

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR PROPOSED ADDITIONS & ALTERATIONS TO THE DWELLING,
NEW SWIMMING POOL & SPA AND A COVERED DECK AND ASSOCIATED
LANDSCAPING**

AT

25 WATERVIEW STREET, SEAFORTH

FOR

PEITA & JONAS DALY



**Prepared
July 2021**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural details prepared on behalf of Peita & Jonas Daly by Site Design + Studios, Job No. 1303, Drawing No. L-00 – L-10, Issue F, dated 24 June 2021 to detail the demolition and replacement of an existing first floor rear deck, minor changes to the existing dwelling and the construction of a proposed new swimming pool, spa pool and separate deck with a pergola over, together with associated landscaping at **25 Waterview Street, Seaforth**.

This Statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, (as amended) including:

- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*

2.0 Property Description

The subject allotment is described as **25 Waterview Street, Seaforth**, being Lot 351 within Deposited Plan 11162 and is zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013.

The dwelling is not listed as a heritage item within Schedule 5 of the Manly Local Environmental Plan 2013, nor is it noted as being within a conservation area.

No other hazards have been identified.

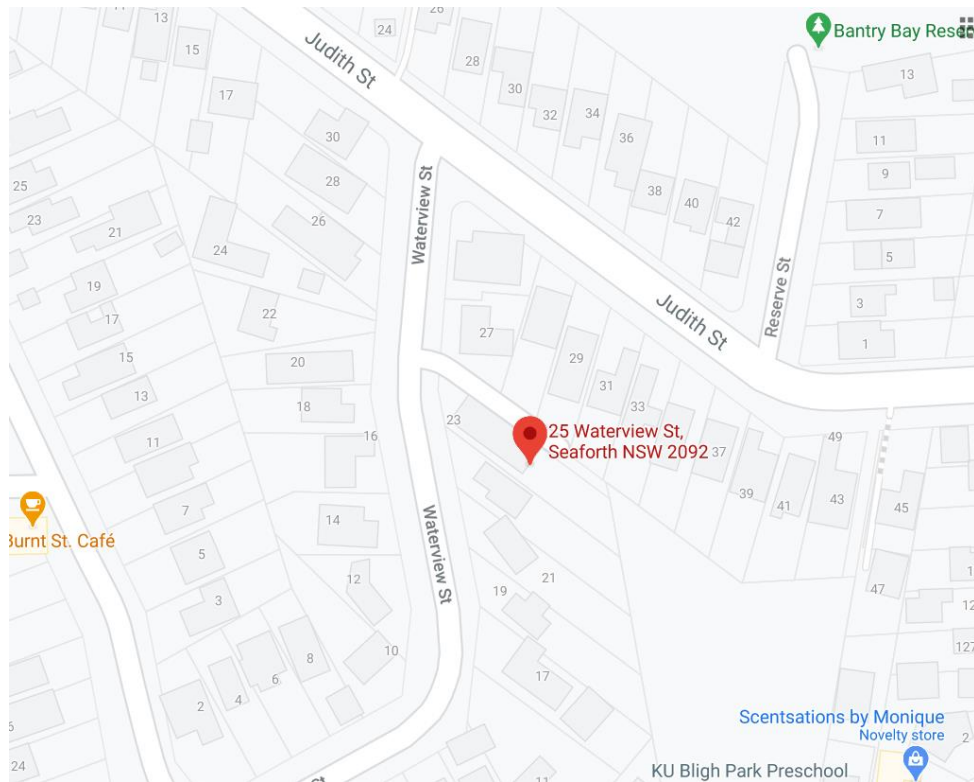
3.0 Site Description

The site is located on the eastern, lower side of Waterview Street.

The site is irregular in shape with an angled frontage to Waterview Street of 16.59m, north-eastern and south-western side boundaries of 64.01m and 66.05m respectively. The rear boundary measures 17.895m, and the site has a total area of 801.15m².

The site is currently developed by a one storey brick dwelling with a metal roof. Vehicular access is available from Waterview Street via a concrete driveway with parking available in a detached brick garage.

