



Minto Planning Services

Town Planning Consultants

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED MODIFICATIONS TO CDC APPROVED DWELLING HOUSE & ASSOCIATED WORKS

15 PRINCES PROMENADE, SEAFORTH

**On behalf of
Sinan Kaya**

24th January 2023

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STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Modifications to CDC Approved Dwelling House and Associated Works

15 Princes Promenade, Seaforth

**Prepared under instructions from
All Australian Architecture**

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1. INTRODUCTION

This Statement of Environmental Effects accompanies a Development Application lodged on behalf of Sinan Kaya. The proposal seeks approval for the modifications of an existing CDC approval for a new dwelling and associated works upon land identified as Lot 139 in DP 4889 and which is known as 15 Princes Promenade, Seaforth.

By way of background, it is advised that Complying Development Certificate 22-044-CDC was previously issued in relation to the site by Prince Certifiers on the 18th November 2022. That CDC approved the *Demolition of Existing Structures and Construction of a Two Storey Dwelling House and Inground Swimming Pool*. It is understood that the demolition and building works associated with the CDC approved new dwelling have commenced upon the site.

The CDC approved dwelling is the subject of this application.

Relevant to this application is a recent decision of the Land & Environment Court of NSW in the case of *Pritchard v Northern Beaches Council* [2020] NSWLEC 1310 which confirms that an approved complying development certificate can be modified via a subsequent Development Application.

In consideration of this application reference has been made to:

- *Environmental Planning & Assessment Act 1979, as amended.*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan*

Additional information to support this application includes:

- Survey Plan prepared by GRGM Property Surveys, Job Name 15 Princes, Dwg No. 211889/001, Sheet 1 of 1, Revision G and dated 19/1/23.
- Architectural Plans & External Colours & Finishes prepared by All Australian Architecture, Drawing No. DA.00 to DA.75, Issue C and dated 23/1/2023.
- Landscape Plan prepared by All Australian Architecture, Drawing No. DA.74, Issue B and dated 23/12/2022.
- Arboricultural Impact Assessment prepared by Arborlogix P/L and dated 23/1/23.
- Erosion and Sediment Control Plan, Stormwater Drainage Concept Plan & Drainage Details prepared by Aidan Hogan, Job No. 022022, Dwg No. C01 to C03, Revision A and dated 17/12/2022.
- Stormwater Design Certificate prepared by Aidan Hogan, Job No. 022022 and dated 17/12/2022.

- Geotechnical Investigation prepared by White Geotechnical Group, Ref. No. J4701 and dated 23/12/22.
- BASIX Certificate No. A480044_02 and dated 24/1/23.
- Waste Management Plan.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

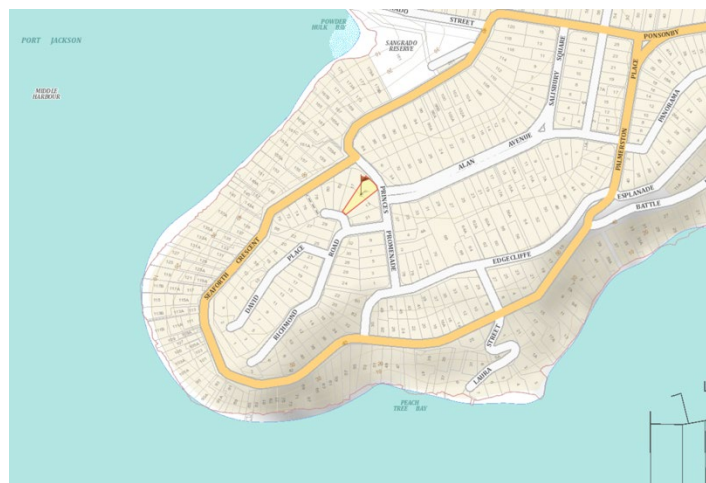
As a result of that assessment, it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

2. THE SITE

The subject site currently comprises of a single allotment of land identified as Lot 139 in DP 4889 and is known as 15 Princes Promenade, Seaforth.

