

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS  
TO AN EXISTING DWELLING COMPRISING NEW GARAGE AND DRIVEWAY**

**AT**

**8 ARABANOO STREET, SEAFORTH**

**FOR**

**NATASCHA REZAI & JASON JUNGBLUT**



**Prepared  
July 2023**

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## 1.0 Introduction

This Statement of Environmental Effects accompanies architectural details prepared on behalf of Natascha Rezai and Jason Jungblut by Paul Carrick & Associates, Job No. 1105, Sheet No. 01 - 12, Revision A, dated June 2023 to detail the proposed construction of alterations and additions to an existing dwelling at **8 Arabanoo 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 (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*

Development Application No. DA2020/1021 for alterations and additions to a dwelling house was approved by Council on 22 September 2020. The works subject of the application were not commenced.

A separate Complying Development Certificate (CDC2022/0905) for additions and alterations to the dwelling was submitted in 2022 and an Occupation Certificate was issued in April 2023.

## 2.0 Property Description

The subject allotment is described as **8 Arabanoo Street, Seaforth**, being Lot 166 within Deposited Plan 35319 and is zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013.

The site is identified on Council's DCP Landslip Hazard Map as being within Area G4. Accordingly, a Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J3821, dated 21 December 2021.

There are no other known hazards affecting the site.

### 3.0 Site Description

The site is located on the northern side of Arabanoo Street, and falls gradually towards the front, south-eastern boundary.

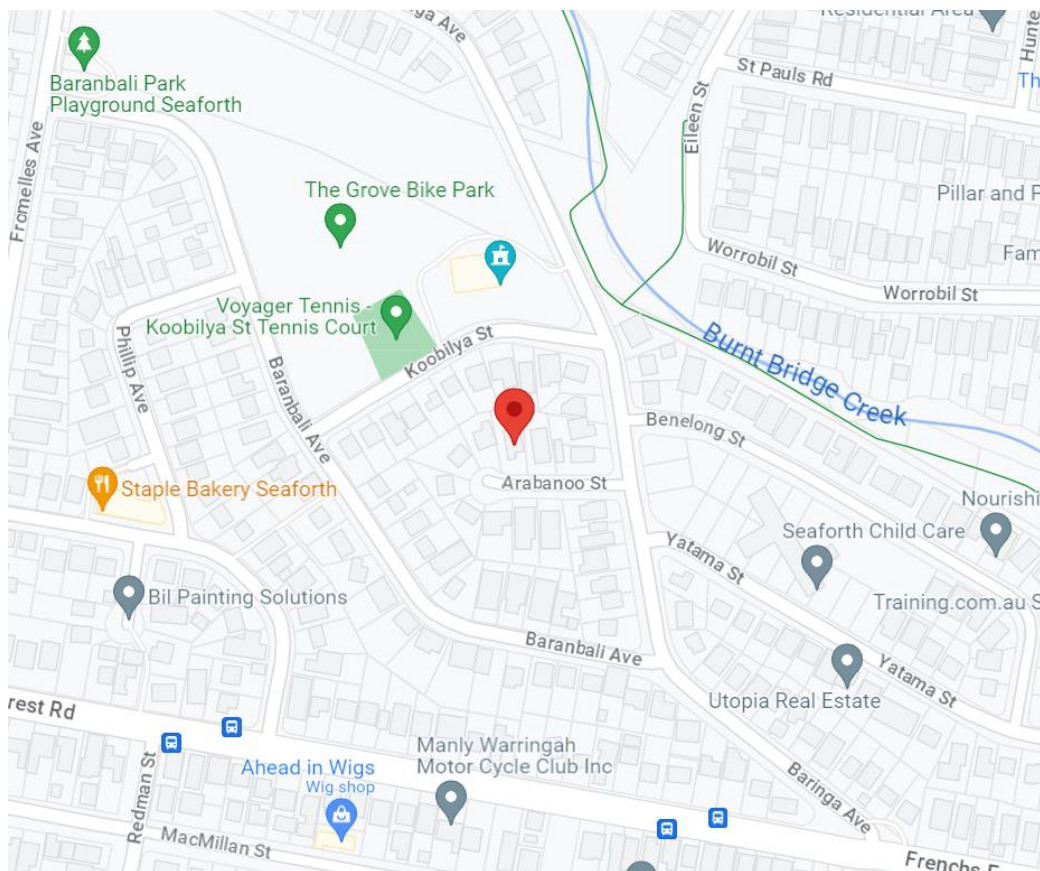
The land has a general fall to the south-east, with stormwater from the roof areas to be directed to the street gutter in Arabanoo Street.

