



135 SEAFORTH CRESCENT SEAFORTH

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR
ALTERATIONS AND ADDITIONS
TO THE EXISTING DWELLING**



Report prepared for
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February 2022

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1.0 Introduction

- 1.1 This is a statement of environmental effects for a new suspended parking platform and sub-floor storage and internal alterations to the existing dwelling, at 135 Seaforth Crescent, Seaforth.

The report describes how the application addresses and satisfies the objectives and standards of the Manly Local Environmental Plan 2013, the Manly Development Control Plan 2013 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

- 1.2 This statement of environmental effects has been prepared with reference to the following:

- ◆ Site visit
- ◆ Survey Plan prepared by Usher and Company
- ◆ DA Plans prepared by Action Plans
- ◆ Arboricultural Impact Assessment by Hugh the Arborist
- ◆ Traffic Engineering Assessment by TEF Consulting
- ◆ Waste Management Plan
- ◆ BASIX Certificate prepared by Action Plans
- ◆ Geotechnical Report prepared by Ascent Geotechnical Consulting
- ◆ Stormwater management Plan prepared by NB Consulting

- 1.3 The proposed development is consistent with the objectives of all Council controls, considerate of neighbouring residents and will result in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

2.0 The site and its locality

- 2.1 The subject site is located on the western side of Seaforth Crescent, approximately 200 metres southwest of its intersection with Prince Promenade. It is legally described as Lot 2 DP 236331 and is known as 135 Seaforth Crescent.
- 2.2 It is an irregular shaped lot with boundaries of 5.05 metres (east – Seaforth Crescent frontage), 15.24 metres (west rear boundary). The lot length is 62.95m on the southern boundary which sets in as it goes up the slope of the land. The lot length is 58.5 on the northern boundary which steps in for the driveway access.
- 2.3 The lot has an area of 649.8m² and is currently occupied by a four-five storey clad dwelling, with a metal roof and a swimming pool and spa. The site slopes to the east (down from the Seaforth Crescent frontage) and the existing dwelling steps with the site. A double carport is located at the front of the site with access from a non-compliant driveway from Seaforth Crescent.
- 2.4 The property is surrounded by detached dwellings to the north, east and south and the Peach Tree Bay to the west. The site is located in close proximity to shops and services in Seaforth.



