



**32 MACMILLAN STREET
SEAFORTH**

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR
DEMOLITION OF THE EXISTING DWELLING AND
CONSTRUCTION OF A NEW DWELLING**



Report prepared for
Icon Homes
December 2024

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1. Introduction

- 1.1 This is a statement of environmental effects for the demolition of the existing dwelling and the construction of a new dwelling house at 32 MacMillan Street, 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
- ◆ Site survey prepared by Bee & Lethbridge
- ◆ Architectural Plans prepared by Icon Homes
- ◆ BASIX Certificate prepared by Abeaut Design
- ◆ Stormwater Plans prepared by VNK Consulting
- ◆ Soil Classification Report prepared by Structerre Consulting Engineers
- ◆ Landscape Plan prepared by PDLA Landscape Architects

- 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. The site and its locality

- 2.1 The subject site is located on the northern side of MacMillan Street in Seaforth, north-west of its intersection with Frenchs Forest Road. The site is legally described as Lot 12 DP 6210 and is known as 32 MacMillan Street, Seaforth.
- 2.2 It is a parallel lot with a front boundary (south, MacMillan Street) of 12.19 metres, a rear boundary of 12.19 metres (north, Frenches Forest Road) and side boundaries of 48.29 metres (east) and 48.28 metres (west). The lot has an area of 588.7m² and slopes to the north, towards the rear of the lot.
- 2.3 The site is currently occupied by a one-storey brick dwelling, with a tile roof, and detached carport and garage.
- 2.4 The subject site is surrounded by detached residential dwellings in all directions. It is located in close proximity to shops and services on Frenchs Forest Road through to Sydney Road in Seaforth.



