



## **STATEMENT OF ENVIRONMENTAL EFFECTS REPORT**

**Demolition of existing dwelling & associated structures  
& Construction of new two storey dwelling**

No. 12 Koobilya Street, Seaforth

October 2023

**CONTENTS**

**1.0 INTRODUCTION ..... 3**

**2.0 SITE DETAILS..... 4**

2.1 SITE LOCATION.....4

2.2 SITE DESCRIPTION.....4

2.3 SITE CONTEXT .....6

**3.0 PROPOSED DEVELOPMENT ..... 6**

**4.0 PLANNING CONSIDERATIONS..... 9**

4.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE & HAZARDS) 2021 .....9

4.2 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2023 .....9

4.3 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY & CONSERVATION) 2021 .....9

4.4 MANLY LOCAL ENVIRONMENTAL PLAN 2013 (MLEP 2013).....9

4.5 MANLY DEVELOPMENT CONTROL PLAN 2013 (MDCP 2013).....11

**5.0 SECTION 4.15-ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979. .... 16**

**6.0 CONCLUSION ..... 19**

## 1.0 INTRODUCTION

Metro Planning has been engaged by G J Gardner Homes to prepare a Statement of Environmental Effects Report (SEE) in support of a development application which seeks consent for the demolition of on-site structures and the construction of a new two (2) storey dwelling at No. 12 Koobilya Street, Seaforth.

The site is zoned R2 Low Density Residential under the provisions of Manly Local Environmental Plan 2013 (MLEP 2013) and the dwelling is permissible with consent.

The dwelling has been found to be generally consistent with the relevant controls of Manly Development Control Plan 2013 (MDCP 2013), with the exception of the non-compliances as justified on merit grounds throughout this report.

The report is intended to assist Northern Beaches Council in its assessment of the development application and incorporates the following details:

- Description of site and context;
- Description of proposed development;
- Consideration of relevant planning considerations;
- Consideration of relevant environmental effects;

The report should be read in conjunction with the following supporting material:

- Survey Plan prepared by TSS Total Surveying Solutions;
- Demolition Plan prepared by KJR Drafting;
- Architectural Plans prepared by KJR Drafting;
- Concept Landscape Plan prepared by KJR Drafting;
- BASIX Certificate prepared by Chapman Environmental Services;
- Concept Stormwater Plan prepared by Nastasi & Associates Consulting Engineers;
- BAL-19 Construction Checklist prepared by Bush Con Australia;
- Bush Fire Assessment Report prepared by Bush Con Australia.

## 2.0 SITE DETAILS

The following details of the site's location and physical characteristics are provided to assist Council in the assessment of the development application.

### 2.1 Site Location

The subject land is located at 12 Koobilya Street, Seaforth as identified in **Figure 1**.



**Figure 1** Site locality plan.

### 2.2 Site Description

The subject land is described as Lot 137 within DP35319. The site is a rectangular shaped lot with an area of 557.4m<sup>2</sup>, an angled frontage of 15.24m to Koobilya Street and a depth of 36.575m.

The site is currently occupied by a single storey dwelling with two (2) rear yard outbuildings. The site currently has vehicular access from Koobilya Street via a concrete strip driveway to the detached single garage. There are ten (10) residential tree plantings currently on-site.

The site has a crossfall from the western side boundary towards the eastern side boundary. **Figure 2** below provides an aerial depiction of the site. **Figure 3** depicts the plan of survey as prepared by TSS Total Surveying Solutions.