Figure 1. The site and its immediate surrounds

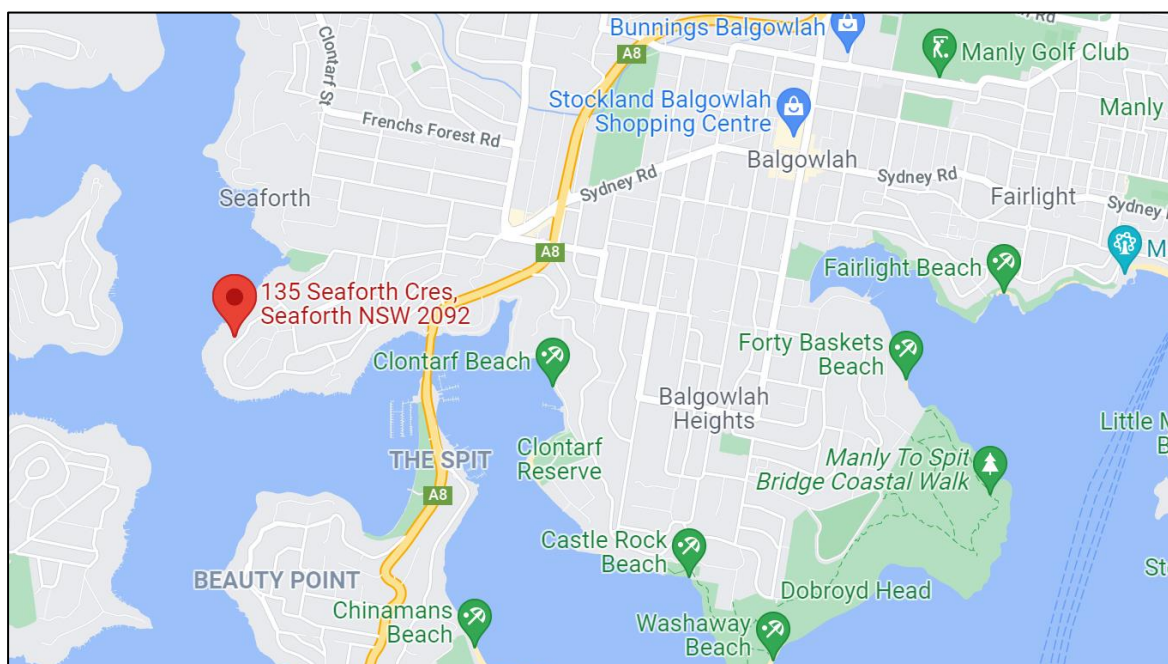


Figure 2. The site within the locality

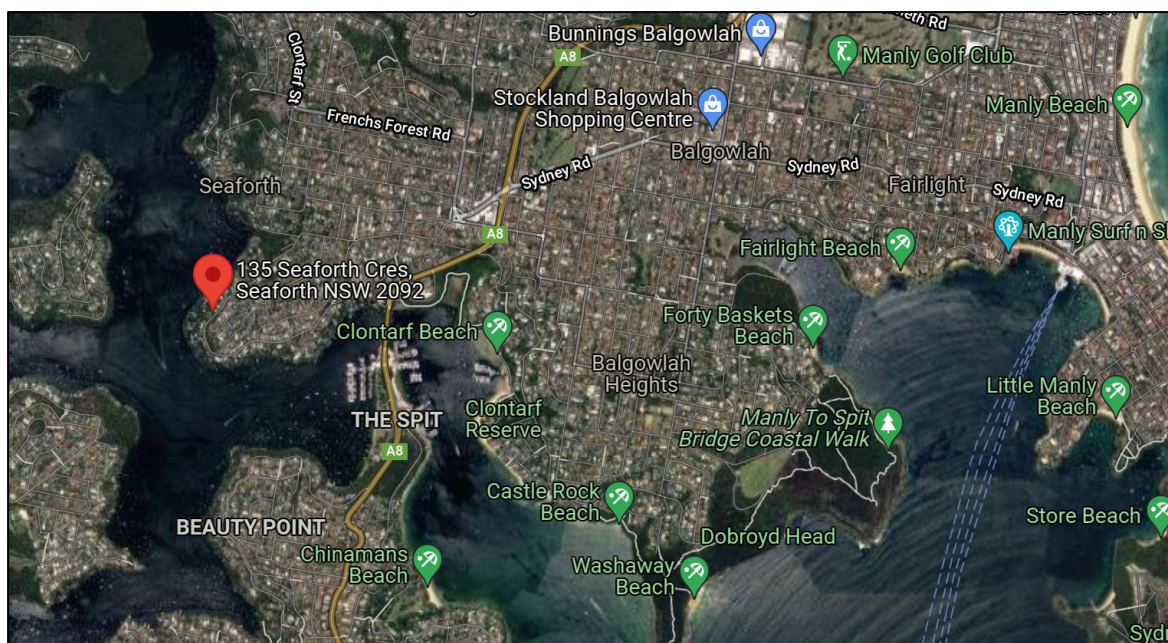


Figure 3. Aerial image of the site within the locality

3. Site Photos



Figure 4. The subject site, looking east from Seaforth Crescent.

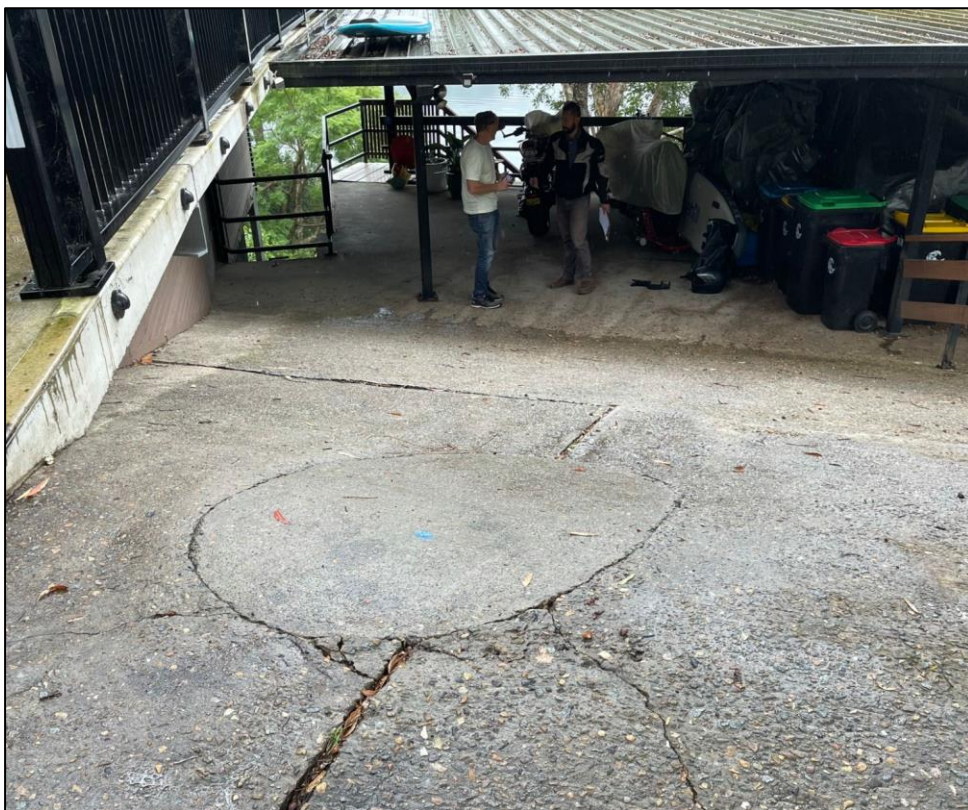


Figure 5. The carport and driveway, looking east.