The subject property is an irregular shaped allotment located on the western side of Princes Promenade to the north of its intersection with Richmond Road. The site is accessed from Sunset Lane having a frontage of 7.01m.

The subject site has a site area of 1,353m² and a splayed frontage to Princes Promenade having a combined total width of 31.545m and a maximum depth of 73.685m.



Site Location Map

The subject site is a sloping allotment of land having a fall from the site's south western boundary (RL 66.80) towards the northern corner (RL 56) with a total fall of approximately 10.8m. Consistent with the fall of the land stormwater from the property is understood to be currently disposed of to the street gutter in Princes Promenade.

Original development upon the site comprised a single storey brick dwelling with a tiled roof together with a single storey detached weatherboard secondary dwelling with metal roof. The existing dwellings which have now been demolished were located centrally upon the site.

The site is not identified as a heritage item and is not located within a Heritage Conservation Area.

Vehicular access to the property was previously provided by way of a concrete strip driveway and shared concrete crossing which entered the site via Sunset Lane and ran parallel with the south eastern side boundary. A double carport was located forward of the principal dwelling and adjoined the secondary dwelling.

The site's existing vegetation is mainly located towards the north eastern portion of the property. An Arboricultural Impact Assessment Report has been prepared by Arborlogix P/L and forms part of the information accompanying this application.

Subject to the compliance with the recommendations contained within this report it is not considered that the proposal will result in any adverse tree impacts.

The site prior to the demolition of the previous structures is depicted in the following photographs:



The subject site as viewed from Sunset Lane



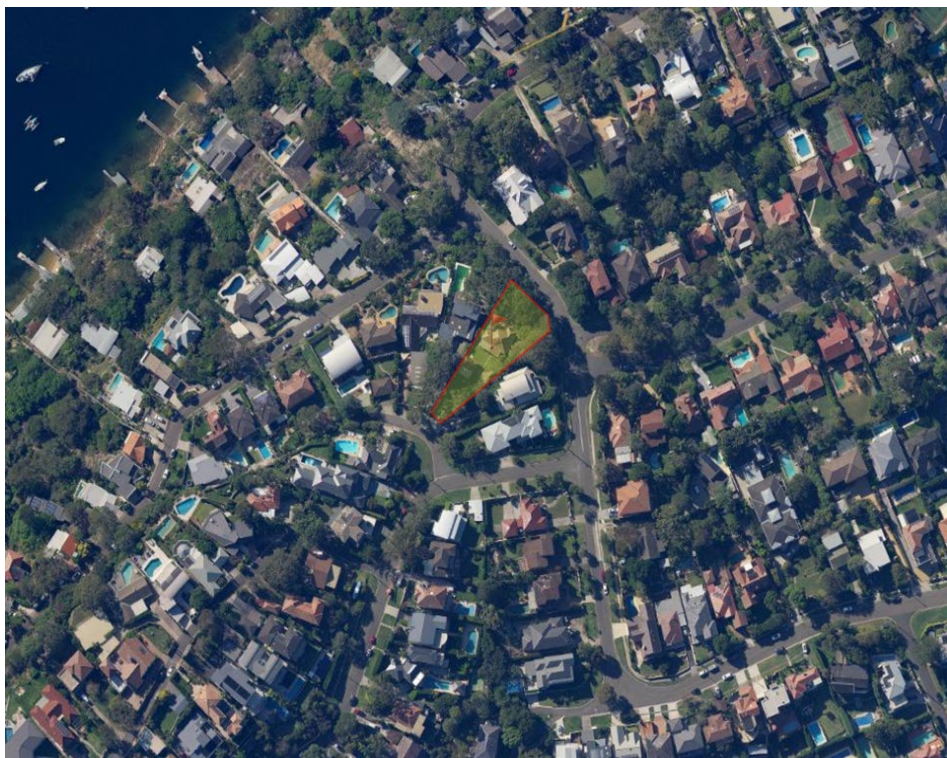
An aerial view of the subject site

3. THE SURROUNDING ENVIRONMENT

The subject property is located within a residential locality which traditionally comprised of one and two storey detached dwelling houses. In more recent times the areas original housing stock has been the subject of significant dwelling alterations and additions as well as new in-fill replacement dwellings.

