

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR THE PROPOSED TORRENS TITLE SUBDIVISION OF ONE LOT  
INTO TWO LOTS AND INCLUDING MINOR WORKS TO DEMOLISH  
AN EXISTING CARPORT AND DRIVEWAY**

**LOCATED AT**

**15 ALTO AVENUE, SEAFORTH**

**FOR**

**MATT AND SHANNON DEERAN**

**Prepared  
April 2019**

## **Table of Contents**

1.0	Introduction .....	3
2.0	Property Description .....	3
3.0	Site Description .....	3
4.0	Surrounding Environment .....	6
5.0	Proposed Development .....	7
6.0	Zoning and Development Controls .....	8
6.1	State Environmental Planning Policy No 55 – Remediation of Land .....	8
6.2	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 .....	8
6.3	State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 .....	8
6.4	Manly Local Environmental Plan 2013 .....	9
6.5	Manly Development Control Plan 2013 – Amendment 11 .....	11
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979 .....	15
7.1	The provisions of any environmental planning instrument .....	15
7.2	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and .....	15
7.3	Any development control plan .....	15
7.4	Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and .....	15
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	15
7.6	The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality .....	15
7.7	The suitability of the site for the development .....	16
7.8	Submissions made in accordance with this Act or the regulations .....	16
7.9	The public interest .....	16
8.0	Conclusion .....	16

## 1.0 Introduction

This Statement of Environmental Effects accompanies details prepared on behalf of Matt and Shannon Deeran by Survey Plus Land Development Consultants, Job Reference No 16123\_SUB\_1B, Sheets 1 & 2 dated 14 March 2019 and November 2018 to detail the proposed the Torrens Title subdivision of one lot into two lots and including the demolition of an existing carport and driveway at **15 Alto Avenue, Seaforth**.

This Statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, (as amended) including:

- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*

## 2.0 Property Description

The subject allotment is described as **15 Alto Avenue, Seaforth**, being Lot 130 within Deposited Plan 11162 and is zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013.

The site has an existing Council drainage easement traversing the western portion of Proposed Lot 1. A Flood Study Report has been prepared by Waterdesign Civil Engineers, Job No. 2018-053, dated 3 September 2018 to detail impacts to the site and to address the suitability of the proposed building envelope to support future development. This issue will be discussed in further detail within this submission.

There are no known hazards affecting the site.

## 3.0 Site Description

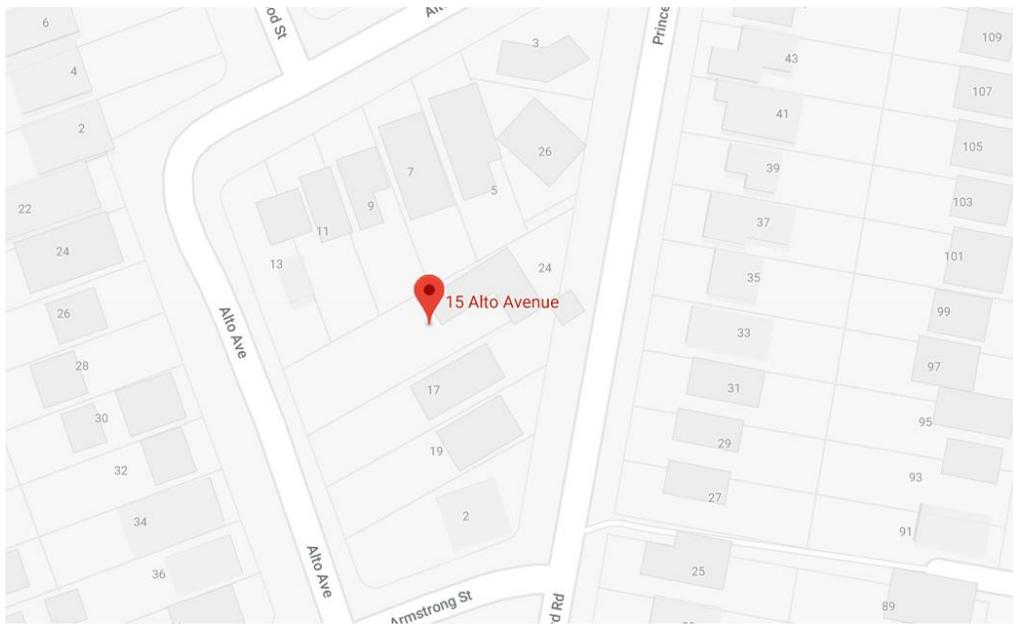
The site is located on the eastern side of Alto Avenue and shares a frontage to Prince Edward Road to the east. The irregular shaped allotment has a western frontage of 15.24m to Alto Avenue and north-western and south-eastern boundaries of 32.885m and 35.22m respectively.