Figure 1. The site and its immediate surrounds

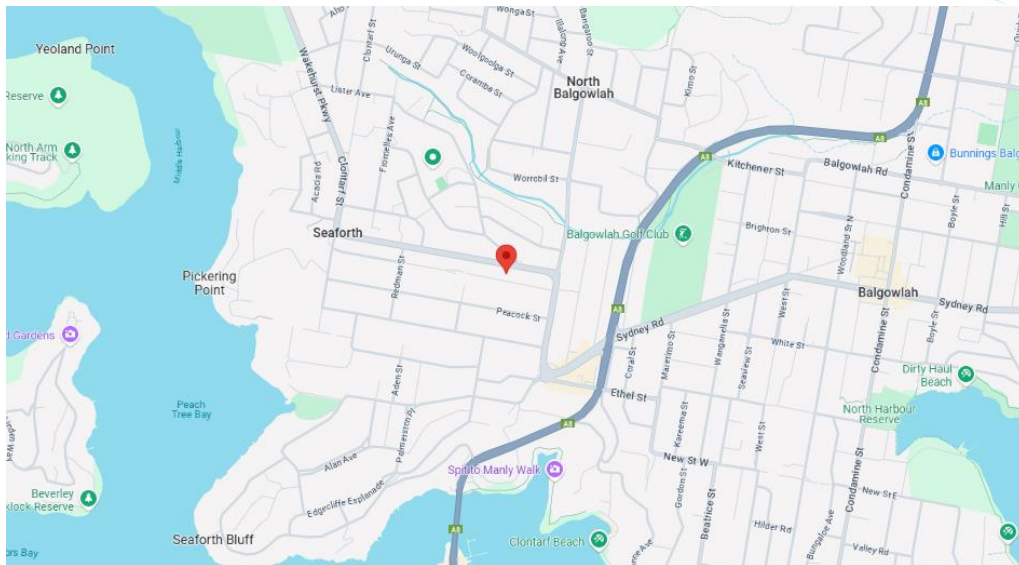


Figure 2. The site within the locality

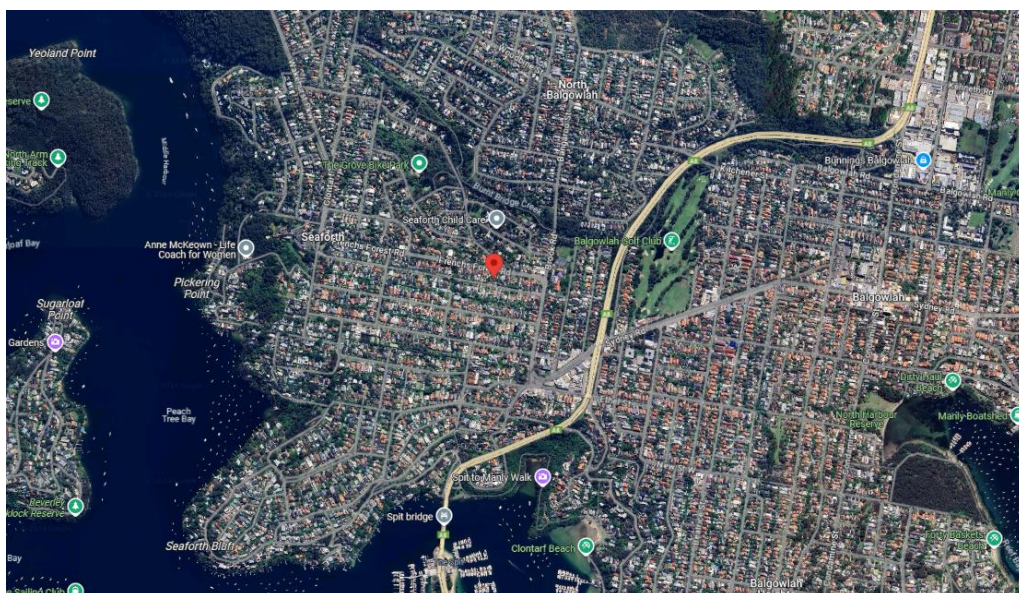


Figure 3. Aerial image of the site within the locality

3. Site Photos



Figure 4. The existing streetscape of the subject site, looking north from MacMillan Street.



Figure 5. The existing streetscape of the eastern neighbour (30 MacMillan Street).



Figure 6. The existing streetscape of the western neighbour (34 MacMillan Street).



Figure 7. Existing carport and outdoor living area, looking north.



Figure 8. Existing front yard and adjoining neighbour, looking east.



Figure 9. Existing dwelling and pathways, looking north.



Figure 10. Western side boundary and landscaping, looking south west from the dwelling.



Figure 11. The front yard to be maintained, looking south to the garage.

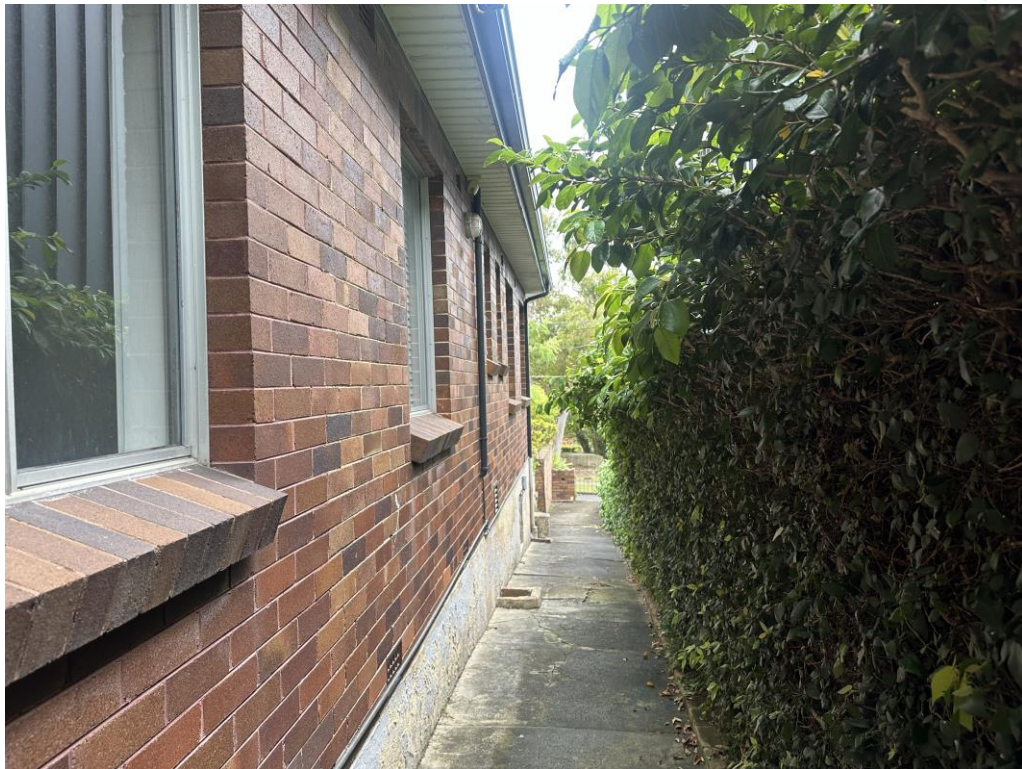


Figure 12. Eastern side boundary and landscaping, looking north to Frenchs Forest Road.