Nearby residential development comprises of both single and two storey development. The site is adjoined on either side by two storey dwelling houses.

The sites relationship with its surrounding properties is depicted in the following aerial photograph.



An aerial view of the subject and adjoining properties

The site is considered to be ideally located in relation to access to public transport and areas of open space.

4. THE PROPOSAL

The proposal seeks approval for the modification of an existing CDC approved new dwelling and associated works.

By way of background, it is advised that Complying Development Certificate 22-044-CDC was previously issued in relation to the site by Prince Certifiers on the 18th November 2022. That CDC approved the *Demolition of Existing Structures and Construction of a Two Storey Dwelling House and Inground Swimming Pool*. It is understood that the demolition and building works associated with the CDC approved new dwelling have commenced.

The CDC approved dwelling is the subject of this application.

Relevant to this application is a recent decision of the Land & Environment Court of NSW in the case of *Pritchard v Northern Beaches Council* [2020] NSWLEC 1310 which confirms that an approved complying development certificate can be modified via a subsequent Development Application.

The proposed modifications to the CDC approved new dwelling are to comprise of:

- Provision of an operable Vergola roof
- Provision of a green roof to new carport addition
- A new window to CDC approved opening (south elevation).
- A new door to CDC approved opening (north elevation).
- Internal reconfiguration of the WIR and ensuite to Bed 1 located at Level 1.
- Conversion of the CDC approved membrane roof to a balcony (Balcony 2) and installation of new glass balustrade.
- Extension of the garage by 1m to front.
- Enclosure of the open sub-floor area located on the Hall & Pool Level to provide for cellar/pool storage, pool change room, laundry, gym and rumpus.
- Provision of an outdoor cooking area to the Hall & Pool Level.
- Provision of extended tiled pool deck surrounds.
- A pool plant room and access stairs & path beneath the CDC approved swimming pool.
- Retaining walls to provide access to Princes Promenade.
- Provision of a metal fence to rear northern portion of the site adjoining the stone retaining wall.
- Provision of an outdoor fireplace located upon Balcony 2.
- Provision of new windows and doors to the proposed enclosed sub-floor area located at the Hall & Pool Level.

The proposed dwelling comprises the following components:

Hall & Pool Level	Rumpus, gym, pool change room, laundry, cellar/pool storage and a hall.
Ground Floor	Entry, one bedroom, powder room, lounge, family, dining, kitchen, pantry and a double garage.
First Floor	Three bedrooms (with WIR and ensuite) and a mezzanine.

The proposal provides for all excess water from the proposed green carport roof to connect to the existing approved stormwater management system.

The development indices associated with the proposal are detailed below:

Site Area:	1,353m²
Floor Area:	443.6m² or 0.328:1
Landscaped Area:	697m² or 60%
Total Open Space:	1,148m² or 84.8%

5. ZONING AND DEVELOPMENT CONTROLS

The proposed development is identified as development permissible with the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979 and the Manly Local Environmental Plan 2013.

The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of the Northern Beaches Council.