The angled frontage to Prince Edward Road measures 19.4m and the total site area is of 1037m<sup>2</sup>.

The land is currently developed with a single storey clad dwelling with a tile roof and a detached metal carport with driveway access from Alto Avenue. The dwelling will be retained, with the carport and driveway to be demolished.

The proposal will provide for alternate vehicular access for the existing dwelling within Proposed Lot 2, which will be retained. Vehicular access to the site is currently provided from Alto Avenue.

The details of the site are included on the survey plan prepared by Survey Plus Land Development Consultants, Reference No. 16123\_DET\_1A, dated 6 April 2017, which accompanies the DA submission.



**Fig 1: Location sketch  
(Source: Google Maps)**



**Fig 2: View of existing dwelling, looking west from Prince Edward Road**



**Fig's 3 & 4: Views of existing site and current driveway access from Alto Avenue, looking east**

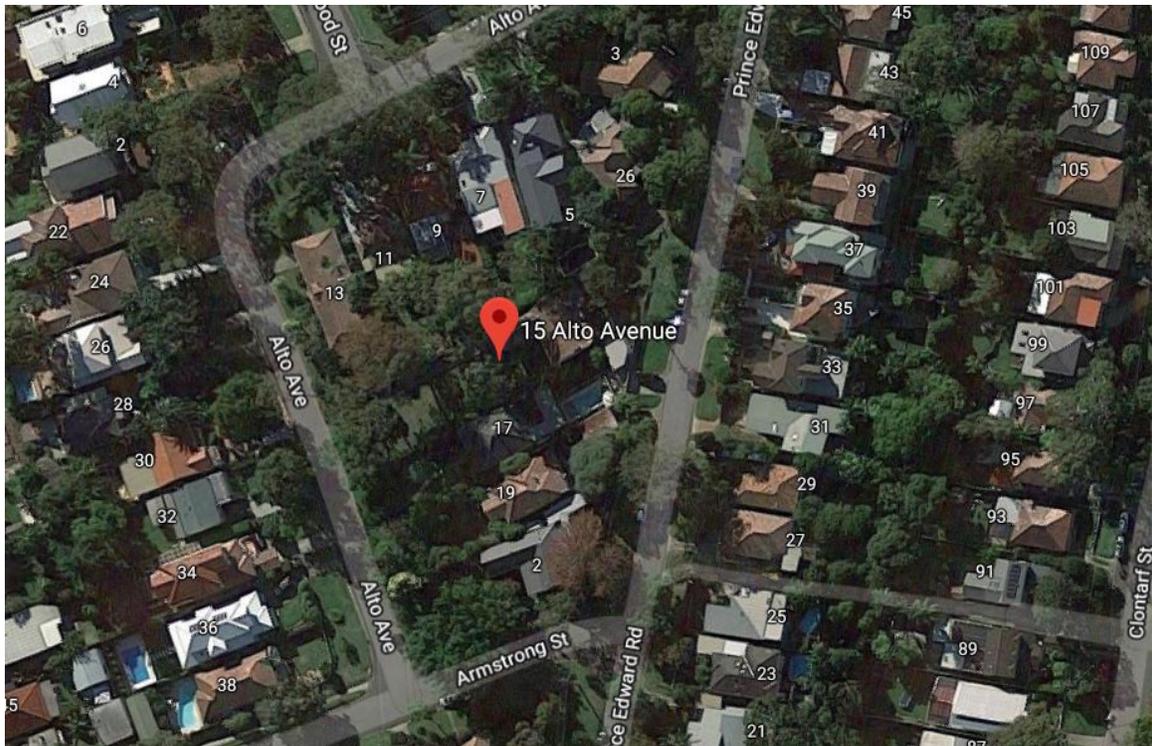
#### 4.0 Surrounding Environment

The general vicinity of the site is characterised by a mix of residential dwellings of generally one or two storeys and of a variety of architectural styles. The varying age of development in the area has resulted in a mix of materials and finishes, with the development in the area generally presenting a consistent setback to the public domain.

The area surrounding the site is predominantly represented by a mix of development comprising one and two storey detached dwellings.

The adjoining developments to the north and south are detached dwellings. The site and surrounding sites to the south are larger lots.

The dwellings in the vicinity have enjoy local views towards Alto Avenue and Prince Edward Road.



**Fig 5: Aerial view of subject site**  
(Source: Google Maps)

## 5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks to provide for the Torrens Title subdivision of the existing allotment into two lots and includes the demolition of an existing carport and the existing driveway access from Alto Avenue.

