

To: Manly Council
1 Belgrave Street
Manly NSW 1655

Karl and Julie Danenbergsons
5A Castle Circuit
Seaforth NSW 2092

24 September 2014

RE: STATEMENT OF IMPACT OF UNAUTHORISED WORKS

This letter serves the purpose of providing a statement of the impact of the unauthorised works at 5A Castle Circuit, Seaforth, NSW, 2092. These works were conducted in accordance with the documents and drawings submitted and subsequently approved by Council as part of DA125/2013. However, due to a lack of understanding of the compliance requirements with the DA (i.e. this was the first time we have ever submitted such an application) we failed to obtain a construction certificate or an occupation certificate prior to commencing the works.

"The works" involve the replacement of a 1200mm high timber picket fence, approximately 17 metres in length facing the Wakehurst Parkway, with a timber lapped and capped fence of 1800 mm height to match the existing property fences. The existing fence post holes were used and all waste materials (e.g. previous fence palings, cement bags etc) were removed by the fencing contractor. Therefore, the only material impact of the works was an increase in fence height of a nominal 600 mm.

Given the only material change of the works described from the previous condition to the constructed condition was an increase in fence height from 1200 mm to 1800 mm as per the requirements of the approved DA125/2013, there was no negative impact on any adjoining property, public land or any amenity. Please refer to the attached "Statement of Environmental Effects" that was submitted as part of Approved DA125/2103 for further details.

Yours sincerely,

Karl Danenbergsons
5A Castle Circuit
Seaforth NSW 2092

**PROPOSED FENCING MODIFICATIONS
AT
5A CASTLE CIRCUIT
(LOT 2 IN DP1112545)
SEAFORTH
NSW 2092**

OWNERS: KARL & JULIE ANN DANENBERGSONS

**STATEMENT OF ENVIRONMENTAL EFFECTS
AND NOTES IN SUPPORT OF DEVELOPMENT APPLICATION**

**September 2012-09-16
Revision A**

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INTRODUCTION

This Statement of Environmental Effects has been prepared in relation to the development application for 5A Castle Circuit, Seaforth, NSW, 2092 for the modification to the existing fencing facing Castle Circuit and the Wakehurst Parkway. 5A Castle Circuit is located as shown in the aerial photograph presented as Fig. 1 below.



Fig. 1 Aerial Photo of Castle Circuit and Wakehurst Parkway
(Source: www.nearmap.com September 2012)

BACKGROUND

5A Castle Circuit was formerly known as 8 Wakehurst Parkway until mid 2010 when an application submitted by the present owners for re-naming the property to a Castle Circuit address was approved by Manly Council. This application was based on the fact that the present owners have plans to make Castle Circuit the only means of both pedestrian and vehicular access to the property. Currently, Castle circuit is the main means of vehicular access as the property no longer has a driveway facing the Wakehurst Parkway (due to the RTA removing this access when the traffic lights at the junction of Castle Circuit and Wakehurst Parkway were installed).

The current development application is for the modification to the existing fencing facing Castle Circuit and the Wakehurst Parkway. The details of the proposed modifications are:

Castle Circuit Fence: Replace the existing 1800mm high paling fence with a more robust 1800mm high hardwood paling fence of "lapped and capped" construction with galvanised steel support posts

for a longer design life. At the same time, incorporate a hardwood paling pedestrian gate and mailbox as shown on "Drawing Number 002" accompanying the development application.

Wakehurst Parkway Fence: Replace the existing 1200mm high timber picket fence with an 1800mm high hardwood paling fence of "lapped and capped" construction with galvanised steel support posts to match the fence facing Castle Circuit. The purpose of this fence is to (i) allow the "yard space" facing the Wakehurst Parkway to be used as a secure and safe play area for small children (ii) provide some means of road noise relief (iii) allow Castle Circuit to be used as the only means of pedestrian and vehicular traffic, and (iv) match the existing "frontages" facing the Wakehurst Parkway in the immediate vicinity (i.e. 5B, 5C, 5D Castle Circuit etc). It should be noted that originally, this fence line was the "street frontage" for 8 Wakehurst Parkway but now with 5A Castle Circuit having all access via Castle Circuit, this fence-line represents the "back yard" of the property. This arrangement of having the "back yard" on the Wakehurst Parkway is the same as the precedent sent and previously approved by Manly Council for the properties known as 5B, 5C and 5D Castle Circuit etc).

