

Statement of Environmental Effects
92 King Street Manly Vale 2093
LOT: 2095 DP: 752038



Figure 1: Aerial Satellite Image (Source: NSW eSpatial Viewer)

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1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by SY Planning and accompanies a Development Application for a secondary dwelling addition to an existing garage at 92 King Street Manly Vale 2093 (LOT: 2095 DP: 752038).

This SEE describes the subject site and the proposed development, assessing the impacts of the development as required by the EP&A Act.

2. Overview of Planning Provisions

Basic Details	
Address	92 King Street Manly Vale 2093
Real Property Description	LOT: 2095 DP: 752038
Current Use	Existing dwelling house and ancillary outbuildings.
Land Size	794m ²
Zoning	R2: Low Density Residential
Local Government Area	Northern Beaches Council
Local Environmental Plan	Warringah Local Environmental Plan 2011
Development Control Plan	Warringah Development Control Plan 2011
Applicable LEP Development Standards	<ul style="list-style-type: none"> • Clause 2.3: Zone objectives and Land Use Table • Clause 4.3: Height of buildings • Clause 5.4: Controls relating to miscellaneous permissible uses
Applicable State Environmental Planning Policies	<ul style="list-style-type: none"> • State Environmental Planning Policy (Sustainable Buildings) 2022 • State Environmental Planning Policy (Housing) 2021

Table 1: Overview of Planning Provisions

3. Site Description and Surrounding Context

The subject site, known as 92 King Street Manly Vale 2093 (LOT: 2095 DP: 752038) is located within the R2: Low Density Residential under the Warringah Local Environmental Plan 2011. The site is a single lot with existing vehicular access from King Street. The site is currently improved by a dwelling house and ancillary developments including a swimming pool, covered BBQ area and a storage shed. Immediate surrounding land uses can be described to be predominantly single detached dwellings.