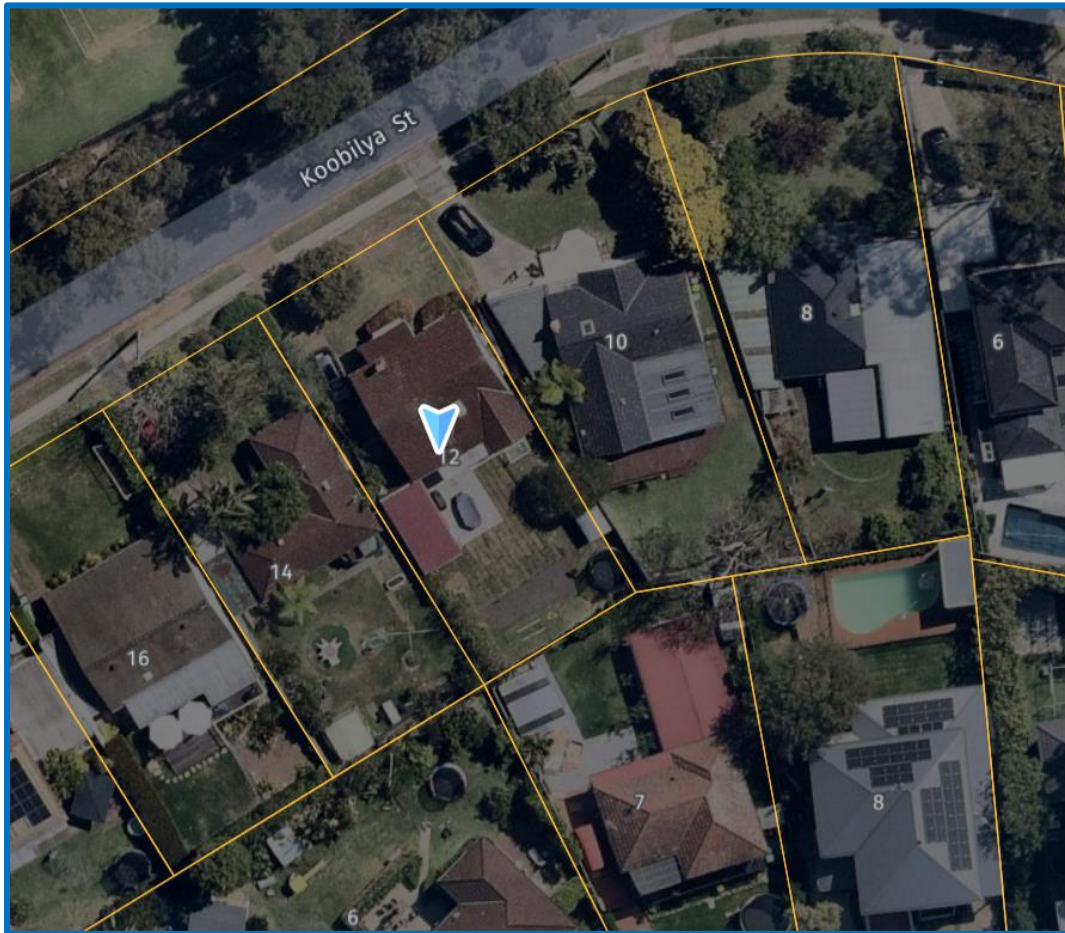


Figure 2-Aerial view of site

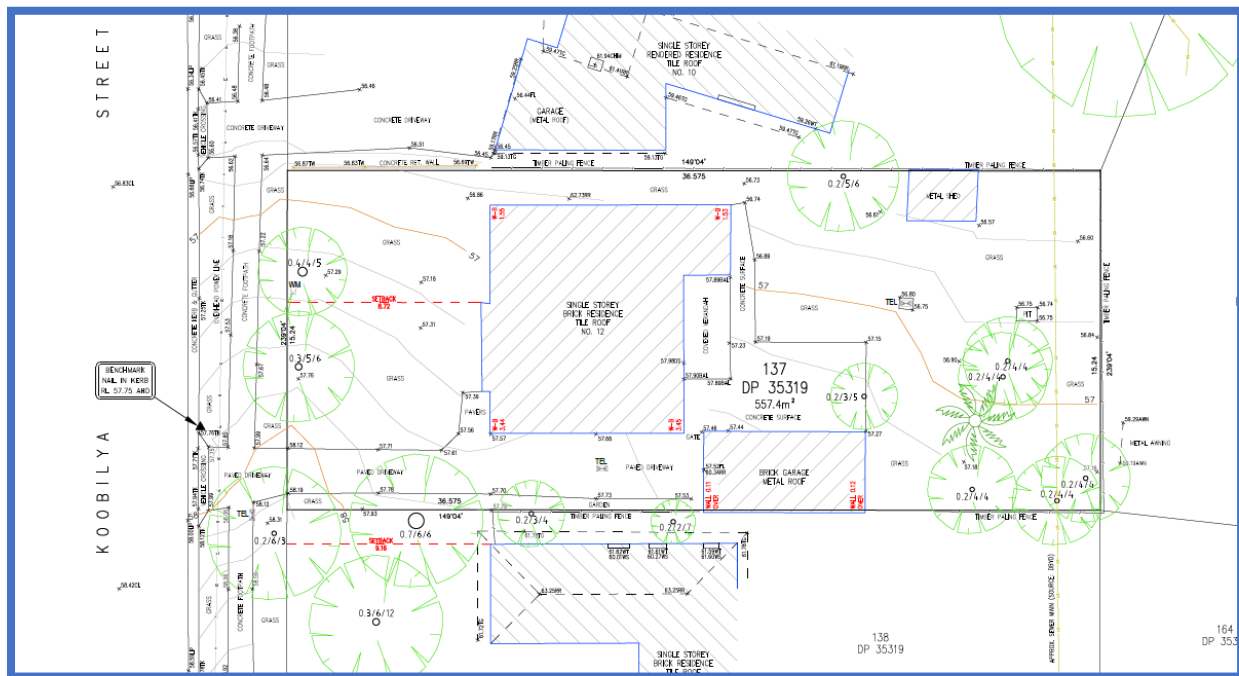


Figure 3- Survey plan of site.

