

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR THE PROPOSED TORRENS TITLE SUBDIVISION OF ONE LOT INTO TWO**

**LOCATED AT**

**15 ALTO AVENUE, SEAFORTH**

**FOR**

**MR M DEERAN**

**Prepared  
March 2020**

## TABLE OF CONTENTS

1.0	Introduction .....	3
2.0	Property Description .....	4
3.0	Site Description .....	4
4.0	Surrounding Environment .....	7
5.0	Proposed Development .....	8
6.0	Zoning and Development Controls .....	10
6.1	State Environmental Planning Policy No. 55 – Remediation of Land .....	10
6.2	State Environmental Planning Policy (Coastal Management) 2018 .....	10
6.3	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 .....	10
6.4	Manly Local Environmental Plan 2013 .....	11
6.5	Manly Development Control Plan 2013 .....	13
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979 .....	17
7.1	The provisions of any environmental planning instrument .....	17
7.2	Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority .....	17
7.3	Any development control plan .....	17
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 .....	17
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), .	17
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. ....	17
7.7	The suitability of the site for the development .....	18
7.8	Submissions made in accordance with this Act or the regulations .....	18
7.9	The public interest .....	18
8.0	Conclusion .....	18

## 1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Survey Plus on behalf of Mr M. Deeran, comprising Drawings No. 1 & 2, dated 6 June 2019 and revised as Revision D dated 28 February 2020 to detail the proposed Torrens title subdivision of one lot into two at **15 Alto Avenue, Seaforth.**

Development Application No. 2019/0344 for subdivision of one lot into two lots and associated infrastructure was refused by Council on 3 August 2019.

This proposal is to form **Stage 2** of a three stage project which will seek consent for the following defines stages of work:

Stage 1	Construction of a new dwelling as a detached dual occupancy (subject application)
Stage 2	Demolition of the existing single dwelling facing Prince Edward Road (separate application)
<b>Stage 3</b>	<b>Subdivision of the existing allotment (Lot 130 within DP 1162) into two allotments</b>

To address the concerns raised by Council's Stormwater Engineer, a Flood Study Report has been prepared by Waterdesign Civil Engineers, Job No. 2018-053, dated 6 March 2020.

Stage 1 of the submission process provides for a new dwelling to be constructed as a detached dual occupancy, which is sited to appropriately manage the issues associated with the Council easement and pipeline which traverses the site.

Furthermore, Council raised concern with regard to the rear setback of the existing dwelling to occur as a result of the proposed subdivision. Stage 2 of the submission process involves the demolition of the existing single storey dwelling facing Prince Edward Street and the new subdivision boundary has been sited to observe a min 8m setback for the dwelling on the site. The current proposal seeks to provide for a Torrens title subdivision only.

Any future development application for the construction of a dwelling on the eastern lot will be subject to a separate assessment by Council.

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 Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *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 dwelling is not listed as a heritage item within Schedule 5 of the Manly Local Environmental Plan 2013 and is not noted as being within a Conservation Area.

The western portion of the site is burdened with Council's stormwater conduit. Accordingly, a Flood Study Report has been prepared by Waterdesign Civil Engineers, Job No. 2018-053, dated 6 March 2020.

The site is identified as G4 on Council's DCP Map of Geotechnical Hazards. This matter will be discussed further within this statement.

No other hazards have been identified.

## **3.0 Site Description**

The site is located on the eastern side of Alto Avenue, with a rear, secondary eastern frontage to Prince Edward Road.