Figure 6. The adjoining property and suspended driveway to the south.



Figure 7. The adjoining property and suspended driveway to the north.

4. Background

A Pre-lodgement meeting was held with Council on 18 May 2021 (PLM2021/0097), In accordance with the advice from this meeting the following additional information and amendments are included with this development application:

Definition of Proposed Development - Dwelling house: The car parking stand and storage area are ancillary to the dwelling house.

Issues Raised

Issue Raised	Council Response	Comment
Manly LEP 2013		
Part 2 – Zoning and Permissibility	Definition of proposed development: Semi-Detached Dwellings Zone: R2 Low Density Residential Permitted with Consent or Prohibited: Permitted with consent.	The proposed development is permitted with consent in the R2 Zone.
4.3 Height of buildings	Permitted 8.5 metres	The development proposes a compliant maximum building height of 9.2 metres. A minor variation to the height is considered appropriate, in this case as the proposed variation is very minor and the built form responds to the slope of the land. A clause 4.6 variation request is provided with this application.
4.4 Floor Space Ratio	LEP <u>Permitted</u> 0.4:1 (259.9m² for site area of 649.8m²) <u>Proposed:</u> 0.4.1:1 (267m²) <u>Compliance:</u> No +21.11² (8.1%) As discussed at the meeting, the FSR is intended to regulate the bulk and scale of the development. It appears that there are areas within the development which could be adjusted (i.e., reduced floor space) at the upper floor to increase the southern side setback.	The proposed development results in small changes to FSR, which are detailed and justified in the accompanying 4.6.
Manly DCP 2013		

Part 4		
Clause 4.1.2 Height of Building	<u>Control</u> Height 8.5m – Proposed 10.5m The existing parking space is considered difficult to access and egress due to the steep gradient of the driveway, particular as vehicles leave the site at speed and approach the apex of the crossover which is in close proximity to a sloping curve in the roadway. With the nature of the sloping site, already restricted parking and the prevalence of similar parking structures in the area (namely the neighbouring property to the south at No. 133A Seaforth Crescent), an encroachment in height could be considered subject to a Clause 4.6 Variation request to vary the Height of Buildings Development standard (Clause 4.3) which clearly articulates consistency with the objectives of the zone and control and that sufficient environmental planning grounds are established. Any elevated car parking structure is to remain completely open as per the proposed design to ensure that existing views of the waterway are not diminished.	<u>Proposed height of 9.2m</u> The open structure is considered appropriate for the street and complementary to neighbours. A 4.6 accompanies the application.
Clause 4.1.4 – Setbacks and Building Line	The proposal involves a parking space within the front building line of the subject site, which in most instances would be deemed unacceptable. However, based on a merit assessment, and having regard to the site's steep topography it is considered that no other suitable location is available on the site. In addition, the proposed location of the car parking space within the front building line is also considered to be consistent with the neighbouring properties to the south of the subject site and at various locations along the western side of Seaforth Crescent and therefore can be considered to satisfy Clause 4.1.4.1(a) "Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity."	Proposed: Front: 0m Side: 0.2m Wall Height

	The proposal will satisfy the parking requirements for the existing dwelling, provide safe, practical and functional parking arrangements and enhance the amenity for the owners and reduce the reliance of on-street parking.	
4.1.6 Parking, Vehicular Access and Loading	Control: 2 Spaces Clause 4.1.6.1(a) requires that “the design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain the desired character of the locality”. The plans propose an elevated hardstand carparking space for 2 cars in a tandem arrangement within the front setback of the property. However, concerns are raised with respect to the impact upon the existing street tree which is considered to be significant and is required to be retained. As such, Council will not support the removal of this tree. It is strongly advised to reconsider the design of the driveway to retain and minimise any impact on the street tree and, as discussed in the meeting, it is recommended that the driveway is relocated, or to utilise a suspended slab (pier and beam) design to bridge over the existing root system. In both respects, you are advised to consult with a qualified arborist to undertake root mapping of the tree to accurately ascertain the locations of the root system and then design according to the findings of the root mapping and advice from the arborist. Please refer to the Landscape Officer comments below in ‘Specialist Advice’.	Proposed: 2 spaces Design has been amended with the assistance of an arborist to consider the street tree.
Specialist Advice		
Development Engineering	<u>Driveway</u> The applicant proposed a suspended driveway which requests to remove a Council’s street tree. Please refer to our landscape section for comment. If the tree removal cannot be supported, the applicant shall redesign the driveway and parking to retain the street tree.	The plan has been amended to retain the street tree.

