.2 Open space and landscaping

Control	Requirement	Proposal	Complies
3.3.2 Tree removal	Consent required to remove a tree, being a plant over 5m high	Removal of survey tree 4/0.4/3, which is below that height	Yes
4.1.5.1 Total open space (OS4)	Minimum 361.2m²	232m²	No, see section 7.4
4.1.5.1(b) Least dimension and area	At least 3m in any direction and 12m²	Met by the rear yard, terrace and front garden	Yes
4.1.5.1(c) Area above ground (terrace and landing)	Maximum 25% of total open space	48m²	Yes
4.1.5.2 Landscaped area	Minimum 92.8m²	204m²	Yes
4.1.5.2(b) Soil depth	Minimum 1m soil depth	Garage roof garden 300mm to 400mm	No, see section 7.4
4.1.5.2(c) Native trees	Minimum 3 native trees	1 listed native tree	No, see section 7.6
4.1.5.2(d) Driveway landscape strip	Landscaped strip beside a driveway along a side boundary	No driveway inside the lot	N/A
4.1.5.3 Principal private outdoor area	Minimum 18m²	90m²	Yes

6.3 Parking, access, fencing, stormwater and waste

Control	Requirement	Proposal	Complies
3.1.1.2 Front fences and gates	Materials compatible with the house and the street, with no metal cladding	Timber gate and fence	Yes
3.7 Stormwater	Compliance with Council's Water Management for Development Policy	OSD not required; stormwater plans reissued for the Rev A design	Yes
3.8 Waste management	A waste management plan to accompany the application	A waste management plan accompanies the application; bins stored in the south-east side passage	Yes
4.1.6.1(b)(i) Garage at the front boundary	Garages not adjacent to the front boundary where there is a reasonable alternative on the site	Garage on the front boundary; existing garage set back 4.64m	No, see section 7.2
4.1.6.1(c) Garage width	Maximum 6.2m	6.625m	No, see section 7.2
4.1.6.3 Bicycle storage	Storage for two bicycles	A bicycle storage strip in the garage	Yes
4.1.6.4(a) Vehicular access	Vehicles enter and leave in a forward direction	Garage door on the front boundary, with no turning space; vehicles reverse out, as at present	No, see section 7.2
4.1.10 Front fence	1m (1.5m where at least 30% open above 1m)	1.0m	Yes
Schedule 3 Parking	Minimum 2 spaces	2 spaces	Yes

6.4 Amenity, heritage and site conditions

Control	Requirement	Proposal	Complies
3.2.1.1 Heritage items in the vicinity	Council must consider the effect on heritage items in the vicinity	I1 Harbour foreshores and I42 Clontarf Park lie along the foreshore and the park, behind the house, and are not affected	Yes
3.4.1.1 and 3.4.1.2 Sunlight to neighbours	No more than one third of the existing winter sunlight to neighbours' private open space to be lost, and existing sunlight to their living room windows maintained	The 21 June shadow diagrams show that No. 27 retains more than two thirds of its existing winter sun to its private open space, and the sun to its living room windows is maintained as the DCP requires	Yes
3.4.2.1 Window design and orientation	Windows close to boundaries to be offset, narrow or obscured	Highlight windows with sills 2.0m above the floor; louvred shutters to the stair window W/N 3	Yes
3.4.2.2 Balconies and terraces	Balconies and terraces to be screened to limit overlooking	Terrace 1.23m from No. 27, with a 0.8m stone parapet and planting, and no screen	No, see section 7.7

Control	Requirement	Proposal	Complies
3.4.3 Maintenance of views	Minimise view loss, assessed under the Tenacity planning principle	A view analysis from Nos. 27 and 31 and from the harbour shows that the harbour views from Nos. 27 and 31 are retained beside and behind the first floor	Yes
4.1.8 Geotechnical (Map C)	A checklist for load bearing works in Zone D (beach foredune and alluvial flats, under 5°)	The Schedule 11 preliminary landslip checklist, lodged with the application	Yes
4.1.9 Swimming pools	Controls for swimming pools	No pool proposed	N/A
5.4.1 Foreshore Scenic Protection Area	Minimise contrast with the natural setting; non-reflective materials that blend in	Terra cotta tiles, natural stone below ground floor level, painted timber screens and cladding to the first floor	Yes

