

STATEMENT OF ENVIRONMENTAL EFFECTS

42 MACMILLAN STREET, SEAFORTH

**ALTERATIONS/ADDITIONS TO AN EXISTING
OUTBUILDING TO CREATE A SECONDARY DWELLING**

**PREPARED ON BEHALF OF
Mr Jacob Himo**

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1. INTRODUCTION

This application seeks approval for the construction of alterations and additions to an existing outbuilding to create a secondary dwelling on Lot 7 in DP 6210 which is known as **No. 42 Macmillan Street, Seaforth**.

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

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

By way of background, the works pertaining to this application have not been constructed. A separate Building Information Certificate will be lodged for the existing fitout of the kitchen and bathroom.

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

- Survey Plan prepared by TECA Management P/L, Job Ref. 4655 and dated 27/07/2022.
- Architectural Plans prepared by Shape Design, Project No. 23-11, Revision 01 and dated 12/11/2024.
- BASIX Certificate # 1772319S and dated 09/11/2024.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

3. SITE DESCRIPTION AND LOCALITY

The site is identified as Lot 7 in DP 6210 which is known as No. 42 Macmillan Street, Seaforth. The site is rectangular in shape and is located on the northern side of the Macmillan Street. The site has an area of 588m² and a street frontage of 12.19m to Macmillan Street. The sites northern boundary has a frontage of 12.19m to Frenchs Forest Road. The site has a depth of 48.23m. The locality is depicted in the following map:



Site Location Map

The property falls from the Macmillan Street frontage (RL 72.09) towards the Frenchs Forest Road frontage (RL 68.04). The site currently comprises a single storey brick dwelling with a tiled roof which is located on the northern portion of the site and is orientated towards Frenchs Forest Road. A detached outbuilding with attached carport is located on the southern portion of the site. A low masonry fence is erected along the street frontage of Macmillan Street.

The site is depicted in the following photographs:



View of Site from the Macmillan Street

The existing surrounding development comprises a variety of single and two storey dwellings on similar sized allotments. The existing surrounding development is depicted in the following aerial photograph:



Aerial Photograph of Locality

4. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the construction of alterations to the existing outbuilding to create a secondary dwelling.

Demolition

It is proposed to demolish the following components:

- Metal shed at rear (north) of outbuilding.
- Mezzanine level and associated roof structure.

Additions to Outbuilding

It is proposed to provide alterations/additions to the existing outbuilding to create a secondary dwelling. The additions incorporate the following:

- New terrace at rear with new sliding doors to living room and new wall to existing bathroom.
- New upper level to replaced mezzanine to bedroom with ensuite and balcony.

The proposal will result in the following numerical indices:

Site Area:	588m²
Dwelling Floor Area:	150m²
Secondary Dwelling Floor Area:	59.97m²
Total Floor Area:	209.97m² or 0.35:1
Total Open Space:	141.12m² or 24% (no change)
Landscaped Space:	79.5m² or 56.3% of the total open space.

5 ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Manly Council.

5.1 Planning for Bushfire Protection 2006

The subject site is not identified as bushfire prone land on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2006 do not apply to the proposed development.



Extract of Bushfire Map

5.2 Manly Local Environmental 2013



Extract of Zoning Map

The subject site is zoned R2 Low Density Residential. The objectives of the R2 Zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Secondary dwellings are permitted with consent on land zoned R2 Low Density Residential.

The following numerical standards are applicable to the proposed development:

Clause	Development Standard	Proposal	Compliance
Clause 4.3 Height of Buildings	8.5m	<8.5m – refer to plans	Yes
Clause 4.4 Floor Space Ratio	0.45:1	209.97m ² or 0.35:1	N/A

The following provisions of the LEP also apply:

Clause 5.4 Controls relating to miscellaneous permissible uses

Subclause (9) provides:

- (9) *Secondary dwellings on land other than land in a rural zone* If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
- (a) 60 square metres,
 - (b) 30% of the total floor area of the principal dwelling.

The proposed secondary dwelling has an area of 59.97m² which complies with this clause.

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

4.3 Manly Residential Development Control Plan 2013

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

Part 3

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

Clause 3.1.1 – Streetscape (Residential Areas)

The proposal provides for additions to the existing outbuilding. The subject site benefits from two street frontages with the existing dwelling on site being orientated towards Frenchs Forest Road. The outbuilding is orientated to Macmillan Street and the proposed outbuilding designed to address Macmillan Street. The proposed additions to the outbuilding have been designed to present as a single storey structure with the upper level contained predominantly within the roof form. The addition to the upper level and balcony provides for an increased setback to the side eastern side boundary of 1.2m. The first floor level is setback 2.5m to the Macmillan Street frontage. The northern side of Macmillan Street is characterised by a large number of structures with minimal setbacks to the street frontage and includes a number of two storey style structures. The resultant dwelling is compatible within the streetscape.

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

The objectives of the clause are noted as:

- Objective 1) To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties.*
- Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.*

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

- The orientation of the site is north south and as such the proposal will continue to ensure appropriate solar access to the adjoining properties. Shadow diagrams have been submitted which depict compliance with the DCP.
- The upper level balcony serves a bedroom which is not a high use living area. This balcony is setback from the side boundary and limited size. It is considered that an appropriate level of privacy will be provided to the adjoining properties. A privacy screen is also provided.

Clause 3.5 - Sustainability

A BASIX Certificate has been submitted with the application.

