



*statement of environmental effects*



## ALTERATIONS & ADDITIONS TO AN EXISTING DWELLING

16 KIRKWOOD STREET  
SEAFORTH NSW 2092

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## *introduction*

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This statement of environmental effects has been prepared by Northern Beaches Planning on behalf of Nicole and Marshall Denning to accompany the lodgement of a development application for alterations and additions to an existing dwelling at 16 Kirkwood Street, Seaforth (**site**).

This statement is informed and accompanied by the following documentation:

- Detail and Boundary Survey by Urban Surveying
- Architectural Plans by Pittwater Design + Draft
- Landscape Plan by Pittwater Design + Draft
- Shadow Diagrams by Mitch Clark Designz
- Bushfire Risk Management Report by Australian Bushfire Consulting Service
- Stormwater Management Plans by Harrison and Morris Consulting Pty Ltd
- BASIX Certificate by Leigh Graham
- Waste Management Plan by Pittwater Design + Draft

## *site details*

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The site is legally identified as Lot 77 in Deposited Plan 11162 and is commonly referred to as 16 Kirkwood Street, Seaforth. The site is located on the western side of Kirkwood Street. The site is trapezoidal in shape, with a 12.955m wide frontage to Kirkwood Street, a maximum depth of 63.38m and a total area of 746m<sup>2</sup>.

An existing single storey dwelling is located centrally on the site, with a double garage and carport forward of the dwelling. Vehicular and pedestrian access to/from the site is gained via an existing driveway to Kirkwood Street. The site is burdened by a stormwater pipe and associated easement that bisect the site at a distance of approximately 16m from the front boundary. The levels of the site undulate; falling from a maximum RL of 98.92m AHD at the rear boundary towards a minimum RL of 94.72m AHD at the alignment of a stormwater pipe, before rising again to RL 96.90m AHD at the front boundary. An existing mature canopy tree is located in the front yard of the site, with a street tree within the adjacent road reserve.

The site is surrounded by residential development of varying age, architectural style and character. Kirkwood Street is a two-lane local road, with parking on both sides of the street. Overhead powerlines traverse the road verge on the opposite side of the street, with individual connections extending across the roadway. A footpath runs along the frontage of the site.

Aerial images of the site and its surrounds are provided in Figures 1 and 2 on the following page. Images of the site and the streetscape are also provided (Figure 3-6).





Figure 1 – Aerial image with site bordered in yellow  
Source: Nearmap



Figure 2 – Aerial image (zoom) with site bordered in yellow  
Source: Nearmap





**Figure 3 – The site as seen from Kirkwood Street**  
Source: NBP



**Figure 4 – The site as seen from the driveway**  
Source: NBP





**Figure 5 – The site as seen from Kirkwood Street (north-east)**  
**Source: NBP**



**Figure 6 – The site as seen from Kirkwood Street (south-east)**  
**Source: NBP**

## *proposed development*

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The application seeks consent for alterations and additions to the existing dwelling, as depicted in the architectural plans prepared by Pittwater Design + Draft that accompany this application.

Specifically, the works include:

- Demolition of the front of the existing dwelling, including the entrance porch (outlined in red),
- Construction of a new Garage Level, including a double garage, mudroom, entrance foyer and internal stair access,
- Alterations and additions to the existing Ground Floor, including a new master bedroom with WIR and ensuite, study and internal access stairs,
- Resurfacing of existing driveway, and
- Landscaping.

Please note that the demolition of the existing garage and carport (shown in purple) is subject to a separate CDC Application, which also includes alterations and additions to the rear of the dwelling and the construction of a swimming pool (shown hatched green). It is intended that these works will be completed at the time the subject application is commenced, and as such are shown as “existing” on the accompanying architectural plans.