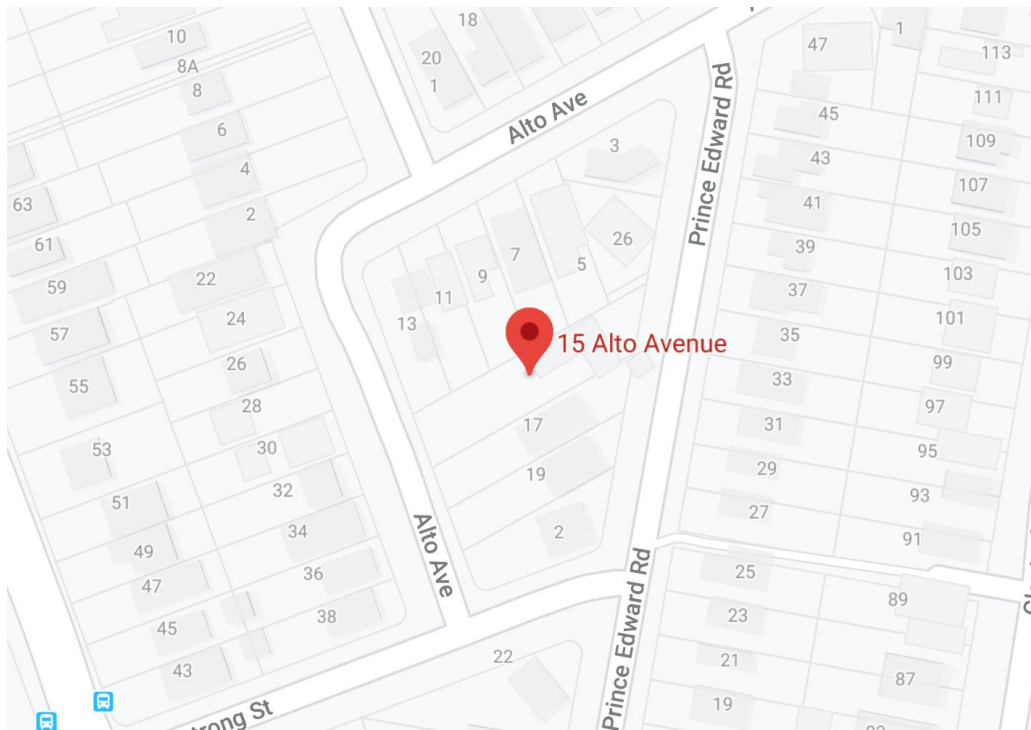
The irregular shaped allotment has a primary frontage of 15.24m to Alto Avenue and south-eastern and north-western boundaries measuring 63.56m and 73.45m respectively. The secondary frontage to Prince Edward Road measures 19.4m. The total site area is 1037m<sup>2</sup>.

The site has a general fall to the south. Stormwater from the roofed areas is directed to the easement.

The site is currently occupied by a single storey metal clad dwelling with a tile roof.

Vehicular access is currently available via a concrete driveway from Alto Avenue to an existing detached single carport.

The details of the site are included on the survey plan prepared by Survey Plus, Reference No. 16123\_DET\_1A, dated 30 March 2017, which accompanies the DA submission.



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



**Fig 2: View of subject site, looking north-west from Prince Edward Road**





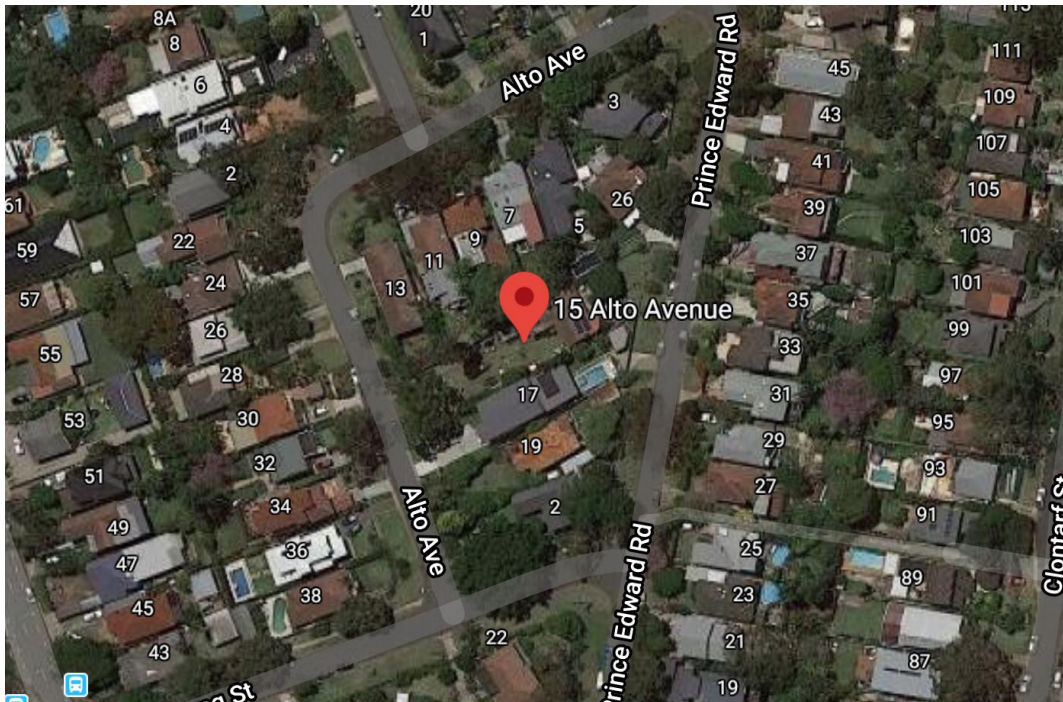
**Fig's 3 & 4: Views of existing site and current driveway access from Alto Avenue, looking east**



#### 4.0 Surrounding Environment

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

The neighbouring properties to the north along Alto Avenue comprise a mix of one and two storey detached dwelling, with the adjoining property to the west being developed with a single dwelling.



