



## **39 PRINCE EDWARD ROAD SEAFORTH**

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR  
ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING**



Report prepared for  
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## **1.0 Introduction**

- 1.1 This is a statement of environmental effects for alterations and additions to an existing two storey dwelling at 39 Prince Edward Road, Seaforth. The proposed development will reconfigure internal areas, extend the rear and provide a carport and new entry area.

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 DA surveys
- ◆ Design Plans and BASIX Certificate prepared by Action Plans
- ◆ Waste Management Plan

- 1.3 The proposed alterations and additions are consistent with the objectives of all Council controls, considerate of neighbouring residents and results 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 site is located at 39 Prince Edward Road and is legally described as Lot 141/-/DP11162. It is located on the eastern side of Prince Edward Road in Seaforth, approximately 80 metres south of its intersection with Alto Avenue.
- 2.2 The lot is rectangular in shape with an area of 518.50m<sup>2</sup>. It has a width of 12.19 metres and a depth of 42.67 metres, with frontage to Prince Edward Road. The site slopes to from the street frontage to the rear.
- 2.3 The site is currently occupied by a two storey weatherboard dwelling with a tile roof set within landscaped gardens.
- 2.4 The site is surrounded by detached residential dwellings in all directions, with North Balgowlah shops to the east and the Seaforth Public School to the south.

