

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**49 WAKEHURST PARKWAY, SEAFORTH**

**PROPOSED DWELLING ALTERATIONS AND ADDITIONS,  
DETACHED GARAGE AND NEW FRONT FENCE**

**PREPARED ON BEHALF OF  
Mr Scott Henderson**

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## **TABLE OF CONTENTS**

<b>1.</b>	<b>INTRODUCTION</b>	<b>3</b>
<b>2.</b>	<b>BACKGROUND</b>	<b>4</b>
<b>2.</b>	<b>SITE DESCRIPTION AND LOCALITY</b>	<b>5</b>
<b>3.</b>	<b>THE DEVELOPMENT PROPOSAL</b>	<b>8</b>
<b>4.</b>	<b>ZONING &amp; DEVELOPMENT CONTROLS</b>	<b>9</b>
<b>5.</b>	<b>EP&amp;A ACT – SECTION 4.15</b>	<b>17</b>
<b>6.</b>	<b>CONCLUSION</b>	<b>18</b>

## 1. INTRODUCTION

This application seeks approval for the reconstruction of a deck and small extension to the laundry upon land at **Lot 57 in DP 11162** which is known as **No. 49 Wakehurst Parkway, Seaforth**.

In preparation of this development application consideration has been given to the following:

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

The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by CAD Consulting, Ref No. 42684 and dated 07.09.2018.
- Architectural Plans prepared by Marco Streel, DWG No. 4998-230818, Issue 2 and dated 15.09.18.
- Bushfire Assessment Report prepared by Australian Bushfire Consulting Services, Ref No. 18-206 and dated 21/09/18.
- Structural Design Certificate prepared by Starc Engineering and dated 2.10.1028.

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 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. BACKGROUND

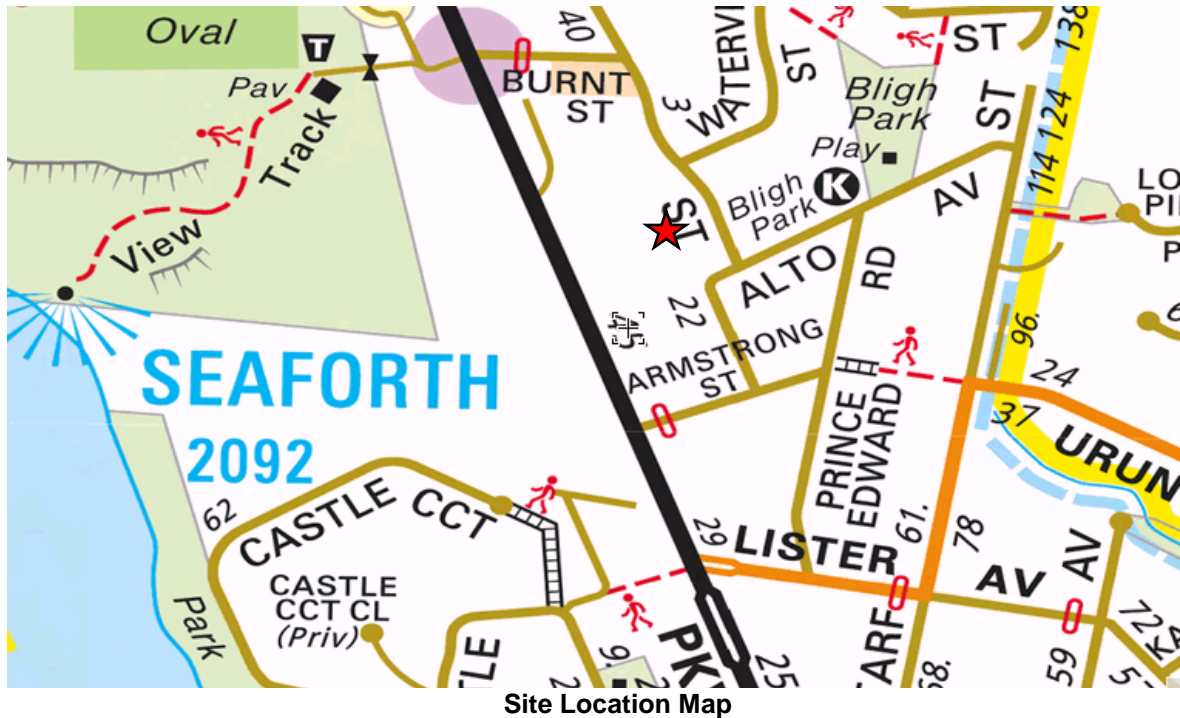
The owner constructed a small addition to the laundry and a new attached deck at the rear of the dwelling. The owner was unaware that consent was required for such works. A Building Certificate (BC2018/0189) was lodged to seek approval for the unauthorised works. However, the Building Certificate was refused for the following reasons:

1. *Works constructed on-site do not comply with Australian Standard 3959-2009 BAL 29 (deck/roof) BAL 19 (laundry door/wall) construction of Buildings in Bushfire-Prone areas.*
2. *The timber decking is non-compliant with a combustible timber species not in accordance with appendix H AS3959-2009.*
3. *The subfloor area is not enclosed in an approved cladding Appendix F AS3959-2009.*
4. *Timber support posts and roof are non-compliant timber with Appendix H AS3959-2009.*
5. *The laundry wall and door is non compliant with table E2 Appendix approval 11 AS3959-2009.*
6. *The glazed insert laundry door does not comply with clause 6.5.2 (b) AS 3959.*
7. *Stormwater disposal system is not evident for the roof over the deck.*

Discussions with the Council officer revealed that Council were of the opinion that the works required to satisfy the above items were too substantial to be dealt with via the Building certificate. It was recommended that a Development Application should be lodged to seek the rebuilding of the works to comply with the above items. This Development Application has therefore been lodged to seek approval for rebuilding/upgrading of the unauthorised works so as to comply with the items above.

## 2. SITE DESCRIPTION AND LOCALITY

The site is identified as Lot 57 in DP 11162 which is known as No. 49 Wakehurst Parkway, Seaforth. The site is located on the eastern side of Wakehurst Parkway with a frontage of 12.19m. The site is rectangular in shape and has an area of 520.15m<sup>2</sup> with a depth of 42.67m. The locality is depicted in the following map:



The site has a slight slope from the street frontage towards the rear boundary. The site currently comprises a single storey weatherboard dwelling with tiled roof. An awning is attached to the rear of the dwelling. This application seeks to reconstruct this deck as consent was not previously obtained.

The site is depicted in the following photographs:



**View of Existing Deck looking north**



**View of Existing Deck looking south**

The existing surrounding development comprises a mix of semi-detached dwellings and detached dwellings comprising of 1 and 2 storeys. This portion of Alexander Street is characterised by dwellings with reduced setbacks to Alexander Street and front fencing with a variety of forms including solid high fencing and picket style fencing. The existing surrounding development is depicted in the following aerial photograph:





**Aerial Photograph of Locality**

### **3. THE DEVELOPMENT PROPOSAL**

This proposal seeks approval for the reconstruct the existing rear attached deck to comply with the relevant Bushfire legislation.

As detailed in the Background of this report, the deck was constructed without consent. This application seeks to upgrade/rebuild the unauthorised deck to ensure compliance with relevant standards as detailed in the Bushfire Assessment Report prepared by Australian Bushfire Consulting Services.

The deck is provided with setbacks of 1.16m to the northern boundary and 0.92m to the southern boundary which is consistent with the setbacks provided to the existing dwelling on site. A setback of more than 12m is provided to the rear eastern boundary.

