

STATEMENT OF ENVIRONMENTAL EFFECTS

39 LOVETT STREET, MANLY VALE

CONSTRUCTION OF DETACHED SECONDARY DWELLING

**PREPARED ON BEHALF OF
Mr David Froggatt**

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1. INTRODUCTION

This application seeks approval for the construction of a new detached secondary dwelling upon land at Lot 6 in DP 38976 which is known as **No. 39 Lovett Street, Manly Vale**.

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

- Environmental Planning & Assessment Act, 1979.
- Warringah Local Environmental Plan 2011.
- Warringah Development Control Plan 2011.

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

- Survey Plan prepared by Kevin Brown Surveys, Ref No. S-30865-1 and dated 24/09/2024.
- Architectural Plans prepared by Scope Architects, Project No. # 02404, Revision 1 and dated 09/12/2024.
- Preliminary Geotechnical Assessment prepared by White Geotechnical Group Pty Ltd, Ref No. J5804 and dated 13/11/2024.
- Arboricultural Impact Assessment prepared by Complete Arborcare and dated 06/12/2024.
- BASIX Certificate #1775302S and dated 29 November.
- Waste Management Plan.

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.

2. SITE DESCRIPTION AND LOCALITY

The subject site is identified as Lot 6 in DP 38976 which is known as 39 Lovett Street, Manly Vale. The site is a rectangular shaped allotment located at the southern side of Lovett Street. The site has a frontage of 15.24m to Lovett Street and a depth of 35.66m. The site has an area of 543.4m². The locality is depicted in the following map:



Site Location Map

The site is currently occupied by a two storey rendered brick and weatherboard dwelling with metal roof. The dwelling is located centrally on site. There is an existing vehicular crossing which enters the site centrally on the frontage. This provides access to a single car garage with at grade parking within the front setback.

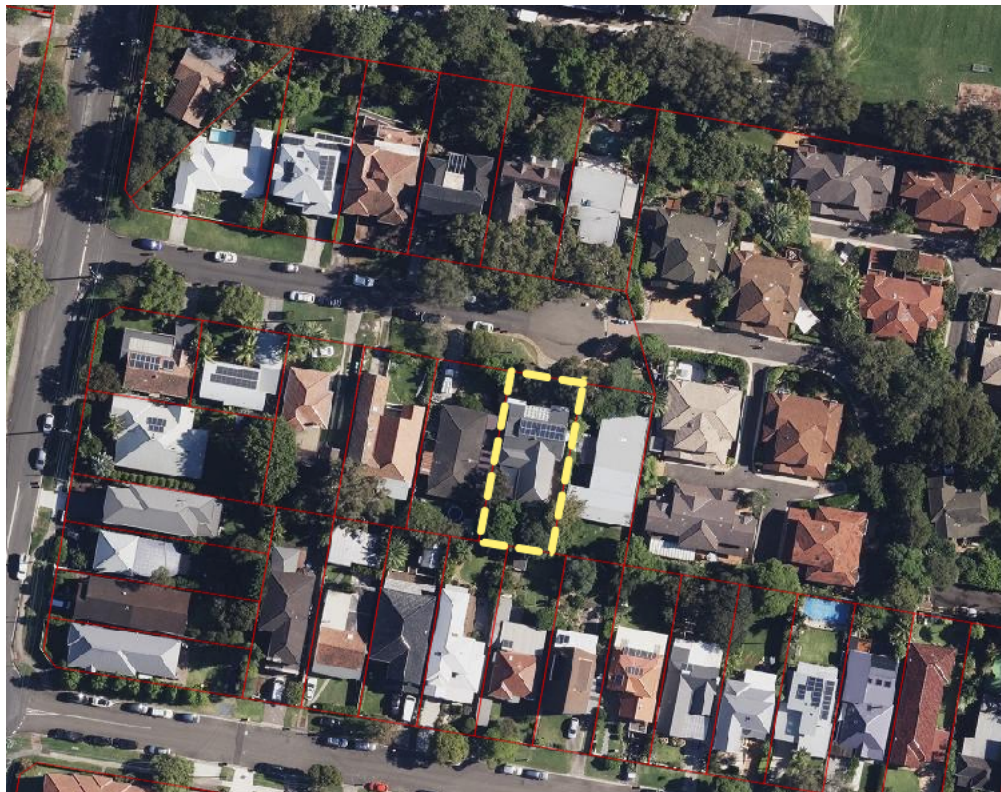
The site has a gradual fall from the rear southwest corner (RL 22.54) towards the front northeast corner (RL 18.61). It is understood that collected stormwater discharges to the street gutter and the proposal does not seek to alter this arrangement. The proposal requires the removal of two trees located in the rear yard. One tree, being adjacent to the southeast corner of the dwelling is within 2m of the existing dwelling and as such is 'exempt' and approval for its removal is not required. The second tree (T1) is identified as a *Syzygium Smithii* and is identified as having a low landscape significance. The proposal does not have any impact on any other vegetation including the large canopy trees in the front yard. An Arboricultural Impact Assessment has been submitted with the application.