	In any future DA submission, some longitudinal sections of the proposed driveway shall be provided to ensure the accessibility of both neighbours and pedestrian will not be obstructed by the new driveway on road reserve. <u>Easement for support</u> The proposed parking and driveway are located within an easement for support. The applicant should obtain their own legal advice about the proposed alteration the existing easement for support. It is because the proposed structure may affect the right of the benefited lot/s and future maintenance. <u>Stormwater</u> Any collected stormwater shall be discharged into the existing approved stormwater system on site.	Noted A stormwater management plan is provided.
Landscape Officer	The Statement of Environmental Effects shall include commentary of relevant landscape clauses of the DCP, and in this instance the following: ☐ 3.3.2 Preservation of Trees or Bushland Vegetation ☐ 5.4.1 Foreshore Scenic Protection Area The Architectural Plan is required to demonstrate that the proposed development satisfies the DCP clauses, including: 3.3.2 Preservation of Trees or Bushland Vegetation - effectively manage the risks that come with an established urban forest through professional management of trees - promote retention of prescribed (protected) trees over 5 metres in height, excluding Exempt Species - protect and enhance the scenic value and character that trees and bushland vegetation provide 5.4.1 Foreshore Scenic Protection Area - protect visual aesthetic amenity and views both to and from Sydney Harbour, the Pacific Ocean and the Manly foreshore - minimise contrast between the built environment and the natural environment	Arboricultural Impact Assessment is provided below. The tree at the front of the proposed is not proposed to be removed.

	- consider any effect of the proposal when viewed from the harbour/ocean to ridgelines, tree lines and other natural features. The SoEE shall include discussion on the trees and vegetation within the site and within adjoining properties. Should all trees and vegetation be 5 metres or less in height i.e. Exempt Species, no Arboricultural Impact Assessment is required, and this is to be reported in the SoEE. Page 5 of 8 For prescribed (protected) trees under the DCP, i.e. 5 metres and over, excluding Exempt Species, an Arboricultural Impact Assessment is required to provide clarification on which trees are to be retained, including tree protection measures, and which trees are to be removed. The Arboricultural Impact Assessment report shall indicate the impact of development upon the existing trees within the site, and for any existing tree on adjoining properties located 5 metres from the site (building and associated excavation or fill zones). The report shall be prepared by a qualified Arborist AQF Level 5 and shall cover assessment of excavation and construction impacts upon the SRZ and TPZ, tree protection requirements, and recommendations. Recommendations shall include the setback distance from each tree where no construction impact is to occur to ensure the long-term retention of the tree. Any development impact shall be outside of the structural root zone, and impact to the tree protection zone, for trees retained, shall be limited to satisfy AS4970-2009. Existing trees and vegetation within adjoining property and within the road verge is not permitted to be impacted upon. Council does not support the removal of street trees unless the street tree is proven to present an arboricultural risk.	
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	No impact to existing trees and vegetation within adjoining properties is acceptable, regardless of species type. As a general principle, the site planning layout shall be determined following arboricultural investigations and recommendations. Any proposal to remove existing trees of moderate to high retention value will not be supported by Council if an alternative design arrangement is available, as assessed by Council.	
	<u>Landscape</u> The removal of the existing street tree would not be supported as this tree has been identified as having good health and structure, a high amenity value as well as a long useful life expectancy. The value of this tree is therefore significant, with the removal severely impacting the overall streetscape character. This tree also softens the existing built form and large amounts of hardscape that are present within close-proximity to the site and this tree specifically. It is therefore recommended that the carport be redesigned to ensure this existing street tree is retained and protected. It is recommended that a suspended slab (or other sensitive design alternative) be utilised to ensure impacts on this tree are minimal. Should an alternative design be sought, it is recommended that an amended Arboricultural Impact Assessment be provided, investigating the new design and its potential impact on this tree's health.	The design has been amended to suit this advice.

All relevant LEP and DCP controls are set out and assessed within the following sections of this Statement of Environmental Effects

5. Proposed Development

- 5.1 The proposed development is for alterations and additions to the existing dwelling including a suspended driveway and parking platform at the front of the dwelling.

The development has been designed to ensure it remains consistent with the existing streetscape and the adjacent dwellings. The proposal is consistent with Council controls and ensures privacy is maintained for both neighbours and the subject site.

- 5.2 The alterations and additions will be made up as follows:

Lower Floor

- Demolish the existing external stairs.
- New external stairs.
- New storage room.

Level 1 and 2

- Demolish the existing external stairs.
- Demolish windows in Bedroom 3.
- Demolish existing bathroom and laundry (Internal).
- New external stairs
- New bathroom and linen cupboard

Level 3 and 4

- No works proposed

Level 5

- No works proposed

Level 6 – Entry

- No works proposed

Carport Level

- Convert to storage area under proposed suspended driveway

Proposed Handstand Floor

- New suspended concrete driveway.
- New stairs
- New bin storage area

- 5.3 We note that the site is impacted by easements as follows, which restrict the area of feasible development.

- Easement A to drain water 1.22 wide

- Easement B to drain water 1.83 wide
- Easement C for mechanical way variable width and easement for services
- Easement D right of footpath variable width
- Easement E right of way footpath 1.3 wide
- Easement F right of wat footpath 1 wide
- Easement G for support

6. Statutory Framework

6.1 State Environmental Planning Policies

State Environmental Planning Policy (Coastal Management) 2018

The subject site is mapped as 'Proximity to Littoral Rainforest' by State Environmental Planning Policy (Coastal Management) 2018, accordingly the consent authority must consider clause 11 of the SEPP.