KEY PROPERTY DETAILS

The key details of the property in relation to this development application are as follows:

- a) This property was owned by the Roads and Traffic Authority of NSW (RTA) for more than twenty years prior to the RTA selling this property to the present owners – Karl & Julie Ann Danenbergsons in February 2010.
- b) The RTA removing the neighbouring property (No. 10 Castle Circuit) so that Castle Circuit could be implemented in its present form as well as the construction of traffic lights at the Junction of Castle Circuit and the Wakehurst Parkway.
- c) The RTA removed all vehicular access to the property when the lights at the junction of Castle circuit and the Wakehurst Parkway were constructed and mandated that all vehicular access to the property shall be by Castle Circuit (i.e. presently an automated sliding gate).
- d) This property was known as 8 Wakehurst Parkway until mid 2010 when Manly Council approved the application of the present owners to assign it a Castle Circuit street number/address.
- e) This property only has one existing (immediate) neighbour at No. 6 Wakehurst Parkway. Lot 15 in DP1112545 (rear neighbour on Castle Circuit) was sold in 2010 but so far has not had any development carried out.
- f) The property is currently fenced in its entirety by either an 1800mm paling fence (Castle Circuit side) or a 1200mm picket fence (Wakehurst Parkway side). An 1800mm paling fence separates the property from the immediate neighbour at No. 6 Wakehurst Parkway.

ENVIRONMENTAL EFFECTS & CONSIDERATIONS

The following tabulated information addresses typical development environmental effects and considerations. It should be noted that the majority of these considerations are not applicable as the development application is basically the replacement of existing timber fencing with that which is also timber either of the same height or higher with a more robust design and more robust timber to achieve a longer design life.

| Environmental Consideration | Statement of Effects |
|-----------------------------|---|
| Context and Setting | The proposed lapped and capped fence is similar in size, detail, colour and construction to the fencing of nearby properties along the Wakehurst Parkway (both on the same side of the road and opposite. It is also similar to two properties in the immediate vicinity located on Castle Circuit. |
| Public Domain | <p>The fencing will be no higher than 1800mm from natural ground level and will present no shadowing to any adjoining property.</p> <p>The existing fencing setback from the roads and adjoining property will not be modified in any way.</p> <p>Motorists will not be inconvenienced in any way at the traffic lights intersecting the Wakehurst Parkway and Castle Circuit as the setback from the street is unchanged and the viewing distance is actually greater now than when the intersection first was installed. This is because a large gum tree (facing the Wakehurst Parkway) has now been removed (at the request of Manly Council) due to disease.</p> |
| Infrastructure | The new fencing will utilise the existing fencing post holes and will therefore have no impact on buried or above-ground services such as pedestrian footpaths, electrical cables, sewage, potable water, stormwater etc. |
| Heritage & Archaeology | The property was constructed in the early 1950s as a residential dwelling. It has always had fencing either side (parallel with Castle Circuit) and has only recently (i.e. less than 3 years) had a 1200mm high fence installed (by the RTA). There are no relics, artefacts or items of interest on the property. |
| Land Resources | The site is a gently sloping site away from the Wakehurst Parkway down castle circuit. No earthworks are required other than renewing the existing postholes for the fence. Therefore, there is negligible impact on the land. |
| Flora and Fauna | There are no native animals on the property. No flora will be affected by the proposed fence as the existing alignments, location and postholes will be reused. |
| Waste | There will be minimal waste (e.g. empty cement bags and packing materials). All existing fence palings will be re-used elsewhere on the property or will be recycled. |

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| Noise | The loudest item of equipment will be a nail gun. No earthmoving or heavy machinery will be required – hand tools only. The hours of construction will be in accordance with Manly Council regulations and shall be during business hours during the working week. It is expected that the construction will be completed within two to three working days. |
| Natural Hazards | Not applicable. There are no natural hazards on the site. |
| Social Impact | The fence is a replacement to the existing fence. The lapped and capped construction is similar or identical to numerous properties within the immediate vicinity. Given that the two fence-lines proposed do not have any neighbours (i.e. they are street frontages due to the property being a corner block) there will be zero impact on any neighbouring property. There will be no additional shadowing to any neighbouring property. |
| Economic Development | Not applicable. This fence construction will be completed by fencing contractors within two to three working days. |
| Design | The fence design is similar or identical to numerous properties within the immediate vicinity. |
| Construction | Will comply with the Building Code of Australia and Manly Council DA guidelines. Hand tools only will be required. All materials will be stored safely and neatly on the property. The construction will be completed within two to three working days during business hours thereby causing negligible impact on the amenity of surrounding properties. That is, the noise of the busy Wakehurst Parkway will be more significant than the noise of hand-tools and nail guns. |