

STATEMENT OF ENVIRONMENTAL EFFECTS

**Demolition and new
dwelling house**

**11 Seaforth Crescent,
Seaforth**

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1 Introduction

1.1 Description of the proposed development

This report is a Statement of Environmental Effects (SEE), pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

The DA seeks consent for a demolition of the existing development and construction of a new dwelling house at 11 Seaforth Crescent, Seaforth.

The proposal is depicted in the accompanying architectural plans by MCK Architects. A summary of the key aspects of the proposal are noted as follows [the level numbering descends from the from the street, with the garage and entry being level 1 and the lowest level being level 5]:

- Demolition of existing structures as marked

Level - Street (refer roof floor plan, DA03)

- Driveway crossing
- Platform for 2 visitor car spaces

Level One (entry floor plan, DA04)

- Driveway ramp
- Garage for 4 cars
- Bin store
- Entry
- Sitting room / Office
- Void
- Solar panels [roof mounted]
- Lift

Level Two (sleeping floor plan, DA05)

- 3 bedrooms
- 3 bathrooms
- Study
- Laundry
- Linen store
- Plantroom
- Workshop
- Void
- Lift
- Balcony to rear

Level Three (living floor plan, DA06)

- Kitchen, dining, living
- Pantry
- Bathroom
- Powder room
- Cellar
- Media room
- Bathroom
- Courtyard / lightwell to east side
- Rear terrace and BBQ area
- Swimming pool
- Pool deck
- Void over
- Lift

Level Four (playing floor plan, DA07)

- Games room
- Gym
- Plant room
- Powder room
- Rear terrace
- Lift

Level Five – guest quarters (Bachelor-pad floor plan, DA08)

- 2 bedrooms
- 2 bathrooms
- Secondary living room and wet bar
- Laundry

External [that is not listed above]

- New driveway
- Excavation and earthworks
- Retaining walls
- Stairs to the western side
- Tree removal
- Landscaping
- Planting
- Inclined passenger lift

1.2 Statement of Environmental Effects

This Statement of Environmental Effects (SEE) is prepared in response to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal has been considered under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979
- Local Environmental Plan
- Relevant State Environmental Planning Policies
- Development Control Plan

The proposal is permissible and generally in conformity with the relevant provisions of the above planning considerations.

Overall, it is assessed that the proposed development is satisfactory, and the development application may be approved by Council.



Image A – Architectural perspective from the southeast of the proposed development

2 Site Analysis

2.1 Site and location description

The site is located 11 Seaforth Crescent, Seaforth. It is legally described as Lot 16 in Deposited Plan 4889 and has an area of 1,846m².

The lot is steep, irregular in shape, and has water frontage to Middle Harbour. The land displays a significant level difference of approx. 43m, from RL 45.9 near the north eastern corner of the lot down to RL 2.6 near the south eastern corner of the lot.

There are views generally in a southerly direction towards Middle and Sydney Harbour and their foreshores from the site and the elevated hill side location.

The location is built-up containing a diverse mix of residential housing forms. There are a mix of property frontages to the street with garages, carports, and car parking areas with nil or minimal street setbacks. There is no consistent front setback. There is no consistency of materials or roof forms.

The land is zoned C3 Environmental Management under the Manly LEP 2013. Dwelling houses are permissible with development consent. The land is not identified in the LEP as being affected by bushfire, coastal risk, flooding, acid sulfate soils, or being within a conservation area. The land is identified in the LEP as being affected by biodiversity, landslip, heritage foreshore, and a foreshore area / building line. These matters are addressed within Section 4 of this report.

No significant change to the character is foreshadowed by the planning controls. Therefore, the existing character is a relevant consideration in guiding the assessment of the proposed built form.

On 21 October 2022, DA2022/0047 approved demolition works, and construction of boat shed and boat ramp at the lot's water frontage. The development has not yet been undertaken but the consent remains enforceable.

The figures on the following pages depict the character of the property and its existing development.



Figure 1 – Location of the site within its local context (source: Northern Beaches Council Maps)

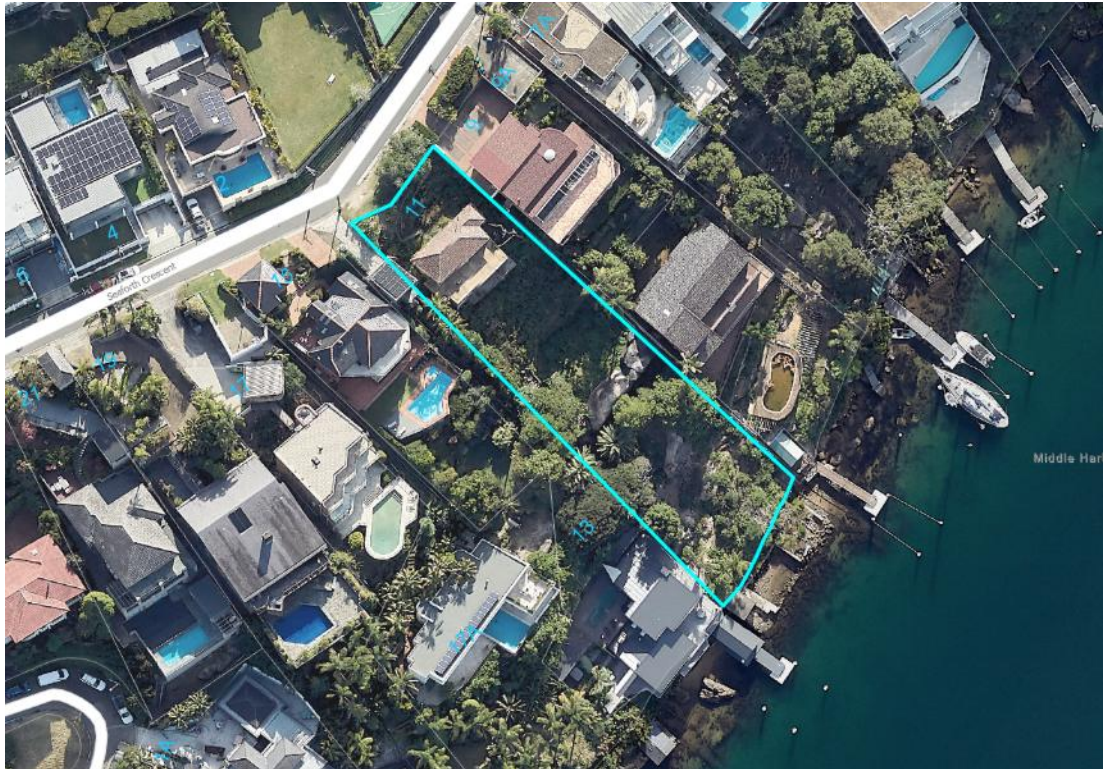


Figure 2 – Alignment, orientation and spatial layout of the subject site and adjoining properties (source: Northern Beaches Council Maps)



Figure 3 – the existing development, within the streetscape, as viewed from Seaforth Crescent. The subject site is marked (source: Streetview)



Figure 4 – streetscape looking south west along Seaforth Crescent



Figure 5 – the adjoining development to the north east at 9 Seaforth Crescent.