Figure 13. Eastern side boundary and adjoining eastern neighbour, looking north to Frenchs Forest Road.



Figure 14. The rear of the existing dwelling and retaining walls to be maintained, looking south west.



Figure 15. Rear pedestrian access to be maintained to Frenchs Forest Road, looking south west.

4. Proposed Development

- 4.1 The proposed development is for the demolition of the existing dwelling and the construction of a new dwelling house.
- 4.2 The development remains consistent with the streetscape and the locality. The proposed works ensure privacy and solar access are maintained for surrounding properties and the subject site.
- 4.3 The proposed development will be made up as follows:

Site

- Demolition of the existing dwelling house, garage, carport, driveway and associated pathways.
- Construction of new driveway, letterbox and detached garage.
- Retention of the rear pedestrian stair access and retaining walls.

New dwelling

Ground Floor

- Entry,
- Guest bed,
- Powder,
- Laundry/Mudroom,
- Kitchen with butler's pantry, meals/family room,
- Study,
- Media,
- Staircase to access the first floor,
- Front Alfresco.

Upper Floor

- Master bedroom with dressing (WIR) and ensuite,
- Bedroom 2 with WIR,
- Bedroom 3 with WIR,
- Sitting/Library,
- WC,
- Bathroom,
- Hallway and staircase to access the ground floor.

5. Statutory Framework

5.1 State Environmental Planning Policies

State Environmental Planning Policy (Sustainable Buildings) 2022

Schedule 1 of the Environmental Planning and Assessment Regulation (2001) 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 (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

SEPP (Biodiversity and Conservation) 2021 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 trees.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 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.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP assists the NSW Government, private infrastructure providers, local councils and the communities they support, by simplifying the process for providing infrastructure like hospitals, roads, railways, emergency services, water supply and electricity delivery.

As the subject site is located adjoining a classified road to the rear of the site, Frenchs Forest Road, the consent authority must consider clause 2.119 and 2.120 of the SEPP.

2.119 Development with frontage to classified road

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

The subject site has an existing vehicular access to MacMillan Street to the front (south) of the site to be retained. The site has existing pedestrian access to Frenchs Forest Road at the rear (north) of the site and the proposed development does not propose new vehicular access to Frenchs Forest Road.

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

It is considered the proposed development will not adversely affect the ongoing operation of the classified road.

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The development will have a new single dwelling that is appropriately located to mitigate against traffic noise and vehicle emissions.

2.120 Impact of road noise or vibration on non-road development

(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—

(a) residential accommodation,

- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or centre-based child care facility.*

The development is for a single residential dwelling, located adjoining to Frenchs Forest Road, being a classified road.

- (2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.*

Noted.

- (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*
 - (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
 - (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

The development is able to comply with the requirements through appropriate construction methods.

5.2 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. The proposed development is for the demolition of the existing dwelling and the construction of a new dwelling house. Dwelling houses are permitted with development consent in the zone.

