

THE SITE FOREMAN

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR

ALTERATIONS & ADDITIONS AT 21 GURNEY CRESCENT, SEAFORTH

**Development Application Issue Rev.1
April 2021**

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1.0 INTRODUCTION

1. PURPOSE OF THE REPORT

This document is a Statement of Environmental Effects to accompany the Development Application (DA) to be lodged with The Northern Beaches Council. The report provides a summary of the proposal with comments on possible impacts to the surrounding environment and steps that were taken in order to minimize those impacts.

This report aims to:

- Provide the context for the proposal's planning assessment by describing the existing site/local environment and outlining the relevant planning controls;
- Describe the proposed development; and
- Assess all relevant environmental and planning issues under Section 79C (1) of The Environmental Planning and Assessment (Amendment) Act 1997.

2. SITE ANALYSIS

The subject site is legally described as Lot 16 in DP 11214 and more commonly described as No. 21 Gurney Crescent, Seaforth. The Site has an area of 666.3m². The northern front boundary measures a total of 15.325m. The eastern and western side boundaries are 41.455m and 46.615m respectively with a rear boundary of 16.025m. The site is located on the southern, lower side of Gurney Crescent, with a general fall to the south-east.

The site is occupied by a two storey residential dwelling including an attached brick garage adjoins the northern street boundary.

An angled driveway from the north-eastern corner of the site provides access from Gurney Crescent to the existing garage, with a turning area forward of the dwelling.

Stormwater from the roofed areas is dispersed within the rear yard.

The land is noted as being within a Foreshore Scenic Protection Zone.

The site is noted as bushfire prone land and a bushfire risk assessment has been prepared to support the development.

The site is noted as being subject to acid sulphate soils Class 5.

No easements or right of way are known to affect the site.

To our knowledge the site has not been assessed or tested for contamination.

Given the history of the site as a residential area without any other type of uses or activities, we can only assume that the site is not contaminated.

To the best of our knowledge, the site is not flood affected and there have been no previous floods on this subject land.

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The Survey Plan submitted separately and Site Plan prepared by The Site Foreman (NSW) Pty Ltd indicates spot levels, existing vegetation, property boundaries, location of buildings on adjoining properties, the existing dwelling and services in the street such as kerb and gutter, potential views and site specific weather conditions.

The site is elevated and has the benefit of extensive bushland and water views.

The subject property is fully serviced with all necessary infrastructure including water, sewer, stormwater, power and telecommunications. The site is unconstrained in terms of flooding, bushfire, coastal erosion and landslip.

The land 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 and is not noted as being within a Conservation Area.

Figure 1: Aerial image of subject site in relation to surrounding context
Source – Google Earth



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3. LOCAL AND REGIONAL CONTEXT

The site is situated within the suburb of Seaforth, in an area with predominantly mixed developments comprising of one, two, and in some instances, three level attached and detached dwellings. The surrounding developments are detached dwellings, with a range of outbuildings and swimming pools in their yards. Existing residential lots on Gurney Crescent are of a generous size and generally contain a substantial number of mature trees (which is evidenced by the aerial photograph provided above).

Figure 2: View of existing dwelling from the front boundary



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Figure 3: View of existing front façade and garage from front yard looking west.



Figure 4: View of existing dwelling from Gurney Crescent



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Figure 5: View of existing rear yard looking south.



Figure 6: View of existing dwelling from rear yard.



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2. DETAILS OF PROPOSAL.

2.1 Introduction.

The proposed development is shown on plans prepared by The Site Foreman (NSW) Pty Ltd.

As detailed in the accompanying architectural plans, the proposal includes alterations and additions to an existing dwelling house.

Overall, the current dwelling offers only limited amenity to the occupants. The main objective of the proposed alterations is to convert the existing building into a residence with a new suitable living space which will respond to the needs of the residents.

The development provides good internal amenity and outlook compatible with that surrounding and is a considered response and consistent with the height, bulk and scale of the existing street development and with the character and scale of the locality in general.