5.1 Manly Local Environmental Plan 2013

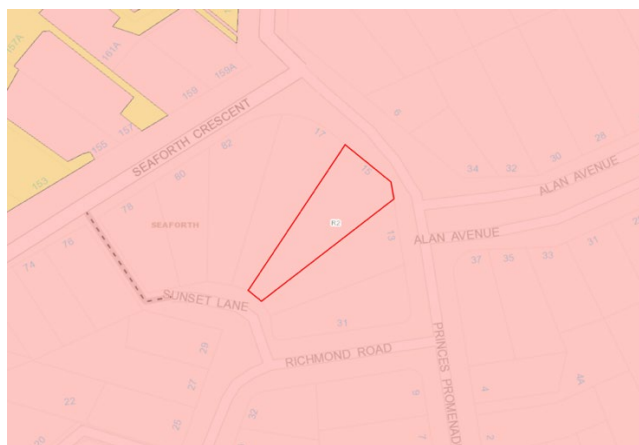
The subject land is zoned R2 - Low Density Residential under the provisions of the Manly Local Environmental Plan 2013.

The objectives for development within the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal which seeks approval to modify an existing CDC approval for a new dwelling and associated works upon the site is considered to be development which is consistent with the above objectives.

Under the R2 - Low Density Residential zone a range of uses including that of a *dwelling house* are permissible with the consent of the Council. The proposal which seeks approval to modify an existing CDC approval for a new dwelling and associated works are therefore considered to be permissible upon the site with the consent of the Council.



Extract from Council Zoning Map

The following provisions of the Manly Local Environmental Plan 2013 are considered to be applicable to the subject site.

Clause 4.3 - Height of Buildings

The subject site is located within Building Height Area “I” and is therefore subject to a maximum building height control of 8.5m.

The proposal does not involve any change to building height of dwelling as approved by the CDC.



Extract of Council Height of Buildings Map

Clause 4.4 - Floor Space Ratio

The subject site is located within the “B” floor space area zone and as such is subject to a maximum FSR of 0.4:1.

The proposal will result in an FSR of 0.328:1 which complies with this clause.



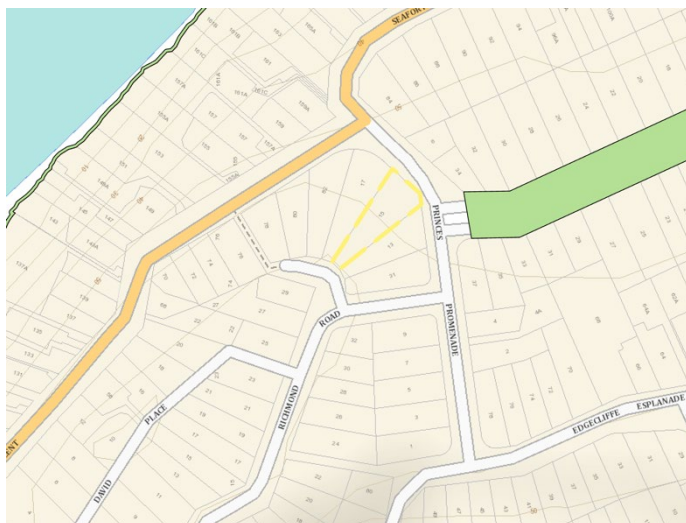
Extract from Council Floor Space Ratio Map

Clause 5.10 - Heritage Conservation

The subject site is not identified as comprising a heritage item and is not considered to have any heritage significance which would prevent the subject application.

The site is not located within a Heritage Conservation Area.

The proposal is therefore considered to satisfy the requirements of Clause 5.10 of the LEP.



Extract from Council Heritage Map

Clause 6.9 - Foreshore Scenic Protection Area

The site is identified on Council's Foreshore Scenic Protection Area Map and therefore this clause applies. In this regard it is considered that the proposal is consistent with the requirements of this clause for the following reasons:

- The proposed works will not be prominent when viewed from the foreshore or waterway.
- The works will not result in conflict between land-based and water-based coastal activities.
- The proposed works will not result in any unreasonable amenity impacts.
- The works will not overshadow the foreshore or waterway and will not result in any loss of views to or from the waterway.



Extract from Council Foreshore Scenic Protection Area Map

There are no other provisions of the Manly LEP which it is considered are relevant to the proposal.

Summary

It is therefore my opinion based upon this assessment that the proposal is compliant with the aims, objectives and the prescriptive requirements of the Manly LEP and is therefore permissible upon the subject site with the consent of the Council.