The site is irregular in shape with an arc shaped frontage to Arabanoo Street of 16.495m. The eastern and western side boundaries measure 44.035m and 40.225m respectively. The rear boundary measures 19.925m and the land has a total site area is 758.8m<sup>2</sup> (by survey).

The site is currently developed by a split-level cement rendered dwelling with a tile roof. An inground swimming pool is located in the rear yard.

Vehicular access is currently available from Arabanoo Street via an existing concrete driveway, with parking provided within an attached garage forward of the dwelling.

The details of the site are included on the survey plan prepared by Intrax, Drawing No. S#142759, Revision A, dated 2 February 2023, which accompanies the DA submission.



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





**Fig 2: View of the subject dwelling and garage to be demolished, with new driveway and crossing to replace the existing drive and crossing, looking north**



**Fig 3: View of the location of the proposed garage, looking north-east**





**Fig 4: View of the streetscape to the west of the site, looking north-west from the street**

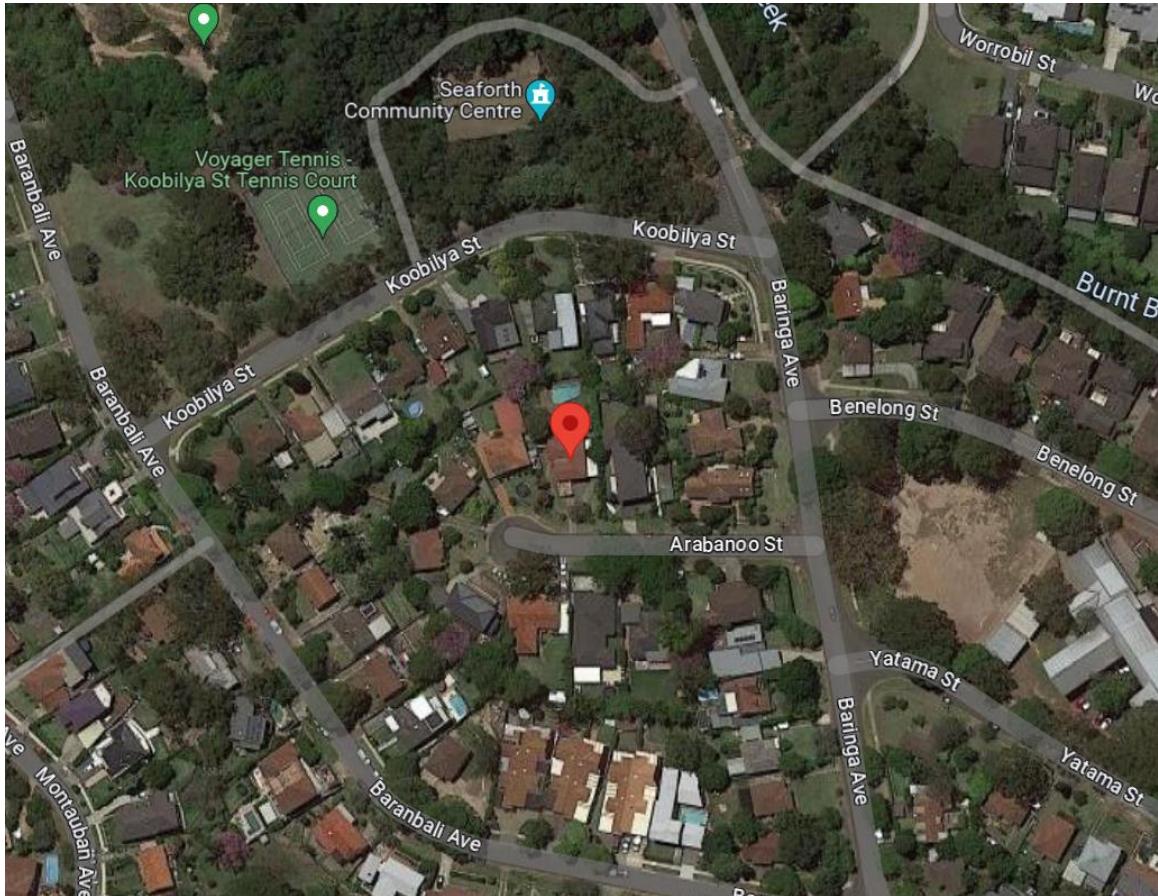


**Fig 5: View looking north-east towards the adjacent dwelling at No 9 Arabanoo Street**

#### 4.0 Surrounding Environment

The area surrounding the site is predominantly represented by a mix of development comprising dwellings of varying sizes.

The dwellings in the wider locality have been designed with living areas and associated open space that are oriented to take advantage of the district views available. Dwellings in the immediate vicinity receive limited local views to the east.



**Fig 6: Aerial view of subject site**  
(Source: Google Maps)



## **5.0 Proposed Development**

As detailed within the accompanying plans prepared by Paul Carrick & Associates, the proposal seeks consent for the construction of alterations and additions to the existing dwelling comprising a new double garage and driveway.

The Project Designer has provided the following architectural design statement:

### ***Architectural Statement***

*The objective scope of this project was to provide parking security without dominating the streetscape.*

*The western boundary aligned proposal allows a more continuous frontage and improved setback to the garage structure than the existing or previously proposed scenarios.*