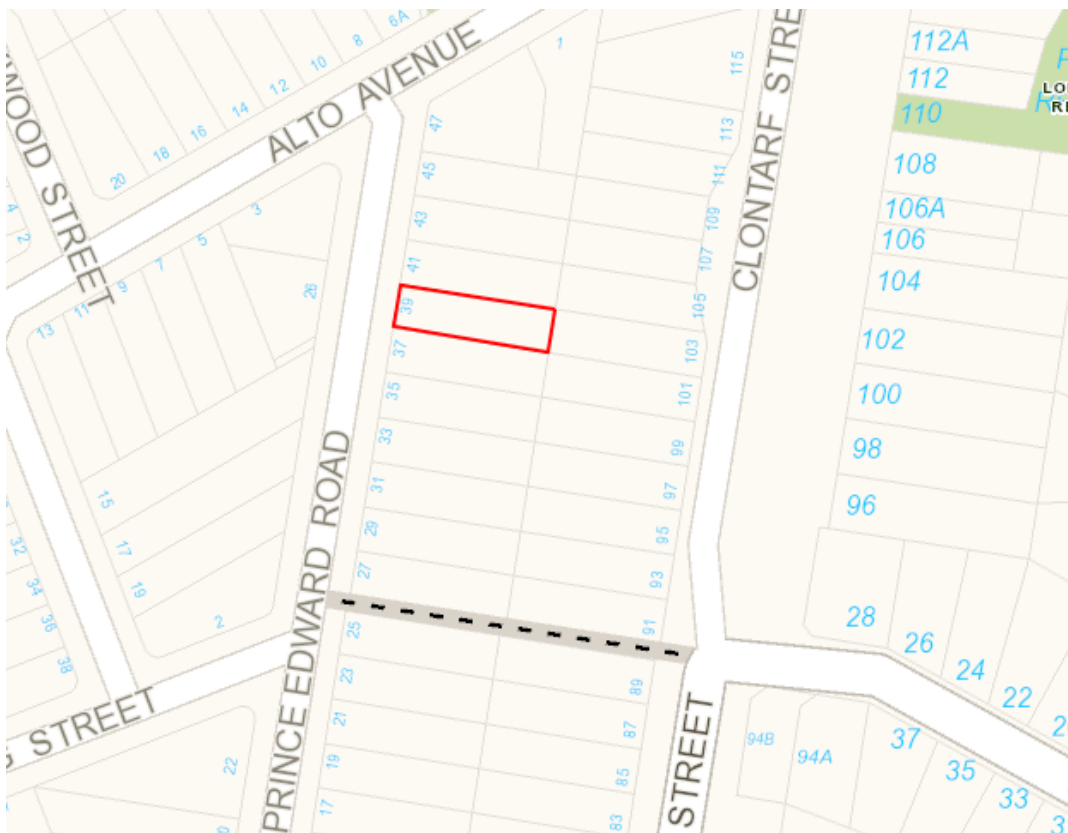


Figure 1. The site and its immediate surrounds



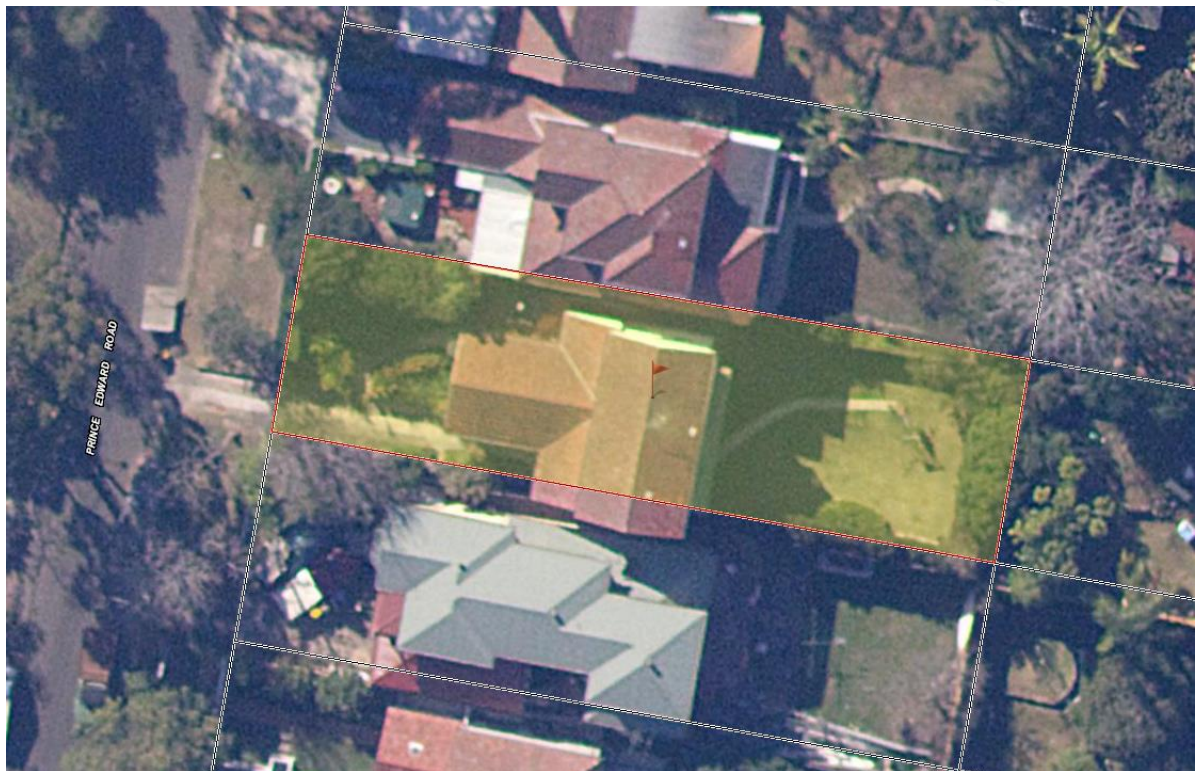


Figure 2. Aerial photograph of the site



Figure 3. Aerial photograph of the site and its surrounds

### 3. Proposed Development

- 3.1 The proposed development is for alterations and additions to the existing dwelling including the construction of a new carport, reconfiguration of the ground floor rooms and an addition at the rear of the site.
- 3.2 The proposed dwelling remains consistent with the streetscape and the locality. The proposal is consistent with Council controls, ensures privacy, solar access and views are maintained for surrounding properties and the subject site.
- 3.3 The alterations and additions to the dwelling will be made up as follows:

#### **Garage Floor**

- Demolish existing internal walls to allow for internal stair access
- Remove southern window
- Replace eastern door to storage room
- Add sliding door to allow access to new internal stair
- Infill wall between existing garage and laundry

#### **Ground Floor**

- Demolition of internal walls to allow for internal reconfiguration
- Addition at rear to extend floor area for bedroom 2 and new deck
- Northern and southern windows replaced W3 and W4 and W1
- Western sliding door access provided to paved area
- New entry porch
- Internal layout to include study, living /dining/kitchen, Bedroom 1, Bedroom 2, Bathroom and rear deck
- New single carport

#### **First Floor**

- Replace existing deck and extend to square off to the side walls with roof over



#### 4. Site Photos



Figure 4. The existing dwelling and garage, looking east from Prince Edward Road



Figure 4. The existing dwelling, looking east from Prince Edward Road





Figure 5. The existing dwelling, looking west from back garden



Figure 6. The existing patio



## **5. Statutory Framework**

### **5.1 State Environmental Planning Policies**

#### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of the standard instrument LEP relating to the preservation of trees and vegetation.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The development does not propose the removal of any vegetation and existing landscaping will be retained on the site.