The proposed works are described in further detail as follows:

- Existing Ground Floor Level: minor internal modifications and refurbishment
- New first floor level containing master bedroom, study, ensuite and walk in robe.
- New internal stair linking the proposed first floor and the existing ground floor.
- External refurbishment, including additional new windows, awnings, and new skylights.
- Other works proposed include a new storage room under the proposed living room.
- Existing low ground floor addition (increase the existing bedroom size and reduce the existing balcony depth)
- Existing garage roof and garage door replacement. New glass awning in front of the garage
- Existing front fence and gate replacement

All current street and side setbacks will remain.

The design is satisfactory and will respond to the existing character of the area and deliver dwellings of a good standard for comfortable living.

The current use on the site is residential, and this will remain unchanged by the development.

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3. RELEVANT DEVELOPMENT STANDARDS & CONTROLS

Section 79(C)(1)(a) the provisions of:
(i) any environmental planning instrument

3.1 State Environmental Planning Policies

Following is an assessment against the provision of the relevant State Environmental Planning policies

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

We provide the following preliminary contamination assessment in accordance with SEPP 55 – Remediation of Land.

In accordance with the provisions of clause 7 of SEPP N55 Council may not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. If the land is contaminated, Council must be satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.

The current usage does not show any contamination of the site.

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

Under the SEPP a BASIX Certificate is required for submission with the development application for the proposal.

A BASIX Certificate) has been prepared and accompanies the application. Please refer to that certificate for the BASIX commitments of the proposal.

DESIGN PRINCIPALS AND CONTROLS

This provides an assessment of the proposed development under Section 79C of the Environmental Planning and Assessment Act 1979. The following planning instruments are relevant to the proposal:

Manly Local Environmental Plan 2013
Manly Development Control Plan 2013

3.2 The Manly Local Environmental Plan 2013

The site is zoned R2 – Low Density Residential under the Local Environmental Plan 2013. Residential dwelling houses are permissible with the consent of Council in this zone.

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The following table provides an assessment under the relevant development standards and provisions contained within the Manly Local Environmental Plan 2013 (LEP2013).

Planning Control	Requirement	Provided	Comply
Clause 2.3 – Zone Objectives and Land Use Table	The site is zoned R2 – Low Density Residential under the provisions of the MLEP 2013.	Residential dwellings houses are permitted with the consent of Council.	Yes
Clause 4.3 – Height of Buildings	2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum building height specified is 8.5m.	As expected on a sloping site, the dwelling exceeds the height control on the eastern elevation (max. 10.950m proposed).	No Minor variation
Clause 4.4 – Floor Space Ratio (FSR)	0.40:1 Site area- 666.3m ² Maximum 266.52m ²	Proposed GFA 265.80m ² 0.40:1	Yes
Clause 5.9 – Trees and Vegetation		The proposal will not require the removal of any significant trees.	Yes
Clause 6.1 – Acid Sulfate Soils	The area is noted as being affected by Class 5 acid sulphate soils	The area is noted as being affected by Class 5 acid sulphate soils. The works will not lower the water table by more than 1m, and as such, no further investigation is considered to be necessary.	Yes

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Clause 6.2 – Earthworks		The proposal will not see any substantial excavation of the site.	Yes
Clause 6.9 – Foreshore Scenic Protection Area	<p>Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:</p> <p>(a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,</p> <p>(b) measures to protect and improve scenic qualities of the coastline,</p> <p>(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,</p> <p>(d) measures to reduce the potential for conflict between land-based and water- based coastal activities.</p>	<p>The proposal will not result in the removal of any trees to facilitate its construction and therefore the scenic catchment of the locality is not compromised.</p> <p>Complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality.</p>	

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

Compliance

The proposed development accords with the aims of the LEP as it represents the orderly and economic development of the land and protects the environmental qualities of the area.

The objectives of the zone have been taken into account. The proposed buildings are as consistent with the zone objectives as can be reasonably expected.