5.2 Manly Development Control Plan

Council's Development Control Plan applies to all forms of development with Part 3 and Part 4 being specifically applicable to the proposed development.

An assessment of the proposal against the applicable provisions of the DCP has been undertaken and the following comments are made.

Part 3 - Low Density Principles of Development

Section 3.1 - Streetscapes and Townscapes

The proposed works are considered to complement the CDC approved building form and compliment the streetscape and satisfies this section of the DCP.

Section 3.2 - Heritage Considerations

The subject site is not identified as comprising a heritage item and is not considered to have any heritage significance which would prevent the subject application.

The site is not located within a Heritage Conservation Area.

The proposal is therefore considered to satisfy this section of Council's DCP.

Section 3.3.2 - Preservation of Trees or Bushland Vegetation

The site's existing vegetation is mainly located towards the north eastern portion of the property.

An Arboricultural Impact Assessment Report has been prepared by Arborlogix P/L and forms part of the information accompanying this application.

Subject to the compliance with the recommendations contained within this report it is not considered that the proposal will result in any adverse tree impacts.

Section 3.4 - Amenity

The proposal will maintain the appropriate level of privacy and solar amenity to the surrounding properties.

Section 3.7 - Stormwater Management

A Stormwater Drainage Concept Plan has been prepared by Aidan Hogan and forms part of the information that accompanies this application.

The proposal provides for all excess water from the proposed green carport roof to connect to the existing approved stormwater management system. The proposed additional terraced area and rear steps have been allowed for as bypass in the previously approved tank sizing.

The proposed building has also been designed so as to comply with the requirements of BASIX. In this regard an assessment of the proposal against the requirements of BASIX has been undertaken and the resultant BASIX Certification forms part of the information accompanying this application.

Section 3.8 - Waste Management

A Waste Management Plan forms part of the CDC approval for the development.

Part 4.1 - Residential Development Controls

Section 4.1.1 - Dwelling Density, Dwelling Size and Subdivision

The proposal provides for an internal area that exceeds the minimum requirement of 102m² for a 4 bedroom dwelling and is therefore consistent with this section of the DCP.

Section 4.1.2 - Height of Buildings

The subject site is located within Building Height Area “I” and is therefore subject to a maximum building height control of 8.5m.

The proposal does not involve any change to building height of dwelling as approved by the CDC.

Section 4.1.2.1 - Wall Height

The site is subject to a maximum wall height of 6.5m.

The proposal does not involve any change to wall height of the dwelling as approved by the CDC.

Section 4.1.2.2 - Number of Storeys

The site is subject to a maximum of 2 storeys. The dwelling will generally present as two storeys and complies with the maximum building height development standard of the LEP.

The proposal does involve the infilling of the existing approved sub-floor space so as to provide for level access to the rear yard.

The proposal will not result in any unreasonable impacts and is therefore considered to comply with the objectives of this clause.

Section 4.1.2.3 - Roof Height

This section of the DCP provides that roof heights are not to exceed 2.5m above the wall height. The proposal does not involve any change to the roof height of the dwelling as approved by the CDC.

Section 4.1.3 - Floor Space Ratio

The subject site is located within the “B” floor space area zone and as such is subject to a maximum FSR of 0.4:1.

The proposal will result in an FSR of 0.328:1 which complies with this clause.

Section 4.1.4 - Setbacks

The proposal is provided with setbacks as outlined in the table below:

Setback	Requirement	Proposal
Front	Relate to prevailing building lines or min 6m.	The proposal seeks to extend the existing garage by 1m toward the front boundary and to provide for a carport in front of the garage structure. The carport will be provided with a front setback of 31.962m.
Eastern side	1/3m of wall height	No change. As per CDC approval
Western side	1/3m of wall height	No change. As per CDC approval
Rear	No less than 8m	No change. As per CDC approval

Section 4.1.5.1 - Minimum Residential Total Open Space Requirements

This section of the DCP requires that the subject site is to be provided with a minimum of 60% Total Open Space. The proposal provides for 84.8% or 1,148m² which complies with this section of the DCP.