The proposal will result in the following numerical indices:

**Site Area: 520.15m<sup>2</sup>**

**Proposed Total Open Space: 298m<sup>2</sup> or 57%  
(as defined)**

**Proposed Soft Landscaped: 264m<sup>2</sup> of soft open space or 88% of total open space.**

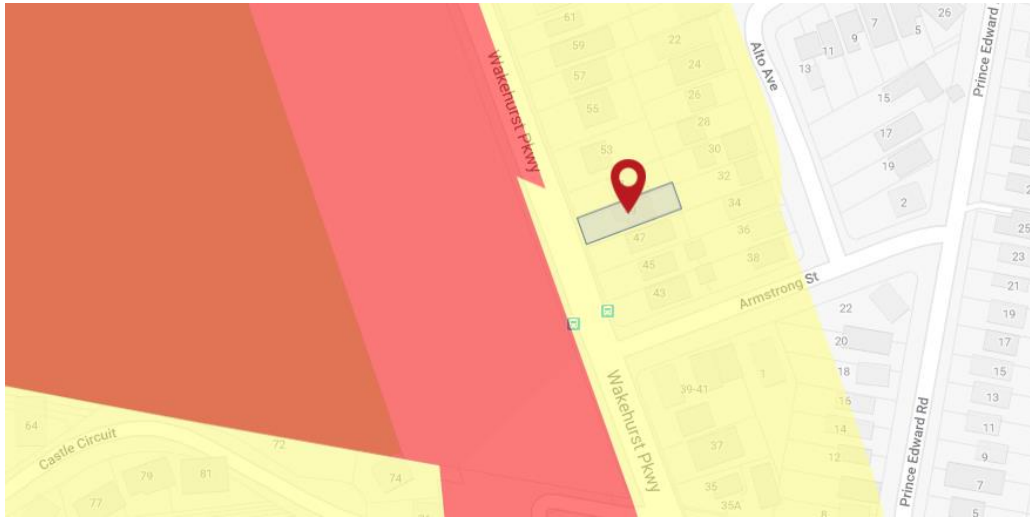
**Proposed FSR: 0.22:1**



## 4. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. 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 Manly Council.

### 4.1 Planning for Bushfire Protection 2006



**Extract of Bushfire Map**

The subject site is identified as bushfire prone vegetation buffer. A Bushfire Assessment Report has been carried out by Australian Bushfire Consulting Services which in summary provides:

*The subject property is determined to be bushfire prone land and the proposal must achieve compliance with the NCC by meeting the aims and objectives of PBP 2006. This is achieved by providing construction measures to mitigate against the impacts from bushfire including smoke, embers, radiant heat and flame contact and also including suitable access, services supply and means of maintaining the bushfire protection measures for the life of the development.*

*This bushfire hazard and determination has been made on a site-specific basis which includes an assessment of the local bushland area and its possible impact to the subject property.*

*The highest bushfire attack level (BAL) to the existing dwelling is BAL 40 and by virtue of increased separation to the location onsite of the new works and shielding they have been determined to be BAL 29 for the deck & BAL 19 for those parts that are shielded from the hazard interface (laundry door and wall facing east). Suitable recommendations have been made herein to enable Council to issue a building certificate inclusive of conditions required to ensure compliance with both AS3959 – 2009 and PBP 2006.*

*In consideration of the bushfire risk posed to the proposed development in conjunction with the recommended bushfire protection measures contained within this report I am satisfied they will provide a reasonable and satisfactory level of bushfire protection to the proposed development.*

This application seeks to construct the deck and associated laundry to comply with the requirements of the Bushfire Hazard Assessment. No further information is required in this regard.

## 4.2 Manly Local Environmental 2013

The subject site is zoned R2 Low Density Residential under the provisions of the Manly LEP 2013. Development for the purposes of dwelling alterations/additions are permissible in this zone with the Consent of Council.

The following development standards of the Manly LEP are applicable to the works as constructed.