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3.3 Manly Development Control Plan 2013

DCP 2013 provides the primary controls for development within the area. 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

Controls	Requirement	Proposed	Complies
Clause 3.1.1 - Streetscape (Residential Areas)	<ul style="list-style-type: none"> 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 	<p>The proposed addition will be in keeping with the existing dwelling, as well as surrounding development, thus maintaining the high quality visual character of the surrounding area.</p> <p>The addition will have a generous setback from Gurney Crescent, provides an appropriate separation from surrounding dwellings.</p> <p>The existing building is a single storey when looking from Gurney Crescent so the addition of the first floor will not be out of scale in the existing streetscape character.</p> <p>Thus the proposed works will have a negligible impact on the existing streetscape character, as well as surrounding properties.</p> <p>The proposed additions are sympathetic and do not compete with the</p>	Complies

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	<p>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;</p> <p>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;</p> <p>vi) Visually improve existing streetscapes through innovative design solutions; and</p> <p>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</p>	<p>design of the dwelling.</p> <p>Existing significant vegetation, which is prominent when viewed from the street, is to be retained. High quality characteristics of the neighbourhood are to be retained for the reasons mentioned above.</p>	
<p>3.1.1.2 Front Fences and Gates</p>	<p>a) Notwithstanding maximum height provisions for fencing at paragraph 4.1.10; the siting, height and form of boundary fences and walls should reflect the fencing characteristic of the locality, particularly those of adjacent properties. All fencing and wall materials must be compatible with the overall landscape character and the general appearance of the building and the streetscape.</p> <p>b) Boundary fences or walls must not be erected where they would conflict with the local character.</p>	<p>Proposed - the existing timber fence and gate to be replaced (in the same position) with non-combustible aluminum slats fence and automatic gate.</p>	<p>Complies</p>

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	<p>c) Front fences and gates must be constructed in materials that complement the architectural style and period of the dwelling and improve the streetscape. In particular, fencing adjacent to a public road or place must not be constructed in metal cladding, powder coated or otherwise.</p> <p>d) Gates must not encroach on public land when opening or closing.</p>		
<p>Clause 3.1.1.3 – Roofs and Dormer Windows</p>	<p>Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.</p> <p>b) Roofs should be designed to avoid or minimise view loss and reflectivity.</p> <p>c) Dormer windows and windows in the roof must be designed and placed to compliment the roof structure and reflect the character of the building. In particular, such windows are not permitted on the street frontage of the building where there is no precedent in the streetscape, especially on adjoining dwellings.</p>	<p>The subject site is not visually prominent along the streetscape.</p> <p>The proposed roof is similar to the existing roof form and does not compete with the design of the dwelling.</p> <p>Dormers are not proposed</p>	<p>Complies</p>

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<p>3.1.1.4 Garages, Carports and Hardstand Areas</p>	<p>a) Garages, carports and hardstand areas must be designed and sited in a manner that does not to dominate the street frontage by: i) its roof form, material choice and detailing by being subservient to the associated dwelling; and ii) being compatible with the streetscape and the location in relation to front setback criteria. b) Exceptions to setback criteria referred to in this paragraph may be considered where parking structures are a positive element of the streetscape.</p>	<p>Existing garage in the current position to be modified to provide more circulation space in the front driveway. New roof and new glass awning are proposed to provide visual integration with the main building. Front setback is existing</p>	<p>Complies</p>
<p>Clause 3.3 - Landscaping</p>		<p>The proposed new works will retain the existing soft landscaping and trees</p>	<p>Complies</p>
<p>Clause 3.4 – Amenity (Views, Over shadowing, Overlooking/ Privacy, Noise)</p>	<p>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.</p>	<p>Maintaining an acceptable level of privacy to the adjoining allotments was an issue which has been addressed by restricting the window openings to the side elevations and orienting the new first floor balcony towards the rear (south) yard. The substantial separations between the dwellings in this vicinity will not see any unreasonable diminution of the solar access enjoyed by the neighbouring properties. The proposal complies with overshadowing controls. The proposal complies with respect to solar access. The site benefits from a north -south orientation</p>	<p>Complies</p>