*The proposal allows -*

- *That the driveway, entry stairs and portico are aligned giving the structures a defined form and enhancing the streetscape*
- *The landscaped area is now combined for improved amenity and streetscape appeal*
- *The garage as located in the deepest frontage reduces perceived bulk and allows for screening shrubs*
- *The wrap around drive allows for under house trailer storage and security for the owner (a carpenter and builder) to remove tools and equipment from the curbside parking or street frontage thus allowing the streetscape to be unencumbered.*

*The proposal locates the driveway entry within the current rolled kerb allowing the existing entry to be returned to standard kerb and gutter.*

*The design allows for a compliant design, increased landscaping , improved occupant amenity with a balanced and aesthetic streetscape.*

The works also involve the demolition of the existing single garage and removal of the current driveway and driveway crossing.

The proposed new garage will gain access via a new driveway and crossing from the street.

The proposed new works comprise:

### **External Works**

- Demolish existing garage and remove the existing driveway and crossing and layback.
- New double garage
- New driveway and layback



- New entry steps and planters
- New feature door to subfloor store

The proposed additions alterations to the existing dwelling are modest in bulk and scale, with the garage presenting a modest low profile pitched roof form which assists with minimising the visual impact of the new works.

The existing gross floor area of the dwelling will remain unchanged.

The proposal will not require the removal of any significant vegetation to accommodate the new works. The existing landscaping will be retained, and continue to assist with softening the built form of the development.

The development indices for the site are:

Site Area	758.8m <sup>2</sup> (by survey)
Required Open Space/Landscape	55% open space – 417.34m <sup>2</sup> / 35% landscaped area – 146.09m <sup>2</sup>
Proposed Open Space	61.8% or 469m <sup>2</sup>
Proposed Landscape/Soft Open Space	67% or 278m <sup>2</sup>

## **6.0 Zoning and Development Controls**

### **6.1 State Environmental Planning Policy (Resilience and Hazards) 2021**

#### Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether 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.

