



58 CASTLE CIRCUIT SEAFORTH

STATEMENT OF ENVIRONMENTAL EFFECTS FOR ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE



Report prepared for
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Contents

- 1 INTRODUCTION
- 2 THE SITE AND ITS LOCALITY
- 3 SITE PHOTOS
- 4 PROPOSED DEVELOPMENT
- 5 STATUTORY FRAMEWORK
- 6 NUMERICAL CONTROL TABLE
- 7 SECTION 4.15
- 8 CONCLUSIONS

1.0 Introduction

1.1 This is a statement of environmental effects for alterations and additions to an existing dwelling house, at 58 Castle Circuit, Seaforth. The proposed works will result in a 2 bedroom, 2 office dwelling on the site.

The report describes how the application addresses and satisfies the objectives and standards of the Manly Local Environmental Plan 2013, the Manly Development Control Plan 2013 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

1.2 This statement of environmental effects has been prepared with reference to the following:

- ◆ Site visit
- ◆ Survey Plan prepared by Beyond Measure,
- ◆ Architectural Plans prepared by Dieppe Design,
- ◆ BASIX Certificate prepared by Dieppe Design,
- ◆ Bushfire Report prepared by Sydney Bushfire Consultants,
- ◆ Stormwater Plan prepared by Aidan Hogan, Civil Engineer,
- ◆ Waste Management Plan.

1.3 The proposed development is consistent with the objectives of all Council controls, considerate of neighbouring residents and will result in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

2.0 The site and its locality

- 2.1 The subject site is located on the western side of Castle Circuit, approximately 60 metres, north-west of its intersection with Sandra Place. It is legally described as Lot 15 DP 200638 and is known as 58 Castle Circuit, Seaforth.
- 2.2 It is an irregular shaped battle-axe lot with boundaries (excluding the access handle) of 21.295 metres (east – shared driveway frontage), 21.325 metres (west – rear boundary), 28.04 metres (south – side boundary) and 24.73 metres (north – side boundary).
- 2.3 The lot has an area of 609.5m² and is currently occupied by a four-storey split level brick dwelling, with a tile roof. The site slopes significantly to the rear and has broad water views across Middle Harbour to the west.
- 2.4 The property is surrounded by detached dwellings to the east and south and bushland and the Middle Harbour foreshore area to the north and west. The site is located in close proximity to shops and services in Seaforth to the south-east and in Balgowlah to the east.