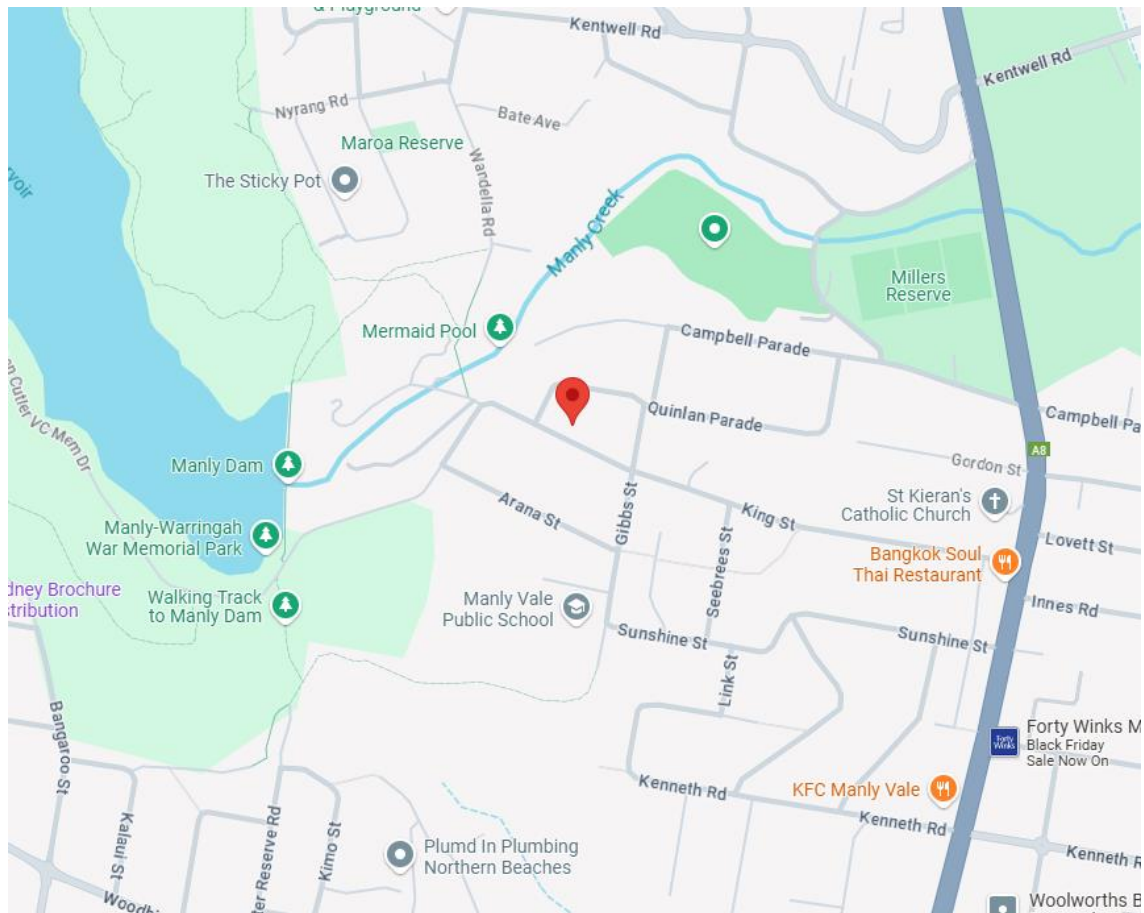


Figure 2: Locality Map of subject site (Source: Google Maps)

4. Proposed Development

The proposed development involves a secondary dwelling addition to an existing garage. The development can be summarised below as:

Development Summary	
Item	Details
Proposed Development	<ul style="list-style-type: none"> Second storey addition to existing garage to be used as a secondary dwelling Internal alterations to garage ground level No changes to existing dwelling house, swimming pool, landscape area, private open space being proposed
Development Description	
Garage Ground Level	<ul style="list-style-type: none"> Storage to be replaced with stairs to access second storey
Garage second storey (secondary dwelling)	<ul style="list-style-type: none"> 45m² floor area to be used as secondary dwelling 2.5m² unenclosed balcony
Minimum Setbacks	
Side	West – 950mm (no change)
Rear	North – 920mm (no change)
Primary	N/A
Building Height	6m
Earthworks	No earthworks being proposed
Vegetation Clearing	No trees being cleared as part of the proposal.

5. Environmental Planning Assessment Overview

This section provides an environmental assessment of the proposed development in respect of the relevant matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

Under Section 4.15(1), the consent authority must take into consideration the provisions of:

- | | | |
|----|--------------------------|--|
| 1) | Section 4.15(1)(a)(i) | Environmental Planning Instruments; |
| 2) | Section 4.15(1)(a)(ii) | Draft Environmental Planning Instruments; |
| 3) | Section 4.15(1)(a)(iii) | Development Control Plans; |
| 4) | Section 4.15(1)(a)(iiia) | Planning Agreements; |
| 5) | Section 4.15(1)(a)(iv) | The Regulations; |
| 6) | Section 4.15(1)(b) | Likely impacts of the development on natural and built environments; |
| 7) | Section 4.15(1)(c) | Suitability of site for the development; |
| 8) | Section 4.15(1)(d) | Submissions; and |
| 9) | Section 4.15(1)(e) | The public interest. |

5.1 Section 4.15(1)(a)(1) – Any Environmental Planning Instrument

The relevant environmental planning instruments applicable to this proposal include:

- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Housing) 2021
- Warringah Local Environmental Plan 2011

5.1.1 State Environmental Planning Policy (Sustainable Buildings) 2022

The proposed development is a BASIX development as defined under the *Environmental Planning and Assessment Regulation 2021*. As such, a compliant BASIX Certificate is submitted for Council's consideration.

5.1.2 State Environmental Planning Policy (Housing) 2021

Given that the proposed development includes a secondary dwelling, Chapter 3, Part 1, Division 2 applies to the development of the SEPP applies. The table below responds to the requirements outlined within the SEPP.