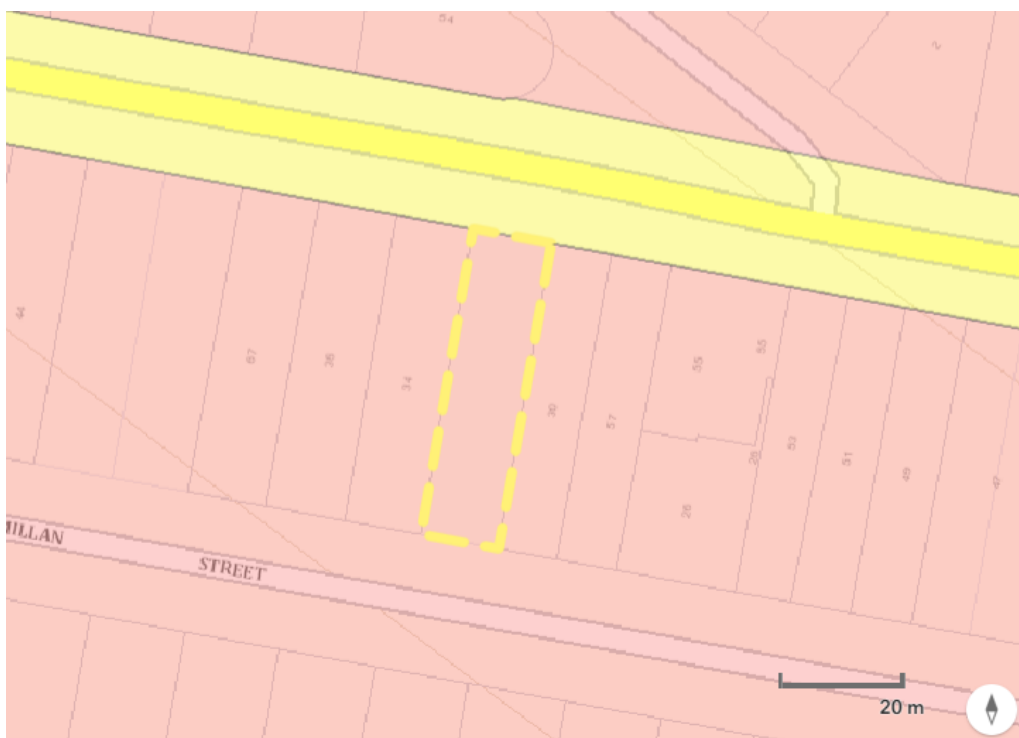


Figure 16. Extract from Manly LEP 2013 zoning map

Demolition

This application seeks consent for the demolition of the existing dwelling, to allow for the construction of the new dwelling.

Minimum Lot Size

The site is mapped with a minimum subdivision lot size of 500m². The subject site comprises an existing oversized allotment of 588.7m² by survey and no subdivision is proposed.

Height of Buildings

The subject site is mapped with a maximum building height of 8.5 metres. The development proposes a compliant maximum building height of 7.808metres.

Floor Space Ratio

A maximum floor space ratio of 0.45:1 is permitted for the site which equates to 264.92m² for the site area of 588.7m².

The development proposes a compliant gross floor area of 261.89m² or FSR of 0.45:1.

Heritage Conservation

The site is not a heritage item, is not located within a heritage conservation area and is not located in proximity to any heritage items.

Acid Sulfate Soils

The site is not located in an area nominated as impacted by Acid Sulfate soils.

Earthworks

Minimal earthworks are proposed to prepare the site for construction, associated with the removal of the existing structures and creating a level building platform for the new dwelling. Standard erosion and sediment control measures will be implemented to ensure best practice procedures are followed.

Stormwater Management

Stormwater will be connected to the existing drainage infrastructure on the site, which drains to the street. See Stormwater Management Plan submitted with application.

Terrestrial Biodiversity

The site is not identified on the terrestrial biodiversity map.

Riparian Land and Watercourses

The subject site is not mapped as a watercourse and is not located within 40 metres of a watercourse.

Landslide Risk

The site is not identified on the landslide risk map.

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.

Part 3 – General Principles of Development

3.1 Streetscape and Townscapes

The subject site has frontage to and is visible from MacMillan Street and Frenchs Forest Road. MacMillan Street and Frenchs Forest Road are characterised by a mixture of one, two and three storey residential dwellings. The new dwelling has been designed to be consistent with the streetscape and the character of the area.

Garbage Areas

The new dwelling proposes compliant bin storage areas illustrated on the DA plans.

Complementary Design and Visual Improvement

The proposed development remains consistent with the local character and streetscape in the locality. The proposed works will be constructed of materials consistent with the residential use and are of an appropriate scale for the locality. Details are provided in the attached materials and finishes schedule.

Front Fences and Gates

No front fencing is proposed.

Roof and Dormer Windows

The new works propose a metal roof with a compliant 15° pitch. No dormer windows are proposed.