Clause	Development Standard	Proposal	Compliance
Clause 4.3 Height of Buildings	8.5m	Approx. 4.562m	Yes
Clause 4.4 Floor Space Ratio	0.6:1	Approx. 0.22:1	Yes

The following clauses also apply:

### Clause 6.4 Stormwater Management

The works provided for gutters and downpipes to be connected to the existing stormwater system.

There are no other specific clauses that specifically relate to the proposed development.

## 4.3 Manly Residential Development Control Plan 2013

The Manly DCP 2013 applies to all land where the LEP applies. Therefore the DCP applies to the subject development.

### **Part 3**

Part 3 provides general principles applying to all development and Part 4 outlines development controls for specific forms of development including residential. The relevant provisions of **Part 3** are summarised below:

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

The proposal seeks to rebuild the existing deck and associated works to comply with the relevant legislation. All works are located at the rear of the site and will not be visible from the street or the public domain.

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 complement 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*

It is considered that the proposal which provides for additions at the rear of the site which are not visible from the street or the public domain will achieve the objectives and requirements of this clause.

#### **Clause 3.1.1.1 Setbacks**

*In lower density areas including LEP Zones R2, E3 & E4, setbacks should be maximised to enable open space to dominate buildings, especially on the foreshore.*

The proposal has been designed to provide for setbacks that are consistent with the existing dwelling on site. The works are located at the rear of the existing dwelling and therefore do not encroach the existing front setback.

### **Clause 3.3 - Landscaping**

The proposed works do not require the removal of any vegetation. There is ample area of the site available for soft landscaping.

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

The objectives of the clause are noted as:

- Objective 1) 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.*
- Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.*

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

- The proposal provides for additions to an existing single storey dwelling. The additions incorporate rebuilding of an existing deck and laundry addition. The works are single storey and are located at the rear of the site. The works are not visible from the street or the public domain.
- The deck is provided with side boundary setbacks consistent with the existing dwelling on site. A setback of more than 12m is provided to the rear boundary which is ample to ensure appropriate visual separation and maintenance of privacy. Privacy screening could be incorporated on the side elevations if considered necessary, however it is our opinion that the deck does not provide any direct views into principal private open space or living areas.
- The works are single storey and do not extend above the height of the existing dwelling. Therefore shadow diagrams are not required.
- The subject and surrounding properties do not currently enjoy any significant views and therefore there will be no impact on existing views.

### **Clause 3.5 - Sustainability**

A BASIX Certificate is not required.

### **Clause 3.7 - Stormwater Management**

It is proposed to connect all collected stormwater to the existing stormwater system. The proposal results in only minimal additional hard surface area and as such OSD is not required. The stormwater disposal will be in accordance with the Manly Specification for Stormwater Drainage 2003.

**Part 4**

The following numerical provisions of **Part 4** are considered relevant to the proposal:

Clause/ Design Element	DCP Requirement	Compliance/Comments
Floor Space Ratio	Refer to LEP 0.45:1	Yes Proposal provides for a FSR of approximately 0.22:1.
Wall Height	Height – 6.5m	Yes Maximum height 4.52m.
Number of Storeys	Two Storeys	Yes Single storey addition
Roof Height	2.5m above wall height	Yes Metal flat roof.
Parapet Height: 600mm above wall height.	600mm above wall height	Not Applicable
Maximum Roof Pitch	35°	Complies.
Building Setbacks	<p>Front Setback – Min. 6.0 metres or consistent with neighbouring.</p> <p>Side Setback – 1/3 of the height of wall.</p>	<p>Yes The works are at the rear of the existing dwelling.</p> <p>A setback of between 1.16m and 1.22m is provided to the northern boundary and a setback of between 0.92m and 0.95m is provided to the southern boundary. is required to the structure.</p> <p>A setback of 1.3m is required to the northern boundary and 1.54m is required to the southern boundary. The minor non-compliance is considered justified in this instance for the following reasons:</p>