Figure 6 – existing views from the street frontage



Figure 7 – exposed rock feature and landscape character within the rear, lower portion of the site



Figure 8 – exposed rock feature and landscape character within the rear lower portion of the site

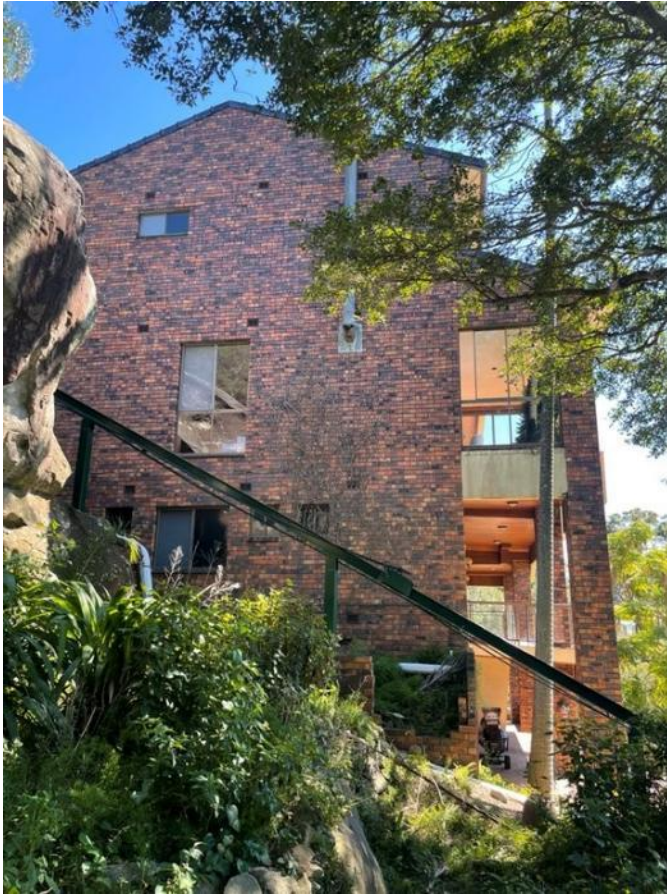


Figure 9 –dwelling house character adjacent to the north east at 9A Seaforth Crescent

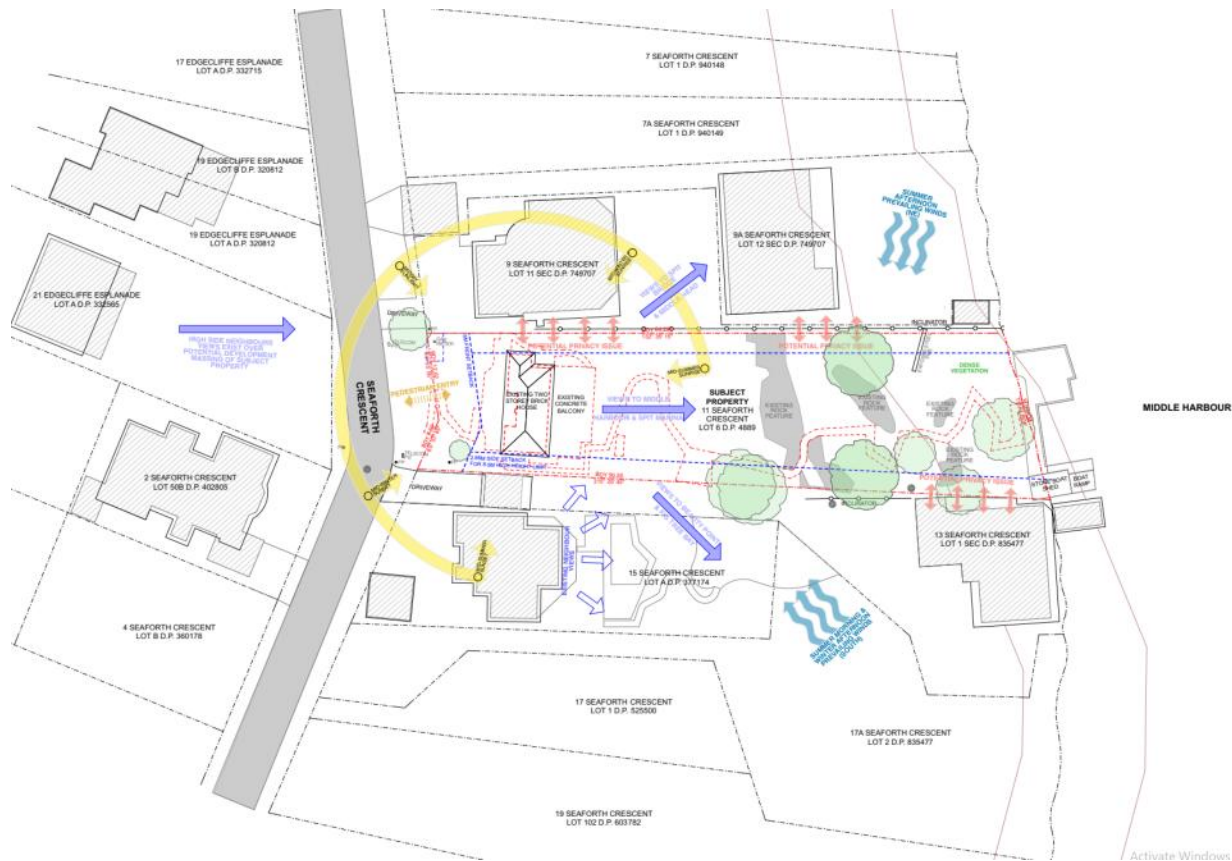


Figure 10 – site analysis plan showing the mixed local subdivision and development pattern

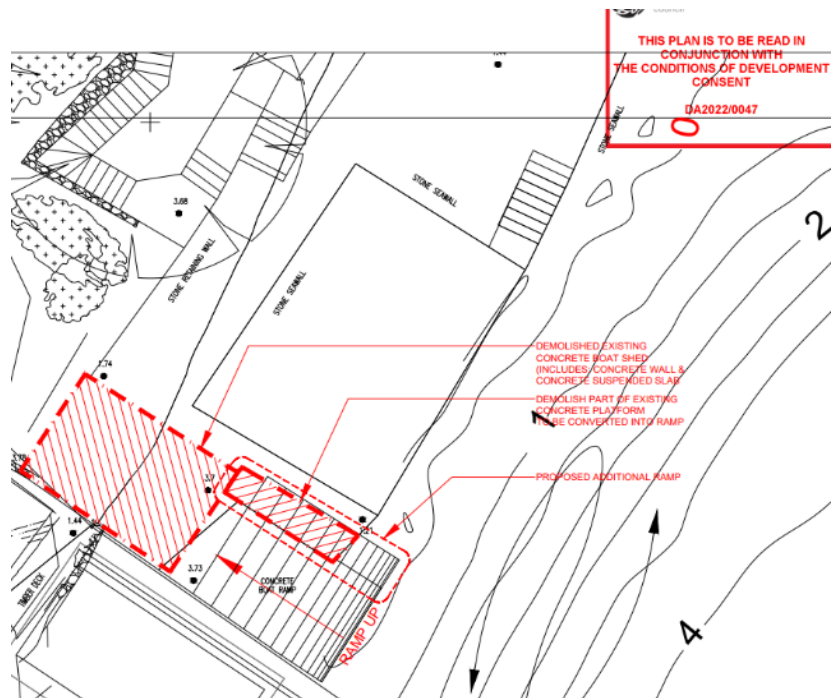


Figure 11 – development approved in DA2022/0047 at the site's water frontage

3 Environmental Assessment

3.1 Section 4.15 of the Environmental Planning & Assessment Act, 1979

The following section of the report assesses the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended.

Under the provisions of the Environmental Planning and Assessment Act 1979 (the Act), the key applicable planning considerations, relevant to the assessment of the application are:

- Manly Local Environmental Plan 2013
- State Environmental Planning Policies – as relevant
- Manly Development Control Plan

The application of the above plans and policies is discussed in the following section of this report.

The application has been assessed against the relevant heads of consideration under Section 4.15 of the Act; a summary of these matters are addressed within Section 7 of this report, and the town planning justifications are discussed below.