Clause 3.7 - Stormwater Management

There is no increase in hard surface area and all collected stormwater will continue to drain to the existing stormwater system which can disperse to Frenchs Forest Road.

Part 4

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

Clause/ Design Element	DCP Requirement	Compliance/Comments
Residential Density & Subdivision	Density Area DD – 1 dwelling per 500m ²	Yes The site has an area of 588m ² and the proposal does not incorporate any subdivision.
Floor Space Ratio	Refer to LEP 0.45:1	Yes
Wall Height	Height – 6.5m	Yes
Number of Storeys	Two Storeys	Yes
Roof Height	2.5m above wall height	The proposal provides for rooms within the roof form and provides for an appropriate outcome.
Parapet Height: 600mm above wall height.	600mm above wall height	N/A
Maximum Roof Pitch	35°	Yes Refer to plans.

Clause/ Design Element	DCP Requirement	Compliance/Comments
Building Setbacks	<p>Front Setback – Min. 6.0 metres or consistent with neighbouring.</p> <p>Secondary setback – same as side boundary setback</p> <p>Side Setback – 1/3 of the height of wall.</p> <p>Walls without windows may be constructed to one side boundary only, providing the objectives of this part can be met and the applicant can demonstrate no disadvantage to the adjacent allotment through increased overshadowing, or loss of view and no impediment to property maintenance.</p> <p>Rear Setback – Minimum 8.0 metres</p>	<p>Frenchs Forest Road is taken as being the primary frontage as the primary dwelling fronts this street. The existing setback to Frenchs Forest remains unchanged.</p> <p>Macmillan Street is considered to be the secondary frontage. For secondary setbacks, the prevailing setbacks are to be considered. As demonstrated in the aerial photo (previously in this report) the established building line for the northern side of Macmillan Street is nominal.</p> <p>The proposed additions to the outbuilding provide for the upper level in the roof form which pitches away from the street.</p> <p>A setback of up to 2m would be required. The proposed addition to the upper level provides for a setback of 1.2m. This setback is considered to be appropriate in this instance for the following reasons:</p> <ul style="list-style-type: none"> • There are no windows provided on the eastern side. • A privacy screen is proposed along the eastern elevation of the balcony. • The existing structure provides for a nominal setback. • There are a number of outbuildings in the vicinity with minimal side setbacks. • The proposal continues to maintain an appropriate level of solar access to the adjoining properties.
Landscaping/Open Space	Open Space Area 3:	Total Open Space :141.12m ² or 24% (no change)

Clause/ Design Element	DCP Requirement	Compliance/Comments
	<p>Minimum total open space: 55% of site area.</p> <p>Minimum soft open space as 35% of total open space</p> <p>Minimum number of endemic trees: 4</p> <p>Private open space to be directly accessible from living areas. Minimum dimension 3m. Minimum area of 18m².</p>	<p>Landscaped Space:79.5m² or 56.3% of the total open space. (no change)</p> <p>Whilst the proposal does not comply with the numerical requirements, the proposal does not reduce the area of total open space or landscaped area. Therefore, strict compliance is unreasonable.</p> <p>Yes The proposal does not require the removal of any vegetation.</p> <p>Yes The proposal retains the existing private open space in the rear yard.</p>
Parking and Access	<p>Minimum 2 Spaces per Dwelling.</p> <p>Garages/carports shall be sited so as to not dominate the street frontage through the use of appropriate materials.</p> <p>Carports forward of the building line shall be open on all sides. Maximum width of structures forward of the building line is 50% of site width up to a maximum of 6.2m.</p>	<p>Yes The site currently provides parking for two spaces within the carport. It is considered to be sufficient given that the site has two street frontages for street parking and the secondary dwelling is only one bedroom.</p> <p>There is no change to existing parking proposed.</p>
First Floor Additions	<p>Additions may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.</p>	<p>The proposed additions maintain ample setback to the boundaries of the site.</p>

Clause/ Design Element	DCP Requirement	Compliance/Comments
	Must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences	
Swimming Pools and Spas	<p>To be built at ground level and not elevated more than 1m above ground level.</p> <p>To be located in the rear yard.</p> <p>Setback of at least 1.0m to side and rear boundaries.</p>	Not Applicable.
Fences	<p>Maximum height 1.0m for solid</p> <p>Maximum height 1.5m where at least 30% is transparent.</p>	Not Applicable

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

6. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

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

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

The Likely Impacts of the Development

It is considered that the development will provide for alterations to the existing outbuilding to create a secondary dwelling without detrimentally impacting on the character of the area. The design of the proposal is such that an appropriate level of privacy, amenity and solar access will be provided to the adjoining properties.

The Suitability of the Site for the Development

The subject site is zoned R2 Low Density Residential and the construction of a secondary dwelling is permissible with the consent of Council. The resultant development is of a bulk and scale that is consistent with existing surrounding developments. The proposal does not result in the removal of any significant vegetation.

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

The Public Interest

It is considered that the proposal is in the public interest in that it will provide alterations/additions to the existing outbuilding to create a secondary dwelling that is compatible with other development in this locality without unreasonably impacting the amenity of the adjoining properties or the public domain.

7. CONCLUSION

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

It is therefore considered that the proposed alterations and additions to an existing outbuilding to create a secondary dwelling upon land at **No. 42 Macmillan Street, Seaforth** is worthy of the consent of Council.

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