The details of the site are included on the survey plan prepared by NJB Surveying, dated 16 January 2017, which accompanies the DA submission.



**Fig 1: Location sketch
(Source: Google Maps)**



Fig 2: View of the subject site, looking south-east from Waterview Street



Fig 3: View of the neighbouring dwelling to the north at No 27 Waterview Street, looking north-east



Fig 4: View of the streetscape to the south of the site, looking south along Waterview Street



Fig 5: View of the rear elevation of the dwelling and the existing upper level deck to be demolished and enlarged, looking north-west



Fig 6: View of the rear yard and the location of the proposed swimming pool, looking south-east



Fig 7: View of the location of the proposed new deck with a pergola over, looking west towards the adjoining neighbour at No 23 Waterview Street

4.0 Surrounding Environment

The area surrounding the site is predominantly represented by a mix of residential development comprising dwellings between one and two storeys in height.

The dwellings in the vicinity have been designed with living areas and associated open space that are oriented to take advantage of the views available to the site.

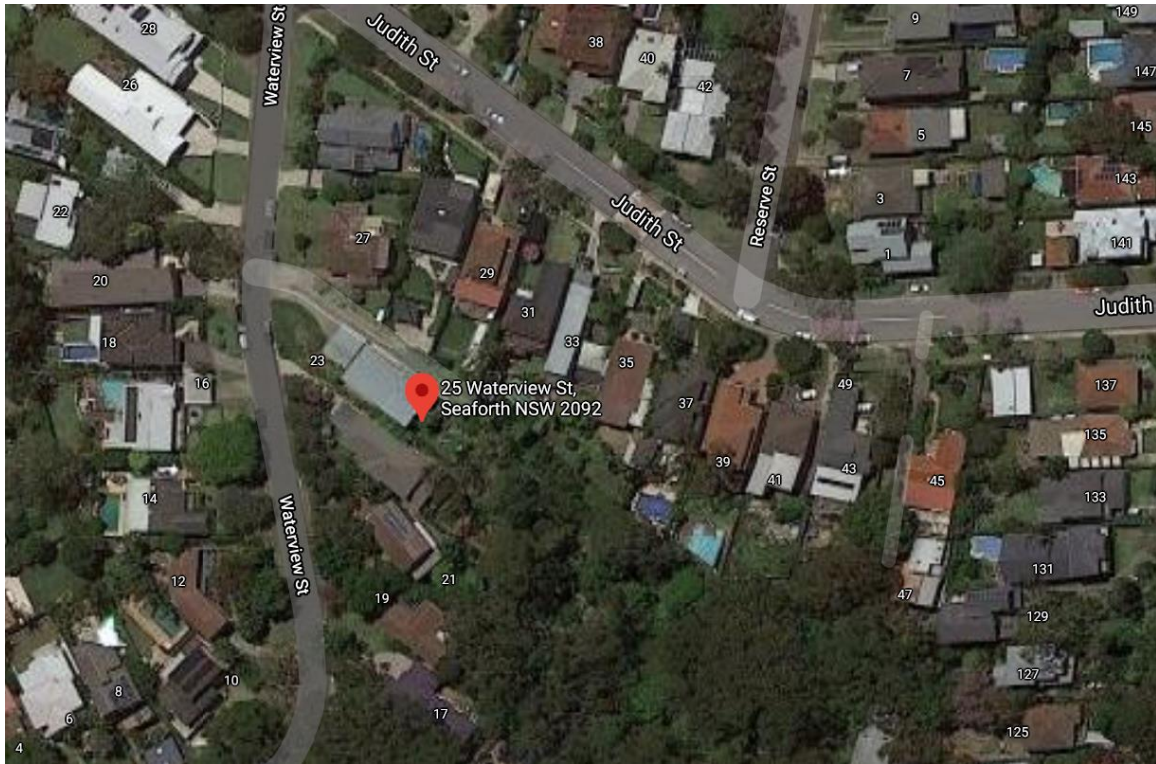


Fig 8: Aerial view of subject site
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans prepared by Site Design + Studios, the proposal seeks consent for proposed new swimming pool and associated landscaping.