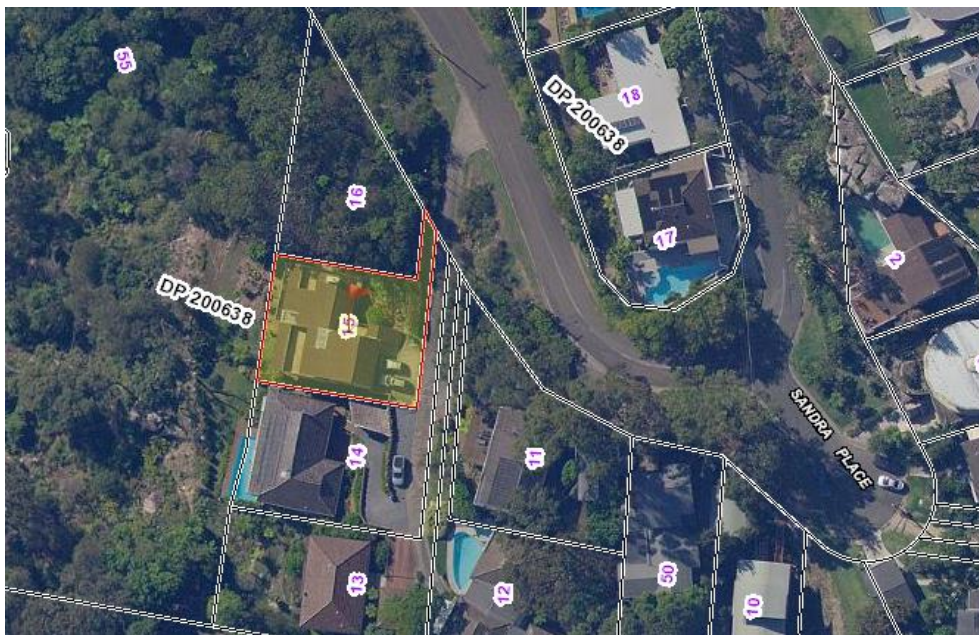


Figure 1. The site and its immediate surrounds

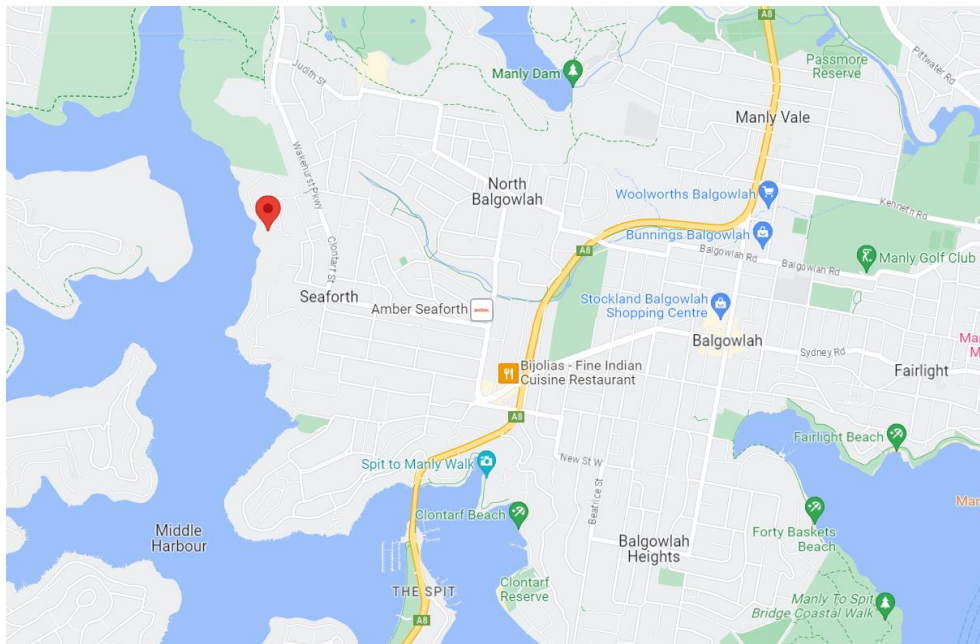


Figure 2. The site within the locality

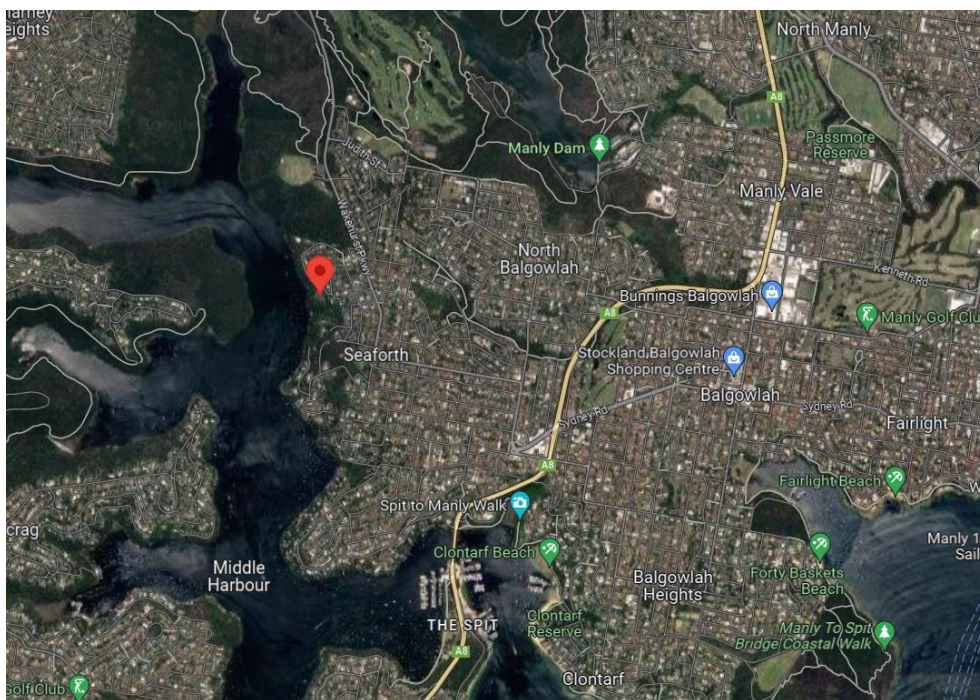


Figure 3. Aerial image of the site within the locality

3. Site Photos



Figure 4. The shared access driveway to the site, looking south from Castle Circuit.



Figure 5. The garage and dwelling façade, looking west from the shared driveway.



Figure 6. The rear of the existing dwelling, looking east.