Clause/ Design Element	DCP Requirement	Compliance/Comments
	<p>Walls without windows may be constructed to one side boundary only, providing the objectives of this part can be met and the applicant can demonstrate no disadvantage to the adjacent allotment through increased overshadowing, or loss of view and no impediment to property maintenance.</p> <p>Rear Setback – Minimum 8.0 metres</p>	<ul style="list-style-type: none"> <li>• The deck replaces an existing deck in a similar location.</li> <li>• The deck continues the line (setback) of the existing dwelling.</li> <li>• The setbacks provided are consistent with the setbacks provided by dwellings on the adjoining properties.</li> <li>• A privacy screen can be installed if considered necessary on the southern elevation.</li> <li>• The works do not result in any unreasonable overshadowing to the adjoining properties.</li> </ul> <p>Not Applicable</p> <p>Yes Ample setback (12.46m) provided to the rear boundary.</p>
Landscaping/Open Space	<p>Open Space Area 3: Minimum total open space: 55% of site area.</p> <p>Minimum soft open space as % of total open space: 35%</p>	<p>Yes</p> <p>The works provide for a total open space of 298m<sup>2</sup> of 57% of the site area.</p> <p>There is approximately 264m<sup>2</sup> of soft open space or 88% of total open space.</p>

Clause/ Design Element	DCP Requirement	Compliance/Comments
	<p>Minimum number of endemic trees: 1 additional tree required</p> <p>Private open space to be directly accessible from living areas. Minimum dimension 3m. Minimum area of 18m<sup>2</sup>.</p>	<p>The proposal does not require the removal of any trees and there is ample soft landscaping available.</p> <p>Yes Ample private open space is provided.</p>
Parking and Access	<p>Minimum 2 Spaces per Dwelling.</p> <p>Garages/carports shall be sited so as to not dominate the street frontage through the use of appropriate materials.</p> <p>Carports forward of the building line shall be open on all sides. Maximum width of structures forward of the building line is 6.2m or 50% of site width whichever is the greater.</p>	Not applicable – there is no change to the existing parking on site.
First Floor Additions	<p>Additions may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues. Must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences</p>	Not Applicable

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Clause/ Design Element	DCP Requirement	Compliance/Comments
Fences	Maximum height 1.0m for solid Maximum height 1.5m where at least 30% is transparent.	Not Applicable

There are no other provisions of the Manly DCP that apply to the proposed development.

## **5. EP & A ACT - SECTION 4.15**

### **The Provisions of any Environmental Planning Instruments**

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013 and the Manly DCP 2013. It is considered that the provisions of these documents have been satisfactorily addressed within this report.

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

### **The Likely Impacts of the Development**

It is considered that the development will provide for additions to an existing detached dwelling without detrimentally impacting on the character of the area. The proposal does not result in the removal of any significant vegetation and is not visible from the street. The design of the proposal is such that they do not result in any unreasonable loss of privacy.

### **The Suitability of the Site for the Development**

The subject site is zoned R2 Low Density Residential and the construction alterations/additions to an existing dwelling house in this zone are permissible with the consent of Council. The resultant development is of a bulk and scale that is consistent with existing surrounding developments. The proposal does not result in the removal of any significant vegetation.

For these reasons it is considered that the site is suitable for the proposed development.

### **The Public Interest**

It is considered that the proposal is in the public interest in that it will provide for additions to an existing dwelling that are consistent with other development in this locality without unreasonably impacting the amenity of the adjoining properties or the public domain.

## 6. CONCLUSION

This application seeks approval for the construction of alterations to an existing dwelling. As demonstrated in this report the proposal is consistent with the aims and objectives of the Manly Local Environmental Plan 2013 and the Manly DCP 2013. The proposal does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed alterations/additions to an existing dwelling upon land at **No. 49 Wakehurst Parkway, Seaforth** is worthy of the consent of Council.

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