## 2.3 Site Context

This site is located within a low density residential area of Seaforth comprising a mixture of single and two storey detached dwellings on similar sized lots to the subject site as identified in **Figure 2**. The site is located within the vicinity of the Seaforth Community Centre and Seaforth Public School.

### 3.0 PROPOSED DEVELOPMENT

The development application seeks consent for the demolition of on-site structures and the construction of a new two (2) storey dwelling, with associated landscaping works, which is permissible with the consent of Council.

The proposal includes the following:

#### Demolition Works:

- Removal of existing driveway crossover and concrete-strip driveway.
- Removal of existing single storey dwelling.
- Removal of external outbuildings.

#### Ground Floor:

- New concrete driveway and associated vehicle crossover.
- Double garage.
- Front porch and foyer area.
- Front lounge room.
- Bathroom and laundry.
- Bedroom.
- Open style living, dining and kitchen area with butlers pantry.
- Rear facing alfresco.
- Ground floor staircase.

#### First Floor:

- Master bedroom with attached ensuite, walk-in-robe and street facing balcony.
- Two (2) additional bedrooms, each with an ensuite.
- First floor lounge.
- First floor staircase.

The maximum ridge height of the development is RL65.541, with the lowest NGL beneath the ridge being RL57.20 which results in a maximum height of 8.341m. As such the maximum building height complies with the 8.5m maximum.

The total gross floor area of the proposal will be 239m<sup>2</sup>, resulting in a total FSR of 0.42:1 which likewise complies with Council's 0.45:1 maximum.

The new dwelling is proposed to be constructed of timber cladding, with timber balustrading and colorbond roofing. The presentation of the dwelling to the Koobilya streetscape is well articulated and will complement the surrounding locality.

The proposal provides for a new driveway and associated vehicle access crossover from Koobilya Street, in accordance with Australian Standards and Council requirements.

The proposal requires the removal of one (1) on-site tree (as shown adjacent to the detached garage in the below **Figure 4** and in the below **Figure 7**). The tree is considered acceptable for removal given the residential planting, size and age of the tree and location within 5m of on-site structures. Extensive landscaping across the front and rear setback will be retained.