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		<p>which ensures that there will not be any adverse overshadowing impacts as a result of the proposal.</p> <p>The proposed development is designed to provide a reasonable acoustic environment within a development site and minimise the possibility of noise to occupants of residential dwellings. The proposed building will be insulated at roof level and in the walls to control thermal comfort and reduce noise.</p> <p>The building complies with Council's floor space ratio control.</p>	
Clause 3.5 - Sustainability		<p>A BASIX Certificate has been prepared to support the new works and confirm that the additions will achieve the appropriate thermal performance criteria.</p>	Complies
Clause 3.7 – Stormwater Management		<p>It is proposed to connect all collected stormwater from the roof areas of the new works and disperses stormwater within the lower portion of the yard. The works will not see any increase in building footprint.</p> <p>A Stormwater Drainage Concept Plan has been</p>	Complies

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		prepared as part of the DA, refer to the drawing for additional details.	
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Part 4 - Development Controls and Development Types Compliance Table:

Control	Requirement	Proposed	Comply
Clause 4.1.1 - Residential Density & Subdivision	Density Area D9 - 1 dwelling per 1150m ² of site area	Existing – 666.3m ²	Yes
Clause 4.1.2 - Height of Buildings	<p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>The maximum building height specified is 8.5m.</p> <p>Wall height - 7.2m</p> <p>Maximum of two storeys</p> <p>Roof height - 2.5m above the wall height</p>	<p>The proposed additions and alterations has a maximum height of approximately 10.950m metres.</p> <p>The departure is supportable as a consequence of the slope, compliance with the setbacks controls. Further, the walls are not readily discernible as they are broken and recessed. The intent of the control is to avoid large expanses of unbroken wall plane and this objective is achieved.</p> <p>The building will contain up to three storeys at limited portions, due the fall in levels. Visually to the surrounding properties to the east, north, the building will however maintain its existing two storey scale.</p> <p>To the public areas in Gurney Crescent, the dwelling is well screened by the existing planting within the road reserve</p>	No Minor variation – see comments and 4.6

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		<p>and located well below Gurney Crescent's level (around 2.6m below)</p> <p>The proposed wall height and overall height are compatible with the existing and the surrounding development, which are influenced by the substantial slope to the south. The wall heights of the proposal are comparable with the adjoining developments. The proposal retains equitable sharing of views for the surrounding properties. The proposal does not unreasonably obstruct any significant views from private property or the public domain.</p> <p>The building will contain up to three storeys at limited portions, due the fall in levels. Notwithstanding the non-compliance with the two storey control, the proposal is considered to satisfy the objectives of the DCP.</p> <ul style="list-style-type: none"> • The proposed wall height and overall height are compatible with the existing and the surrounding development, which are influenced by the substantial slope to the south. • The wall heights of the proposal are comparable with the adjoining developments. • As discussed, the proposal retains equitable sharing of views for the surrounding properties. The proposal does not unreasonably obstruct any significant views from private property or the public domain. The 	
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		<p>neighbouring properties to the east will continue to enjoy views to the west and south and over the new lowered roof height and past the building to its north and south setback areas.</p> <ul style="list-style-type: none"> • As detailed in this report the proposal ensures sufficient solar access to the surrounding properties. • The proposal presents as a two-three storey dwelling, which is common in this immediate locality. • The proposal presents as a two storey dwelling from Gurney Crescent 	
Clause 4.1.13 - Floor Space Ratio (FSR)	0.40:1	<p>Site Area: 666.3m²</p> <p>Proposed GFA 265.80m² 0.40:1</p>	Yes
Clause 4.1.4 - Setbacks (front, side and rear)	Relate to neighbouring sites or 6m		Existing front setback unchanged. Complies
Site Boundary setback	1/3 of the wall height	The proposed first floor setbacks are 1/3 of the wall heights at west boundary and well exceed this control at east boundary: east boundary setback 2650m west boundary setback 3740	Complies
Rear setback	8m	Existing dwelling exceeds 8m min setback	Complies