Clause	Provision	Proposed	Comment
52 Development may be carried out with consent	Development consent must not be granted for development to which this Part applies unless— (a) no dwellings, other than the principal dwelling and the secondary dwelling, will be	<ul style="list-style-type: none"> • The development would result in a single secondary dwelling locating on the site. • The Warringah Local Environmental Plan 2011 does not provide for maximum combined floor area for a dwelling house and secondary dwelling. 	Complies

	<p>located on the land, and</p> <p>(b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and</p> <p>(c) the total floor area of the secondary dwelling is—</p> <p>(i) no more than 60m², or</p> <p>(ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.</p>	<ul style="list-style-type: none"> The proposed secondary dwelling does not exceed 60m² in area. 	
53 Non-discretionary development standards—the Act, s 4.15	<p>(a) for a detached secondary dwelling—a minimum site area of 450m²,</p> <p>(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.</p>	<ul style="list-style-type: none"> The site area exceeds 450m² The proposed development retains the single parking space currently provided by the existing garage. 	Complies

5.1.3 Warringah Local Environmental Plan 2011

The table below outlines the applicable clauses relevant to the proposed development.

Clause	Provision	Proposed	Comment
2.3 Zone Objectives and Land Use Table	Consistent with zone objectives and land use permissibility	The site is zoned R2: Low Density Residential to which a secondary dwelling is permitted with consent. Given that the development is unlikely to adversely impact the amenity of the locality, it is considered that the development is consistent with the objectives of the zone.	Complies
4.3 Height of Buildings	Maximum building height of 8.5m.	6m	Complies
5.4 Controls relating to miscellaneous permissible uses	Secondary dwelling to have a maximum area of; 60m ² or 11% of the total floor area of the principal dwelling Whichever the greater.	The proposed secondary dwelling will have a floor area of approximately 45m ²	Complies

5.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments which apply to the development.

5.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The Warringah Development Control Plan 2011 (WDCP 2011) applies to the site. Given the nature of the proposed development, the following WDCP 2011 chapter applies.

- Part B Built Form Controls
- Part C Siting Factors
- Part D Design

• Clause	Comments
Part B Built Form Controls	
B1 Wall Heights	
1.	The ground to ceiling height for the second storey is below 7.2m. Complies

B3 Side Boundary Envelope	
1.	<p>The proposed eaves on the second storey would protrude beyond the side boundary envelope. However, given that the proposed development would not exceed 8.5m, as well as the meeting the minimum side setback required by the WDCP 2011, it is considered that the development would not result in a building that is excessively bulky.</p> <p>Meet the objectives</p>
B5 Side Boundary Setbacks	
1.	<p>The development would retain the side setback of 950mm.</p> <p>Complies</p>
2.	<p>The development would retain all landscaped provisions for the site.</p> <p>No change.</p>
B9 Rear Boundary Setbacks	
1.	<p>The development would retain the existing rear setbacks at 920mm. However, privacy impact is considered to be mitigated as the proposed windows would have a sill height of 1500mm above the floor level. No changes to landscape provisions are being proposed.</p> <p>Meet the objectives</p>
Part C Siting Factors	
C4 Stormwater	
-	<p>The dwelling additions would connect to the existing stormwater system. Given that the development does not increase the impervious area of the site, impacts on the stormwater system is considered to be negligible.</p> <p>Complies</p>
C8 Demolition and Construction and C9 Waste Management	
1.	<p>A waste management plan is submitted for council's consideration.</p> <p>Complies</p>
Part D Design	
D1 Landscaped Open Space and Bushland Setting	
1	<p>The development would not result in changes to existing landscaping provisions.</p> <p>No change</p>
D2 Private Open Space	
1	<p>No change to existing provisions for private open space.</p> <p>Complies</p>
D6 Access to Sunlight	
1	<p>Given the significant setback from the primary frontage, it is unlikely that the development would overshadow any public open space.</p> <p>Complies</p>
2	<p>Given that the development complies with the building height and setback requirements, it is considered that the development would provide for At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.</p> <p>Complies</p>