Figure 7. Views across Middle Harbour, looking south-west.

4. Proposed Development

- 4.1 The proposed development is for alterations and additions to the existing dwelling, including a new entry foyer and dining room to create a 2 bedroom and 2 office dwelling on the site.

The development has been designed to ensure it remains consistent with the existing streetscape and the surrounding natural environment. The proposal is consistent with Council controls and ensures privacy and views are maintained for neighbouring dwellings and the subject site.

- 4.2 The alterations and additions will be made up as follows:

Roof

- A new Colorbond metal roof,
- Solar panels.

Garage Level

Extend the dwelling to the north, to create:

- A larger double garage with new door,
- Plant room,
- Entry foyer,
- Internal staircase,
- Lift.

Level 3

- Enclose the existing breezeway and demolish the external staircase to create an internal entry foyer and lift,
- A new entry door to the retained gym (via the new entry foyer),
- Convert the living room to a library,
- A new internal staircase and reduced void size,
- Reconfigure the existing WIR and ensuite, extending across the hallway to the gym,
- Retain and refurbish the existing master bedroom, entry foyer and balconies,
- New windows and doors throughout.

Level 2

- Extend the dwelling to the north, converting the balcony to a dining room,

- Convert the existing dining room to a living room,
- Refurbish the existing kitchen, adding a breakfast nook,
- Demolish the external stairs and extend to the east, to accommodate a hallway and lift,
- A new internal staircase,
- Convert bedrooms 2 & 3 to Office 1 & 2,
- Retain the guest bedroom,
- Refurbish the existing bathroom and balconies,
- New windows and doors throughout.

Level 1

- Retain the existing storeroom and internal staircase,
- Convert the existing bathroom to a WC and laundry,
- Refurbish the existing balcony and recreation room, filling in the south facing window,
- New windows and doors throughout.

5. Statutory Framework

5.1 Rural Fires Act 1997

The *Rural Fires Act 1997* aims to protect the community from injury or death, property from damage and to protect infrastructure and environmental, economic, cultural, agricultural and community assets from damage, arising from fires.

Clause 100B of the RF Act requires applicants to obtain a bush fire safety authority (BFSA) for subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose. If a proposal requires a BFSA it is considered integrated development under Clause 4.46 of the EPA Act.

Section 4.14 of the EPA Act requires that a council does not approve any development on bush fire prone land unless the development application complies with *Planning for Bush Fire Protection 2019*. All developments on land that is designated as bush fire prone has a legal obligation to consider bush fire and meet the requirements of *Planning for Bush Fire Protection 2019*.

Comment: The subject site is mapped as bushfire prone land (vegetation buffer). The proposal is not for subdivision or a special fire protection purpose and therefore is not integrated development and does not require a BFSA from RFS. The site is however bush fire prone land, and therefore the proposal must comply with *Planning for Bush Fire Protection 2019*.

A Bushfire Assessment Report, provided with this application, concludes the property has a BAL FZ. Appropriate construction standards will be adhered to for compliance with relevant Australian Standards and Planning for Bushfire Protection Bushfire Attack Level BAL- FZ.

5.2 State Environmental Planning Policies

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel. SEPP BASIX applies to the proposal and a compliant BASIX certificate is provided with this application.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

The site is mapped as 'Coastal Environment Area' and 'Coastal Use Area' and accordingly the consent authority must consider clause 2.10 and 2.11 of the SEPP.