This section of the DCP requires that the subject site is to be provided with no more than 25% of Total Open Space Above Ground. The proposal provides for 179.7m² or 15.6% of total open space which complies with this section of the DCP.

Section 4.1.5.2 - Landscaped Area

The subject site is located in Residential Open Spaces Area OS4 and is therefore required to provide a minimum of 40% landscaped area. The proposal provides 697m² or 60% and is therefore compliant with DCP numerical control.

Section 4.1.5.3 - Private Open Space

A minimum of 18m² of principal private open space for a dwelling is required under this section of the DCP. The proposal provides for 112.5m² of principal private open space which exceed the minimum requirement and satisfy the DCP.

Section 4.1.6 - Parking, Vehicular Access and Loading

No change is proposed to the CDC approved CDC approved new driveway, carport and garage incorporated into the dwelling design. It is therefore considered that on this basis the proposed complies with this section of the DCP.

Section 4.1.10 - Fencing

The proposal includes the provision of a metal fence to rear of the dwelling within the northern portion of the site. The proposed metal fence is setback 1m from the lip of the retaining wall and is considered to comply with the requirements of this section.

Section 4.4.5 - Earthworks

The proposed works require the excavations of the site as a result of the slope and are generally contained within the approved building footprint.

The proposal includes a retaining wall with minor backfilling required to provide for a level yard.

It is considered that these earthworks will not have any detrimental environmental effects.

Conclusion

The proposal is considered to achieve appropriate compliance with the aims and objectives together with the prescriptive requirements of the Manly Development Control Plan and is therefore worthy of the support of the Council.

6. SECTION 4.15(1) ASSESSMENT

Environmental Planning Instruments - Section 4.15(1)(a)

The subject site is zoned R2 - Low Density Residential under the provisions of the Manly Local Environmental Plan 2013. The proposed modification of an existing CDC approval for a new dwelling and associated works is permissible with the consent of Council.

The proposal has been assessed against the objectives and provisions of both the Manly LEP 2013 and the Manly Development Control Plan as detailed within this report. It is considered that the proposal complies with the requirements of these documents.

There are no draft environmental planning instruments applicable to the subject site.

Impacts of the Development - Section 4.15(1)(b)

The proposed development has been designed so as to have minimal impact upon the amenity of adjoining properties as has been demonstrated by this report.

The proposal is considered to continue to be of a design, which is in keeping with the character of the surrounding area and the characteristics identified for this locality.

Suitability of the Site - Section 4.15(1)(c)

The subject site is zoned R2 - Low Density Residential under the Manly Local Environmental Plan 2013. The proposed modifications of an existing CDC approval for a new dwelling and associated works having an FSR of 0.328:1, a compliant building height and a compliant landscaped area is considered to be permissible with the consent of Council.

In the absence of any unreasonable impacts the subject site is considered to be suitable for the development as proposed

Public Interest - Section 4.15(1)(e)

In the absence of any unreasonable impacts the proposal is considered to be in the public interest.

7. CONCLUSION

The proposed development is development permissible with the consent of the Council under the terms of the Environmental Planning and Assessment Act 1979 and has been assessed against the requirements of Section 4.15(1) of the Act, the Manly Local Environmental Plan and Council's Development Control Plan.

It is considered that this Statement of Environmental Effects has demonstrated that the proposal satisfies the aims and objectives and the prescriptive requirements of the above planning controls. It is considered that the proposal will not impact upon the amenity of adjoining properties or upon the character of the surrounding area.

It is therefore considered that the proposed for the modifications of an existing CDC approval for a new dwelling and associated works upon land at 15 Princes Promenade, Seaforth is worthy of the support of Council.

Andrew Minto
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MINTO PLANNING SERVICES PTY LTD
24th January 2023