4 Section 4.15 (1)(i) the provisions of any environmental planning instrument

4.1 Manly Local Environmental Plan 2013 – Zoning

The property is zoned C3 Environmental Management under the Manly Local Environmental Plan 2013 (LEP).

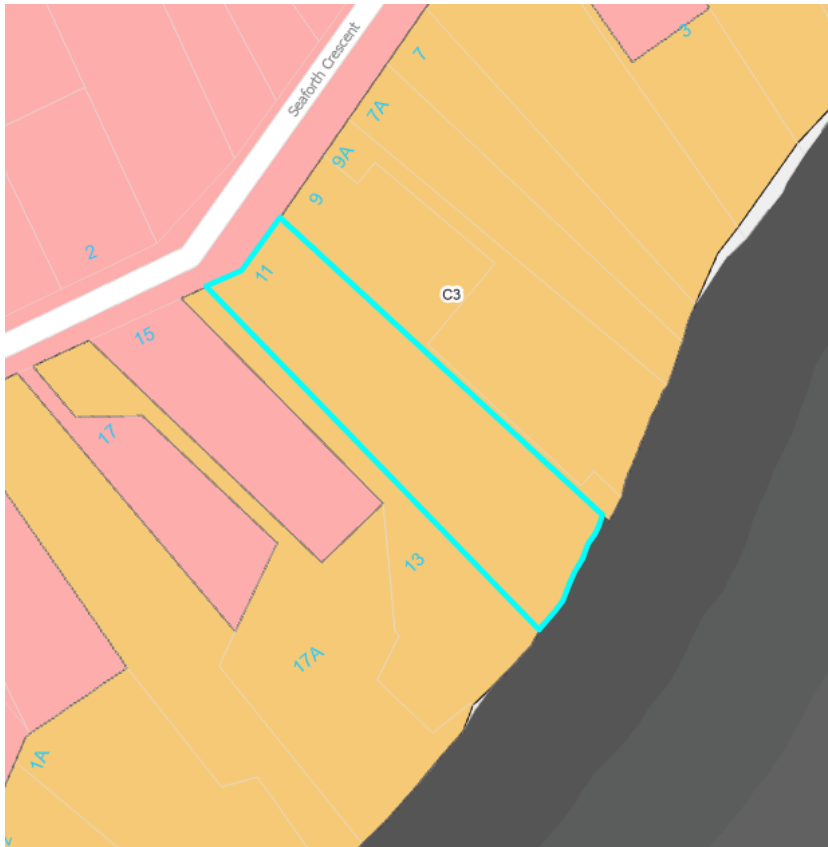


Figure 12 – zone excerpt (Northern Beaches Council Maps)

The proposal constitutes demolition of existing and construction of a new dwelling house. The proposal is permitted within the zone with Development Consent.

Clause 2.3(2) of the LEP requires the consent authority to 'have regard to the objectives for development in a zone' in relation to the proposal. The objectives of the zone are stated as follows:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To protect tree canopies and provide for low impact residential uses that does not dominate the natural scenic qualities of the foreshore.*

- To ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation.
- To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate, and minimise the impact of hard surfaces and associated pollutants in stormwater runoff on the ecological characteristics of the locality, including water quality.
- To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.

It is assessed that the proposed development is consistent with the zone objectives as:

- it will maintain a low-impact development compatible with the other developments within the visual catchment.
- it is located appropriately upon the site in terms of the topography.
- it comprises a terraced building design that steps in response to the steep slope of the land
- it will not result in inappropriate vegetation or tree removal is proposed
- it will enhance of the site's ecological and landscape character through weed removal and a new comprehensive landscape planting regime
- minimal development is proposed by the DA within the foreshore area
- it retains a low impact residential use on the site which, based on the information accompanying this DA, does not give rise to any unacceptable ecological, scientific or aesthetic impacts.

Accordingly, the proposal has had sufficient regard to the zone objectives and there is no statutory impediment to the granting of consent.

4.2 Other relevant provisions of the LEP

Other provisions of the LEP that are relevant to the assessment of the proposal are noted and responded to as follows:

LEP Provision	Response	Complies
Part 4 of LEP – Principal Development Standards		
LEP Clause 4.1 Minimum subdivision lot size 1,150 m ²	NA	NA
LEP Clause 4.3 – Height of Buildings – 8.5m	The proposed development complies with the 8.5m building height limit as shown on the architectural plans. The proposed development exceeds the 8.5m limit.	No
LEP Clause 4.3A – Special height provisions '(1) The objective of this clause is to maintain public views to Sydney	The proposed development exceeds the height of the highest point of the road [RL 47] adjoining the centre point at the	No

LEP Provision	Response	Complies
<p><i>Harbour from street level on local roads above steeply sloping sites on certain land.</i></p> <p><i>(2) Despite clause 4.3 (2), the height of a building on a lot identified as "Special height provisions" on the Height of Buildings Map must not exceed the height of the highest point of the road adjoining the centre point of the lot boundary that adjoins the road that is the frontage to that lot'.</i></p>	lot frontage.	
LEP Clause 4.4 – Floor space ratio – 0.4 to 1 (or 1,107.6m ² of GFA)	<p>Drawing DA27 of the architectural plan set provides a calculation of proposed gross floor area and floor space ratio for the property.</p> <p>The proposed GFA is 637.39m² translating to an FSR of 0.36 to 1, which complies with the standard.</p>	Yes
LEP Clause 4.6 – Exceptions to development standards	<p>Cl4.6 exceptions are sought for:</p> <ul style="list-style-type: none"> ▪ Building height ▪ Special height provision ▪ Foreshore area <p>The proposal satisfies the provisions of clause 4.6. See attached cl4.6 written requests.</p>	Yes
Part 5 of LEP – Miscellaneous Provisions		
LEP Clause 5.4 Controls relating to miscellaneous permissible uses	NA	NA
LEP Clause 5.10 Heritage Conservation	<p>The site is not within a conservation area but incorporates heritage item I1 which is listed in the LEP as 'Harbour foreshores- Manly municipal area boundary adjacent to the Harbour'. This is a item applicable to the Manly Areas' harbour foreshore, rather than being specific to the property.</p> <p>The assessment appropriately addresses the presentation of the proposed development to the harbour including the harbour foreshore.</p> <p>Through maintenance of the appropriate dwelling house setbacks, generous landscaped areas [within the rear of the site] and its characteristic terraced building form, it is assessed that the proposed development generates</p>	NA

LEP Provision	Response	Complies
	<p>negligible adverse heritage impacts to the foreshore landscape item.</p> <p>The proposed development makes an appropriate contribution to the character of the local area without generating adverse heritage impacts.</p> <p>Based on the above, the design is appropriate and clause 5.10 of the LEP is satisfied by the proposal.</p>	
LEP Clause 5.21 Flood planning	Council's maps do not identify the site as being flood affected.	NA
Part 6 of LEP – Additional Local Provisions		
LEP Clause 6.1 Acid sulfate soils	NA	NA
<p>LEP Clause 6.2 Earthworks</p> <p>The proposed development satisfies the considerations within clause 6.2 and the site is suitable for the development proposed.</p>	<p>The proposed nature and extent of proposed earthworks is documented with the DA and supported by the architectural plans (including excavation plan), landscape plans, geotechnical and arborist reports.</p> <p>The siting and design of the proposed development has considered the matters within clause 6.2(3) of the LEP and results in appropriate outcomes against these criteria noting that:</p> <ul style="list-style-type: none"> ▪ The DA demonstrates that appropriate amenity impacts will result from the proposed development on the subject site and the adjoining properties. ▪ No importing of fill is proposed by the DA as excavated material will be used as fill. ▪ The proposed development will positively impact upon the future use of the land by providing an appropriate foreshore storage facility, access stairs and a private open space of high amenity, within a treed foreshore setting, with good solar access, water views, and appropriate privacy. ▪ Appropriate stormwater, and siltation control measures are proposed by the DA. These outcomes may be regulated by conditions of consent. ▪ drainage patterns and soil stability 	Yes