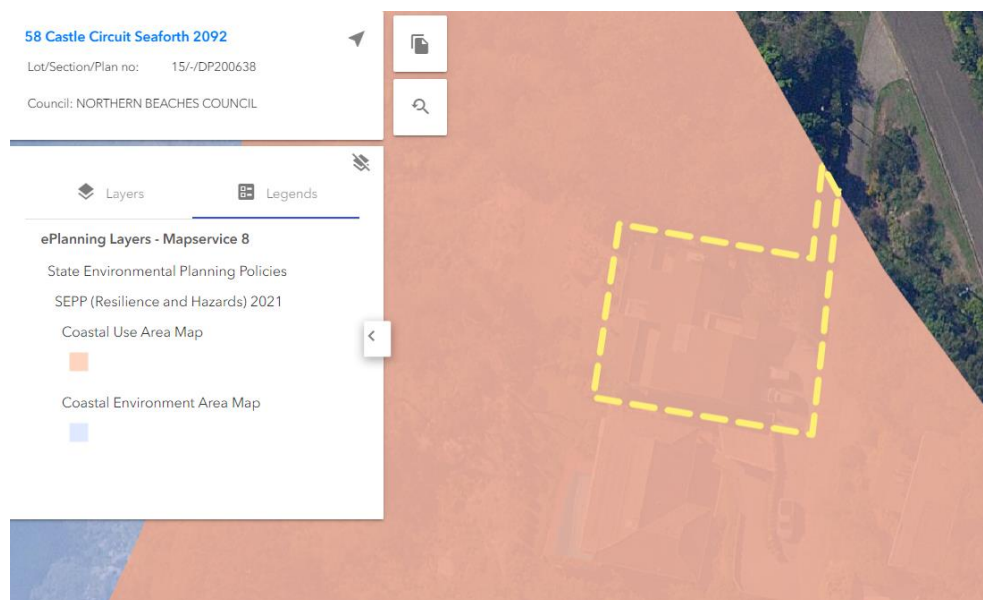


Figure 8: Extract – SEPP Resilience and Hazards, Coastal Use and Environment area map

2.10 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*

- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The proposed development will not result in any adverse impacts, as the proposed development is for alterations and additions to an existing dwelling. Works are largely located in the footprint of the existing dwelling and generally within the disturbed portion of the site.

2.11 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

The proposed development will not result in any change to the existing access to and along the foreshore.

- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*

The proposed development will not result in an unreasonable increase to shadowing or wind funnelling. There will be no loss of views from public places to foreshores.

- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*

The consistent nature of the proposal with surrounding development, ensures scenic quality of the coast is maintained, with the minor scale, materials and colours consistent with the locality.

- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

The proposed development is minor and located on a disturbed portion of the site. There will be no significant impacts on the heritage item.

(b) is satisfied that:

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

As described above the proposed development is minor and located in the disturbed area of the site. It is concluded that there will be no adverse impacts as referred to in (a).

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The appearance of the proposed alterations and additions is consistent with the surrounding coastal and built environment. The bulk and scale is appropriate and of a lesser scale than other development in the locality.

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The proposed development will not increase the risk of coastal hazards on the subject site.

Chapter 4 Remediation of Land

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in Non-Rural Areas

This chapter aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The development remains consistent with the provisions of the SEPP as it does not propose to remove any significant trees.

Chapter 6 – Water Catchments

The site is located within the Sydney Harbour Catchment and Council is the Consent Authority for land-based development, as is proposed by this application.

The proposed development is consistent with the aims of the SREP having nil impact on the catchment. It is not visible from critical and valuable areas and the Sydney Harbour Catchment will retain its environmental and cultural significance. No Heritage Items nominated in the SREP are in the immediate vicinity of the site.

The development proposed is appropriate for the residential lot and will have no impact on the retention of significant environmental and cultural aspects of the Sydney Harbour Catchment.

5.3 Manly Local Environmental Plan 2013

The relevant clauses of the Manly Local Environmental Plan 2013 are addressed below.

Zoning

The site is zoned R2 Low Density Residential, pursuant to the provisions of the Manly Local Environmental Plan 2013 and dwellings are permitted with development consent in Zone R2.



Figure 9. Extract from Manly LEP 2013 zoning map

Demolition

Minor demolition works are proposed, as described above and illustrated in the attached DA plan set, to allow for the construction of the proposed alterations and additions.

Minimum Lot Size

The site is mapped with a minimum subdivision lot size of 1150m². The subject site is an existing undersized parcel, comprising an area of 609.5m² and no subdivision is proposed.

In accordance with Cl. 5.10(4) of LEP 2013 the consent authority must consider:

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or*
 - (b) on land that is within a heritage conservation area, or*
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

It is considered the proposed development will not impact on the nearby heritage item, as all works are located within the boundary of the existing residential lot.

Flood Planning

The site is not identified on the NBC flood hazard map.

Earthworks

Minor earthworks are proposed to prepare the site for construction. Standard erosion and sediment control measures will be implemented to ensure best practice procedures are followed.

Stormwater Management

Stormwater will be connected to new drainage infrastructure on the site, connected to a level spreader in the rear yard. Full details are provided in the stormwater plans provided with this application.

Terrestrial Biodiversity

The subject site is mapped as terrestrial biodiversity, as such development consent must not be granted unless the consent authority has considered the matters set out in clause 6.5 of LEP 2013:

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

(a) whether the development is likely to have—

(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and

(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and

(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and

(iv) any adverse impact on the habitat elements providing connectivity on the land, and

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The development is for alterations and additions to an existing residential dwelling and works are located within the already disturbed portion of the site. The minor alterations and additions proposed are not likely to have any adverse effect on flora, fauna or vegetation and no tree removal is proposed.