Figure 8: Extract – SEPP (Coastal Management) 2018

11 Development on land in proximity to coastal wetlands or littoral rainforest

Note.

(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:

a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or

b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

The proposed development is located within the already disturbed portion of the lot, as such there will be no impact on the biophysical or ecological integrity of the site.

Stormwater from the site will be managed in accordance with Councils controls and will be connected to the existing drainage infrastructure on the site.

Sydney Region Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the Sydney Harbour Catchment and Council is the Consent Authority for land-based development, as is proposed by this application.

The proposed development is consistent with the aims of the SREP having nil impact on the catchment. It is not visible from critical and valuable areas and the Sydney Harbour Catchment will retain its environmental and cultural significance. All works are located within the existing residential lot, therefore there will be no impact on the nearby heritage listed *remnant natural bushland and baths* (Item 279) at *Sangrado Park/Reserve, Powder Hulk Bay (off Lancaster Lane)*, located across the road to the west.

The development proposed is appropriate for the residential lot and will have no impact on the retention of significant environmental and cultural aspects of the Sydney Harbour Catchment.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The development remains consistent with the provisions of the SEPP as it does not propose to remove any significant native vegetation.

No significant Vegetation is proposed to be removed to be removed.

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

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel. SEPP BASIX applies to the proposal and a compliant BASIX certificate is provided with this application.

State Environmental Planning Policy No. 55 – Remediation of Land

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.

6.2 Manly Local Environmental Plan 2013

The relevant clauses of the Manly Local Environmental Plan 2013 are addressed below.

Zoning

The site is zoned R2 Low Density Residential, pursuant to the provisions of the Manly Local Environmental Plan 2013 and dwellings are permitted with development consent in Zone R2.



Figure 9. Extract from Manly LEP 2013 zoning map

Demolition

Demolition works are proposed, as described above and illustrated in the attached DA plan set, to allow for the construction of the proposed alterations and additions.

Minimum Lot Size

The site is mapped with a minimum subdivision lot size of 1,150m². The subject site comprises of an area of 649.8m² and no subdivision is proposed.

Building Height

The LEP restricts the height of any development on the subject site to 8.5 metres. The existing dwelling house has a height of 6.696m development proposes a maximum height of 9.2 metres. A clause 4.6 is provided at the end of the report.

Floor Space Ratio

The site is mapped with a maximum FSR of 0.4:1, this equates to a maximum permitted floor area of 259.92m² for the site area of 649.8m².

The development proposes a minimal additional area of storage area which contributes for floor space, resulting in a floor area of 281.03m² or FSR of 0.439:1. A clause 4.6 variation accompanies the application.

Heritage Conservation

The site is not a heritage item or located within a heritage conservation area.

Acid Sulfate Soils

The site is nominated as Class 5 Acid Sulfate soils. The proposed works are minor and are not likely to lower the watertable more than 1 metre below the natural ground surface on adjacent class 1, 2, 3 or 4 land.

Earthworks

Minor earthworks are proposed to prepare the site for construction. Standard erosion and sediment control measures will be implemented to ensure best practice procedures are followed.

Stormwater Management

Stormwater will be connected to OSD, which drains to the harbour. See accompanying stormwater management plan.

Foreshore Scenic Protection Area

The subject site is mapped as foreshore scenic protection area, as such, development consent must not be granted unless the consent authority has considered the matters set out in clause 6.9 of LEP 2013:

(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,

The proposed development is designed and sited to complement the locality in Seaforth Crescent. The proposed works are consistent with the existing dwelling and properties surrounding the site, meaning it is barely visible from the foreshore. There will be no overshadowing of the foreshore or loss of views from a public place to the foreshore.

(b) measures to protect and improve scenic qualities of the coastline,

The site is barely visible from the coastal foreshore and as explained above and blends with the surrounding development when viewed from the coast. The proposed development is consistent with the character of the existing dwelling and in keeping with the coastal location, while maintaining the scenic quality of the coastal foreshore.

(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,

The proposed development is for alterations and additions to an existing dwelling. The site is zoned residential, and the use remains permissible in the zone. The proposed works will not impact on the foreshore with a low level structure with no roof proposed for parking.

(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.

The subject site is located over 80 metres from Middle Harbour, within an existing residential lot. The proposed works will not create conflict between land-based and water-based coastal activities.

Essential Services

All essential services are existing on the site.

5.3 Manly Development Control Plan 2013

The relevant sections of the DCP are addressed below.

3. General Principles of Development

3.1 Streetscapes and Townscapes

The subject site has frontage to and Seaforth Crescent, with most sites on the low side dominated by parking structures. The proposed application allows for a low level structure, with compliant access and retains the existing street tree, being well in character with its immediate surrounds and retains the valuable public views over the site.