7. Variations

Section 7.1 summarises the written request under clause 4.6 to vary the floor space ratio standard. The DCP variations are addressed in sections 7.2 to 7.9. Section 4.15(3A)(b) of the Act requires Council to be flexible in applying a DCP standard and to allow reasonable alternative solutions that achieve its objects, and each variation is assessed below against the objectives of the control.

7.1 Floor space ratio

The floor space ratio standard is 0.4:1, which allows 240.8m² on this lot. The plans' floor area table gives a total of 298m², an FSR of 0.495:1, which exceeds the standard by 23.8%. The existing house has an FSR of 0.327:1. The plans list the plant and storage room under the terrace separately.

The written request under clause 4.6 that accompanies the application demonstrates that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify the contravention. In summary:

- The lot is well below the 750m² minimum lot size for the area. The DCP recognises that undersized lots may exceed the standard, up to the floor area achievable on a lot of the minimum size, 300m².
- The additional floor area is located over the front part of the existing house and in the new front wing, on the site of the existing stone garage and raised area. The single storey form of the house towards the harbour is retained.
- The new ridge, the building's highest point over existing ground, is 8.38m above the ground beside the house, below the 8.5m height standard, and the roof is hipped and tiled to match the existing house.
- The bulk of the development is articulated into the garage with its roof garden, the single storey wing and a first floor set well back from the street and the harbour, so the house does not dominate the foreshore or the street.

The development is consistent with the objectives of the standard. Its bulk and scale are compatible with the streetscape and the two storey houses on either side, and it does not obscure important landscape or townscape features, including the foreshore. The single storey rear maintains an appropriate visual

relationship with the reserve, and the effects on the neighbours and the public domain are limited, as outlined in section 8.

7.2 Garage at the front and north-west boundaries

The new garage is built to the front and north-west boundaries. The DCP requires a front setback of 6m where building lines vary, a side setback of one third of the wall height, and a garage no wider than 6.2m. The garage is 6.625m wide, 43% of the frontage. Vehicles will reverse out, as they do from the existing stone garage.

The objectives of the setback controls are to maintain the streetscape and its landscape character and to protect neighbours' privacy, sunlight and views. The objectives of the parking controls are to integrate garages and driveways into the design, to minimise their visual impact on the street, and to minimise footpath crossings. The proposal is considered consistent with these objectives for the following reasons:

- Garages at the street end of the lot are characteristic of this part of the street, and the survey shows garages at the street ends of both No. 31 and No. 27.
- The garage replaces a stone garage and a paved parking area. The parking area becomes a front garden with a paved path, and the south-east driveway and its crossing are removed, increasing landscaping to the street.
- The roof is a planted garden behind a stone parapet, and the walls are clad in natural stone, so the garage appears from the street as a landscaped garden wall. A garage further back on the site would need a driveway across the front garden.
- The garage occupies less than half the frontage. Its additional width allows two cars side by side, so no car is parked in the front garden.
- The north-west wall adjoins the garage at the street end of No. 31, so it faces a garage wall rather than a window or garden, and its shadow falls within the site.
- Reversing out is the existing arrangement, and the driveway levels from the kerb to the garage floor are shown on the plans.

Council's support for the variation is requested.

7.3 Side setbacks and side windows

The first floor follows the existing side walls of the house. Its walls are set back 0.86m from the north-west boundary and 1.12m from the south-east boundary, where the DCP requires one third of the wall height, 2.0m and 2.1m. The new ground floor wing is set back 0.9m from the north-west boundary, where 1.0m to 1.5m is required. Three new windows, W/N 1 and W/N 2 (Bed 3 and ensuite) and W/N 4 (Bed 4), face the north-west boundary within 3m of it.