The new works comprise:

- Demolition and replacement of an existing first floor level deck at the rear of the dwelling
- New stairway link between the deck and a proposed swimming pool and spa
- New inground and partly elevated swimming pool, spa and decking
- New detached timber deck with a pergola over
- New stacking glass doors to the lower ground floor level
- New landscape plantings

The external finishes of the new works comprise earthy tones which will complement the existing dwelling and surrounding locality.

The proposal does not seek the removal of any significant vegetation, however the works are within the vicinity of a number of existing trees. Accordingly, an Arboricultural Impact Assessment has been prepared by Michael Shaw Consulting Arborist, dated 5 March 2021. The works will be carried out in accordance with the tree protection measures detailed within this report.

The proposed new plantings will assist with softening and screening the built form of the development.

The development indices for the site are:

Site Area	801.15m ²
Required Open Space/Landscape	55% of site area/35% of open space
Proposed Open Space	56% or 451m ²
Proposed Landscape	76% of open space or 343m ²

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

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

A BASIX Certificate has been provided to address the proposed changes to the dwelling. Swimming pool is less than 40kL (38.5kL).

6.3 Manly Local Environmental Plan 2013

The land is zoned R2 Low Density Residential under the provisions of the MLEP 2013.

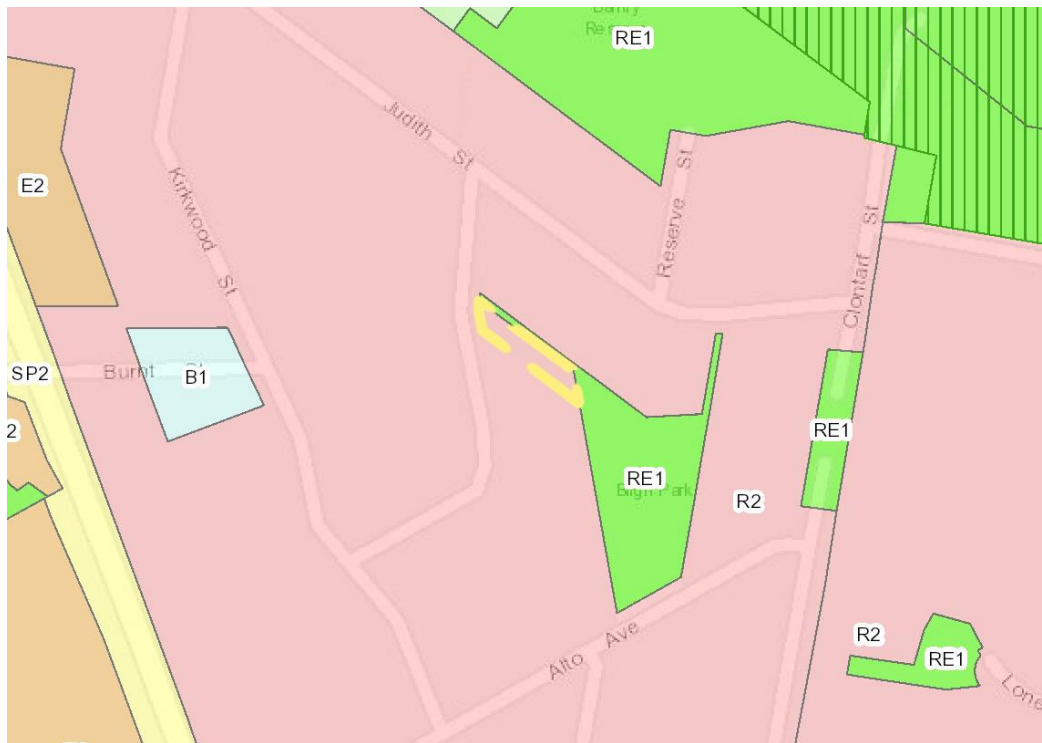


Fig 9: Extract of Manly Local Environmental Plan 2013 Zoning Map

The development of and use of the land for residential purposes is consistent with the objectives of the R2 Low Density Residential, which are noted as:

- *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.*
- *To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.*

It is considered that the proposed new swimming pool and deck will achieve the zone objectives and are consistent with the established character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other dwellings in the vicinity and therefore complements the locality.
- The setbacks are compatible with the existing surrounding development.
- The site is utilised as housing and will continue to maintain the residential use.
- The works will provide for a new swimming pool and deck which will maintain the residential scale and character of the locality.
- The proposal will maintain an appropriate level of amenity to the adjoining properties.
- The proposal does not unreasonably obstruct any significant views from private property or the public domain.
- As detailed in this report the proposal maintains appropriate solar access to the surrounding properties.

Clause 4.3 – Height of buildings

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The building height limit for development in this portion of Manly is 8.5m. The proposed new pergola is up to 5m in height and therefore readily complies with this control.

Clause 4.4 – Floor space ratio

The proposal will not see any change to the floor space ratio of the existing dwelling.

Clause 6.2 – Earthworks

The proposed works will require some excavation to accommodate the proposed swimming pool.

All works will be carried out under the supervision and direction of a Structural Engineer and will be managed to ensure that the amenity and safety of the subject and neighbouring dwellings will be protected.

Clause 6.4 – Stormwater management

The proposal meets the objectives of the clause as stated below in that:

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The new roof areas will be connected to the existing stormwater system which discharges stormwater within the rear yard and by being located towards the rear of the site, will not cause nuisance to adjoining properties.

There are no other clauses of the MLEP 2013 that are considered to be relevant to the proposed development.

It is considered that the proposal achieves the requirements of the MLEP.

6.4 Manly Development Control Plan 2013

Council's DCP Development Control Plan 2013 – Amendment 14 provides the primary control for development within the area.

The DA submission will address the Council's submission requirements outlined in Part 2 – Process.

The primary areas which are applicable to the proposed works are detailed within Part 3 – General Principles of Development & Part 4 – Development Controls and Development Types.

Clause 3.1.1 Streetscape (Residential Areas)

The proposed alterations to the dwelling will enhance the street view of the site. The proposed works to the dwelling will not see any change to the bulk and scale of the existing dwelling, thereby reducing the visual impact of the development on the streetscape. The proposed works are mostly to the rear and side of the dwelling and will not be highly visible from the streetscape.

The intended outcomes are noted as:

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

The proposal will see the construction of a new swimming pool and deck in minor alterations to the existing dwelling. Due to the modest extent of the new works and the fact that they are wholly contained within the rear yard, the proposal will not be visible from the Waterview Street streetscape.

The proposed new landscaping will softening and screening the new works as viewed from neighbouring properties.

The new works are complementary to the existing locality and the surrounding development, and are therefore worthy of Council's support.

Clause 3.3 Landscaping

The proposed new works will see a minor reduction in the available area of soft landscaping. The new works will present an appropriate form and footprint, which is appropriately set back from the street, side and rear boundaries.

The existing and proposed landscaping on site will continue to minimise overlooking to neighbouring properties.

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

The objectives of the clause are noted as:

- | | |
|---------------------|---|
| <i>Objective 1)</i> | <i>To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties.</i> |
| <i>Objective 2)</i> | <i>To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.</i> |

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

- The proposed works comprise a new swimming pool and deck which are suitably set back from the side and rear boundaries, and together with the proposed landscape plantings, this ensures that the proposal will not result in any impacts on the privacy of neighbouring dwellings. In addition, limited pool coping is provided to the north-east and rear, which further minimises opportunities for overlooking.
- The proposed new works will not see any unreasonable diminution of the solar access enjoyed by the neighbouring properties. The new works are modest in bulk and scale, and the existing form of the dwelling remains unchanged.
- The proposed additions to the existing dwelling will not see any change to the existing maximum ridge height of the dwelling. The new works readily comply with the statutory height limit.

Clause 3.5 Sustainability

A BASIX Certificate has been prepared to address the changes to the dwelling. A certificate is not required for the swimming pool in this instance as the pool volume is less than 40kL (38.5kL).