The proposed additions have been designed to remain consistent with the character of the area, through design, architectural features and complementary materials and colour choices.

Garbage Areas

The proposal includes a new bin storage area.

Complementary Design and Visual Improvement

The proposed development remains consistent with the character and streetscape in the locality. The works will be constructed of materials consistent with the residential use and other dwellings in the locality. Full details are provided in the attached materials and finishes schedule.

Garages, Carports and Hardstand Areas

The development proposes a new tandem hardstand area for car parking. The structure will include 1m high barrier and posts. The structure will be finished with stone and the suspended concrete slab will be constructed to the required engineering requirements.

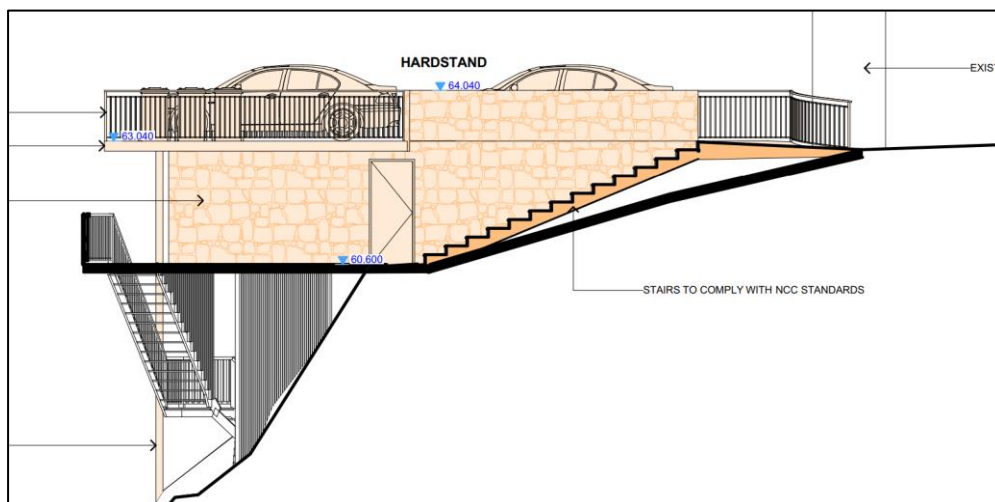


Figure 11. Southern view of the proposed driveway.

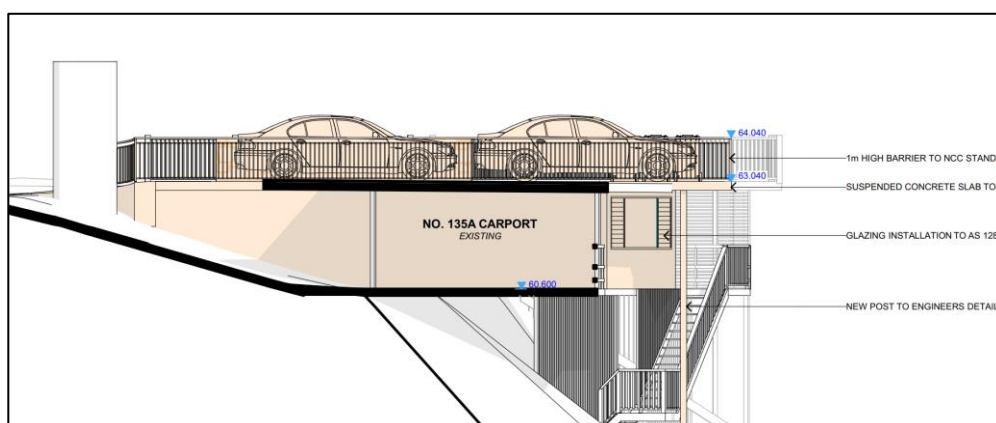


Figure 12. Northern view of the proposed driveway.

3.2 Heritage Considerations

As described above the site is not a heritage item or located within a heritage conservation area.

3.3 Landscaping

Existing landscaping in the rear yard will be retained which provides the enjoyment of the residents.

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

Overshadowing

The DCP requires that new development not eliminate more than 1/3 of existing sunlight to the private open space of adjoining properties between 9am and 3pm on 21 June.

In addition, as the subject site and adjoining lots have an east-west orientation, the DCP requires a minimum 2 hours solar access be maintained to the glazing in living rooms of adjacent properties, between 9am and 3pm on 21 June.

The following observations are made of the shadow diagrams included with this application:

9am – The development will result in minor increase of shadowing across the western side of the subject site and the adjoining properties.

12pm– The development will result in minor increase of shadowing across the western side of the subject site and the adjoining properties.

3pm – The development will result in a minor increase in shadowing across the rear yard of the subject site ground and the adjoining properties.

It is concluded that the subject site and adjoining properties maintain essentially the existing solar access at 9am, 12pm and 3pm on 21 June.

Overshadowing Solar Collector Systems

The proposed development will not overshadow neighbouring solar collector systems.