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

## 5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks approval for the Torrens title subdivision of one lot into two.

The subject proposal is Stage 3 of a 3-stage process, comprising the following:

- **Stage 1:** Construction of a new dwelling to provide for a detached dual occupancy development
- **Stage 2:** Demolition of existing dwelling
- **Stage 3:** Torrens title subdivision of existing lot into two lots

The details of the proposed subdivision layout are indicated on the plans prepared by Survey Plus on behalf of Mr M. Deeran, comprising Drawings No. 1 & 2, dated 6 June 2019.

Each of the proposed lots will have access to the public road and are capable of supporting new dwellings which comply with Council's setback controls.

The proposed allotment sizes are summarised as:

Lot 1	519.5m <sup>2</sup>
Lot 2	512.5m <sup>2</sup>

The location of the future dwellings on the proposed western lot (Lot 1) will be in accordance with the established setback pattern for the surrounding developments and the lot can be readily developed. A separate development application has been lodged for the construction of a dwelling on the subject site.

The proposal includes future building platforms and is supported by an Arboricultural Impact Assessment prepared by Growing My Way Tree Consultancy, dated March 2019. The site maintains boundaries which are capable of accommodating future plantings.

The tree removal is addressed under the Stage 1 application for the construction of a new dwelling.

The future development of the proposed allotment is to be carried out in accordance with the requirements of Manly Development Control Plan 2013. The design of new development on the site will respect the Part 3 – General Principles of Development & Part 4 – Development Controls and Development Types.

The development indices for the site are detailed as:

<b>Site Area</b>	Total	1037 m <sup>2</sup>
	Lot 1	519.5m <sup>2</sup>
	Lot 2	512.5m <sup>2</sup>
<b>Allowable FSR</b>	Total	0.45:1 or 466.65m <sup>2</sup>
	Lot 1	0.45:1 or 233.78m <sup>2</sup>



	Lot 2	0.45:1 or 230.63m <sup>2</sup>
<b>Proposed FSR</b>	Total	N/A – existing dwelling to be demolished
	Lot 1	0.36:1 or 318.47m <sup>2</sup>
	Lot 2	N/A – existing dwelling to be demolished
<b>Required open space</b> <i>(Area OS3) – 55% total/35% soft open space</i>	Total	N/A – existing dwelling to be demolished
	Lot 1	55% or 285.73m <sup>2</sup> /35% or 100m <sup>2</sup>
	Lot 2	N/A – existing dwelling to be demolished
<b>Proposed open space</b>	Total	N/A – existing dwelling to be demolished
	Lot 1	62.3% or 323.6m <sup>2</sup> /48% or 249.2m <sup>2</sup>
	Lot 2	N/A – existing dwelling to be demolished