Clause 3.7 Stormwater Management

It is proposed to retain the existing stormwater arrangements which direct water to the rear of the site. The proposal maintains a generous proportion of pervious area within the site, and the stormwater characteristics remain largely unchanged.

Part 4 – Residential Development Controls

Site Area 801.15m² - Density Sub Zone D5 (500m² per lot)

Compliance Table

Control	Required	Proposed	Compliance
Clause 4.1.1 Residential Density & Subdivision	Density Area D5 – 1 dwelling per 500m ²	Site area 801.15m ²	Yes – existing site and dimensions are unchanged
Clause 4.1.2 Height of Buildings	Maximum height – 8.5m Wall height – 7.6m Max two storeys Roof height – 2.5m above wall height	Maximum height of new works – 5m N/A – remains unchanged N/A – remains unchanged N/A – remains unchanged	Yes N/A N/A N/A
Clause 4.1.13 Floor Space Ratio (FSR)	0.45:1	No change to existing floor area.	N/A – remains unchanged.
Clause 4.1.4 Setbacks (front, side and rear)	<u>Front</u> a) Relate to neighbouring sites and the prevailing building lines or 6m c) Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, chimneys, meter boxes and the like, where no adverse impact on the	The proposed pool setbacks are assessed under Clause 4.1.9 Swimming Pools, Spas and Water Features. The existing setbacks of the dwelling remain unchanged.	N/A

Control	Required	Proposed	Compliance
<p>Side Boundary setback – 1/3 of wall height</p> <p>Rear setback – 8m</p>	<p>streetscape or adjoining properties is demonstrated to Council's satisfaction.</p> <p><u>Side</u> 1/3 x wall height</p>	<p>Proposed pergola set back 996mm from the south-western side boundary and is well separated from the north-eastern side boundary. The proposed pergola will not result in any adverse impacts for neighbouring properties.</p>	<p>Yes</p>
<p>Clause 4.1.5 Open space and Landscaping</p>	<p>Area OS 3 Open space: Min 55% site area</p> <p>Landscaping: 35% of open space</p>	<p>Proposed open space - 56%</p> <p>Proposed soft open space - 76% of open space</p>	<p>Yes</p>
<p>Clause 4.1.6 Parking</p>	<p>Min 2 spaces</p>	<p>The existing parking arrangements remain unchanged.</p>	<p>N/A</p>

<p>Clause 4.1.6.4 Vehicular Access</p>	<p>a) All vehicles should enter and leave the site in a forward direction.</p> <p>b) Vehicular access and parking for buildings with more than 1 dwelling is to be consolidated within one location, unless an alternative layout/design would better reflect the streetscape or the building form.</p> <p>c) Vision of vehicles entering and leaving the site must not be impaired by structures or landscaping.</p> <p>d) Particular attention should be given to separating pedestrian entries and vehicular crossings for safety.</p>	<p>The existing vehicular access is maintained.</p>	<p>N/A</p>
<p>Clause 4.1.6.6 Tandem, Stacked and Mechanical Parking Areas</p>	<p>The design location and management of parking facilities involving tandem, stacked and mechanical parking (including car stackers, turntables, car lifts or other automated parking systems) must consider the equitable access and distribution of</p>	<p>No change to existing parking arrangements.</p>	<p>N/A</p>

	<p>parking spaces to all occupants and visitors to the building. In this regard:</p> <p>a) all parking spaces in any tandem or stacked arrangement are to be allocated to the same dwelling/strata unit and must not be used as visitors parking; and</p> <p>b) where the proposed development involves a tandem, stacked and mechanical parking arrangement which necessitates more than one parking space being attributed to a single dwelling unit under paragraph i) above; Council must be satisfied that sufficient parking spaces are reasonably allocated to all other dwelling units within the development.</p>		
<p>Clause 4.1.7 First Floor and Roof Additions</p>	<p>a) First floor additions must complement the architectural style of the ground floor and where possible retain existing roof forms. Notwithstanding</p>	N/A	N/A