Foreshore Scenic Protection Area

The subject site is mapped as foreshore scenic protection area as such, development consent must not be granted unless the consent authority has considered the matters set out in clause 6.9 of LEP 2013:

(a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,

The proposed development is designed and sited to complement the locality in Castle Circuit. The proposed works are consistent with the existing dwelling and properties surrounding the site ensuring views from the foreshore are retained. There will be no overshadowing of the foreshore or loss of views from a public place to the foreshore.

(b) measures to protect and improve scenic qualities of the coastline,

The site is visible from the coastal foreshore and the dwelling blends with the surrounding environment when viewed from the coast. The proposed development is consistent with the character of the existing dwelling and in keeping with the coastal location, while maintaining the scenic quality of the coastal foreshore.

(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,

The proposed development is for alterations and additions to an existing dwelling. The site is zoned for residential uses and the use remains permissible in the zone. The proposed works will not impact on the foreshore.

(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.

The subject site is located within an existing residential lot and the proposed works will not create conflict between land-based and water-based coastal activities.

Essential Services

All essential services are existing on the site.

5.3 Manly Development Control Plan 2013

The relevant sections of the DCP are addressed below.

3. General Principles of Development

3.1 Streetscapes and Townscapes

The subject site is a battle-axe lot, as such does not have a street frontage. The access handle has frontage to Castle Circuit, which is characterised by two and three storey detached residential dwellings.

The proposed alterations and additions have been designed to remain consistent with the character of the area, through design, architectural features and complimentary design, materials and colour choices.

Garbage Areas

The existing dwelling has a compliant bin storage area on the southern boundary which will be retained.

Complementary Design and Visual Improvement

The proposed development remains consistent with the character and streetscape in the locality. The works will be constructed of materials consistent with the residential use and other dwellings in the locality. Full details are provided in the attached materials and finishes schedule.

Front Fences and Gates

No changes are proposed to the existing fencing on the site.

Roofs and Dormer Windows

The development proposes new metal roofing to the existing roof structure. The roof retains the existing approved pitch and will be constructed of low reflective materials.

No dormer windows are proposed.

Garages, Carports and Hardstand Areas

The development will retain the existing driveway and double garage, accessible from the shared driveway.

3.2 Heritage Considerations

As described above the site is not a heritage item or located within a heritage conservation area. Heritage item *I1 Harbour foreshores* and *I268 Bantry Bluff* are located at the rear of the site, to the west.

It is considered the proposed development will not impact on the nearby heritage item, as all works are located within the boundary of the existing residential lot.

3.3 Landscaping

Existing landscaping in the front and rear yard will be retained, for the enjoyment of the residents.

3.4 Amenity (Views, Overshadowing, Overlooking/Privacy, Noise)

Overshadowing

The DCP requires that new development not eliminate more than 1/3 of existing sunlight to the private open space of adjoining properties between 9am and 3pm on 21 June.

In addition, as the subject site and adjoining lots have an east-west orientation, the DCP requires a minimum 2 hours solar access be maintained to the glazing in living rooms of adjacent properties, between 9am and 3pm on 21 June.

The shadow diagrams provided with this application demonstrate the proposed development will not increase shadowing across the subject site or adjoining properties and compliant solar access is retained at 12pm and 3pm on 21 June.

Overshadowing Solar Collector Systems

The proposed development will not overshadow neighbouring solar collector systems.

Overshadowing Clothes Drying Areas

The proposed development will not overshadow neighbouring clothes drying areas.

Excessive Glare or Reflectivity Nuisance

All external material and finishes will be constructed of non-reflective materials in keeping with this clause.

Privacy and Security

Privacy will be retained for neighbours as the proposed works will not result in overlooking to neighbouring properties. The subject site experiences existing overlooking to 56 Castle Circuit and the proposed works will not exacerbate this.

Acoustical Privacy (Noise Nuisance)

The development is appropriate and will not result in noise levels inappropriate to a residential area. The site is not located in proximity to a noise generating activity.

Maintenance of Views

The subject site and surrounding properties enjoy water and district views across Middle Harbour to the north-west, west and south-west.

A site visit has been undertaken and it is considered there will be no impact on views, as the works are located within the footprint of the existing dwelling and the slope of the site ensures that views shared between properties are retained.



Figure 11. Views from the subject site, looking south-west.

3.5 Sustainability

A compliant BASIX Certificate is provided with this application. The proposed alterations and additions provide compliant solar access and ventilation.