The site currently sees a dual frontage with existing vehicular access from Alto Avenue and Pedestrian access from Prince Edward Road at the rear. Provision will be made for vehicular access from Prince Edward Road, with area available for parking of two vehicles.

Proposed lot 1 will comprise the western portion of the site and will gain pedestrian and vehicular access from Alto Avenue. The site will be developed with a future dwelling under a separate application.

Proposed lot 2 will comprise the eastern portion of the site and will contain the existing dwelling, with a new driveway crossing and driveway to be provided from Prince Edward Road. The existing dwelling stand to within 1.7m of the new dividing boundary between the allotment, however the provision of a new 1.8m fence and landscaping will ensure that suitable privacy and amenity will be retained for the existing dwelling.

A Construction Impact & Management Statement has been prepared by Growing My Way Tree Consultancy, dated March 2019 which discusses the building envelope within Lot 1 and particularly the future dwelling which will be lodged under a separate Development Application.

No trees are required to be removed to facilitate the subdivision works.

The report concludes that four trees will be removed as a result of the construction of the future dwelling, with three trees being protected species.

The future dwelling application will include a comprehensive landscape plan which will provide the managed replanting of Lot 1 and will include replacement tree planting of locally occurring species.

The proposed allotments will comprise the following sizes:

Proposed Lot 1: 512.6m<sup>2</sup>

Proposed Lot 2: 519.3m<sup>2</sup>

The construction of a new dwelling, driveway and right of carriageway on the Proposed Lot 1 will be submitted in a separate development application.

## **6.0 Zoning and Development Controls**

### **6.1 State Environmental Planning Policy No 55 – Remediation of Land**

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

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

The proposal does not require a BASIX in this instance.

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

The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Warringah Local Environmental Plan 2011.

The aims of the SEPP are detailed in Clause 3 and note:

*The aims of this Policy are:*

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

In this instance, the proposal will not see any loss of any substantial vegetation and is therefore considered to be consistent with the aims of the SEPP.

#### 6.4 Manly Local Environmental Plan 2013

The land is zoned R2 Low Density Residential under the provisions of the MLEP 2013.



**Fig 6: Extract of Manly Local Environmental Plan 2013**

The development of and use of the land for residential purposes is consistent with the R2 Low Density Residential zone objectives, which are noted as:

- *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.*

It is considered that the proposed new works will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the subdivision pattern within the locality
- The proposed lot size and potential development area respects the scale and form of other new development in the vicinity and therefore complements the locality
- The proposal maximises the landscaped area outside the future building platforms with space for future safe vehicular and pedestrian access
- The setbacks of the future development platforms are compatible with the existing surrounding development
- The future developable areas will not have an adverse impact on long distance views for neighbouring properties

**Clause 4.1** provides controls for Minimum subdivision lot size.

The proposed minimum subdivision lot size for sites within this area is 500m<sup>2</sup>. The proposed lot sizes as outlined below, readily comply with this control.

Lot 1 proposed size: 512.6m<sup>2</sup>

Lot 2 proposed size: 519.3m<sup>2</sup>

**Clause 6.12** related to essential services.

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

The proposal will provide for the essential services required for the proposed new lot one (1) and will maintain existing services on proposed lot two (2).

There are no other clauses of the MLEP 2013 that are considered to be relevant to the proposed development.

It is considered that the proposal achieves the requirements of the MLEP.

## 6.5 Manly Development Control Plan 2013 – Amendment 11

Councils DCP Development Control Plan 2013 – Amendment 11 provides the primary control for development within the area.

The DA submission will address the Council’s submission requirements outlined in Part 2 – Process.

The primary areas which are applicable to the proposed works are detailed within Part 3 – General Principles of Development & Part 4 – Development Controls and Development Types.

### Part 4 – Residential Development Controls

#### Existing Site Area 1037m<sup>2</sup> - Density Sub Zone D5 (500m<sup>2</sup> per lot)

#### Compliance Table

Control	Required	Proposed	Compliance
<b>Clause 3.7</b> Stormwater Management	<p>To manage urban stormwater within its natural catchments and within the development site without degrading water quality of the catchments or cause erosion and sedimentation.</p> <p>To manage construction sites to prevent environmental impacts from stormwater and protect downstream properties from flooding and stormwater inundation.</p> <p>To promote ground infiltration of stormwater where there will be no negative</p>	<p>The roofwater from the existing dwelling within Proposed Lot 2 will continue to be directed to the street gutter in Prince Edward Street in accordance with the existing arrangements.</p> <p>A stormwater management plan has been prepared by Waterdesign Civil Engineers to detail the stormwater management for the future dwelling within Proposed Lot 1.</p> <p>The stormwater design provides for the roofwater for the future dwelling to be directed to the existing Council easement which traverses the site.</p>	Yes