	<p>setback provisions, the addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.</p> <p>b) The dwelling and the form of alterations and additions must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences or the aesthetic quality of Manly. In this regard, it may be preferable that the addition be confined to the rear of the premises or be contained within the roof structure.</p>		
<p>Clause 4.1.8 Development on Sloping Sites</p>	<p><i>Area G4 – Potential Hazards and Requirements</i> Geotechnical assessment may be required depending on location and nature of development and man-made cut and fill.</p>	<p>The proposed works comprise minor excavation to provide for the new swimming pool.</p> <p>All works will be carried out under the supervision and direction of a Structural Engineer and will be managed to ensure that the amenity and safety of the subject and</p>	<p>Yes</p>

		neighbouring dwellings will protected.	
Clause 4.1.9 Swimming pools, spas and Water features	Height above ground not more than 1m	<p>Proposed pool up to approximately 1.6m above existing ground level, and therefore presents a minor variation to this control.</p> <p>The objectives of this control are as follows:</p> <ul style="list-style-type: none"> • <i>To be located and designed to maintain the privacy (visually and aurally) of neighbouring properties and to minimise the impact of filter noise on neighbouring properties</i> • <i>To be appropriately located so as not to adversely impact on the streetscape or the established character of the locality</i> • <i>To integrate landscaping; and</i> <p>The proposed deck and swimming pool serves as an extension of the dwelling.</p> <p>The proposal is well set back from neighbouring</p>	Yes – on merit

		<p>properties, which minimises opportunities for overlooking. The proposed plantings further assist with maximising privacy, together with integrating the proposed works into the landscaping within the rear yard.</p> <p>The modest extent of the new works ensures that the proposed pool and deck will not be visible within the streetscape.</p>	
	Setback of outer edge of pool concourse from side and rear boundaries must be at least 1m with water line being at least 1.5m from the boundary	<p>North-eastern side – 1m (waterline 1.2m)</p> <p>South-western side – 6.4m</p> <p>Rear boundary 9.25m</p> <p>Due to the non-trafficable coping, the waterline encroaches on the north-eastern setback. The proposed minimal coping will assist with maximising privacy for the north-eastern neighbour and is considered acceptable in this instance.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p>
	Pool not to exceed 30% of total open space	<30%	Complies

Clause 4.1.10 Fencing	Freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point.	No freestanding walls or fences proposed	N/A
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7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

There are no draft instruments applying to the land.

7.3 Any development control plan

The development has been designed to comply with the requirements of Council's Manly Development Control Plan 2013.

It is considered that the proposed design respects the aims and objectives of the DCP however we note that the Environmental Planning and Assessment Amendment Act 2012 No 93 (Amendment Act) which received assent on 21 November 2012 commenced on 1 March 2013.

Key amongst the amendments are requirements to interpret DCPs flexibly and to allow reasonable alternative solutions to achieve the objectives of DCP standards.

The new section 3.42 provides that the 'principal purpose' of DCPs is to 'provide guidance' on:-

- giving effect to the aims of any applicable environmental planning instrument
- facilitating permissible development
- achieving the objectives of the relevant land zones.

The key amendment is the insertion of section 4.15(3A) which:

- prevents the consent authority requiring more onerous standards than a DCP provides,
- requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply,
- limits the consent authority's consideration of the DCP to the development application (preventing consideration of previous or future applications of the DCP).

We request that Council applies considered flexibility where the application seeks variations to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the height of the pool above ground level is a reasonable alternative solution

to compliance where the site conditions results in a challenge to designing for new development which fully respects the landscaped area criteria.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks consent for reconstruction of an existing first floor rear deck, minor changes the dwelling and the construction of a new swimming pool and deck with pergola over, which will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's MLEP 2013 and Council's Codes and Policies, in particular the Manly DCP 2013.

7.7 The suitability of the site for the development

The subject land is currently zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013 and is considered suitable for the proposed development.

7.8 Any submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The principal objective of this development is to provide for the proposed reconstruction enlargement of an existing first floor rear deck and the construction of a new construction of a new swimming pool and deck with a pergola over, together with minor changes to the existing dwelling, which respects and complements the site's location.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbours amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

VAUGHAN MILLIGAN

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)