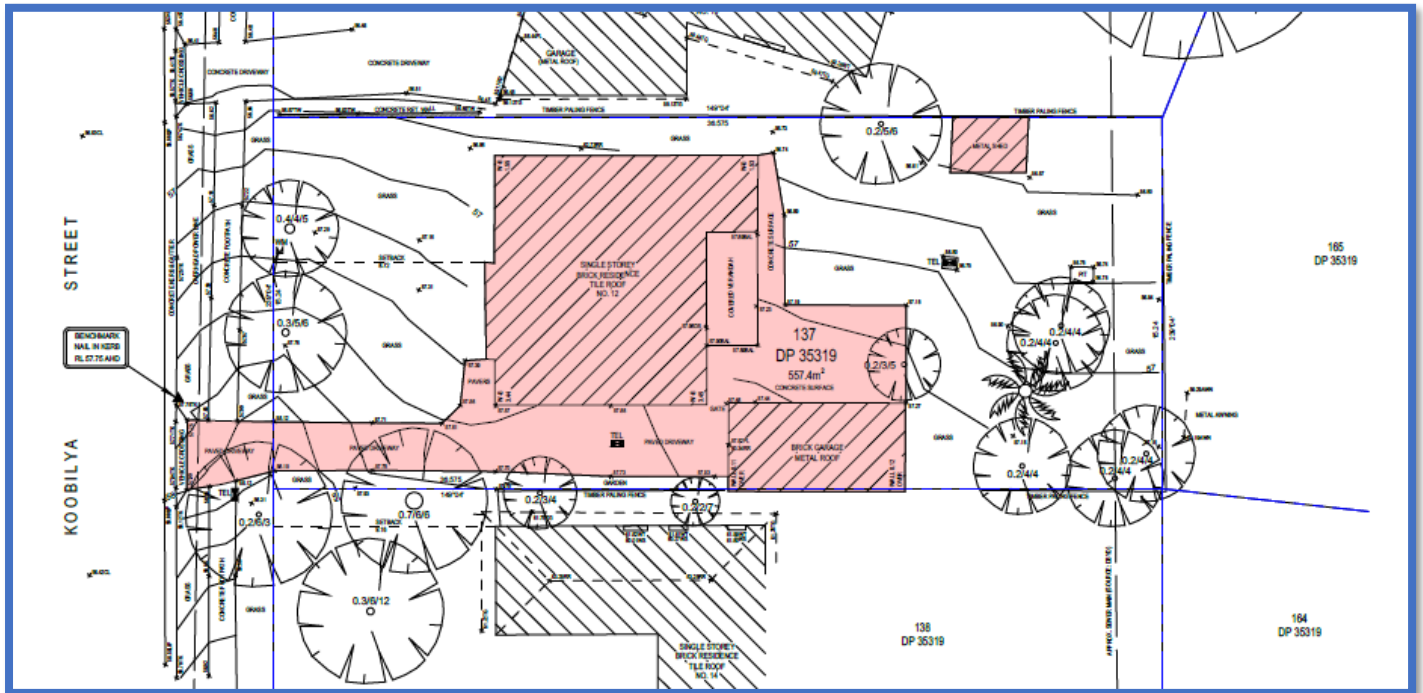


Figure 4 – Proposed demolition plan.

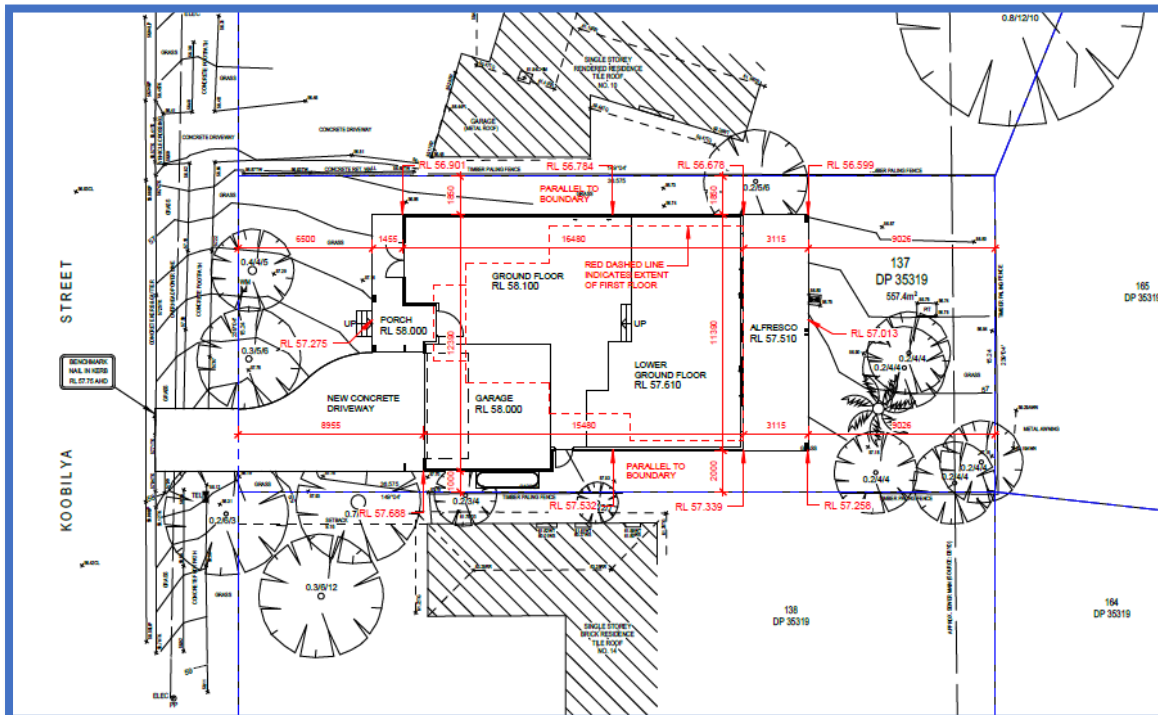


Figure 5 – Proposed site plan.