## **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.

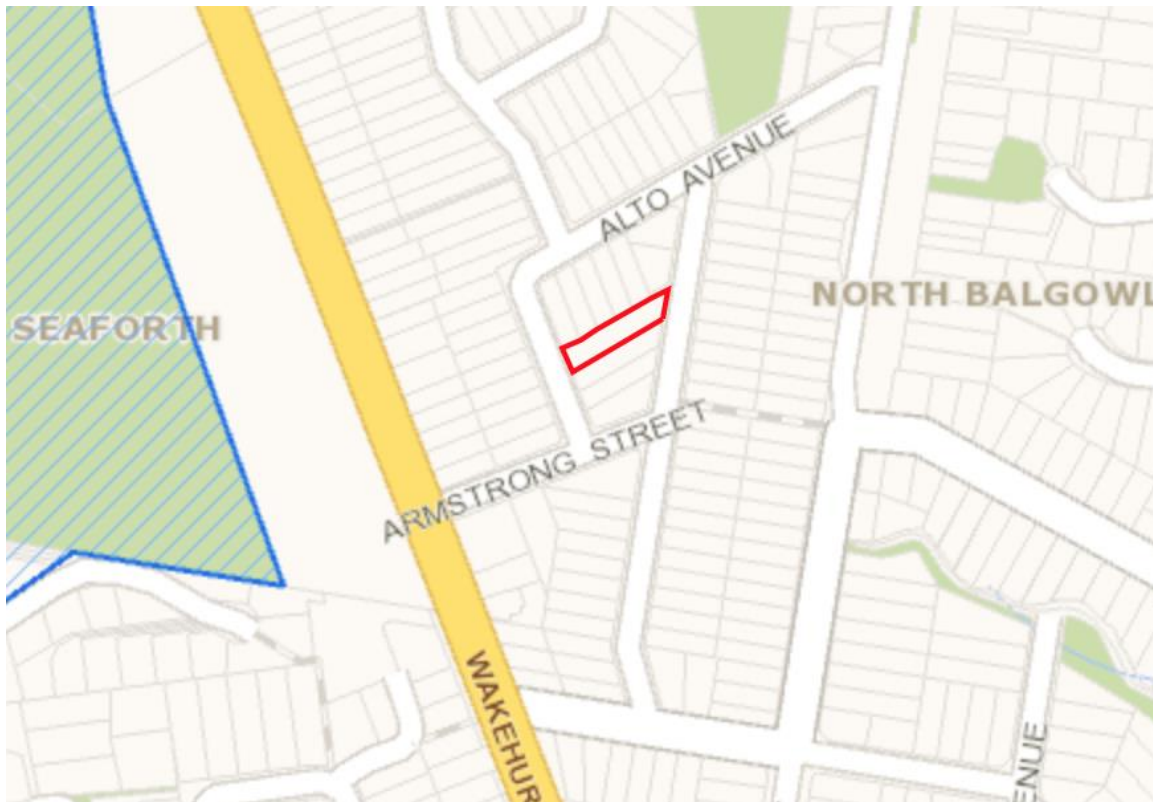
### **6.2 State Environmental Planning Policy (Coastal Management) 2018**

The subject site is not identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is not applicable to the proposed development.

### **6.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The subject site is not located within the area affected by the provisions of State Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005 (SREP 2005).

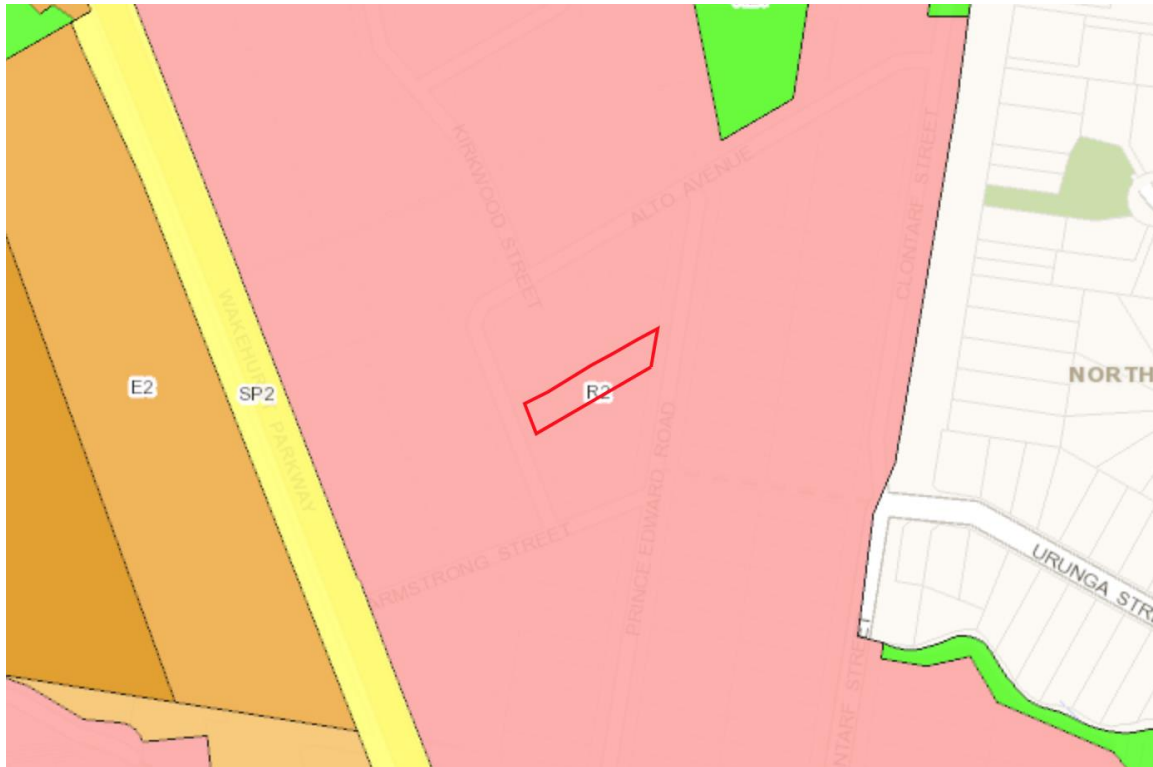
No further assessment under the provisions of the SREP is required in this instance.