3.7 Stormwater Management

As described above stormwater will be connected to new drainage infrastructure on the site, connected to a level spreader in the rear yard. Full details are provided in the stormwater plans provided with this application.

3.8 Waste Management

Appropriate waste management will be undertaken during the demolition and construction process. All demolished materials will be recycled where possible which is detailed in the accompanying Waste Management Plan.

The existing dwelling has appropriate bin storage areas, with waste to be collected by Councils regular service.

3.10 Safety and Security

The dwelling maintains clear property boundaries and visual surveillance of the street, which is of benefit to the safety and security of residents.

Part 4 Development Controls and Development Types

4.1 Residential Development Controls

Dwelling Density, Dwelling Size and Subdivision

The subject site is mapped as density area D9 - 1 unit / 1150m². The subject site comprises an area of 609.5m² and contains an existing approved dwelling. No changes are proposed to the existing density on the site and no subdivision is proposed.

Height of Buildings (incorporating wall height, number of storeys and roof height)

As described above the LEP restricts the height of any development on the subject site to 8.5 metres. The existing dwelling has a non-compliant building height of 10.07 metres and the new works will not exceed the existing maximum height, however as works are proposed above the maximum 8.5 metre maximum height, a clause 4.6 variation request is provided with this application.

The DCP permits a maximum of 2 stories and basement on the subject site. The development retains the existing 4 storey, split level dwelling on the site, which presents with a compliant 2 storeys at any given point.

The site has a slope of slope of 1:7, as such a maximum wall height of 7.4 metres is permitted under the DCP. The existing dwelling has a maximum wall height of 9.55

metres (south elevation) and no change is proposed. The new wall to the dining room proposes a compliant maximum height of 5.98 metres.

A maximum roof height of 2.5 metres is permitted by the DCP and the dwelling will retain the existing compliant roof height of 1.4 metres above the garage and 2.4 metres at the rear of the library. The works propose to replace the existing tile roof with a new Colorbond roof constructed of low reflective materials.

Floor Space Ratio (FSR)

As described above the site is mapped with a maximum FSR of 0.4:1, which equates to a maximum permitted floor area of 243.8m² for the site area of 609.5m².

The subject site has an existing non-compliant Gross Floor Area of 342.69m² or FSR of 0.56:1 and the development proposes a minor increase to the GFA of 29.31m². The resulting GFA proposed is 372m² or FSR of 0.6:1, a variation of 128.2m² or 52.6% under the LEP provisions.

However, Figure 30 of DCP Clause 4.1.3.1 *Exceptions to FSR for Undersized Lots* allows for the undersized lot to be calculated as if it were 750m² (Area U on the Lot Size Map), and accordingly this would enable a FSR allowance of 300m² GFA. The development proposes a variation of 72m² or 24% in accordance with the DCP FSR measure.

A variation to the floor space ratio control is considered appropriate, in this case, as the new works are located within the footprint of the existing dwelling, enclosing external balcony areas to provide a new dining room, entry foyer and lift. In addition, the development remains consistent with the objectives of the control, as addressed below:

1. *To ensure the scale of development does not obscure important landscape features.*

Comment

Consistent. The new works will have no impact on the landscaped area of the site, as the additional floor area is located within the existing building footprint.

2. *To minimise disruption to views to adjacent and nearby development*

Comment

Consistent. As described above, a site visit has been undertaken and it is concluded the proposed works will have no impact on views for adjacent or nearby development.

3. *To allow adequate sunlight to penetrate both the private open spaces within the development site and private open spaces and windows to the living spaces of adjacent residential development.*

Comment

Consistent. As assessed above, the works allow for the retention of compliant solar access for both the subject site and adjoining properties.

Setback (front, side and rear) and Building Separation

Street Front setbacks

A front setback consistent with the prevailing setback, or a minimum 6 metres, is required on the site by the DCP.

The subject site is a battle-axe lot and does not have a true front setback. The existing dwelling is located a compliant 9.6 metres from the Castle Court frontage and 2.6 metres from the shared driveway frontage.

Side setbacks and secondary street frontages

A side boundary setback equivalent of 1/3 of the wall height is required on the site which equates to 2.87 metres (north) and 1.92 metres (south) for the subject site.

No change is proposed to the existing minimum side setbacks of 1.285 metres (north) and 1.47 metres (south). The new works propose side setbacks of 2.4 metres (north – dining room) and 7.6 metres (north – lift).

Rear Setback

A minimum rear setback of 8 metres is required on the site. The development proposes to retain the existing rear setback of 4.305 metres.