## *legislation, plans and policies*

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The following relevant state and local policies are applicable to the proposed development:

- Environmental Planning and Assessment Act (**EP&A Act**)
- Environmental Planning and Assessment Regulation 2021 (**EP&A Regulation**)
- Rural Fires Act
  - Bushfire Prone Land Map: Vegetation Buffer
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Manly Local Environmental Plan 2013 (**MLEP 2013**):
  - Lot Size Map: 500m<sup>2</sup>
  - Land Zoning Map: R2 Low Density Residential
  - Height of Buildings Map: 8.5m
  - Floor Space Ratio Map: 0.45:1
- Manly Development Control Plan 2013 (**MDCP 2013**)
  - Open Space Area: Area OS3
  - Potential Geotechnical Landslip Hazard Areas: Area G4

## *environmental planning and assessment act*

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In accordance with section 4.14(1) of the EP&A Act, development consent cannot be granted for the carrying out of development for any purpose on bush fire prone land unless the consent authority –

- (a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (**the relevant specifications and requirements**), or*
- (b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

The development application is accompanied by a Bushfire Risk Assessment Report by Australian Bushfire Consulting Service, inclusive of a Bushfire Risk Assessment Certificate confirming that the development conforms with the relevant specifications and requirements of Planning for Bushfire Protection 2019.

The matters prescribed by section 4.15(1) of the EP&A Act are considered, as follows:

Clause	Provision	Comment
(a)	<p><i>the provisions of—</i></p> <ul style="list-style-type: none"><li><i>i. any environmental planning instrument, and</i></li><li><i>ii. 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</i></li><li><i>iii. any development control plan, and</i></li><li><i>iv. any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i></li><li><i>v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i></li></ul> <p><i>that apply to the land to which the development application relates,</i></p>	<p>The relevant provisions of MLEP 2013, all relevant SEPPs, and MDCP 2013 have been considered and addressed in this statement.</p> <p>A LEP Planning Proposal for the new comprehensive Northern Beaches Local Environmental Plan has been submitted for Gateway Determination.</p> <p>The draft instrument has not been the subject of public consultation and is not required to be considered in this development application.</p>



Clause	Provision	Comment
(b)	<i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The likely impacts of the proposed development have been addressed with respect to relevant plans and policies in this statement. The proposed development will not result in any unacceptable impacts upon the natural or built environment, or any social or economic impacts in the locality.
(c)	<i>the suitability of the site for the development,</i>	The subject site is suitable for the proposed development.
(d)	<i>any submissions made in accordance with this Act or the regulations,</i>	The application will be notified to all neighbouring properties, with any submissions received to be considered by Council.
(e)	<i>the public interest.</i>	The proposed development is in the public interest, in so far as it is consistent with the objectives and outcomes of MLEP 2013 and MDCP 2013.

## *state environmental planning policy (biodiversity and conservation)*

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### **Vegetation in Non-Rural Areas**

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The application does not propose the removal of any trees and will not result in any adverse impacts upon nearby trees. The proposed development is considered to be consistent with the requirements and objectives of SEPP (Biodiversity and Conservation).

## *state environmental planning policy (sustainable buildings)*

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The proposed works constitute 'BASIX affected development', as defined by the EP&A Regulation. The application is accompanied by a BASIX Certificate demonstrating that the proposed development can meet relevant performance criteria.

## *state environmental planning policy (resilience and hazards)*

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### **Remediation of Land**

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land. Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The site has been used for residential purposes for an extended period of time, with no known prior land uses. The site is not identified on the public register of contaminated sites and is not located in the vicinity of any. Council can be reasonably satisfied that there is no contamination risk.

## *local environmental plan*

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The site is identified on the Land Application Map of MLEP 2013 and the provisions of this policy are applicable in relation to the site and the proposed development. The relevant provisions of MLEP 2013 are considered, as follows:

Clause	Standard	Proposal	Compliance
Clause 2.3 Zone objectives and Land Use table			Yes
Clause 2.7 Demolition requires development consent			Yes
Zone R2 Low Density Residential			Yes See discussion
4.3 Height of buildings	8.5m	6.6m	Yes
4.4 Floor space ratio	0.45:1	0.32:1	Yes
6.2 Earthworks			Yes
6.4 Stormwater management			Yes
6.12 Essential services			Yes



## Zone R2 Low Density Residential

The site is zoned R2 Low Density Residential under the provision of MLEP 2013. Pursuant to the land use table in Part 2 of this instrument, dwelling houses (and alterations and additions thereto) are permissible with consent. In accordance with clause 2.3 of MLEP 2013, the consent authority must have regard for the objectives of the zone for which the development is to occur. Council can be satisfied that the proposed development is consistent with the objectives of the R2 Low Density Residential Zone, as follows:

- *To provide for the housing needs of the community within a low density residential environment*  
Comment: The proposed development seeks to provide for the changing needs of the owners of the dwelling house.
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*  
Comment: Not applicable.