LEP Provision	Response	Complies
	<p>will not be adversely impacted, and stormwater from the proposed development will be managed and appropriately discharged to the waterway.</p> <ul style="list-style-type: none"> the proposed development is unlikely to adversely impact on amenity of adjoining properties. appropriate measures are proposed to avoid, minimise, or mitigate the impacts of the development including appropriate stormwater management, siltation control, geotechnical precautions, landscaping provisions, structural and coastal engineering inputs. heritage is appropriately addressed by the proposed development as noted above. the proposed development is unlikely to <i>disturb relics</i> however the disturbance of relics may be regulated by conditions of consent. <p>The siting and design of the proposed development has considered the matters within clause 6.2(3) of the LEP and results in appropriate outcomes against these criteria.</p>	
<p>LEP Clause 6.4 Stormwater management</p> <p><i>'(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</i></p> <p><i>(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</i></p> <p><i>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</i></p> <p><i>(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'.</i></p>	<p>In relation to stormwater the proposed development is accompanied and supported by a stormwater management plan.</p> <p>Stormwater will not be discharged onto adjoining properties in an inappropriate or uncontrolled manner and will avoid any significant adverse impacts on adjoining land.</p> <p>The proposed development does not seek a significant change to the extent of impervious surfaces on the property.</p> <p>Based on the above the <i>consent authority may be satisfied that the development satisfies clause 6.4 of the LEP.</i></p>	Yes

LEP Provision	Response	Complies
LEP Clause 6.5 Terrestrial Biodiversity	<p>The site is identified on the biodiversity map.</p> <p>Residential use is long established upon the site to accommodate the existing dwelling house and associated structures.</p> <p>The proposed works are located on an area with no significant vegetation.</p> <p>No designated trees are proposed to be removed by the proposed works.</p> <p>The works are unlikely to give rise to any significant adverse impacts on the biodiversity value of the area nor any endangered terrestrial biodiversity.</p> <p>The development retains landscaped areas which will incorporate appropriate landscaping and plants.</p> <p>Based on the above, it is unlikely that the proposal would have an adverse impact on any threatened ecological community and the provisions of clause 6.5 are assessed as being satisfied by the proposal.</p>	Yes
LEP Clause 6.9 Foreshore scenic protection area	<p>The site is within the Foreshore Scenic Protection Area. It is assessed that, the proposal:</p> <ul style="list-style-type: none"> ▪ will enhance the site's visual aesthetic through a terraced development (when viewed from the rear) improved built form, generous landscaped areas and quality of materials ▪ will improve the existing foreshore amenity of views to and from Sydney Harbour ▪ will not result in any inappropriate overshadowing of the foreshore ▪ will not result in any inappropriate loss of views from a public place to the foreshore ▪ will not adversely impact the public interest; be-it in terms of visual impact or the use and enjoyment of the adjoining land ▪ will be compatible with the mixed and well-established land use and development character of the location. 	Yes

LEP Provision	Response	Complies
	The proposed works are assessed as being consistent with the objectives and requirements of this clause.	

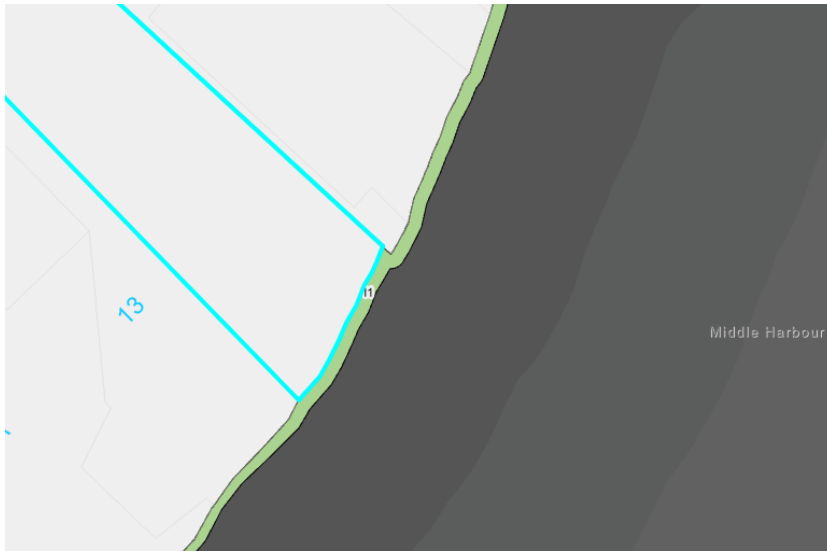


Figure 13 – Nature and location of Landscape Heritage Item [Council map]

4.3 State Environmental Planning Policy

4.3.1 State Environmental Planning Policy - BASIX

The proposed development is BASIX affected development as prescribed. A BASIX assessment report accompanies the application and satisfies the SEPP in terms of the DA assessment.

4.3.2 State Environmental Planning Policy (Resilience and Hazards) 2021

- The following aspects of State Environmental Planning Policy (Resilience and Hazards) 2021 - are applicable to the land and the proposed development:
- Chapter 2 – Coastal Management
- Chapter 4 - Remediation of Land
- These matters are addressed below.

Chapter 2 – Coastal Management

The Coastal Management Act 2016 establishes a strategic planning framework and objectives for land use planning in relation to designated coastal areas within NSW. The Act is supported by Chapter 2 Coastal Management. It is applicable because the site is within the designated:

- Division 3 - coastal environment area
- Division 4 - coastal use area

As relevant to these affectations, the aims of the SEPP within clauses 13 and 14 addressed below. In summary, the proposal is assessed as being consistent with the aims and objectives of the SEPP.

Division 3 - Coastal environment area

The provisions of clause 2.10 *Development on land within the coastal environment area* are addressed as follows:

13 Development on land within the coastal environment area	Response
<i>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:</i>	
<i>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</i>	<ul style="list-style-type: none"> ▪ The land and its development for residential purposes is established on the site. The extent of proposed works is supported by the appropriate range of technical inputs. The proposal is assessed as satisfactory in relation to this consideration.
<i>(b) coastal environmental values and natural coastal processes,</i>	<ul style="list-style-type: none"> ▪ The land and its development for residential purposes is established on the site. The extent of proposed works is supported by the appropriate range of technical inputs. The proposal is assessed as satisfactory in relation to this consideration.

13 Development on land within the coastal environment area	Response
<i>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</i>	<ul style="list-style-type: none"> ▪ The subject site is established for residential purposes. Development is established on the site. ▪ Provision for improved stormwater management is proposed for the site. ▪ The proposal does not relate to <i>sensitive coastal lakes identified in Schedule 1</i> ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</i>	<ul style="list-style-type: none"> ▪ The subject site is established for residential purposes. The proposal is assessed as satisfactory in relation to this consideration.
<i>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i>	<ul style="list-style-type: none"> ▪ The proposal will not adversely impact upon existing access provisions. The proposal is assessed as satisfactory in relation to this consideration.
<i>(f) Aboriginal cultural heritage, practices and places,</i>	<ul style="list-style-type: none"> ▪ The proposal is not known to be located in a place of Aboriginal cultural heritage significance. The proposal is assessed as satisfactory in relation to this consideration.
<i>(g) the use of the surf zone</i>	<ul style="list-style-type: none"> ▪ Not relevant to the assessment of the proposal.
(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:	
<i>(a) to the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</i>	<ul style="list-style-type: none"> ▪ Responses have been made above in relation to the considerations within subclause (1). ▪ The proposal is assessed as satisfactory in relation to these considerations.
<i>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	<ul style="list-style-type: none"> ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i>	<ul style="list-style-type: none"> ▪ Aside from compliance with relevant codes, standard conditions of consent, and Australian Standards there are no other mitigation measures foreseen to be needed to address coastal impacts. ▪ The proposal is assessed as satisfactory in relation to this consideration.
(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of <u>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</u>.	<ul style="list-style-type: none"> ▪ Noted; not applicable.