#### **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 for the alterations and additions to the existing dwelling.

#### **SEPP 55 – Remediation of Land**

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Our review of the site indicates that it has been used for residential purposes for a significant period of time with no known prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

## 5.2 Manly Local Environmental Plan 2013

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

### Zoning

The site is zoned R2 pursuant to the provisions of the Manly Local Environmental Plan 2013.



Figure 7. Extract from Manly LEP 2013 zoning map

The proposed development is for alterations and additions to the existing dwelling house including a carport. Dwelling houses and ancillary development are permissible with Development Consent in the R2 zone.

### Height

Clause 4.3 of the LEP restricts the height of any development on the subject site to 8.5 metres. The existing dwelling has a height of 9.6 metres. This will be unchanged. All new works will be below 8.5 metres with the highest point of the additions, being the roofed deck has a maximum height of 8.32 metres. the carport has a maximum height of 4.13 metres, proposed additions are alterations and located under the existing roofline.

### Floor Space Ratio

The site is mapped with a maximum FSR of 0.45:1. This equates to a maximum floor area of 223.325m<sup>2</sup> for the site area of 518.5 m<sup>2</sup>. The proposed FSR is 0.37:1, fully compliant with Councils controls.

### **Heritage**

The site is not a heritage item, located within a heritage conservation area or located near any heritage items.

### **Acid Sulfate Soils**

The site is not located in an area nominated as Acid Sulfate soils.

### **Earthworks**

Minimal excavation is required for new footings. This will be appropriate and will not result in any issue for the development site.

## **5.2 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 proposal is consistent with the Prince Edward Road streetscape which includes numerous carports and parking within the street frontage. The minimal open structure proposed will be in character with the area and is appropriate for this site.

##### **3.1.1 Streetscape (Residential Areas)**

Garbage storage areas screened from the street and sit at the rear of the proposed carport.

Ample open landscaped area is retained in the frontage with a carport to sit over an existing driveway and the driveway area at the rear to become garden space.

#### **3.3 Landscaping**

##### **3.3.1 Landscaping Design**

The proposed alterations and additions, including the carport have been designed to appropriately complement the residential character of the site and the neighbouring properties.

##### **3.3.2 Landscape/Tree Preservation**

No significant trees are proposed to be removed as part of this application.

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

##### **3.4.1.1 Overshadowing adjoining private open space**



The proposed development retains compliant solar access to the private open space of adjoining properties from 9am to 3pm on 21 June as illustrated on the attached shadow diagrams. The proposed alterations and additions result in a very minor increase to overshadowing to 37 Prince Edward Road. However, the change is negligible with the bulk of the building existing and shadow already in place.

#### **3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties**

The proposed development retains existing solar access to the living rooms of adjoining properties on 21 June as illustrated on the attached shadow diagrams.

#### **3.4.1.3 Overshadowing Solar Collector Systems**

The proposed development will not overshadow neighbouring solar collector systems.

#### **3.4.1.4 Overshadowing Clothes Drying Areas**

The proposed development will not overshadow neighbouring clothes drying areas.

#### **3.4.1.5 Excessive Glare or Reflectivity Nuisance**

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

#### **3.4.2 Privacy and Security**

Privacy will be retained for neighbours with ample setbacks and no direct overlooking into any key living areas. The proposed new ground level deck has privacy screening to prevent any overlooking and ensure privacy, and the existing fencing will provide privacy to the neighbours.

The development is appropriate and will not result in noise levels inappropriate to a residential area.

#### **3.4.2.3 Acoustical Privacy (Noise Nuisance)**

No acoustic issues will arise.

#### **3.5 Sustainability**

A compliant BASIX Certificate is provided with the attached plan set.

The proposed alterations and additions provide compliant solar access and ventilation.

#### **3.7 Stormwater Management**

The proposed additions will be connected to the existing stormwater network in accordance with Sydney Water specifications.

#### **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 waste storage areas, with waste to be collected by Councils regular service.

## **Part 4 Development Controls and Development Types**

### **4.1 Residential Development Controls**

No change is proposed to the existing residential density which comprises of a single dwelling house.