The site is depicted in the following photographs:



View of Site from Lovett Street

The existing surrounding development comprises a mix of one and two storey dwellings on similar sized allotments. At the end of Lovett Street to the east of the site is a multi-dwelling townhouse style development. The site is also located in close proximity to Mackellar Girls Secondary School, public open space and industrial zoned land further to the east. The subject site and existing surrounding development are depicted in the following aerial photograph:



Aerial Photograph of Locality

3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the construction of a detached secondary dwelling. The secondary dwelling is to be constructed of external clad walls with a low pitched metal roof.

The secondary dwelling is to be located in the rear yard towards the south east corner of the site. The secondary dwelling is provided with a setback of 0.9m to the sites eastern side boundary and a setback of 3.0m to the rear southern boundary.

The secondary dwelling comprises a kitchen, dining/living area, bedroom and bathroom.

All collected stormwater will discharge to the existing stormwater system which disperses to Lovett Street.

The proposal will result in the following numerical indices:

Site Area:	543.4m ²
Proposed Landscaped Area:	228m ² or 42%
Secondary Dwelling Floor Area:	29.9m

4. ZONING & DEVELOPMENT CONTROLS

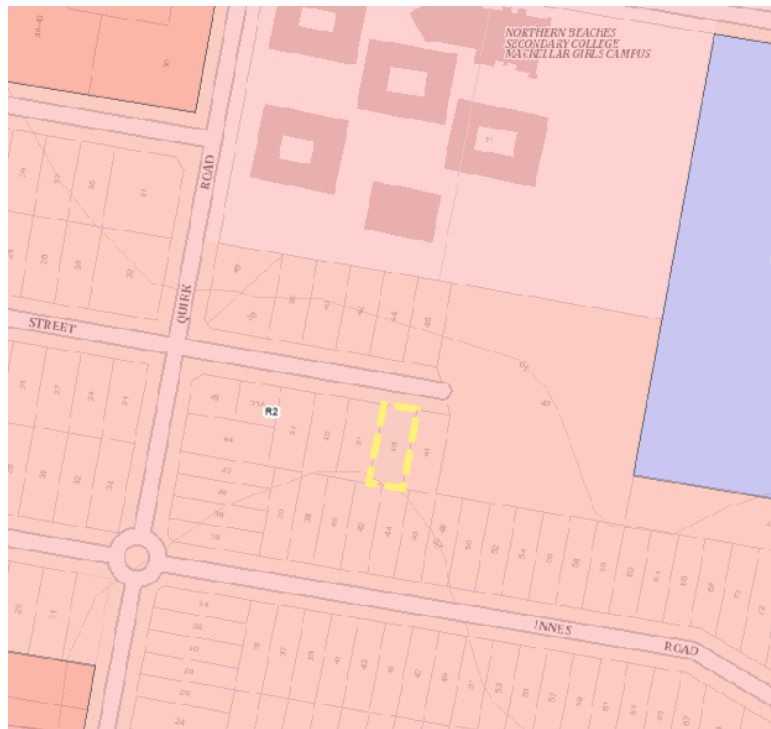
The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning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

4.1 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.

4.2 Warringah Local Environmental 2011

The Warringah Local Environmental Plan 2011 (LEP 2011) came into effect on Friday 9 December 2011.



Extract of Zoning Map

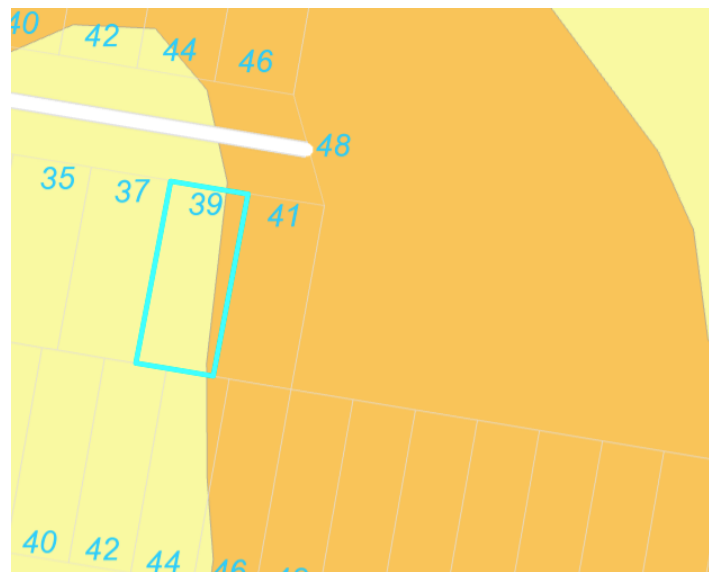
The site is zoned R2 Low Density Residential. Development for the construction of alterations and additions to the existing dwelling is permissible in this zone with the consent of Council. The following Development Standards specified in the LEP are relevant to the proposed development:

Clause	Development Standard	Proposal	Compliance
4.3 Height	8.5m	4.0m	Yes

The following provisions are also relevant:

Clause 6.4 Development on Sloping Land

The site is classified as part Area A and part Area B on Council's Landslip Map. A Preliminary Geotechnical Report has been prepared which finds in support of the proposal.



Extract of Landslip Map

There are no other provisions of the Warringah Local Environmental Plan 2011 that apply to the proposed development.

4.4 Warringah Development Control Plan 2011

The Warringah Development Control Plan (DCP) has been prepared by Council and was due to come into effect upon the gazettal of the LEP 2011. The new DCP contains detailed planning controls that support LEP 2011.

The following table provides a summary of the relevant controls of the DCP:

Clause	Requirement	Compliance
B1 – Wall heights	7.2m	Yes Wall height is approximately 3.3m in height.
B3 - Side Boundary Envelope	Building envelope 45 degrees from 4m. Eaves up to 675mm are an allowable encroachment	Yes Secondary dwelling complies.
B5 - Side Boundary setbacks	Minimum: 0.9m	Yes The additions are setback 0.9m to the eastern boundary.
B7 – Front Boundary Setbacks	Minimum 6.5m Secondary frontage 3.5m	Yes The proposed works are located in the rear yard. Not Applicable
B9- Rear Boundary Setbacks & B10 Merit Assessment of Rear Setbacks	6.0m	See comments at end of table.
B11 – Foreshore Building Setback	Not applicable	Not Applicable
B12 – National Parks Setback	Not applicable	Not Applicable
B13 – Coastal Cliffs Setback	Not applicable	Not Applicable
B14 – Main Roads Setback	Not applicable	Not Applicable
B15 – Minimum Floor to Ceiling Height	Not applicable	Not Applicable

Clause	Requirement	Compliance
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Not Applicable – no change to existing vehicular crossing.
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Not Applicable – no change to existing parking area.
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments & Minor Works Specification.	Yes All collected stormwater will discharge to the existing stormwater system in Lovett Street.
C5 – Erosion and Sedimentation	Soil and Water Management required	Not Applicable
C6 - Building over or adjacent to Constructed Council Drainage Easements	Not Applicable	Not Applicable
C7 - Excavation and Landfill	Site stability to be maintained	Yes Minimal excavation/fill required for footings.
C8 – Demolition and Construction	Waste management plan required	Yes Waste Management Plan submitted.
C9 – Waste Management	Waste storage area to be provided	Yes Existing waste storage areas retained. There is ample area behind the front building line for storage of waste containers.

Clause	Requirement	Compliance
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	Yes The proposal provides for a landscaped area of 228m ² or 42% which complies with this clause.
D2 - Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	Yes The proposal retains approximately 130m ² of area in the rear yard for private open space. This can be shared by the primary and secondary dwelling. The proposal complies with this clause.
D3 - Noise	Mechanical noise is to be attenuated to maintain adjoin unit amenity. Compliance with NSW Industrial Noise Policy Requirements	Not Applicable
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun and ensure appropriate ventilation/natural cooling. Compliance with SEPP (BASIX) requirements.	Yes A BASIX certificate has been issued and forms part of the submission to Council.
D6 – Access to sunlight	Sunlight to at least 50% of the private open space of both the subject and adjoining properties' private open space receives not less than three hours sunlight between 9am – 3pm on 21 June winter solstice.	Yes The secondary dwelling is a single storey structure and as such shadow diagrams are not required. Given the north south orientation of the allotment, the proposal will not result in any significant overshadowing to the adjoining properties.

Clause	Requirement	Compliance
D7 - Views	View sharing to be maintained	Yes The subject and surrounding properties do not currently enjoy any significant views. The proposed additions comply with this clause.
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	Yes The secondary dwelling is single storey and will not result in direct overlooking of the adjoining properties. The living areas are provided with highlight windows on the western side elevation. The living area is orientated towards the rear which is well separated to the private open space and habitable areas on the adjoining rear property. The proposal will maintain a reasonable level of privacy to the adjoining properties.
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby properties & not to visually dominate the street.	Yes The secondary dwelling is a single storey building that is comparable in bulk and size with other outbuildings in the locality. The proposal incorporates a low pitched roof form to minimise overall height. The proposal complies with this clause.
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	Yes External finishes selected to complement the natural environment.