The DCP allows a first floor addition to follow the existing ground floor wall setbacks where neighbours are not adversely affected by overshadowing, loss of views or loss of privacy. The objectives of the setback controls include privacy, equitable access to light and sunshine, and view sharing. The proposal is considered consistent with these objectives, and with the first floor control, for the following reasons:

- Privacy: the north-west windows are highlight windows with sills approximately 2.0m above the floor, and the stair window W/N 3 has louvred shutters. No balcony or terrace faces either side boundary at first floor level.

- Overshadowing: the first floor's winter shadow falls towards the rear of the site in the morning and towards No. 27 later in the day. The 21 June shadow diagrams show that No. 27 retains more than two thirds of its existing winter sun to its private open space, and the sun to its living room windows is maintained as the DCP requires.
- Views: the first floor is narrow from front to back and is located over the front part of the house, so the gaps between the houses towards the harbour remain open beside and behind it.
- The first floor is set back 13.3m from the street and 17m from the rear boundary, which limits the length of its side walls.

Council's support for the variation is requested.

7.4 Total open space

The site is in open space Area OS4, which requires total open space of 361.2m². The plans show 232m², or 38.5% of the site. The landscaped area control is met, with 204m² of soft landscaping shown on the plans against the 92.8m² required. The garage roof garden, with 300mm to 400mm of soil, provides additional planting and is not relied on to meet the landscaped area control.

The objectives of the open space controls are to maximise soft landscaped area and open space at ground level, to encourage tree planting, and to maintain the amenity of the site and its surroundings. The proposal is considered consistent with these objectives for the following reasons:

- The lot is below the minimum lot size, and the existing house already covers much of it.
- The rear yard towards the harbour, shown on the plans as 90m², is retained with its existing landscaping, and the paved parking area becomes a planted front garden with a path.
- Most of the remaining open space is landscaped rather than paved.

Council's support for the variation is requested.

7.5 Number of storeys

The DCP allows two storeys. The new stair wing has three levels, being the sub floor at RL 1.5, the ground floor at RL 3.70 and the first floor. The lowest level is an understorey cut into the raised ground beside the house, and the DCP allows an additional understorey that meets the definition of a basement. When viewed from the street and the harbour, the house appears as two storeys, with the garage and single storey wing at the front and the first floor behind.

The objectives of the height controls are to keep building heights and roof forms consistent with the landform and the streetscape and to control bulk and scale. The understorey adds no height or bulk visible from the street, the harbour or the neighbouring properties. The proposal is considered consistent with these objectives, and Council's support for the variation is requested.

7.6 Native tree numbers

The DCP requires 3 native trees from its list of native trees on a lot of this size. The landscape plan provides two new trees, a Banksia serrata and a Water Gum (Tristaniopsis laurina), of which the Water Gum is on that list. Banksia serrata is a locally occurring native species suited to the coastal setting, and the existing landscaping of the rear yard is retained, so the tree canopy on the site increases. The small front garden of an undersized lot limits the space for additional canopy trees.

The objective of the control is to encourage appropriate tree planting and the retention of existing vegetation. The planting is considered consistent with that objective, notwithstanding the numerical shortfall, and Council's support for the variation is requested.

7.7 Front terrace privacy

The front terrace is rebuilt in the location of the existing terrace at a similar level, RL 3.70, compared with RL 3.58 to 3.62 existing. It faces the front garden and the street. Its south-east edge is 1.23m from No. 27, with a solid stone parapet 0.8m high, and a planted screen runs along the south-east boundary beside it. The terrace is an outdoor dining area off the front entry, oriented to the street rather than to the rear yard of No. 27.

The objective of the control is to minimise overlooking of neighbouring properties. The parapet, the planting and the orientation of the terrace limit overlooking of No. 27. The proposal is considered consistent with that objective, and Council's support for the variation is requested.

7.8 Wall height of the first floor's front wall

The side walls of the first floor are 6.35m high, within the 6.5m limit for flat land. The front (north-east) wall is located 0.67m and 1.3m forward of the front wall and fascia of the house, above the lower ground of the existing terrace, storage room and courtyard. Measured from that lower ground, the front wall is 7.28m to 7.70m high, where the DCP allows 6.5m on flat land, rising to 8m at a slope of 1:4.