#### **4.1.2 Height of Building (incorporating wall height, number of storeys and roof height)**

Clause 4.3 of the LEP restricts the height of any development on the subject site to 8.5 metres. The proposed works are easily compliant with the maximum 8.5 metre height control as illustrated on the attached plan set.

#### **4.1.3 Floor Space Ratio (FSR)**

The site is mapped with a maximum FSR of 0.45:1. This equates to a maximum floor area of 223.325m<sup>2</sup> for the site area of 518.5 m<sup>2</sup>. The proposed FSR is 0.37:1, fully compliant with Councils controls.

#### **4.1.4 Setback (front, side and rear) and Building Separation**

##### **4.1.4.1 Street Front setbacks**

A front setback consistent with the prevailing setback is required on the site. The entry porch has been designed to have a setback of 8.931metres to match the neighbouring dwelling to the south.

The new carport has a setback of 900 mm, which is consistent with many other parking structures in the locality and on Prince Edward Street including those shown in the photographs below. This allows for an accessible covered car space to be provided.



Figure 8. Carport on frontage at 43 Prince Edward Road



Figure 9. Carport on frontage at 2 Armstrong Street (fronting Prince Edward Road)





**Figure 10. Carport on frontage at 19 Prince Edward Road**



**Figure 11. Carport on frontage at 33 Prince Edward Road**





Figure 8. Carport on frontage at 26 Prince Edward Road

#### 4.1.4.2 Side setbacks and secondary street frontages

A side boundary setback equivalent of  $\frac{1}{3}$  of the wall height is required on the site. Side setbacks are unchanged with the bulk of the existing dwelling remaining. The wall height for the extension at the rear on the southern side (bedroom 2) is 5.53 metres although we note the area at the garage level is open to this wall, so the wall height is only 3.03m. The southern setback is continued in line with the existing dwelling for this room at 1.016 metres.

This minimally varied setback is supportable with no unreasonable impacts. The addition results in no privacy issues for the neighbour, is visually pleasing and solar access remains at a reasonable level. The site is constrained by the location of the existing dwelling and this is a highly reasonable solution to extend the dwelling which sits at a greater rear setback than the neighbour already.

#### 4.1.4.4 Rear Setback

A minimum rear setback of 8 metres is required on the site. The proposed rear setback is compliant at 16.6 metres.

#### **4.1.5 Open Space and Landscaping**

##### **4.1.5.1 Minimum Residential Total Open Space Requirements**

The DCP requires a total of 55% of the site to be open space with a minimum 35% of that open space to be landscaped area. This equates to 285.175m<sup>2</sup> of open space for the site area of 518.5m<sup>2</sup> and 99.81m<sup>2</sup> landscaped area.

The proposed area of open space is 334.5m<sup>2</sup> or 64% of the site area. The proposed landscaped area is 314.93m<sup>2</sup> which is greater than required.

##### **4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)**

The development proposes to construct a single carport on the street frontage. The existing garage on the site is inaccessible and unused, with owners parking in the location where the carport is proposed to be located now. The new proposal will resolve this issue and allow for enhanced landscaped area within the street frontage.

Schedule 3 of the DCP requires 2 parking spaces per dwelling, however it is noted that Council can consider the provision of only 1 space where adherence to the requirement for 2 spaces would adversely impact on the streetscape. The provision of a single parking area is appropriate, in this case, as it does not alter the existing onsite parking provision with only one space currently usable. It will allow for the retention of the maximum landscaped area onsite. We also note that there is ample on street parking in this location and easy access to bus services on Wakehurst Parkway.



## 6. 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:

### **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 land use 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.

### **The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economical impacts in the locality**

#### 6.1. 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.

## **6.2. 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.

## **6.3. Public domain**

The development is positive in its impact on the public domain.

## **6.4. Utilities**

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

## **6.5. Flora and fauna**

There will be no impact.

## **6.6. Waste**

There will be no impact.

## **6.7. Natural hazards**

The site is not constrained by natural hazards.

## **6.8. Economic impact in the locality**

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

## **6.9. 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.

#### **6.10. 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.

#### **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 and ancillary swimming pool.

**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.

**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.

## **7. Conclusions**

- 7.1 The proposed development for alterations and additions at 39 Prince Edward Road Seaforth is appropriate, considering all State and Council controls.
- 7.2 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.
- 7.3 Considering all the issues, the fully compliant development is considered worthy of Council's consent.