Division 4 - Coastal use area

The provisions of Division 4 *Development on land within the coastal use area* are addressed as follows:

14 Development on land within the coastal use area	Response
(1) <i>Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</i>	
(a) <i>has considered whether the proposed development is likely to cause an adverse impact on the following:</i>	
(i) <i>existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i>	<ul style="list-style-type: none"> ▪ The proposal will not adversely impact upon existing access provisions. ▪ The proposal is assessed as satisfactory in relation to this consideration.
(ii) <i>overshadowing, wind funnelling and the loss of views from public places to foreshores,</i>	<ul style="list-style-type: none"> ▪ The proposal will not result in any overshadowing of the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.
(iii) <i>the visual amenity and scenic qualities of the coast, including coastal headlands,</i>	<ul style="list-style-type: none"> ▪ The proposal will not result in any additional visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore. ▪ The proposal is assessed as satisfactory in relation to this consideration.
(iv) <i>Aboriginal cultural heritage, practices and places, cultural and built environment heritage, and is satisfied that:</i>	<ul style="list-style-type: none"> ▪ The proposal will not impact this matter for consideration. The proposal is assessed as satisfactory in relation to this consideration.
(i) <i>the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i>	<ul style="list-style-type: none"> ▪ The proposal is not known to be located in a place of Aboriginal cultural heritage significance ▪ The proposal is assessed as satisfactory in relation to this consideration.
(ii) <i>if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	<ul style="list-style-type: none"> ▪ See above response.
(iii) <i>if that impact cannot be minimised—the development will be managed to mitigate that impact, and</i>	<ul style="list-style-type: none"> ▪ See above response.
(c) <i>has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i>	<ul style="list-style-type: none"> ▪ The subject site is established for residential purposes. Development is established on the site. Relatively modest alterations and additions are the subject of this DA. ▪ The proposal will not result in any additional

14 Development on land within the coastal use area	Response
	<p>visual impact on the coastal foreshore. Nor will result in significant loss of views from a public place to the coastal foreshore.</p> <ul style="list-style-type: none"> ▪ The proposal is assessed as satisfactory in relation to this consideration.
<i>(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</i>	<ul style="list-style-type: none"> ▪ Noted; not applicable.

Chapter 4 - Remediation of Land

Chapter 4 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

The SEPP requires Council to consider whether land is contaminated prior to granting consent to carrying out of any development on that land. In this regard, the likelihood of encountering contaminated soils on the subject site is extremely low given the following:

- Council's records indicate that site has only been used for residential uses.
- The subject site and surrounding land are not currently zoned to allow for any uses or activities listed in Table 1 of the contaminated land planning guidelines.
- The subject site does not constitute land declared to be an investigation area by a declaration of force under Division 2 of Part 3 of the Contaminated Land Management Act 1997.

Given the above factors, no further investigation of land contamination is warranted. The site is suitable in its present state for the proposed residential development. Therefore, pursuant to the provisions of the SEPP, Council can consent to the carrying out of development on the land.

4.3.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The following aspect of State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable are applicable to the land and the proposed development:

- Chapter 2 - Vegetation in Non-Rural Areas
- Chapter 6 – Water catchments

This matter is addressed below.

Chapter 2 - Vegetation in Non-Rural Areas

Vegetation is prescribed under Manly DCP for the purposes of the SEPP.

The proposal involves development near some existing vegetation, and the potential to adversely impact upon the vegetation has been assessed by the project arborist. An

Arborist statement accompanies and supports the proposed development. It confirms that the building design incorporates appropriate setbacks, and that the proposal does not involve the removal or inappropriate impact on designated vegetation.

Standard conditions may be reasonably imposed to protect and conserve nearby vegetation. Based on the above, the proposal will have an acceptable impact, and the provisions of this policy are satisfied by the proposal.

5 Development Control Plan

In response to Section 4.15 (1)(iii) of the Act, the Manly Development Control Plan (DCP) is applicable to the property. Relevant provisions to the DCP are addressed below.

The site is within Landscaped Area OS4 – requiring a Total Open Space Area of 60% of the site area, and a Landscaped Area of 40% of the Open Space Area.

5.1 Local Character – Overview

There is no desired future character statement in the LEP or DCP; further, no such term is defined in the Environmental Planning and Assessment Act or Regulation.

Having regard for the Court's planning principle for 'Compatibility of proposal with surrounding development' (Project Venture v Pittwater Council) the local planning controls do not anticipate change to the existing character. Therefore, the existing character is the relevant assessment consideration is assessing the proposal.

The local area is generally characterised by larger land parcels, noting that the LEP's minimum lot size is 1,150 square metres to provide increased flexibility to position development whilst minimising impacts of topographical features.

The southern low side of Seaforth Crescent is characterised by land of acute slope, approximately 1 in 2 slope within the site, falling from approx. RL 47 [Seaforth Crescent], 43 metres down to the water level of Middle Harbour.

The streetscape is characterised by the steep topography. The topography falls suddenly away from the street to the south, with retaining walls adjacent to the north. Driveways, garages and retaining walls characterise the front setbacks, not open landscape front gardens.

The streetscape character is established with garages, often sited forward of dwelling houses within the six-metre front setback. There is a varied front building line with no consistent front building pattern in the street.

The local area is generally characterised by large dwellings, which often present as multi-storey when viewed from downslope areas, the water, and the longer distances, for example, opposite foreshores, nearby coves and inlets.

The site's landscape character comprises steep slope, some large, exposed rock features within the rear; there is a mix of vegetation within the site mostly having low to medium retention value.

5.2 Principal Built Form Controls

A table demonstrating compliance with the relevant provisions of the DCP is detailed as follows. Where a numerical non-compliance is identified, the objectives of this control and the merits of the proposal are addressed.

Standard	Requirement	Proposed	Complies?
Max Wall Height	8m	The site is within Area I on the LEP	

Standard	Requirement	Proposed	Complies?
(m) Part 4.1.2	Measured to the underside of the eaves, the top of any balustrade, or planter box and exclusive of the height of any pitched roof or parapet.	Height of Buildings map. The wall heights are variable due to the steep slope and changing levels – maximum 11.4m. The numerical variation is acknowledged, and justification is provided in response to the planning control objectives, the circumstances of the site, and the merits of the proposal, as noted below.	No
<p>Wall height means that part of the building height measured vertically from the ground level (existing) at any point to the top most part of the external wall and exclusive of the height of any pitched roof or parapet. The top most part of the wall height is measured to the underside of the eaves associated with the topmost floor and where a deck or terrace is located at the top of the wall, the wall height is measured to the top of any balustrade, planter box or privacy screen. Manly Development Control Plan – Dictionary</p>			
<p>Wall Height exception</p> <p>4.1.7 First Floor and Roof Additions</p> <p>4.1.7.1 First Floor 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>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 the former Manly Council area. 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>There are no specific objectives of the DCP's wall height control. Rather the control relies on the objectives of LEP clause 4.3 height of buildings. These objectives and the height of the proposed building are separately addressed within the accompanying cl 4.6 exception for building height.</p> <p>The physical site constraints, that is, the steepness of the site topography warrants an exception to the requirement.</p> <p>The proposal satisfies the objectives of the building height standard as separately addressed within the accompanying clause 4.6 submission. In summary, the wall height exceptions are appropriate noting the proposal:</p> <ul style="list-style-type: none"> involves a building height that is compatible with residential development within the local area. responds appropriately to the steepness of the site topography. will result in a building that presents a characteristic bulk and scale [that is below the maximum FSR] when viewed from the street adjoining properties and foreshore. will result in an appropriate view sharing 	