Overshadowing Clothes Drying Areas

The proposed development will not overshadow neighbouring clothes drying areas.

Excessive Glare or Reflectivity Nuisance

All external material and finishes will be constructed of non-reflective materials in keeping with this clause.

Privacy and Security

Privacy will be retained for neighbours with existing side setbacks retained and no direct overlooking in key living areas or private open space between properties.

The storage area is non-habitable and is visually separated from the neighbouring properties by the existing side boundary fencing and significant landscaping on the site.

Acoustical Privacy (Noise Nuisance)

The development is appropriate and will not result in noise levels inappropriate to a residential area. The site is not located in proximity to a noise generating activity.

Maintenance of Views

A site visit has been undertaken and it is considered there will be no view loss impacts as a result of the proposal.

3.5 Sustainability

A compliant BASIX Certificate is provided with the attached plan set.
The proposed alterations and additions provide compliant solar access and ventilation.

3.7 Stormwater Management

Stormwater will be connected to OSD, which drains to harbour. See accompanying stormwater management plan.

3.8 Waste Management

Appropriate waste management will be undertaken during the demolition and construction process. All demolished materials will be recycled where possible which is detailed in the accompanying Waste Management Plan.

3.10 Safety and Security

The dwelling maintains clear property boundaries and visual surveillance of the street, which is of benefit to the safety and security of residents.

Part 4 Development Controls and Development Types

4.1 Residential Development Controls

Dwelling Density, Dwelling Size and Subdivision

No change is proposed to the existing density which comprises of a detached residential dwelling.

Height of Buildings (incorporating wall height, number of storeys and roof height)

The LEP restricts the height of any development on the subject site to 8.5 metres. The existing dwelling house has a height of 8.5m development proposes a maximum height of 9.2 metres. A clause 4.6 is provided at the end of the report.

The wall height of the new structure is approximately 8 metres at its highest point. However, this number is deceptive as for a large extend the structure is open on the underside, resulting is the bulk being far lesser than the number depicts.

Wall height for the storage area for the works to the dwelling are unchanged with works within a sub – floor area.

Floor Space Ratio (FSR)

The site is mapped with a maximum FSR of 0.4:1, this equates to a maximum permitted floor area of 259.92m² for the site area of 649.8m².

The development proposes a minimal additional area of storage area which contributes for floor space, resulting in a floor area of 281.03m² or FSR of 0.439:1. A clause 4.6 variation accompanies the application.

Setback (front, side and rear) and Building Separation

Street Front setbacks

A front setback consistent with the prevailing setback, or a minimum 6 metres, is required on the site by the DCP.

The development proposes a 0m setback for the suspended driveway. This is consistent with the adjoining properties and the character of the area. The variation is considered against the objectives below.

- 1. To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.*

Comment: The open car parking platform matches neighbouring site and retains the exiting streetscape character.

2. *To ensure and enhance local amenity by:*

- *providing privacy;*
- *providing equitable access to light, sunshine and air movement; and*
- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- *defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- *facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.*

Comment: The open car parking platform allows for the retention of amenity for neighbours, retention of views and retention of a positive streetscape character.

3. *To promote flexibility in the siting of buildings.*

Comment: The platform is restricted to the proposed location due to fall of the land.

4. *To enhance and maintain natural features by:*

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy, No 19 - Urban Bushland are satisfied.*

Comment: The open car parking platform will not result in the loss of landscape area, being positioned to replace an existing lower level roofed structure.

Side setbacks and secondary street frontages

A side boundary setback equivalent of 1/3 of the wall height is required on the site.

The new hard stand proposes a 0m setback to both side setbacks. This is consistent with neighbouring sites and appropriate to allow for a compliant and safe vehicle parking platform.

This is considered against the objectives of the control below.

1. *To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.*

Comment: The open car parking platform matches neighbouring site and retains the exiting streetscape character.

2. *To ensure and enhance local amenity by:*

- *providing privacy;*
- *providing equitable access to light, sunshine and air movement; and*
- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- *defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- *facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.*

Comment: The open car parking platform allows for the retention of amenity for neighbours, retention of views and retention of a positive streetscape character.

3. *To promote flexibility in the siting of buildings.*

Comment: The platform is restricted to the proposed location due to fall of the land.

4. *To enhance and maintain natural features by:*

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

Comment: The open car parking platform will not result in the loss of landscape area, being positioned to replace an existing lower level roofed structure.

Rear Setback

A minimum rear setback of 8 metres is required on the site. The development proposes to retain the existing, compliant rear setback of 16.5 metres to the rear of the dwelling.

Open Space and Landscaping

Minimum Residential Total Open Space Requirements

The subject site is located in Open Space Area OS4, as such the DCP requires a total of 60% of the site to be open space with a minimum 40% of that open space to be landscaped area and a maximum 25% of open space located above ground.

This equates to a minimum 389.88m² of open space for the site area of 649.8m² and a minimum of 175.78m² of landscaped area and a maximum of 233m² of open space above ground level.

The development proposes a compliant total open space area of 439.46m² or 67%.