D7 Views	
1.	The proposed secondary dwelling is unlikely to obscure the vision from adjoining properties to the street. Complies
D8 Privacy	
1.	Privacy impacts have been considered in the design of the second storey addition. This is primarily achieved through the increased sill heights of windows at 1.5m from habitable areas. Complies
D9 Building Bulk	
1	The rear setback is increased for the second storey component. Complies
2	Large continuous wall planes on the second storey is articulated via the numerous windows along the side and rear elevations to provide visual relief. Complies
4	The building height and scale generally relates to the topography of the site. Complies
5.	The principal dwelling will remain orientated to the street. Complies
6.	The proposed colour, materials and surface treatment is common for the development and compliments the façade of the existing dwelling and the site generally. Complies
7.	The proposed development does not include removal of trees or landscaping provisions. No worsening
8.	Large continuous wall planes on the second storey is articulated via the numerous windows along the side and rear elevations to provide visual relief. Complies
D10 Building Colours and Materials	
3.	The proposed colour and materials used for the proposed secondary dwelling is considered to be complementary to the external building façade of the garage and existing dwelling house. Complies

D11 Roofs	
2.	The proposed development would utilise a skillion roof to improve the visual aesthetics of the building. Complies
3.	Roof is articulated through the inclusion of a balcony. Complies
4.	Eaves are provided Complies
5.	The proposed roof material will not cause excessive glare and reflection. Complies
D12 Glare and reflection	
3.	The development will avoid using highly reflective glass. Complies
D14 Site Facilities	
1.	Locations of bin storage and clothes drying facilities are to be retained and visually obscured from the street. Complies
D20 Safety and Security	
1.	The dwelling will continue to overlook the street to allow casual surveillance. Complies

5.4 Section 4.15 (1) (a) (iiia) – Any Planning Agreement or Draft Planning Agreement

The site is not subject to any existing voluntary planning agreements.

5.5 Section 4.15(1)(a)(iv) –The Regulations

This application is prepared generally in accordance with Division 1 of the Environmental Planning and Assessment Regulation 2021.

5.6 Section 4.15(1)(b) Likely impacts of the development on natural and built environments;

Natural and Built Environment

The proposed development is within an existing built form and is unlikely to introduce new impacts on the natural or built environment.

Social Impacts and Economic Impacts

The proposed development would retain the use of the site as a residential accommodation. The development would also provide for new construction contracts that would provide a positive economic impact.

5.7 Section 4.15(1)(c) – The Suitability of the Site for the Development

Given that the proposed development is generally consistent with the requirements under the relevant SEPP, WLEP 2011 & the WDCP 2011, it is considered that the proposed development is suitable for the site.

5.8 Section 4.15(1)(d) – Any Submissions made in relation to the Development

Not applicable prior to public notification of application.

5.9 Section 4.15(1)(e) –The Public Interest

The proposed development is consistent with the objectives of the Environmental Planning & Assessment Act 1979 in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. Given this, the development is consistent with the public interest.

6. Conclusion

This DA seeks consent a secondary dwelling addition to an existing garage at 92 King Street Manly Vale 2093 (LOT: 2095 DP: 752038).

The proposal is supported from a town planning perspective for reasons set out in this report, summarised as follows:

- The proposal is a permitted land use under the LEP and is consistent with all relevant clauses required under the LEP;
- The proposed development remains generally consistent with the development standards and/or objectives within the DCP;
- The proposed development is consistent with the development standards and/or objectives of relevant SEPPs.

Based on the reasons outlined in this report, it is our position that the proposal is consistent with the objectives and controls of the relevant planning framework and so therefore we recommend this DA be granted consent.

We trust that the SEE has addressed all the relevant sections as required by the state and local planning provisions and that the proposal is deemed to be compatible, appropriate and fit for purpose for the surrounding area.

Yours Sincerely,

SY Planning Services Pty Ltd