A variation to the side setback control is considered appropriate, in this case, as the development remains consistent with the objectives of the control, despite the variation, as addressed below:

Objectives of the control:

1. *To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.*

Comment

The development proposes to retain the existing side setbacks, enclosing a portion of the existing balcony to create a new dining room. The alterations and additions are to be undertaken within the existing building envelope and so the variation to the side setback is appropriate as they do not cause any further environmental or amenity impacts.

2. *To ensure and enhance local amenity by:*

- *providing privacy;*
- *providing equitable access to light, sunshine and air movement; and*
- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- *defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- *facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.*

Comment

As described above the design of the alterations and additions maintains privacy and solar access for both the subject site and the adjoining properties. There will be no view impacts and the proposed works remain consistent with the residential density in the locality.

3. *To promote flexibility in the siting of buildings.*

Comment

Flexibility in the application of the setbacks control is considered appropriate, in this case, as the works are maintained within the existing building footprint. The resulting dwelling will have an appropriate impact on neighbouring properties and is suitable for the site.

4. *To enhance and maintain natural features by:*

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

Comment

The proposed setback variation will not impact on the existing landscaped area on the lot, with works located within the footprint of the existing dwelling and no tree removal is proposed.

5. *To assist in appropriate bush fire asset protection zones.*

Comment

The side setback variation will not alter the bushfire risk on the site.

It is concluded that the proposed variation will have no impacts on neighbouring properties and remains consistent with the objectives of this clause, despite the non-compliance.

Open Space and Landscaping

Minimum Residential Total Open Space Requirements

The subject site is located in Open Space Area OS4, as such the DCP requires a total of 60% of the site to be open space with a minimum 40% of that open space to be landscaped area and a maximum 25% of open space located above ground.

This equates to a minimum 365.7m² of open space for the site area of 609.5m², a minimum of 146.28m² of landscaped area and a maximum of 91.43m² of open space above ground level.

The development proposes a non-compliant total open space area of 350m² and 169m² of open space above ground level and a compliant landscaped area of 181m².

A variation to the total open space area and open space area above ground is considered appropriate, in this case, as the non-compliances are existing, and no changes are proposed. In addition, the development remains consistent with the objectives of the control, despite the variation, as addressed below.

(1) To retain and augment important landscape features and vegetation including remnant populations of native flora and fauna.

Consistent. The subject site does not contain any important landscape features that will be impacted by the proposal and the works do not involve the removal of any significant vegetation on the site.

(2) To maximise soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland.

Consistent. The site contains a compliant area of soft landscaping which will be retained. The proposed works are located within the existing built areas of the dwelling and existing vegetation will be retained.

(3) To maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area.

Consistent. As assessed above, the development ensures acceptable levels of privacy and solar access are maintained for both the subject site and the adjoining properties and no views will be impacts by the proposal. The resulting dwelling

remains consistent with the existing dwelling and other properties within the locality.

- (4) To maximise water infiltration on-site with porous landscaped areas and surfaces and minimise stormwater runoff.*

Consistent. The development proposes a compliant soft landscaped area, maintaining existing water infiltration on the site. Surface stormwater will be connected to existing drainage infrastructure on the site.

- (5) To minimise the spread of weeds and the degradation of private and public open space.*

Consistent. No weed species will be introduced to the site.

- (6) To maximise wildlife habitat and the potential for wildlife corridors.*

Not relevant. There will be no impact on wildlife habitat or potential wildlife corridors.

The DCP requires a minimum 18m² of principal private open space. The development provides a compliant area of private open space in the rear yard.

Parking, Vehicular Access and Loading (Including Bicycle Facilities)

The DCP requires a minimum of 2 car parking spaces for dwellings and the development will retain the existing compliant 2 car garage.

Fencing

No change is proposed to the existing fencing on the site.

4.4 Other Development

Earthworks (Excavation and Filling)

Minor earthworks are proposed to prepare the site for construction. Standard erosion and sediment control measures will be implemented to ensure best practice procedures are followed.

Part 5

5.4 Environmentally Sensitive Lands

Foreshore Scenic Protection area

As described above the subject site is identified as scenic protection land.

The proposed development is designed and sited to complement the locality in Castle Circuit. The proposed works are consistent with the existing dwelling and properties surrounding the site, meaning it is barely visible from the foreshore. The works blend with the surrounding development when viewed from the coast and will maintain the scenic quality of the coastal foreshore.

Threatened Species and Critical Habitat Lands

As described above the subject site is identified as terrestrial biodiversity.