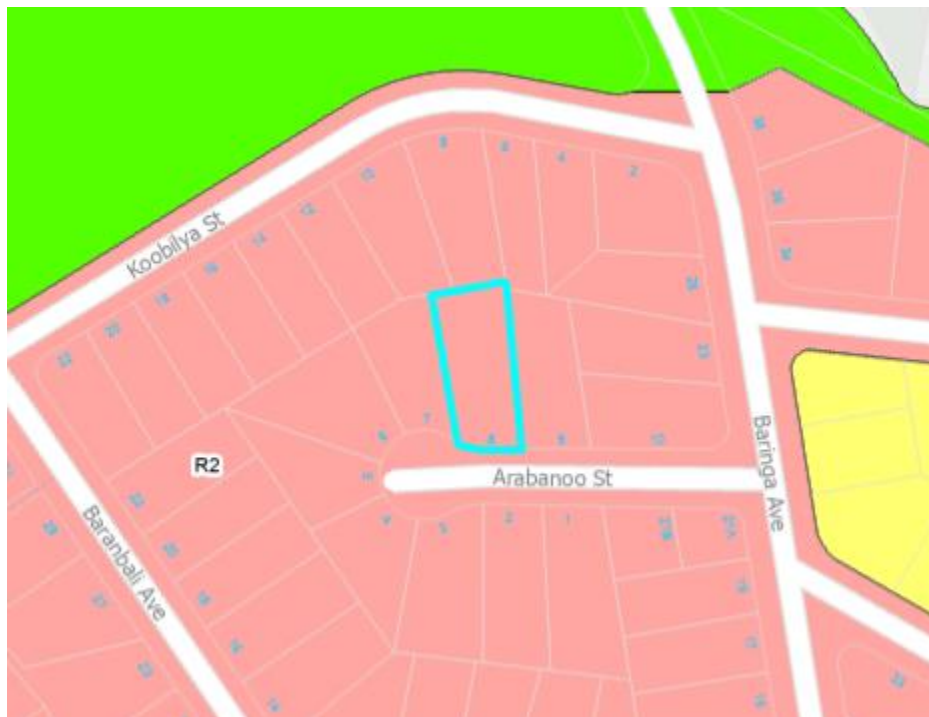
Overall, the proposed modified development remains consistent with the relevant provisions of SEPP (Resilience and Hazards).

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

The proposal has been designed to respect the water, thermal and energy standards required by BASIX. A BASIX certificate has been submitted with the development application.

### **6.3 Manly Local Environmental Plan 2013**

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



**Fig 7: 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.*

It is considered that the proposed additions and alterations to the existing dwelling 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 will continue to be utilised as housing and will maintain the current residential use.
- The works will provide for the construction of alterations and additions to an existing dwelling 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 Seaforth is 8.5m. The proposed new garage is up to approximately 4.3m in height and therefore readily this control.

**Clause 4.4 – Floor space ratio**

The proposal will not see any change to the gross floor area of the dwelling.

**Clause 6.2 – Earthworks**



The proposed works will not require any substantial excavation to accommodate the proposed new works.

The works will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers and will therefore satisfy the provisions of this clause.

#### **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.*

Stormwater from the proposed roof areas will be collected and directed to the street gutter, with the work to result in only a minor increase in site coverage of 19m<sup>2</sup> beyond the existing approved site coverage for the site.

On this basis, it is not considered that on-site detention is necessary to support the development.

#### **Clause 6.8 – Landslide risk**

The site is identified on Council's DCP mapping as being within Area G4 on the Landslip Hazard Map.

Given the minor nature of the site works necessary to accommodate the new driveway garage, a comprehensive geotechnical assessment is not considered necessary and Council's Schedule 11 - Checklist of Preliminary Site Conditions has been completed which confirms that syndicate geotechnical risks are not anticipated with the development.

The proposal will therefore satisfy the provisions of this clause.

There are no other clauses of the LEP that apply to the subject development.

## **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)**

It is suggested that the proposed works, which present a modest bulk and scale with articulated wall lines, will enhance the street view of the site.

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 alterations and additions to an existing dwelling, including a new driveway and garage.

The proposed works will continue to present a compatible bulk and scale to neighbouring properties. The proposed garage is well set back from the street, with a modest single storey height.

The new works are complementary to the existing locality and the surrounding development. The

proposal is complementary to the character of the Arabanoo Street locality, and is therefore worthy of Council's support.

### **Clause 3.3 Landscaping**

The proposed new works will maintain a suitable area of soft landscaping within the site. The new works will present an appropriate form and footprint, which is suitably set back from the street, side and rear boundaries.

The proposal will not require the removal of any significant trees to accommodate the new works.

### **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 proposal provides for minor ancillary works to the existing dwelling which ensures that there are no significant impacts on the privacy of the adjacent neighbouring dwellings.
- As the proposal provides a modest single storey garage, the existing solar access arrangements will remain largely unchanged.
- The proposal results in a development which retains its modest bulk and scale, and will not result in any significant or adverse visual impacts within the locality.
- The subject and adjoining properties within the immediate vicinity receive limited local views towards the east. The proposed new works are not considered to result in any loss of views from adjoining or nearby properties.
- Given the residential nature of the proposed development, no adverse acoustic impacts for neighbouring properties are anticipated.