Garages, Carports and Hardstand Areas

The development proposes a new, detached double lock up garage with a 22.5° pitch roof, and new driveway crossing at the front of the site, replacing the existing garage and double crossovers to MacMillan Street.

3.2 Heritage Considerations

The subject site is not a heritage item, is not located in a heritage conservation area and is not located in proximity to a heritage item.

3.3 Landscaping

The development proposes to retain the existing landscaping throughout the site and trees are not existing at the front of the site. New planting is proposed as detailed in the landscape plan provided with this application.

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 a north-south 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 shadowing to a portion of the front and side yard of the subject site and to the front/side yard and across the dwelling at No. 34 MacMillan Street at 9am.

12pm – The development will result in shadowing to the front and side yard of the subject site.

3pm – The development will result in shadowing to the front and side yard of the subject site and the front yard and across the dwelling at No. 30 MacMillan Street at 3pm.

It is concluded that the private open space of the subject site and adjoining dwellings and the living room windows at No. 30 and No. 34 MacMillan Street, located to the southern elevation maintain compliant solar access between 9am and 3pm.

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 appropriate setbacks and no overlooking into key living areas.

The ground floor of the dwelling which contains the principal living areas is visually separated from neighbouring properties by existing side boundary fencing and landscaping. A number of privacy measures have been incorporated into the design at upper level including, privacy glazing, high sill heights, orienting larger glazing towards the front and rear of the lot and offset windows.

Acoustical Privacy (Noise Nuisance)

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

Maintenance of Views

A site visit has been undertaken and it is considered the proposed development will not result in any view loss impacts.

3.5 Sustainability

A compliant BASIX Certificate is provided with the attached plan set.

The proposed works provide compliant solar access and ventilation.

3.7 Stormwater Management

Stormwater and rainwater tank overflow will be connected to the existing drainage infrastructure on the site, which drains to the street.

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.

The development proposes a new bin storage area, within the proposed garage to the front (south) of the site, with waste to be collected by Councils regular service.

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

The site is mapped with a dwelling density of 1 dwelling per 500m². No change is proposed to the existing residential density which comprises of a single detached dwelling house on the existing oversized 588.7m² lot.

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

As described above the LEP restricts the height of any development on the subject site to 8.5 metres and the development proposes a compliant maximum height of 7.808 metres.

The site has minimal gradient and as such the DCP permits a maximum wall height determined by the slope of the site. The site has a slope of 1:9 (1.55/16.25) permitting a wall height of 7.2 metres. The development proposes a compliant maximum wall height of 7.060 metres (east) and 6.215 metres (west).

The DCP permits a maximum of 2 stories on the subject site. In order to best work within the sites natural constraints, minimise the amount of cut and fill required and maximise front and rear setbacks, the development proposes 2 stories.

The DCP permits a maximum roof height of 2.5 metres above the actual wall height. The new works propose a compliant roof height of approximately 1.35 metres and a compliant pitch of 15°.

Floor Space Ratio (FSR)

A maximum floor space ratio of 0.45:1 is permitted for the site which equates to 264.92m² for the site area of 588.7m². The development proposes a compliant gross floor area of 261.89m² or FSR of 0.45:1:1 under the LEP provisions.

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. Having regard for the existing setbacks throughout MacMillan Street and more specifically, the setbacks of adjoining lots, the proposal proposes a compliant setback of 20.845 metres to the dwelling and 1.0m to the garage and is considered consistent with prevailing setbacks and compatible with the existing streetscape.

A front setback consistent with the prevailing setback, or a minimum 6 metres, is required on the site by the DCP to secondary street frontages. The development proposes a compliant rear setback of 6.5 metres to the dwelling as the site is a parallel lot to with a boundary to Frenchs Forest Road.

Side setbacks and secondary street frontages

A side boundary setback equivalent of 1/3 of the wall height is required on the site which equates to:

| | Control | Proposed | Compliance |
|-------------|--------------------------------------|-----------------|-------------------|
| East | | | |
| | Ground – 1.44m (wall height 4.31m) | Ground – 1.200m | Merit assessment |
| | Upper – 2.353m (wall height 7.060m) | Upper – 2.190m | Merit assessment |
| West | | | |
| | Ground – 1.155m (wall height 3.465m) | Ground – 1.112m | Merit assessment |
| | Upper – 2.072m (wall height 6.215m) | Upper – 1.112m | Merit assessment |

The development proposes a variation to the side setback control to the ground and upper floor on the eastern and western elevations. A merit assessment of this variation is provided below.