Clause	Requirement	Compliance
D11 - Roofs	The LEP requires that roofs should not dominate the local skyline.	Yes The proposed secondary dwellings provides for a low pitched roof form to complement the locality.
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimized.	Yes The proposal will not result in unreasonable glare or reflection.
D13 - Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street.	Not Applicable
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities.	Yes There is ample area on site for storage and site facilities.
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991.	Yes
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.	Not Applicable.
D17 – Tennis Courts	N/A	Not Applicable

Clause	Requirement	Compliance
D18 - Accessibility	Safe and secure access for persons with a disability to be provided where required.	Not Applicable
D19 – Site Consolidation in the R3 and IN1 Zone	Not Applicable	Not Applicable
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	Yes The existing dwelling will continue to provide good views of Lovett Street. The secondary dwelling has been designed to enable views of the approach to the front entry.
D21 – Provision and Location of Utility Services	Utility services to be provided.	Yes Existing facilities on site.
D22 – Conservation of Energy and Water	A BASIX Certificate is required.	Yes
D23 - Signs	Not Applicable	Not Applicable
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented.	Yes The proposal only requires the removal of one tree which is located within 2m of existing dwelling and as such does not require consent for its removal
E2 – Prescribed Vegetation	Not identified on map	Not Applicable
E3 – Threatened species, populations, ecological communities	Not identified on map	Not Applicable
E4 – Wildlife Corridors	Not identified on map	Not Applicable
E5 – Native Vegetation	Not identified on map	Not Applicable

Clause	Requirement	Compliance
E6 - Retaining unique environmental features	Unique or distinctive features within a site to be retained	Not Applicable
E7 – Development on land adjoining public open space	N/A – not identified on map	Not Applicable
E8 – Waterways and Riparian Lands	Not identified on map	Not Applicable
E9 – Coastline Hazard	Not identified on map	Not Applicable
E10 – Landslip Risk	Identified on map as part Area A and part Area B.	Yes A preliminary geotechnical report has been submitted with the application.
E11 – Flood Prone Land	Not Applicable	Not Applicable

B9 – Rear Setback

This clause requires a rear boundary setback of 6.0m. The clause allows for some outbuildings to encroach the rear setback, however they must not exceed 50% of the rear setback area.

The stated objectives of this clause are:

- *To ensure opportunities for deep soil landscape areas are maintained.*
- *To create a sense of openness in rear yards.*
- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*
- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*
- *To provide opportunities to maintain privacy between dwellings.*

It is considered that the setback proposed is justified and achieves the objectives of this clause for the following reasons:

- The non-compliance is for a small single storey structure that presents as an outbuilding.
- The proposal maintains ample landscaped area on site (42%) including more than 90m² of soft landscaping in the rear yard. The structure does not occupy more than 50% of the rear setback area.

- The proposal will not reduce privacy of the adjoining properties. The single storey will not permit overlooking. The orientation of the living areas ensures ample separation to the adjoining built form and private open space.
- The secondary dwelling is a single storey structure that will not result in unreasonable overshadowing of the adjoining properties.
- The proposal does not require the removal of any significant vegetation. Only one exempt tree is proposed to be removed.

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

5. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. The site is zoned R2 Low Density Residential under the provisions of the LEP. Construction of a detached secondary dwelling is permissible with the consent of Council in this zone. It is considered that the provisions of this document have been satisfactorily addressed within this report and that the proposal complies with the relevant provisions.

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 the construction of a detached secondary dwelling without any detrimental impact on the environment, social and economic status of the locality. The proposal does not require the removal of any significant vegetation and there is no detrimental impact on 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 detached secondary dwelling in this zone are permissible with the consent of Council. The resultant building is of a bulk and scale that is consistent with the existing surrounding development.

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 for a new detached secondary dwelling that allows for an alternative form of housing and is compatible with other development in this locality without impacting the amenity of the adjoining properties or the public domain.

6. CONCLUSION

This application seeks approval for the construction a detached secondary dwelling. As demonstrated in this report the proposal is consistent with the aims and objectives of the Warringah Local Environmental Plan 2011. The proposed development 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 construction of a detached secondary dwelling at **No. 39 Lovett Street, Manly Vale** is worthy of the consent of Council.

Natalie Nolan
Grad Dip (Urban & Regional Planning) Ba App Sci (Env Health)
Nolan Planning Consultants
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