	<p>(environmental) impacts and to encourage on-site stormwater detention, collection and recycling.</p> <p>To make adequate arrangements for the ongoing maintenance of stormwater facilities.</p>		
<p><b>Clause 3.8</b> Waste Management</p>	<p>All development that is, or includes, demolition and/or construction, must comply with appropriate sections of the waste management guidelines and all relevant development applications must be accompanied by a Waste Management Plan.</p>	<p>All waste from the demolition of the existing carport and portion of the existing driveway is to be removed and to be recycled where appropriate.</p> <p>Each dwelling location will have suitable area for the storage of waste and recyclable bins.</p>	<p>Yes</p>
<p><b>Clause 4.1.1</b> Residential Density &amp; Subdivision</p>	<p>Density Area D5 – 1 dwelling per 500m<sup>2</sup></p>	<p>Proposed Lot one (1): 512.6m<sup>2</sup></p> <p>Proposed lot two (2): 519.3m<sup>2</sup></p>	<p>Yes</p>
<p><b>Clause 4.1.2</b> Residential Land Subdivision</p>	<p>Vehicular access and services must be considered and comply with the following minimum requirements:</p> <p>Each lot must have a frontage to a public road of at least 1m wide.</p>	<p>Proposed Lot 1 will have a frontage to Alto Avenue, with the Proposed Lot 2 to have</p>	<p>Yes</p>

	<p>Battle-Axe allotments must provide a 3.5m wide vehicular access handle.</p> <p>Driveways longer than 30m require a passing bay.</p> <p>The provision of drainage easements and servicing requirements must be considered and any adverse impacts, environmental or otherwise are to be minimised or resolved in the design, In particular sufficient details of stormwater design and management are to accompany the subdivision.</p>	<p>a frontage to Prince Edward Road.</p> <p>Each lot will see a new driveway and crossing proposed in separate development application.</p> <p>N/A – each driveway will be &lt;30m.</p> <p>A stormwater management plan has been prepared by Waterdesign Civil Engineers to detail the stormwater management for the future dwelling within Proposed Lot 1.</p> <p>The stormwater design provides for the roofwater for the future dwelling to be directed to the existing Council easement which traverses the site.</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p>
<p><b>Clause 4.4.8</b> Subdivision</p>	<p>Access and services</p>	<p>The proposed new lots will see adequate vehicular access provided via a public road.</p> <p>The site has a council drainage easement traversing through the site.</p> <p>A stormwater management plan has been prepared by Waterdesign Civil</p>	<p>Yes</p> <p>Yes</p>

	<p>Prevailing subdivision pattern and natural features</p>	<p>Engineers to detail the stormwater management for the future dwelling within Proposed Lot 1.</p> <p>The stormwater design provides for the roofwater for the future dwelling to be directed to the existing Council easement which traverses the site.</p> <p>The proposed subdivision is compliant with minimum site area controls and present a form that is compatible with existing lot size within the area.</p> <p>There are no proposed adverse environmental impacts as a result of the proposed subdivision.</p>	<p>Yes</p> <p>Yes</p>
--	--	--	-----------------------

**7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979**

**7.1 The provisions of any environmental planning instrument**

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

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

**7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and**

There are no draft instruments applying to the land.

**7.3 Any development control plan**

The development has been designed to comply with the requirements of Council's Manly Development Control Plan 2013.

The application has been prepared having regard to the requirements of the Manly DCP 2013.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

**7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and**

No matters of relevance are raised in regard to the proposed development.

**7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),**

No matters of relevance are raised in regard to the proposed development.

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

It is considered that the proposal, which seeks consent for proposed Torrens Title subdivision of one lot into two lots and the demolition of existing carport and portion of existing driveway, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the

surrounding area. It is considered that the resultant development is compatible with and will complement the residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's MLEP 2013 and Council's Codes and Policies, in particular the Manly DCP 2013.

### **7.7 The suitability of the site for the development**

The subject land is currently zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013 and is considered suitable for the proposed development.

### **7.8 Submissions made in accordance with this Act or the regulations**

This is a matter for Council in the consideration of this proposal.

### **7.9 The public interest**

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

### **8.0 Conclusion**

The principal objective of this development is to provide for the proposed Torrens Title subdivision of one lot into two lots and demolition of existing carport and portion of existing driveway, which respects and complements the site's location.

It is considered that the proposed works satisfy the stated objectives of Council's Development Controls. By maintaining our neighbours amenity and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

### **VAUGHAN MILLIGAN**

Town Planner

Grad. Dip. Urban and Regional Planning (UNE)