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Clause 4.1.5 – Open space and Landscaping	Area OS 4 Min 60%/40%	This development does not involve any changes to open space and landscaping	N/A
Clause 4.1.6 Parking	2 Spaces	Existing 2 spaces	Complies
Clause 5.4.1 Foreshore Scenic Protection Area		As discussed within the LEP assessment, the proposal is not prominently viewed from the waterway. The existing building is located well below Gurney Crescent's level (around 2.6m below) so the district's view from the public space will not be greatly affected. The complementary height of the proposal will not adversely impact on the Foreshore Scenic Protection Area	Complies

3.4 Bushfire Risk

A bushfire risk assessment has been prepared by Bushfire Consulting Services Report No 21/0020.
The works will be carried out in accordance with the recommendations of the report.

3.5 Waste

Construction and demolition waste
Building and demolition waste will be maintained and disposed of appropriately. The presence of asbestos is unlikely, but if present, will be disposed of in accordance with the relevant Australian Standards.
All work to comply with the BCA and AS 2601-2001 (The Demolishing of structures)
During the course of excavation and demolition, all hazardous materials encountered shall be removed and disposed of in accordance to the requirements of Local Authorities i.e. WorkCover, etc. Any hazardous waste to be removed shall be in accordance with the requirements of the OHS 2000 Regulations.

All demolished materials such as paving, steel, timber, concrete slabs, etc. which can be recycled will be recycled. All other material that cannot be recycled shall be disposed of through licensed tips.

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Proposed building and demolition works will be carried out in accordance with Council's conditions and policies for such works, including acceptable hours of work.

The operation of plant and equipment will be to the EPA guidelines and will not give rise to an "offensive noise" as defined in the *Noise Control Act 1975*.

3.6 Erosion & Sediment Control

All necessary precautions will be taken to limit the surface run off during the construction period.

Objectives:

- To minimise soil erosion and water pollution by minimising land disturbance.
- To implement 'best management practices' to control stormwater runoff, control soil erosion and avoid contaminated (silt laden) water leaving the site.

Measures:

The following measures will be implemented to achieve the above objectives:

- Install and maintain sediment fences to all low sides of the site.
- Install protection measures to existing grated inlet pits.
- Minimise the area of site disturbance via fill and cut.

All disturbed areas will be rehabilitated and/or stabilised by new impervious material or landscaping works.

All erosion control devices will be installed in accordance with the following details promulgated by the NSW Environmental Protection Authority and the NSW Department of Land and Water Conservation.

4.0 Matter for Consideration under Section 79c of The Environmental Planning and Assessment Act, 1979

4.1 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.

4.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

It is not considered that there are any draft environmental planning instruments applying to the site.

4.3 Any development control plan

The development has been designed to comply with the requirements of Manly's 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

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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 74BA 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 79C(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 variances to numerical development controls in the DCP as justified in this report. In particular we consider that the variation to the height controls is a reasonable alternative solution to compliance where the difficult nature of the lots shape and topography present challenges for the design.

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.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

4.4 Any matter prescribed by the regulations that apply to the land to which the development relates.

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

4.5 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 approval for additions and alterations to the dwelling, is reasonable. As reflected in this Statement of Environmental Effects, the proposal is unlikely to result in any significant adverse impacts on the environment

The proposed development will be compatible with the scale and character of the surrounding area. It capitalises on the attributes of the existing fabric and topographical features of the site without negative impact on the amenity of surrounding residences, the streetscape.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's LEP and Council's Codes and Policies.

4.6 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.

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The subject site does not exhibit any significant constraint to the construction of the proposed development, with the works being located over the existing dwelling footprint.

4.7 Submissions made in according with this Act or the regulations

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

4.8 The public interest

The proposal is consistent with the aims and objectives of Councils planning framework and does not result in any significant adverse impacts.

The proposal will not unreasonably 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.

For all of the above reasons, in our opinion, the proposal is an appropriate development for the subject site and is in the public interest.

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.

For and on behalf of
The Site Foreman (NSW) Pty Ltd
Alexander Chougam R.A.I.A.
Principal Architect
Registration No7196