Objectives of the control:

(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 resulting dwelling will present as a modern 2 storey dwelling on the site, which remains consistent with other dwellings in the locality and compatible with the streetscape.

The minor variation to the setbacks is sought, being 0.24m at ground floor and 0.163m at the upper floor on the eastern elevation; and 0.043m at ground floor and 0.96m at the upper floor on the western elevation. The variations will have no perceived amenity impacts to adjoining dwellings given the location of principal living areas and existing stands of vegetation screening which is to be retained in the site's re-development.

(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

As described above the design of the dwelling ensures privacy and solar access is maintained for both the subject site and the adjoining properties. There will be no view impacts and the proposal remains consistent with the residential density in the locality.

(3) To promote flexibility in the siting of buildings.

Comment

Flexibility in the application of the side setback control is considered appropriate, in this case, as the development presents with a consistent and appropriate scale and proposes setbacks compliant with the Building Code of Australia.

(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 proposed side setback variation will have no impact on the landscaped area in this location and does not require the removal of any additional trees.

(5) To assist in appropriate bush fire asset protection zones.

Comment

Not relevant. The subject site is not bushfire prone land.

It is concluded that the proposed variation will have no impacts on neighbouring properties and remains consistent with the objectives of this clause, despite the non-compliance.

Rear Setback

The site is not considered to have a rear setback. The site is a parallel lot to with a boundary to Frenchs Forest Road.

Open Space and Landscaping

Minimum Residential Total Open Space Requirements

The subject site is located in Open Space Area OS3, as such the DCP requires a total of 55% of the site to be open space with a minimum 35% of actual total open space to be landscaped area and a maximum 25% of open space located above ground.

This equates to a minimum 323.79m² of total open space for the site area of 588.7m², a minimum 206.05m² of landscaped area and maximum 147.18m² of open space above ground level.

The development proposes a marginally compliant total open space area of 328.31m² or 55.77%, a compliant landscaped area of 262.26m² or 44.55% and no open space above ground level.

Parking, Vehicular Access and Loading (including bicycle facilities)

The DCP requires 2 carparking spaces per dwelling house and a maximum garage width of 50% of the site frontage (to a maximum 6.2 metres), which equates to 6.095 metres for the site width of 12.19 metres.

The development proposes a new driveway and double lock up garage with a non-compliant maximum width of 6.480 metres. A merit assessment of this variation is provided below.

Objectives of the control:

- (1) To provide accessible and adequate parking on site relative to the type of development and the locality for all users (residents, visitors or employees).*

Comment

The development proposes a new garage to MacMillan Street, that is accessible and adequate for the proposed single dwelling, in a residential area. The development is consistent with the existing location of the garage and garages along the streetscape.

- (2) To reduce the demand for on-street parking and identify where exceptions to onsite parking requirements may be considered in certain circumstances.*

Comment

The development proposes a new garage to MacMillan Street. On street parking is maintained to the front of the site.

- (3) To ensure that the location and design of driveways, parking spaces and other vehicular access areas are efficient, safe, convenient and are integrated into the design of the development to minimise their visual impact in the streetscape.*

Comment

The development proposes a new garage to MacMillan Street. The development proposes to remove the existing driveway crossing and remediate a new driveway to suit.

(4) To ensure that the layout of parking spaces limits the amount of site excavation in order to avoid site instability and the interruption to ground water flows.

Comment

The development is proposed on a disturbed portion of the site, in a relatively level area. Stormwater design forms part of the overall development.

(5) To ensure the width and number of footpath crossings is minimised.

Comment

The development proposes to remove the existing driveway crossing and remediate a new driveway to suit.

(6) To integrate access, parking and landscaping; to limit the amount of impervious surfaces and to provide screening of internal accesses from public view as far as practicable through appropriate landscape treatment.

Comment

The subject site is void of any important landscape features and the proposal does not involve the removal of any significant vegetation on the site. The development is proposed on a disturbed portion of the site, in a relatively level area. Stormwater design forms part of the overall development.

(7) To encourage the use of public transport by limiting onsite parking provision in Centres that are well serviced by public transport and by encouraging bicycle use to limit traffic congestion and promote clean air.