### *development control plan*

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MDCP 2013 is applicable to the site and the proposed development. The relevant provisions of MDCP 2013 are considered, as follows:

Clause	Control	Proposal	Compliance
3.1.1.1 Complementary Design and Visual Improvement	Development in the streetscape should be designed to complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality. The use of plantation and/or recycled timber in construction and finishes is encouraged.	There is no predominant building form in the locality.  The proposal has a well-articulated and high-quality presentation to Kirkwood Street that will positively contribute to the character of the street.	Yes
3.2 Heritage considerations	The impact on the setting of a heritage item or conservation area is to be minimised		N/A
3.3.1 Landscaping Design	The design, quantity and quality of open space should respond to the character of the area.		Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Authority to clear a tree or other vegetation, is regulated in this plan in accordance with	No tree removal is proposed.	N/A

Clause	Control	Proposal	Compliance
	SEPP (Biodiversity and Conservation).		
3.4.1.1 Overshadowing Adjoining Open Space	New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice (21 June).	As demonstrated by the accompanying Shadow Diagrams, the proposal does not result in any additional overshadowing of the neighbour's rear yard in midwinter.	Yes
3.4.1.2 Maintaining Solar access into Living Rooms of Adjacent Properties	The level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 2 hours from 9am to 3pm on the winter solstice (21 June).	As demonstrated by the accompanying Shadow Diagrams, the proposal will result in additional overshadowing of the front entrance porch and a side facing highlight windows associated with the front room of the neighbouring dwelling at 14 Kirkwood St in midwinter.  However, solar access to the primary living areas at the rear of the neighbouring dwelling remain unaffected by the proposal.	Yes
3.4.2.2 Balconies and Terraces	Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties. Architectural screens must be fixed in position and suitably angled to protect visual privacy.		N/A
3.4.3 Maintenance of Views	The design of any development, including the footprint and form of the roof is to minimise the loss of views from neighbouring and nearby dwellings and from public spaces.	The proposed additions will not result in any adverse impacts upon views.	Yes
3.5 Sustainability	To ensure the principles of ecologically sustainable development are taken into consideration within a consistent and integrated		Yes



Clause	Control	Proposal	Compliance
	planning framework that achieves environmental, economic and social sustainability in the short, medium and long term.		
3.7 Stormwater Management	All developments must comply with Northern Beaches Council's 'Water Management for Development Policy'.	The application is supported by Stormwater Management Plans demonstrating a suitable stormwater management solution for the site.	Yes
3.8 Waste Management	All development must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	The application is supported by a Waste Management Plan.	Yes
3.10 Safety and Security	The principle of 'safety in design' is to be considered for all development in relation to the design and assessment of DAs to ensure developments are safe and secure for residents, all other occupants and visitors.	The proposed development has been designed with appropriate regard for the CPTED principles.	Yes
4.1.2.1 Wall Height	North: 6.6m South: 6.6m	North: 5.8m - 6.6m South: 5.0m - 6.6m	Yes
4.1.2.2 Number of Storeys	Buildings must not exceed 2 storeys.	2 storeys	Yes
4.1.2.3 Roof Height	Pitched roof structures must be no more than 2.5m above the actual wall height.		Yes
4.1.4.1 Street Frontage Setbacks	Street front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.  Where the street front building lines of neighbouring properties are variable and there is no prevailing building line in the immediate vicinity i.e. where building lines are neither	16.6m  There is no predominant setback along Kirkwood Street.  The proposal adopts the setback of the existing garage on the site and is setback behind the alignment of the existing carport.	Yes