The development is for alterations and additions to an existing residential dwelling on an existing residential allotment, generally within the disturbed portion of the site. The alterations and additions are not likely to have any adverse effect of flora, fauna or vegetation.

6. Numerical Control Table

The following table provides a summary of the development proposal, in accordance with the relevant numerical planning controls contained in the Manly LEP 2013 and the Manly DCP 2013.

	Standard	Proposed	Compliance
Manly LEP 2013			
Lot Size	1150m ²	690.5 m ²	No change to existing
Building Height	8.5 metres	10.7 metres	No – Clause 4.6 variation provided
Floor Space Ratio	0.4:1 (243.8m ² for site area of 690.5 m ²)	<u>Existing</u> 0.56:1 or 342.69m ² <u>Proposed</u> 0.6:1 or 372m ² (+128.2m ² or 52.6%)	No – Clause 4.6 variation provided
Manly DCP			
Solar Access	Not eliminate more than 1/3 sunlight to POS and maintain 2 hours sunlight to living room glazing of adjoining properties between 9am and 3pm on June 21.	Compliant at 12pm and 3pm.	Yes
Residential Density/ Dwelling Size	1 dwelling per 1150m ²	1 dwelling	No change to existing
Wall Height	Dependent on slope 1:7 = 7.4m permitted	<u>Existing</u> 9.55m (south) <u>Proposed</u> 5.98m	No change to existing Yes
Floor Space Ratio	Exceptions to FSR for undersized lots (Area U calculated FSR on lots size of 750m ²) = 300m ²	0.6:1 or 372m ² (+72m ² or 24%)	No – merit assessment
Front Boundary Setback	Prevailing building line or 6m	Battle-axe lot – no true front setback Existing dwelling setback 9.6m from Castle Court and 2.6m from shared driveway.	Yes

	Standard	Proposed	Compliance
Side Boundary Setbacks	1/3 wall height 2.87m (north) 1.92m (south)	<u>Existing</u> 1.285m (north) 1.47m (south) <u>New works</u> 2.4m (north – dining room) 7.6m (north – lift)	No change to existing Merit assessment Yes
Rear Boundary Setbacks	8 metres	4.305 metres	No change to existing
Total Open Space	Total Open Space – 60% (365.7m ² for site area of 609.5 m ²)	350m ²	No change to existing
Landscaped Open Space	Landscaped Area 40% of Total Open Space (146.28m ²)	181m ²	Yes
Above Ground	Above Ground – maximum 25% of Total Open Space (91.43m ²)	169m ²	No change to existing
Principal Private Open Space	18m ²	>18m ²	Yes
Car Parking	2 spaces	2 spaces	Yes

7. Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

7.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complimentary and compatible with adjoining development. The proposal achieves the aims of the Manly LEP and DCP.

The development is permissible in the zone.

7.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Context and Setting

What is the relationship to the region and local context in terms of:

- the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement.

What are the potential impacts on adjacent properties in terms of:

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed alterations and additions have been designed to complement the site and its surrounds. The proposal is appropriate and will have negligible impact on adjacent properties.

Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

No conflict or issues will arise as a result of the proposed development.

Public domain

There will be no impact.

Utilities

There will be no impact on the site, which is already serviced.

Flora and fauna

There will be no impact.

Waste

There will be no impact.

Natural hazards

The natural hazard of bushfire can be effectively mitigated to allow the development to proceed.

Economic impact in the locality

There will be no impact, other than the possibility of a small amount of employment during construction.

Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed development is highly appropriate to the site with regard to all of the above factors. The proposed development fits well within the context of the surrounds and is an appropriate scale.

How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will comply with the provisions of the Building Code of Australia and all relevant Council controls.

Construction

What would be the impacts of construction activities in terms of:

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

7.3 The suitability of the site for the development

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints.

Are the site attributes conducive to development?

The site is appropriate for the proposed alterations and additions.

7.4 Any submissions received in accordance with this Act or the regulations

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

7.5 The public interest

It is considered that the proposal is in the public interest as it allows for appropriate use of the residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

8. Conclusions

- 8.1 The proposed development for alterations and additions to the existing dwelling at 58 Castle Circuit, Seaforth is appropriate considering all State and Council controls.
- 8.2 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 8.3 Considering all the issues, the fully compliant development is considered worthy of Council's consent.

This report was prepared by:

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Document Control Table

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Date	Prepared by	Approved by
14/09/2023 – FINAL	Naomi Lyons Senior Planner	Sarah McNeilly Director

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