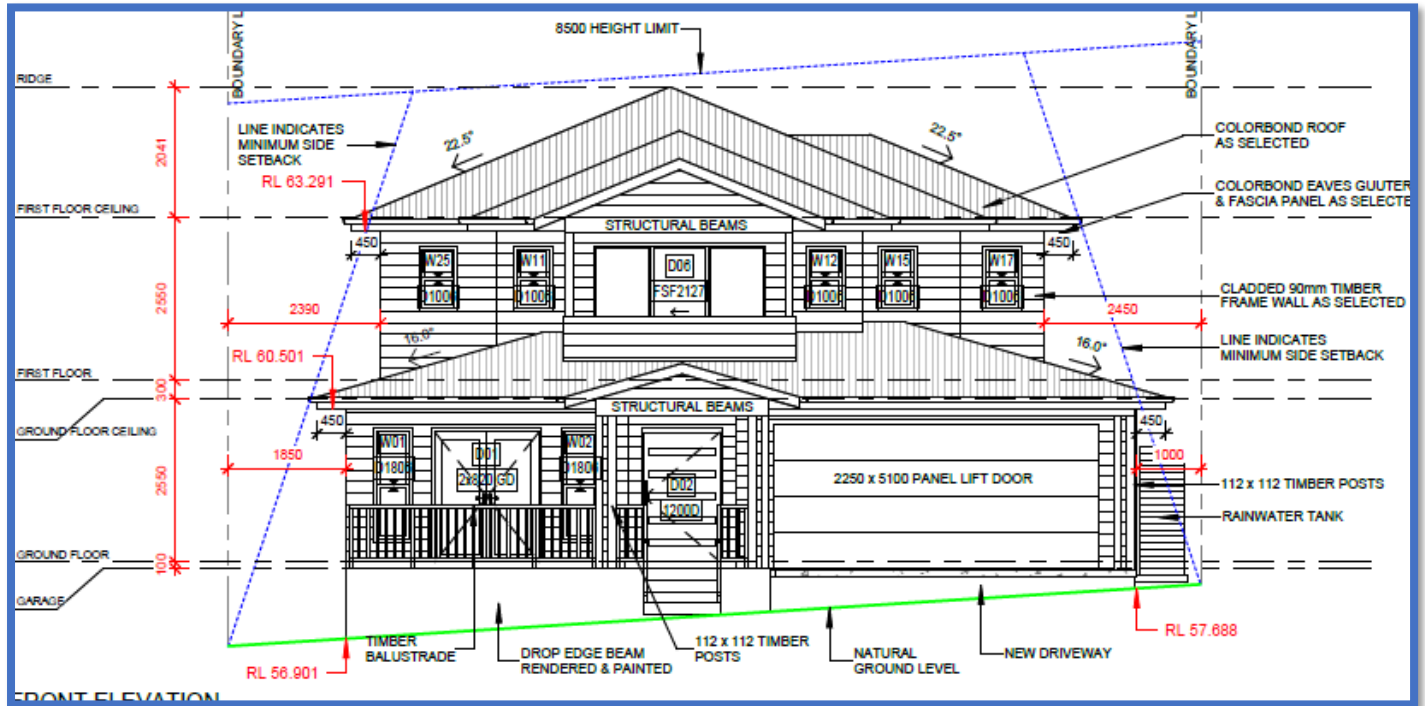


Figure 6 - View of dwelling from Koobilya Street.



Figure 7 - Rear yard tree to be removed.



## 4.0 PLANNING CONSIDERATIONS

### 4.1 State Environmental Planning Policy (Resilience & Hazards) 2021 – Chapter 4: Remediation of land

The proposal is also subject to assessment under Chapter 4 of the Resilience and Hazards SEPP. A consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

The site displays no evidence of contamination and there is no reason to suspect contamination of the site from hazardous materials. It is therefore considered suitable for its continued residential use. On this basis, the proposal is consistent with relevant objectives and matters for consideration under the above SEPP.

### 4.2 State Environmental Planning Policy (Sustainable Buildings) 2022

A BASIX Certificate is submitted with the development application. The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal.

### 4.3 State Environmental Planning Policy (Biodiversity & Conservation) 2021 – Chapter 2: Vegetation in Non-Rural Areas

State Environmental Planning Policy (Biodiversity and Conservation) in part seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The proposal seeks the removal of one (1) on-site residential tree planting. The planting is not a mature planting and is located within close proximity to existing structures. The planting is required for removal to facilitate the development. It is noted that the proposal will retain nine (9) on-site plantings. As such is considered satisfactory with the above SEPP.

### 4.4 Manly Local Environmental Plan 2013 (MLEP 2013)

The subject land is zoned R2 Low Density Residential under the provisions of Manly LEP 2013 and the proposal is permissible with the consent of Council. An assessment of the proposal with the relevant clauses of MLEP 2013 is addressed in **Table 1**.

MANLY LOCAL ENVIRONMENTAL PLAN 2013		
Clause	Comment	Compliance
<b>1.0-PRELIMINARY</b>		
<b>1.2 Aims of Plan</b>	Proposal consistent with aims of the plan.	Yes
<b>2.0-PERMITTED OR PROHIBITED DEVELOPMENT</b>		