A compliant soft landscaped area of 292.2m² and a total area of open space above ground level of 59.88m².

Total open space and landscape calculations are unchanged from existing and are appropriate and compliant for the site.

The DCP requires a minimum 18m² of principal private open space. The development retains existing private open space in the rear yard.

Parking, Vehicular Access and Loading (Including Bicycle Facilities)

The DCP requires a minimum of 2 car parking spaces for dwellings. The development proposes a compliant 2 car garage suspended handstand area. A report by traffic engineers accompanies this application certifies that existing onsite parking is not safe or compliant.

Accordingly, this application provides a resolution to this issue, with a design to raise the level of the parking area to resolve the gradient flaws with the existing driveway. This has been designed around existing easements and to ensure retention of the existing street tree.

Fencing

No change is proposed to the front of the property.

Alterations and Additions

The proposal is consistent with the DCP definition of alterations and additions.

Earthworks (Excavation and Filling)

Minor earthworks are proposed to prepare the site for construction. Standard erosion and sediment control measures will be implemented to ensure best practice procedures are followed.

5.4 Environmentally Sensitive Lands

Foreshore Scenic Protection area

As described above the subject site is identified as scenic protection land.

The proposed development is designed and sited to complement the locality in Seaforth Crescent. The proposed works are consistent with the existing dwelling and properties surrounding the site, meaning it is barely visible from the foreshore. The works blend with the surrounding development when viewed from the coast and will maintain the scenic quality of the coastal foreshore.

7. Numerical Control Table

The following table provides a summary of the development proposal, in accordance with the relevant numerical planning controls contained in the Manly LEP 2013 and the Manly DCP 2013.

	Standard	Proposed	Compliance
Manly LEP 2013			
Lot Size	1,150m ²	649.8 m ²	Yes
Building Height	8.5 metres	9.2 metres	No – clause 4.6 variation
Floor Space Ratio	0.4:1 (259.92m ² for site area of 649.8 m ²)	0.439:1 or 281.034m ²	No – clause 4.6 variation
Manly DCP			
Solar Access	Not eliminate more than 1/3 sunlight to POS and maintain 2 hours sunlight to living room glazing of adjoining properties between 9am and 3pm on June 21.	Compliant at 9am, 12pm and 3pm.	Yes
Residential Density/ Dwelling Size	1 dwelling per 500m ²	1 dwelling	Yes
Wall Height	8m	8 metres	Yes
Front Boundary Setback	Prevailing building line or 6m	0m	No – merit assessment
Side Boundary Setbacks	1/3 wall height	0m	No – merit assessment
Rear Boundary Setbacks	8 metres	16.5 metres	Yes
Total Open Space	Total Open Space – 60% (389.88m ² for site area of 649.8 m ²)	439.46m ² or 67%	Yes
Landscaped Open Space	Landscaped Area 40% of Open Space (175.78m ²)	292.2m ²	Yes
Above Ground	Above Ground – maximum 25% of Total Open Space (233m ²)	59.88m ²	Existing
Principal Private Open Space	18m ²	>18m ²	Yes
Car Parking	2 spaces	2 spaces	Yes

8. Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

8.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complimentary and compatible with adjoining development. The proposal achieves the aims of the Manly LEP and DCP.

The development is permissible in the zone.

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

Context and Setting

What is the relationship to the region and local context in terms of:

- the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement.

What are the potential impacts on adjacent properties in terms of:

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed alterations and additions have been designed to complement the site and its surrounds. The proposal is appropriate and will have negligible impact on adjacent properties.

Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

No conflict or issues will arise as a result of the proposed development.

Public domain

There will be no impact.

Utilities

There will be no impact on the site, which is already serviced.

Flora and fauna

There will be no impact.

Waste

There will be no impact.

Natural hazards

The site is nominated as Class 5 Acid Sulfate soils. The proposed works are minor and are not likely to lower the watertable more than 1 metre below the natural ground surface on adjacent class 1, 2, 3 or 4 land.

Economic impact in the locality

There will be no impact, other than the possibility of a small amount of employment during construction.

Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed development is highly appropriate to the site with regard to all of the above factors. The proposed development fits well within the context of the surrounds and is an appropriate scale.

How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will comply with the provisions of the Building Code of Australia and all relevant Council controls.

Construction

What would be the impacts of construction activities in terms of:

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

8.3 The suitability of the site for the development

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*

- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints.

Are the site attributes conducive to development?

The site is appropriate for the proposed alterations and additions.

8.4 Any submissions received in accordance with this Act or the regulations

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

8.5 The public interest

It is considered that the proposal is in the public interest as it allows for appropriate use of the residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

9. Conclusions

- 9.1 The proposed development for alterations and additions including a new suspended parking platform and sub-floor storage and internal alterations to the existing dwelling at 135 Seaforth Crescent, Seaforth is appropriate considering all State and Council controls.
- 9.2 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 9.3 Considering all the issues, the fully compliant development is considered worthy of Council's consent.