Standard	Requirement	Proposed	Complies?
		<p>outcome, as further and separately addressed below.</p> <ul style="list-style-type: none"> will maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings, as further and separately addressed below. <p>The aesthetic quality of the property and the streetscape will be improved by the proposed development.</p> <p>Based on the above, flexibility in the application of the DCP's wall height control is appropriate.</p>	
Number of Storeys Part 4.1.2.2	2	2-3 storeys proposed. The 3-storey section is shown within figure 19 below.	No
<p>The control states</p> <p><i>c) Variation to the maximum number of storeys may be considered:</i></p> <p><i>i) where specific physical site constraints warrant an exception to this requirement. In these circumstances the development must still fully comply with other numeric height controls and development standards; and</i></p> <p><i>ii) to allow an additional understorey where that storey satisfies the meaning of basements in the LEP.</i></p>		<p>There are no specific objectives of the DCP's storey control. Rather the control relies on the objectives of LEP clause 4.3 height of buildings. These objectives are separately addressed within the accompanying cl 4.6 exception for building height.</p> <p>The physical site constraints, that is, the steepness of the site topography warrants an exception to the requirement.</p> <p>The proposal satisfies the objectives of the building height standard [as separately addressed]. In summary, the storeys exception is appropriate noting the proposal:</p> <ul style="list-style-type: none"> involves a building height that is compatible with residential development within the street and local area. will result in a building that presents a characteristic bulk and scale [that is below the maximum FSR] when viewed from the street, adjoining properties and the foreshore. will result in an appropriate view sharing outcome, as further and separately addressed below. will maintain adequate sunlight access to private open spaces and habitable rooms of adjacent dwellings, as further and separately addressed below. Furthermore, the aesthetic quality of the property when viewed from adjoining land will 	

Standard	Requirement	Proposed	Complies?
		<p>be improved by the proposed development.</p> <p>Based on the above, flexibility in the application of the DCP's wall height control is appropriate.</p>	
Front Setback Part 4.1.4.1	6m or average	<p>Nil to garage</p> <p>Dwelling – approx. 12.5m</p>	<p>No</p> <p>Yes</p>
<p>Setback objectives</p> <ol style="list-style-type: none"> <i>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.</i> <i>To ensure and enhance local amenity by:</i> <ul style="list-style-type: none"> <i>providing privacy;</i> <i>providing equitable access to light, sunshine and air movement; and</i> <i>facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.</i> <i>defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and</i> <i>facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.</i> <i>See also objectives at paragraph 3.4 Amenity.</i> <i>To promote flexibility in the siting of buildings.</i> <i>To enhance and maintain natural features by:</i> <ul style="list-style-type: none"> <i>accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;</i> <i>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</i> <i>ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.</i> 		<p>The proposed garage has a zero front setback, is sited forward of the proposed dwelling house and involves a low profile ('flat') roof structure, set down, predominantly below the road level. Notwithstanding the front setback is assessed as appropriate in the circumstances and in satisfying the control objectives for the following reasons:</p> <p>The streetscape is characterised by the steep topography. The topography falls suddenly away from the street to the south, with retaining walls adjacent to the north. Driveways garages and retaining walls characterise the front setbacks, not open landscape front gardens.</p> <p>The steep topography makes the accommodation of driveways and car parking difficult. Locating them at the top of the site shortens the length of the required access driveway, reduces hard paved area and optimises the opportunity for landscaped area.</p> <p>Locating the garage at front of the site avoids a longer elevated driveway being located further into the site, which would likely result in greater impacts upon the amenity of adjoining dwellings.</p> <p>The streetscape is characterised by the steep topography. Various garages and car parking structures are sited forward of the dwelling houses within the 6-metre front setback. There is no consistent front building alignment in the street.</p> <p>The topography falls suddenly away from the street to the south, with retaining walls adjacent to the north. Driveways and garages and retaining walls are characteristic, not open landscape front gardens. The proposed front setback is compatible with this character.</p> <p>The majority of the proposed garage structure is below the crown of the road level [special building height standard; separated addressed] unlike the development at 15 Seaforth Crescent which</p>	

Standard	Requirement	Proposed	Complies?
		<p>contains a garage above this level [figure 14] within the front setback.</p> <p>The proposed front setback to the garage facilitates the concentration of built form within the northern 44% [approximate] of the site provides more landscaping and preserves more sensitive areas within the southern section of the site.</p> <p>The non-compliance is offset by the generous setback of the dwelling house itself and the fact that the non-compliant portion of the garage will be below the street level and not be visually prominent within the streetscape.</p> <p>On-site car parking is significantly improved by the proposal. There is nil car parking currently.</p> <p>Based on the above the proposal satisfies the objectives of the DCP control; flexibility in the application of the numerical aspect of the control is assessed as appropriate in the circumstances.</p>	
Side Setbacks Part 4.1.4	<p>1/3 Wall Height:</p> <p>As shown of the architectural plans</p> <p>North east - variable South west – variable</p>	<p>North east Dwelling – variable: 0m to 1.2m to 5.8 to 2.8m.</p> <p>Garage and driveway - 0m for 12.6m length.</p> <p>Bedroom 3 - 0m for 6m length – level 2</p> <p>South west Dwelling – 2.8m to 3.13m to 3.6m Workshop within 2.8m.</p> <p>Designated exceptions - [external stairs paths].</p> <p>The numerical variation to the side setback is acknowledged, and justification is provided in response to the planning control objectives, the circumstances of the site, and the merits of the proposal, as noted below.</p>	<p>Yes</p> <p>No</p> <p>No</p> <p>Yes</p> <p>Yes</p>
Side Setback – objectives as per above		<p>The proposal is consistent with the character of the local area as previously addressed within section 5.1 of this report.</p> <p>The property has a limited visual catchment from</p>	

Standard	Requirement	Proposed	Complies?
		<p>Seaforth Crescent and adjoining land due to:</p> <ul style="list-style-type: none"> its position below the roadway and the orientation of dwellings to the water views that are generally to the south. <p>The 12.6m length of garage and 6m length of bedroom 3 that are adjacent to the north eastern boundary do not contain side facing windows, are only proposed on 1 side of the lot, and comprise a minor percentage of the overall boundary length.</p> <p>The majority of the proposed development on the site is positioned below the street level (RL 47) with the majority of the built form being obscured from the streetscape. The exceptions will not be visible to a casual observer from the street.</p> <p>The property is a large site with long [approx. 80-90m] side boundaries. The proposed side setbacks either meet or exceed the DCP requirements for most of the side boundary lengths, with exceptions sought for 3 isolated areas as shown on figure 15.</p> <p>The proposal seeks to concentrate the garage near the street to minimise the impact and extent of the suspended driveway.</p> <p>Similarly, locating bedroom 3 adjacent to a minor portion of the east side boundary makes appropriate use of the available space without adverse impacts on the adjoining properties amenity [figures 17 & 18] and facilitates the concentration of the dwelling house within the upper portion of the site, providing increased landscaped area and preserving more sensitive areas within the southern within the rear and of the property</p> <p>The side setback exception will not result in inappropriate privacy impacts. Adjacent dwellings are orientated to the Middle Harbour to optimise visibility of the significant views available. As noted separately below, the proposed development outcome is assessed as satisfying the DCP's privacy, view sharing and solar access requirements. There will be no unreasonable amenity impacts arising from the extent of the proposed side setback exceedance.</p> <p>The proposal provides significant landscaped area that meets and exceeds the DCP's minimum requirement. The proposal will result in improved quality and quantity of landscaped planting, as per the proposed landscape plan and planting</p>	