<b>2.1 Land use Zones</b>	The site is zoned R2 Low Density Residential.	Yes
<b>2.3 Zone Objectives</b>	<p><b>R2 Low Density Residential zone</b></p> <ul style="list-style-type: none"> <li><i>To provide for the housing needs of the community within a low density residential environment.</i></li> <li><i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> </ul> <p>The proposal represents a new two storey dwelling which is a permissible use in the zone and is consistent with the objectives of the R2 Low Density Residential zone. It is considered that the proposed development achieves these objectives by:</p> <ul style="list-style-type: none"> <li>-Ensuring the proposal compliments the existing streetscape and the existing surrounding properties.</li> <li>-Retaining the existing amenity to the surrounding residences.</li> <li>-Providing a development that is compatible in terms of bulk, scale and height to surrounding properties.</li> </ul>	Yes
<b>2.7 Demolition requires consent</b>	Development consent sought for demolition of the existing dwelling (and associated structures) on site. A demolition plan and supporting information is submitted with application.	Yes
<b>4.0-PRINCIPAL DEVELOPMENT STANDARDS</b>		
<b>4.3 Heights of Buildings</b> 8.5m	The maximum proposed height of the development is approximately 8.341m.	Yes
<b>4.4 Floor Space Ratio</b> (0.45:1)	Max FSR of 0.42:1	Yes
<b>5.0-MISCELLANEOUS PROVISIONS</b>		
<b>5.9 Preservation of trees and vegetation</b>	Repealed.	Yes
<b>5.10 Heritage Conservation</b>	The site does not contain any European heritage items and nor is it in the vicinity of surrounding heritage items or in a heritage conservation area.	Yes
<b>5.10 Bush fire hazard reduction</b>	A minor portion of the rear of the site is located within bush fire prone land (BAL-19). Accordingly, a bush fire assessment report and BAL-19 construction checklist, prepared by Bush Con Australia, has been submitted alongside this application. Please refer to report for specific detail regarding the mitigation of bush fire hazards.	Yes
<b>5.21 Flood Planning</b>	The site is not mapped as flood prone land.	Yes
<b>6.0-ADDITIONAL LOCAL PROVISIONS</b>		
<b>6.1 Acid Sulfate Soils</b>	The site is not mapped with high acid sulfate soils.	Yes
<b>6.2 Earthworks</b>	The proposal involves minimal excavation and filling activities, as the site is currently relatively flat. It is not foreseen to have any adverse impacts upon the natural environment or adjoining properties.	Yes

<b>6.4 Stormwater Management</b>	<p>The proposal is considered to meet the objectives of this clause, as the development will collect all roof water and disperse to Council's kerb outlet system in Koobilya Street.</p> <p>The development has been designed to maximise the use of water permeable surfaces, provides for OSD systems and avoids significant storm water runoff impact to downstream properties.</p>	Yes
<b>6.8 Landslip Risk</b>	The site is not mapped in a landslip risk area	Yes

Table 1-Manly LEP 2013.

#### 4.5 Manly Development Control Plan 2013 (MDCP 2013).

The Manly DCP 2013 applies to all land where the MLEP 2013 applies. Therefore, the DCP applies to the subject development.

Part 3 of the above DCP provides general principles applying to all development and Part 4 outlines development controls for specific forms of development including residential and Part 5 provides for special character areas. The relevant provisions of **Part 3** are summarised below:

##### Clause 3.1.1 – Streetscape (Residential Areas)

The intended outcomes are noted as:

- i) *complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;*
- ii) *ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed from surrounding public and private land;*
- iii) *maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys;*
- iv) *avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like. See also paragraph 4.1.8 Development on Sloping Sites and paragraph 4.1.9 Swimming Pools, Spas and Water Features;*
- v) *address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also paragraph 3.2 Heritage Considerations;*
- vi) *visually improve existing streetscapes through innovative design solutions; and*
- vii) *Incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged. See also paragraph 3.5.7 Building Construction and Design*

It is considered that the proposal provides for a dwelling that is compatible with the existing and envisaged streetscape.

The new works will be compatible with the style and form of the surrounding dwellings by providing for a two (2) storey frontage to the street with a conventional pitched roof and as such will respect Council's residential streetscape controls. The dwelling is compliant with maximum height and FSR development standard, and as such will not appear as bulky and excessive to the locality. The dwelling



will not have unreasonable impact to adjoining properties in terms of overshadowing or visual and acoustic privacy.

#### Clause 3.1.1.3 - Roofs and Dormer Windows

The proposed pitch roof style will be complementary to the style and scale of the existing surrounding development and future envisaged development. The proposed roof form is not dissimilar to surrounding properties and as such is considered acceptable. The roofing style and height will not result in significant overshadowing to adjoining properties.

#### Clause 3.3 - Landscaping

The proposal provides for 265m<sup>2</sup> (48%) of soft landscaped area on the site and as such is considered acceptable.

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

The objectives of the clause are noted as:

*Objective 1) To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties.*

*Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.*

It is suggested that the works will achieve these objectives as:

The proposed design will not adversely impact on privacy, views, solar access and general amenity of adjoining and nearby properties.

The proposal dwelling has been designed to minimise overlooking opportunities and visual privacy impacts upon adjoining properties via careful siting of windows to ensure no direct overlooking of windows in adjoining dwellings. The only first floor living room (lounge room) has a window (W23) which is a high-set window that is minimal in size so as to protect the adjoining neighbours privacy.