Clause	Control	Proposal	Compliance
	consistent nor established, a minimum 6m front setback generally applies.		
4.1.4.2 Side Setbacks and Secondary Street Frontages	North: 1/3 of average wall height (6.2m) = 2.07m South: 1/3 of average wall height (5.8m) = 1.93m	North: 2.51m South: <b>1.68m – 1.80m</b>	<b>No</b> See discussion
4.1.4.4 Rear Setbacks	8.0m	No change.	Yes
4.1.5.1 Minimum Residential Total Open Space Requirements	Total Open Space: 55% (410.3m <sup>2</sup> )	Proposed: <b>52.2% (389.2m<sup>2</sup>)</b>  The proposal falls shy of the 55% requirement for total open space. However, the proposal far exceeds the minimum landscaped area required for the site, even when assuming that compliance with the TOS requirements were achieved.  Sufficient area is provided for open space and landscaping, commensurate with adjoining and nearby properties.	<b>No</b>
4.1.5.2 Landscape Area	Landscaped Area: 35% of actual TOS (136.2m <sup>2</sup> )	Proposed: 343.0m <sup>2</sup> or 88.1%	Yes
4.1.5.3 Private Open Space	Minimum area: 18m <sup>2</sup>	No change.	Yes
4.1.6.1 Parking Design and Location of Garages, Carports or Hardstand Areas	The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain the desired character of the locality.  The maximum width of any garage, carport or hardstand area is not to exceed a width equal to 50 percent of the frontage, up to a maximum width of 6.2m.  2 spaces (minimum).	At <b>8.0m</b> in width, the proposed garage exceeds the maximum width prescribed by this control. However, the proposed garage is appropriately integrated into the design of the dwelling, with its visual impact minimised by the integrated planter above that projects forward to cast shadow over the garage door below.  2 spaces.	<b>No</b>



Clause	Control	Proposal	Compliance
4.1.8 Development on Sloping Sites	Area G4 Residential footings are to be in accordance with AS2870.		Yes
4.1.9 Swimming Pools, Spas and Water Features		No change to pool approved under separate CDC.	N/A
4.1.10 Fencing	In relation to open/ transparent fences, height may be increased up to 1.5m where at least 30 percent of the fence is open/ transparent for at least that part of the fence higher than 1m.		N/A

#### **Clause 4.1.4.2 Side Setbacks and Secondary Street Frontages**

Required: 1.93m

Proposed: 1.68m – 1.80m

The setback of the southern side elevation is non-compliant with the minimum side setback prescribed by this control. Nonetheless, the proposed side setback is considered sufficient in the circumstances where the proposal is appropriately characterised as alterations and additions to an existing dwelling, and where there has been a conscious effort to provide an increased setback compared to that of the remainder of the existing dwelling (1.3m). Furthermore, despite its limited length, the southern side elevation of the front additions is well articulated, with varied setbacks and materiality, to ensure that the visual impact of the proposal is appropriately minimised.

The southern side elevation complies with the maximum wall height prescribed and is maintained well below the overall maximum building height. The proximity of the proposal does not result in any adverse impacts upon the amenity of the neighbouring dwelling to the south or character of the streetscape, and as such, the minor variation is reasonably supported on merit.

## *conclusion*

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The proposal is a well resolved and considered design solution for the site. The proposal will not result in any unreasonable impacts upon adjoining properties or the surrounding natural environment and appropriately reflects the desired character of the residential locality.

The relevant provisions of MLEP 2013, all relevant SEPPs, and MDCP 2013 have been considered and addressed in this statement. The proposal relies upon variations to the side setback, total open space, maximum garage width requirements of MDCP 2013. We ask that Council apply flexibility in this regard, consistent with the provisions of 4.15(3A)(b) of the EP&A Act, noting that the outcomes of these controls are nonetheless achieved.

The proposal will positively contribute to the character of the existing streetscape, with a high-quality presentation to Kirkwood Street. As such, the application warrants Council's support in this regard.



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