The objectives of the height controls are to keep building heights consistent with the landform and the streetscape and to control bulk and scale. The proposal is considered consistent with these objectives for the following reasons:

- The additional wall height results from the low ground in front of the house platform rather than a taller building. Beside the house, on the platform, the same walls are below the limit for flat land.
- The front wall faces the street and is set back 13.3m from the front boundary, behind the garage and the single storey wing, so it does not dominate a neighbouring property.
- The roof above is hipped and tiled to match the house, which keeps the street elevation low and articulated.

Council's support for the variation is requested.

7.9 Bin ramp beside the south-east boundary

The bin ramp, at a gradient of 1:8, runs along the south-east side passage and rises 0.43m to 0.48m above the existing path at its top. The DCP requires natural ground to be retained within 0.9m of side and rear boundaries. The ramp is a low path behind the existing boundary fence and provides level access for bins to the street.

The objective of the earthworks controls is to limit changes to the landform and to the natural flow of ground and surface water. The ramp makes only a minor change to ground levels beside the boundary and none to No. 27. The proposal is considered consistent with that objective, and Council's support for the variation is requested.

8. Likely impacts

8.1 Streetscape and the foreshore

The house will present to the street as a stone-clad garage with a planted roof, a single storey wing and a first floor set well back. The front parking area becomes a garden with a path, and the south-east driveway is replaced by a footpath. From the beach and the harbour, the single storey rear and verandah of the cottage remain in the foreground, with the first floor behind and its ridge close to that of No. 31, at RL 10.96. The heritage items I1 Harbour foreshores and I42 Clontarf Park are landscape items along the foreshore and park, and the works do not affect them or views along the foreshore.

8.2 Neighbours' amenity

The adjoining properties most affected are No. 31, to the north-west, and No. 27, to the south-east. As outlined in section 7.3, the first floor follows the existing side walls, its windows facing No. 31 are highlight windows, and no first floor balcony faces a side boundary. The shadow diagrams show that No. 27 retains the winter sunlight the DCP requires, and the garage adjoins the garage of No. 31. A view analysis from Nos. 27 and 31 and from the harbour shows that the harbour views from Nos. 27 and 31 are retained beside and behind the first floor.

8.3 The natural environment

Roof and surface water will drain to the existing outlet, with sediment and erosion controls in place during construction. One small tree is to be removed, and new native trees will be planted. The lower level is cut into the raised ground beside the house, and acid sulfate soils and groundwater will be managed in accordance with the preliminary assessment.

8.4 Construction

Construction waste and materials will be managed in accordance with the waste management plan and the sediment control plan, with materials and the skip bin stored on the site.

8.5 Social and economic effects

The proposal provides a larger family house on an existing residential lot and will support local construction employment.

9. Suitability of the site

The site is an established residential lot with access to services, on a local street. The works are at the front of the lot and maintain the relationship of the house to the foreshore. The site's constraints, including the foreshore setting, acid sulfate soils and low-lying land, are addressed through the design and the measures outlined above. The site is considered suitable for the development.

10. Submissions and the public interest

Council will consider any submissions received during the notification period. No planning agreement applies to the proposal. The proposal is considered to be in the public interest, as it renews an existing

house on a residential lot, maintains the foreshore edge and public access, and is consistent with the objectives of the planning controls.

11. Conclusion

The proposal has been assessed against the matters for consideration under section 4.15 of the Act. It is permissible with consent in the C3 zone and consistent with the objectives of the zone. It is consistent with the relevant state environmental planning policies, Manly Local Environmental Plan 2013 and Manly Development Control Plan 2013, with the exceptions set out in section 7. A written request under clause 4.6 accompanies the application for the floor space ratio standard, and each DCP variation is justified against the objectives of the control. The likely impacts are acceptable, and the site is suitable for the development. Approval of the application is requested.

Prepared with Lodgewell