The proposal will not result in any significant overshadowing to the adjoining properties. The site and all adjoining properties will continue to receive in excess of 3 hours of solar access on the winter solstice.

#### Clause 3.5 – Sustainability

A BASIX Certificate has been prepared to support the new works and confirm that the dwelling will achieve the appropriate thermal performance criteria.

#### Clause 3.7 - Stormwater Management

The proposal allows for stormwater disposal in accordance with the concept stormwater plan prepared by Natasi & Associates Consulting Engineers which provides for all collected stormwater being discharged to two (2) rainwater tanks and an OSD basin within the front yard before dispersing to Koobilya Street in accordance with the Manly Specification for Stormwater Drainage 2003.

The proposal has been assessed against the MDCP (2013) as demonstrated below in **Table 2**

MANLY DEVELOPMENT CONTROL PLAN 2013-Part 4			
CONTROLS	REQUIRED	PROVIDED	COMPLIANCE
Site Area: 600m <sup>2</sup>			
Residential Density – Area D6	600m <sup>2</sup> of site area per dwelling	N/A - unchanged under this application	Yes
Height	2 storey	2 storey maximum	Yes
Wall Height	6.8m	6.613m	Yes
Roof height above WP	2.5m	2.041m	Yes
FSR (0.45:1)	0.45:1	0.42:1	Yes
Front setback	6.0m or streetscape	6.5m as measured to front porch	Yes
East side setback (1/3 <sup>rd</sup> wall height)	2.26m	GF = 1.85m FF = 2.39m	No - Variation Requested Yes
West side setback (1/3 <sup>rd</sup> wall height)	1.984m	GF = 1m & 2m FF = 2.45m	No - Variation Requested Yes
Setback Rear	8.0m	9.02m to alfresco, 12.141m to dwelling	Yes
Open space - total	55% (306.57m <sup>2</sup> )	54.1% (265m <sup>2</sup> + 36.6m <sup>2</sup> ) =301.6m <sup>2</sup>	No – Minor Variation Requested
Open space - soft (Landscaped area)	35% of Open space (107.3m <sup>2</sup> )	48% (265m <sup>2</sup> )	Yes
Private Open Space	18m <sup>2</sup>	>18m <sup>2</sup>	Yes
Number of Endemic Trees	2 trees	Nine (9) trees retained.	Yes
Car Parking – Residents	2 spaces	2 spaces via double garage.	Yes
Excavation	Generally 1m	Excavation and filling will not exceed 1m maximum.	Yes
Geotechnical Landslip Hazard	Geotechnical landslip area	N/A - not a landslip area. No geotechnical assessment required.	Yes
Shadow-Adjacent POS	<1/3 additional shadow	<1/3 additional shadow	Yes
Adjoining NS orientation		>2hrs sunlight retained	Yes

	2hrs sunlight retained to living room window		
--	--	--	--

Table 2-Manly DCP 2013

### Request for Variation to Manly Development Control Plan – West & East (Ground Floor) Side Boundary setbacks

Due to the natural topography resulting in varying wall heights (and thus, increased required side setbacks), the minimum requirement for the eastern side boundary is 2.26m and 1.984m for the western side setback. The proposed ground floor setbacks on the eastern elevation (1.85m) and western elevation (1m) do not comply with the above requirements. However, we consider variation of this control reasonable and justified for the following reasons:

- The upper first floor levels are recessed in to create greater separation between the adjoining properties and are compliant.
- The non-compliance will not result in any significant overshadowing to the adjoining properties POS and living room areas.
- The non-compliance will not result in any significant overlooking to adjoining properties POS and living room areas, as the ground floor components are not elevated above the adjoining NGL.
- The dwelling facades will not appear as excessively bulky or out of scale with the nearby properties as seen from Koobilya Street as a result of the non-compliance.

### Request for Variation to Manly Development Control Plan – Open space - total

The proposal provides for 54.1% ( $265\text{m}^2 + 36.6\text{m}^2 = 301.6\text{m}^2$ ) of open space landscaping, whereas  $306.57\text{m}^2$  (55%) is required. We consider variation of this control reasonable and justified for the following reasons:

- The variation of 1% is extremely minor and will not adversely impact upon the external amenity of the dwelling or presentation to the street.
- The proposed landscaping will still result in suitable space for an active and usable POS area.
- The proposed landscaping will still result in maintaining on-site tree plantings and suitable deep soil area for long-term, mature plantings.