Standard	Requirement	Proposed	Complies?
		<p>schedule.</p> <p>The proposed building setbacks do not relate to or diminish any natural features located within the rear of the site.</p> <p>The proposal provides a characteristic built-form and setbacks that will maintain the mixed pattern of properties and spaces between buildings when viewed from the surrounding land and the waterway / foreshore. Complemented by generous rear set back and landscaped areas within the rear of the site, the proposed building form will provide an appropriate visual scale and bulk of the development upon the land as it presents to the street and adjoining land.</p> <p>Based on the above this aspect of the proposal satisfies the objectives of the DCP control; flexibility in the application of the numerical aspect of the control is assessed as appropriate in the circumstances.</p>	
Rear Setback Part 4.1.4	8 metres	Approx. 38m to the dwelling house.	Yes
Total Open Space Part 4.1.5	Density Area 4 Site area: 1,846m ² 60% or 1,107.6 m ²	1,506m ² / 82% The above is based on the architectural plans.	Yes
Soft Open Space Part 4.1.5	40% (of the Total Open Space area) or 443.4m ²	Proposed: 988.7m ² / 66% The above is based on the architectural plans.	Yes
Private Open Space (PoS) Part 4.1.5.3	18 m ² (minimum per dwelling)	The proposal includes 103m ² of high amenity space.	Yes
Above Ground Open Space (AGOS) Part 4.1.5.3	Max 25% of the Total Open Space or 276.9 m ²	Approx. 178m ² .	Yes

Standard	Requirement	Proposed	Complies?
Car Parking Spaces Part 4.1.6	2 spaces	Existing - no on-site car parking. Proposed – 6 car parking spaces.	Yes
Solar Access CI 3.4.1	Provisions relate to: <i>Overshadowing Adjoining Open Space</i> <i>Maintaining Solar Access into Living Rooms of Adjacent Properties</i> <i>Overshadowing Clothes Drying Areas</i> <i>Overshadowing Solar Collector Systems</i> Min 3 hours to neighbouring dwellings PoS areas and windows to the principal living areas of the adjoining dwellings.	Shadow diagrams showing the existing and proposed shadows accompany and support the proposal. The following key aspects are noted. The site and the adjoining properties have an north east / south west orientation to Seaforth Crescent, positioned upon steeply sloping, south facing land. The shadow diagrams demonstrate that shade will be cast over the rear section to varying degrees (morning) of the adjacent property at 15 Seaforth Crescent. This reflects the existing development & shading pattern for properties along the southwestern side of Seaforth Crescent, consistent with the development pattern. In accordance with the DCP, the sunlight available to the private open space of adjoining dwelling will not be impacted by more than 3 hours between 9am [150m ² in sunlight] and 12pm [40m ² in sunlight] on 21 June. It is assessed that, whilst shade onto the adjoining property will be moderately increased above the current levels, the extent of the increase is within reasonable limits, and satisfies the DCP. It is concluded that the provisions of the control are satisfied.	Yes
Views CI 3.4	New development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	The property is within an elevated south facing hillside that enjoys water and district views over Middle Harbour and its surrounds, generally in a southerly direction. As demonstrated by the images herein, views to Middle Harbour and	Yes

Standard	Requirement	Proposed	Complies?
		<p>foreshores opposite are currently enjoyed to varying degrees from the location.</p> <p>The proposed development has been designed to optimise view sharing from the adjoining dwellings.</p> <p>The properties on the northern (high) side of Seaforth Crescent obtain views, downslope over the roofs of dwellings on the south side of the roadway (including the subject site). adjacent properties share some views that are angled cross each others side boundaries.</p> <p>The DA is accompanied and supported by view impact modelling prepared by the project architects. Consideration has been given to the following properties and locations:</p> <ul style="list-style-type: none"> ▪ 21 Edgecliff Esplanade view from middle balcony at RL+58.030 ▪ 2 Seaforth Crescent view from living room at RL+49.480 and pool terrace ▪ 9 Seaforth Crescent view from lower balcony at RL +33.900 and middle balcony at RL +36.930 and m top balcony at RL +39.910 ▪ 15 Seaforth Crescent view from lower balcony at RL +39.510 and top balcony at RL +42.490. <p>In some instances, there is potential for a degree of impact on portions of existing views to occur. However, it is expected that such impacts are minor or modest, in the context of the extent of views available from the property, and that view sharing between the properties is achieved.</p> <p>Access has not been gained to nearby properties in assessing this aspect; this may be undertaken when the DA is publicly exhibited to neighbouring properties.</p> <p>At this stage, it is assessed that the proposal is unlikely to inappropriately impede significant established views from surrounding</p>	

Standard	Requirement	Proposed	Complies?
		residential properties or public vantage points.	
Privacy Cl 3.4.2	<p>Privacy DCP's objectives.</p> <p>Privacy has been considered in the proposed design. The following key aspects are noted:</p> <p>Appropriate side building setbacks are maintain / exhibited by the proposal.</p> <p>The undulating topography and irregular subdivision pattern results in dwelling houses being sited at different levels and orientations within the hillside.</p>	<p>Privacy has been considered in the proposed design and satisfies the DCP's objectives. The following aspects are noted:</p> <ul style="list-style-type: none"> ▪ Appropriate side building setbacks are provided by the proposed dwelling house noting the south west side setback is compliant to habitable spaces; a modest exceptions are proposed to the north eastern side. ▪ The undulating topography and irregular subdivision pattern results in dwelling houses being sited at different levels and orientations within the hillside. ▪ The design incorporates angled sidewalls ['fins'], tilted to the north in the direction of the slope. They are effective in visually integrating the built form with the slope of the land. The angled fin walls also provide privacy, avoiding the need for separate privacy screens. ▪ No unscreened elevated balconies are proposed adjacent to the principal living areas of the dwelling, ▪ Side boundary facing window openings are limited and appropriate in terms of their separation, function (the rooms that they serve), location, sill height, and extent. <p>It is concluded that the proposal will not inappropriately impact the visual privacy of the neighbouring properties.</p>	Yes



Figure 14 – streetscape looking east to the subject site



Figure 15 – views (along with good solar access) will be available from the proposed roof terrace

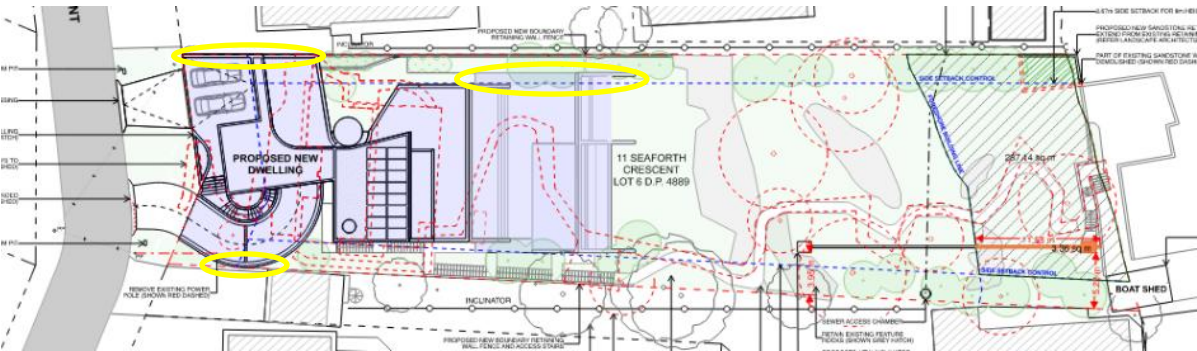


Figure 16 – sections where side setback exceptions are sought



Figure 17 – character of 9 Seaforth Cres adjacent to where the side setback exception is sought to the proposed garage / bedroom 3