### **Clause 3.5 Sustainability**

A BASIX Certificate is not necessary in this instance as the proposed works do not contain any habitable floor space.

### **Clause 3.7 Stormwater Management**

As discussed, stormwater from the proposed roof areas will be collected and directed to the existing stormwater system, which is directed to the street gutter.





## Part 4 – Residential Development Controls

### Site Area 758.8m<sup>2</sup> - Density Sub Zone D5 (500m<sup>2</sup> per lot)

#### Compliance Table

Control	Required	Proposed	Compliance
<b>Clause 4.1.1</b> Residential Density & Subdivision	Density Area D5 – 1 dwelling per 500m <sup>2</sup>	Site area 758.8m <sup>2</sup> (by survey)	Yes – existing site and dimensions are unchanged
<b>Clause 4.1.2</b> Height of Buildings	Maximum height – 8.5m	Maximum proposed height 4.3m	Yes
	Max wall height – 6.5m	Maximum proposed wall height of the garage 2.4m	Yes
	Max two storeys	Max one storey proposed. Existing two storey dwelling maintained.	Yes
	Roof height – 2.5m above wall height	<2.5m	Yes
<b>Clause 4.1.13</b> Floor Space Ratio (FSR)	0.45:1	N/A – no change to existing FSR	N/A
<b>Clause 4.1.4</b> 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,	Proposed front setback 6.1m and therefore complies with this control.	Yes

Control	Required	Proposed	Compliance
Side Boundary setback – 1/3 of wall height	where no adverse impact on the streetscape or adjoining properties is demonstrated to Council's satisfaction.  <u>Side</u> Eastern side - 1/3 x 2.4m = 0.8m (garage)	Proposed minimum eastern side setback of the garage is 1.05m and therefore complies with this control.  The garage is well separated from the western side boundary.	Yes
Rear setback – 8m		N/A – no change to existing rear setback.	N/A
<b>Clause 4.1.5</b> Open space and Landscaping	Area OS3 Open space: Min 55% site area  Landscaping: 35% of open space	Proposed open space – 62%  Soft open space – 67% of open space	Yes  Yes
<b>Clause 4.1.6</b> Parking	Min 2 spaces	Parking for two cars will be provided within the proposed double garage.	Yes
<b>Clause 4.1.6.4</b> Vehicular Access	a) All vehicles should enter and leave the site in a forward direction.	The proposal will provide for a new driveway. Due to the siting of the existing dwelling, forward entry and exit is not available in this instance.	Yes – on merit



Control	Required	Proposed	Compliance
	<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>Suitable visibility is provided to and from the proposed vehicular access point.</p> <p>Vision not concealed by structures or landscaping.</p> <p>Separate pedestrian entrance can be provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>Clause 4.1.6.6</b> 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 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</p>	<p>N/A – double garage provided.</p>	<p>N/A</p>

Control	Required	Proposed	Compliance
	<p>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><b>Clause 4.1.7</b> 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 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>N/A – no first floor addition proposed.</p>	<p>N/A</p>

Control	Required	Proposed	Compliance
	<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><b>Clause 4.1.8</b> Development on Sloping Sites</p>	<p><i>Area G4</i> The applicant should complete Council's Checklist for Preliminary Assessment of Site Conditions (Landslip) at Schedule 11 of this plan to determine whether a Site Stability Report is required. All development involving load bearing building works must complete the checklist for Preliminary Assessment of Site Conditions (Landslip) to ensure developments follows good engineering practice.</p>	<p>The site is identified on Council's DCP mapping as being within Area G4 on the Landslip Hazard Map.</p> <p>As discussed, the minor nature of the works does not involve any significant site disturbance and the Schedule 11 checklist has been completed to accompany the development.</p>	<p>Yes</p>

Control	Required	Proposed	Compliance
<b>Clause 4.1.10</b> 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 new front fencing proposed.	N/A

## **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.

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 the construction of alterations and additions to an existing dwelling, 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 construction of alterations and additions to an 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)