The following numerical provisions of **Part 5** are considered relevant but not applicable to the proposal:

#### Part 5 – Special Character Areas and Sites.

Special Character Areas and Sites	<u>Applicable</u>
Conservation Area	No



Foreshore Scenic Protection Area	No
Threatened Species and Critical Habitat	No
Flood Control Lots	No
Riparian Land and Watercourses	No
Road Widening	No
Gurney Crescent and Clavering Road, Seaforth	No

## 5.0 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

### **(a)(i) – The Provisions of any Environmental Planning Instrument**

Statutory assessment of the proposal has been previously addressed in Section 4.0. The site is zoned R2 Low Density Residential under Manly Local Environmental Plan 2013 (MLEP 2013) and the proposal is permissible with development consent.

### **(a)(ii) Any proposed Draft Environmental Planning Instrument subject of public consultation**

There are no applicable Draft Planning instruments subject to public consultation.

### **(a)(iii) – The Provisions of any Development Control Plan**

Also as discussed earlier in the report, the site is subject to assessment under Manly Development Control Plan 2013 (MDCP 2013). The proposal generally complies with relevant objectives and controls, with the exception of the non-compliances listed above which are detailed in Section 4.5 of this report.

### **(a)(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F**

No planning agreement entered into.

### **(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)**

The proposal is consistent with relevant Regulations.

### **(a)(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)**

The site is not located within the coastal zone.

## **(b) – The likely impacts of that Development**

### **•Context and Setting**

This site is located within a low-density residential area of Seaforth. It is considered that the proposed development effectively responds to the angled boundary constraints of the site, is of sufficient size to host a two storey dwelling and is reflective of the desired future character of the locality.

On this basis, the proposed new dwelling is not out of context with the existing and envisaged low density character of the surrounding area.

### • **Overshadowing**

The subject site's private open space comfortably receives compliant sunlight as demonstrated in the submitted overshadowing plans. Further, adjoining properties also receive compliant degrees of sunlight to both their POS and internal living room areas.

### • **Visual and Acoustic Privacy**

The proposal will not cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties. The development is provided with appropriate boundary setbacks with ample separation to living areas of surrounding properties and also raised window sill heights thereby maintaining existing levels of acoustic and visual privacy.

### • **Building Bulk and Scale**

The proposed dwelling is within a bulk and scale that is respondent to the natural constraints of the site and is compatible with surrounding low density development in regard to streetscape presentation. It is considered that the development will make a positive contribution to the Koobilya Street streetscape. The dwelling's visual bulk and architectural scale is consistent with other dwellings on nearby properties & does not visually dominate the street.

### • **Vehicular access**

Suitable legal and practical access can be achieved to the dwelling via a vehicular crossover from Koobilya Street to the proposed double garage. The proposed driveway will be constructed in accordance with Council recommendations and Australian Standards.

The anticipated additional traffic generation volumes are minor and envisaged for the site. The additional traffic generation is not expected to adversely affect traffic movements and performance of the surrounding local road network.

### • **Car Parking**

The dwelling proposes a double garage and as such will maintain all car parking on-site and not additionally impact on-street parking.

### • **Social & Economic Impacts**

The social and economic impacts of the development are a positive outcome for the local area with respect to facilitating additional housing supply.



- **Stormwater management**

The dwelling will drain by gravity means to Council's public stormwater system in accordance with Council's requirements without any adverse impacts upon adjoining properties or the public drainage system.

- **Sediment and erosion controls**

Appropriate soil erosion and sediment mitigation controls in accordance with Council requirements will be implemented at the construction stage to ensure no adverse impacts upon the natural environment.

- **Utility Services**

Electricity, sewer, water and telecommunication services will be provided to the development. These services will be designed to cater for the demand of the proposed development in accordance with the relevant service provider requirements.

### **(c) – Suitability of the Site for Development**

The site is of a suitable size and configuration to accommodate the proposed dwelling. The subject site is zoned R2 Low Density Residential and the construction of a new dwelling house in this zone is permissible with the consent of Council. The resultant dwelling is of a bulk and scale that is consistent with the existing surrounding development.

On this basis, the site is considered suitable for the proposed development.

### **(d) – Any submissions made in accordance with this Act or Regulations.**

Any submissions received will be considered by Council.

### **(e) – Public Interest**

The proposal will provide for housing needs of the community within a low density residential environment and is in the public interest.

## 6.0 CONCLUSION

The subject land is zoned R2 Low Density Residential under Manly Local Environmental Plan 2013 and the proposed dwelling is permissible with the consent of Council.

The proposal is generally consistent with relevant matters for consideration under Manly Development Control Plan 2013, with exception to the above non-compliances as addressed in this report.

The application before the Council provides no unreasonable impacts to adjoining and adjacent residential properties. The proposed dwelling is also in keeping with the envisaged low-density residential character of the locality and no adverse amenity or environmental impacts are foreseen.

Accordingly, it is recommended that the Council support the proposal and grant development consent subject to conditions of consent.