Figure 18 – character of 9 Seaforth Cres adjacent to where the side setback exception is sought to the proposed garage / bedroom 3

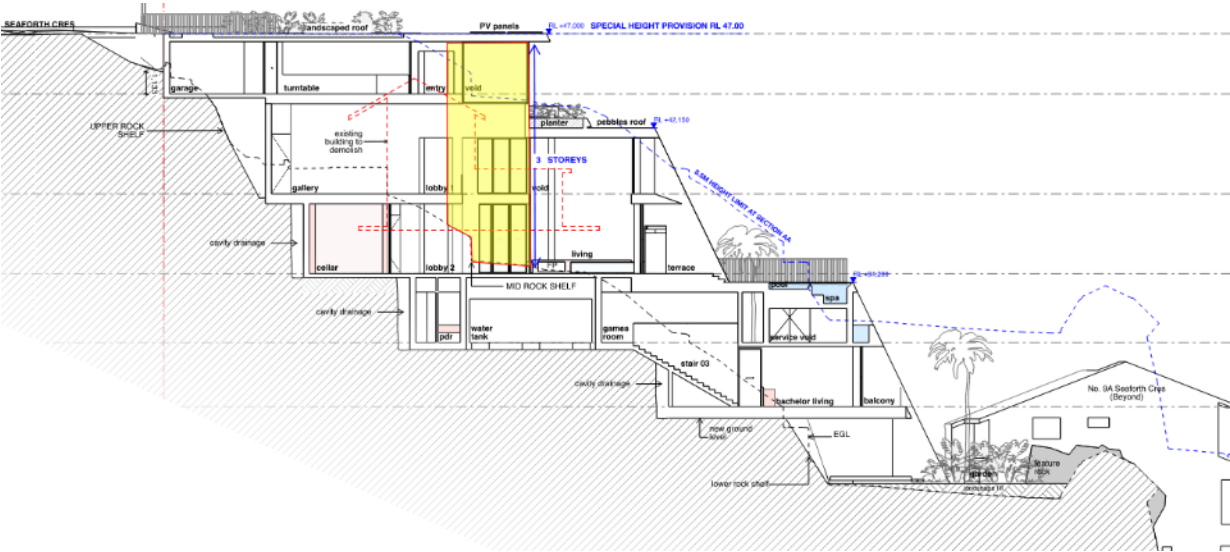


Figure 19 – the proposed 3-storey section is identified above

5.3 Other aspects of the DCP

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.1 Streetscape (Residential areas)	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing – previously addressed.	Yes	Yes
3.4.2 Privacy and Security – previously addressed.	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.1 Solar Access – previously addressed.	Yes	Yes
3.5.3 Ventilation	Yes	Yes
3.5.5 Landscaping	Yes	Yes
3.5.7 Building Construction and Design	Yes	Yes
3.6 Accessibility	Yes	Yes
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1 Residential Development Controls	Yes	Yes
4.1.1 Dwelling Density, Dwelling Size and Subdivision	Yes	Yes
4.1.1.1 Residential Density and Dwelling Size	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	Yes	Yes
4.1.3 Floor Space Ratio (FSR)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.5 Open Space and Landscaping	Yes	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities)	Yes	Yes
4.1.8 Development on Sloping Sites The site is identified as being subject to potential geotechnical landslip hazard. The proposal is accompanied by a geotechnical assessment that concludes that the proposal is appropriate for the site.	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
The siting and design of the proposed development has considered the matters within clause 4.1.8 and the site is suitable for the development proposed.		
4.1.9 Swimming Pools, Spas and Water Features	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes

5.3.1 Conclusion - variations to numerical aspects of the DCP

Based on the above, it is concluded that the proposed variations are modest and contextually reasonable, satisfying the objectives of the planning controls.

Under clause (3A)(b) of Section 4.15 of the Act, it is appropriate for the consent authority to be flexible in applying the controls where the objectives of those controls have been satisfied.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of DCP. Accordingly, our assessment finds that these aspects of the proposal are worthy of support, in this particular circumstance.

5.3.2 DCP Definitions

deep soil zone means an area (within the landscaped area) within a development that is unimpeded by building or structures above or below ground and have a minimum dimension of 6m. Deep soil zones exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and rood areas.

open space see meanings for total open space, landscaped area (LEP), private open space (LEP) and principal private open space

open space above ground means that part of the total open space that is above ground being (including a veranda, balcony, terrace) and has a finished floor level that is more than 1m above existing ground level.

principal private open space means private open space located adjacent to living rooms, excluding bedrooms of a single area and dimension sufficient to enable it to usefully serve domestic outdoor functions for the exclusive use of the occupants of the dwelling.

total open space means that part of a site which is designed or designated to be used for active or passive recreation and includes:

Landscaped area (see LEP meaning);

Open Space Above Ground as defined in this DCP;

Hard paved areas (un-enclosed pedestrian walkways and access paths, pergolas, clothes drying and barbeque areas);

Swimming pools occupying less than 30 percent of total open space; and

Private open space (including principal private open space) as defined in this DCP but excludes:

any area for parking (including garages; carports; hardstands and vehicular access to that parking);

out buildings (including sheds, cabanas, cubby houses and the like).

wall height means that part of the building height measured vertically from the ground level (existing) at any point to the top most part of the external wall and exclusive of the height of any pitched roof or parapet. The top most part of the wall height is measured to the underside of the eaves associated with the topmost floor and where a deck or terrace

is located at the top of the wall, the wall height is measured to the top of any balustrade, planter box or privacy screen.

5.3.3 LEP definitions

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

6 Section 4.15 the Environmental Planning and Assessment Act 1979 – Summary

The proposal has been assessed having regard to the matters for consideration pursuant to S.4.15 of the Act and to that extent Council can be satisfied of the following:

- There will be no significant or unreasonable adverse built environment impacts arising from the proposed physical works on the site.
- The site is appropriate for accommodating the proposed development. The proposal has sufficiently addressed environmental considerations. There will be no significant or unreasonable adverse environmental impacts arising from the proposal.
- The proposal will result in positive social and economic impacts, noting:
 - Employment during the construction phase of the works;
 - Economic benefits, arising from the investment in improvements to the land;
 - Social (and environmental) benefits arising from the renewal of existing housing stock to meet contemporary living needs and achieve BASIX compliance.
- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the provisions of the relevant provisions of the council's DCP.
- It is compatible with the current and likely future character of development within the local context.
- It will not result in any significant unacceptable offsite impacts that limit the use or enjoyment of nearby or adjoining land.
- The proposal will have an acceptable impact when considering key amenity issues such as visual impact, views, overshadowing, noise and privacy.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed development.
- The public interest is best served through the approval of the application.

7 Conclusion

The application seeks development consent for demolition of the existing development and construction of a new dwelling house at 11 Seaforth Crescent, Seaforth.

MCK Architects have responded to the client's brief with an exceptional design that is responsive to the mixed housing and building character, property context and the prevailing planning objectives for the site.

The proposal has been assessed under the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act and should be approved because:

- The proposed development is permissible with consent.
- The application has considered and satisfies the various applicable LEP and DCP built form controls as they are reasonably applied to the site.
- The proposed development will not give rise to any unacceptable residential amenity or streetscape consequences.
- Subject to the recommendations of various expert reports, the proposed development can mitigate the environmental conditions identified and satisfy the relevant statutory controls.
- The site is suitable for the proposed development, having regard to its size and capacity to accommodate the proposed design.
- The proposal will result in various positive social and economic impacts in the locality.
- The development is in the public interest.

In view of the above, we conclude that the proposed development will provide a significantly positive impact and should be approved.

BBF Town Planners



Michael Haynes
Director

CONCLUSION