Comment

The subject site is located in a low density residential area.

Development on Sloping Sites

The subject site is not identified as Landslip Risk in the LEP map and the site does not have a significant slope. A soil classification report has been undertaken as part of standard practice and is included as part of the application submission.

Fencing

No new front fencing is proposed.

No change is proposed to the existing, timber side and rear boundary fencing on the site.

Demolition

This application seeks consent for the demolition of the existing dwelling, to allow for the construction of the new dwelling.

Earthworks (Excavation and Filling)

To work within the site's natural topography constraints, a minor amount of cut is proposed. Standard erosion and sediment control measures will be implemented to ensure best practice procedures are followed.

Environmentally Sensitive Lands

Riparian Land and Watercourses

As described above the subject site is not mapped as a watercourse and is not located within 40 metres of a watercourse.

6. 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 | 500m ² | 588.7m ² | Yes – no change |
| Building Height | 8.5 metres | 7.808 metres | Yes |
| Floor Space Ratio | 0.45:1 (213.21m ² for the site area of 473.8m ²) | 261.89m ² or 0.45:1 | Yes |
| Manly DCP 2013 | | | |
| Residential Density/ Dwelling Size | 1 dwelling per 500m ² | 1 dwelling | Yes. Existing oversized lot |
| Wall Height | Dependant on slope – 7.0 m 1:12 1.75m/22metres | 7.060m (east) | Yes |
| | | 6.215m (west) | Yes |
| Number of Stories | 2 | 2 | Yes |
| Roof Height | 2.5m above wall height | 1.35m | Yes |
| Front Boundary Setback | Prevailing building line or 6m. | MacMillan Street 20.845m to dwelling 1.0m to garage (consistent with neighbours) Frenchs Forest Road 6.500m | Yes Merit assessment Yes |
| Side Boundary Setbacks | East Ground – 1.44m (wall height 4.31m) | Ground – 1.200m | Merit assessment |
| | Upper – 2.353m (wall height 7.060m) | Upper – 2.190m | Merit assessment |

| | Standard | Proposed | Compliance |
|------------------------------|--|---------------------------------------|--|
| | West Ground – 1.155m (wall height 3.465m) Upper – 2.072m (wall height 6.215m) | Ground – 1.112m Upper – 1.112m | Merit assessment Merit assessment |
| Rear Boundary Setbacks | 8 metres | N/A | N/A |
| Total Open Space | 55% (323.79m ² for the site area of 588.7m ²) | 328.31m ² or 55.77%, | Yes |
| Landscaped Open Space | 35% of Open Space (206.05m ²) | 262.26m ² or 44.55% | Yes |
| Open space above ground | Maximum 25% of total open space (147.18m ²) | N/A | Yes |
| Principal Private Open Space | 18m ² | >18m ² | Yes |
| 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 solar access retained | Yes |
| Car Parking | 2 spaces Garage width max. 6.2m | 2 spaces 6.480m | Yes Merit assessment |

7.0 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:

7.1 **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 land use 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.

7.2 **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 development has been designed to complement the site and its surrounds. The dwelling is appropriate and will have reasonable and appropriate impacts for 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?*

The development will improve traffic management in the locality by providing compliant, onsite carparking.

Public domain

The proposed development will have a positive impact on the public domain as the proposal is consistent with the character of the streetscape of the area.

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 not constrained by natural hazards.

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 proposal 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. Additionally, finishes, building materials and all facilities will be compliant with 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.

7.3 **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 development does not impose any unusual development constraints.

Are the site attributes conducive to development?

The site is appropriate for the development proposed.

7.4 **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.

7.5 **The public interest**

It is considered that the proposal is in the public interest as it allows for appropriate and positive additions to an existing 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.

8. Conclusions

- 8.1 The proposed development for the demolition of the existing dwelling and the construction of a new dwelling house at 32 MacMillan Street, Seaforth is appropriate considering all State and Council controls.
- 8.2 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.
- 8.3 Considering all the issues, the proposed development is considered worthy of Council's consent.

Planner Declaration

Document Control Table

| Document Purpose: | Statement of Environmental Effects | |
|-------------------|--|-------------------------------------|
| Date | Prepared by | Reviewed by |
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