**Fig 6: Extract of Foreshores and Waterways Area Map from Northern Beaches Council Planning Maps**

#### 6.4 Manly Local Environmental Plan 2013

The land is zoned R2 Low Density Residential under the provisions of the MLEP 2013. Torrens title subdivision of one lot into two is permissible in the R2 zone.



**Fig 7: Extract of Manly Land Zoning Map from Northern Beaches Council Planning Maps**

The development of and use of the land for residential purposes is consistent with the R2 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 suggested that the proposed subdivision of the land in the manner proposed will be consistent with the LEP provisions as the resulting allotments will provide for the future residential development within the proposed building platforms.

#### **Clause 2.6 – Subdivision**

Clause 2.6 of MLEP 2013 requires the prior consent of Council for any subdivision of land. This application seeks consent in accordance with the Clause.

**Clause 4.1 – Minimum subdivision lot size**

In accordance with the Lot Size Map, the minimum allotment size in this locality is 500m<sup>2</sup>. The proposed Lots 1 and 2 are 519.5m<sup>2</sup> and 512.5m<sup>2</sup> respectively and therefore comply with the minimum 500m<sup>2</sup> control.

**Clause 7.10 – Essential services**

The services available to the existing dwelling will be provided to the proposed new lots.

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



## 6.5 Manly Development Control Plan 2013

Council's Development Control Plan 2013 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.

### Clause 3.1.1 – Streetscape (Residential Areas)

The intended outcomes are noted as:

*a) Development in the streetscape (including buildings, fences and landscaping) should be designed to:*

- i) complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;*
- ii) ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed from surrounding public and private land;*
- iii) maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys;*
- iv) avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like. See also paragraph 4.1.8 Development on Sloping Sites and paragraph 4.1.9 Swimming Pools, Spas and Water Features;*
- v) address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also paragraph 3.2 Heritage Considerations;*
- vi) visually improve existing streetscapes through innovative design solutions; and*
- vii) Incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged. See also paragraph 3.5.7 Building Construction and Design*

#### Setback Principles in Low Density Areas

*b) In lower density areas including LEP Zones R2, E3 & E4, setbacks should be maximised to enable open space to dominate buildings, especially on the foreshore.*

As discussed, it is considered that the proposed allotments are of a suitable size and configuration so as to allow for the development of the lots in a manner which is consistent with the existing development pattern of the adjoining development in the locality.

The new allotments will allow for future development which will provide for good levels of residential amenity for the residents of the subject and neighbouring sites.

The streetscape view of the site will be largely unchanged.

#### Part 4 – Residential Development Controls

Site Area 1037m<sup>2</sup> – Density (500m<sup>2</sup> per lot)

##### Compliance Table

Control	Required	Proposed	Compliance
<b>Clause 4.1.1.2</b> Residential Density & Subdivision	Density – 1 dwelling per 500m <sup>2</sup>	Proposed Lots 1 and 2 are 519.5m <sup>2</sup> and 512.5m <sup>2</sup> respectively	Yes
	Min frontage to a public road 1m	Frontage of both lots exceeds 1m	Yes
	Stormwater management to be addressed	Stormwater from the western lot will be directed to the drainage easement which traverses the site. The existing stormwater arrangements for the eastern lot will remain unchanged.	Yes
<b>Clause 4.4.8</b> Subdivision	All subdivisions will provide access to a public road	Each of the proposed lots will have access to a public road	Yes
	Provision of drainage, easements and servicing requirements must be considered and any resultant adverse impacts - environmental or otherwise are to be	As stated above, stormwater from the western lot will be directed to the drainage easement which traverses the site. The existing stormwater arrangements for the	Yes

Control	Required	Proposed	Compliance
	minimised or resolved in the design. In particular, sufficient details of stormwater management are to accompany DAs for subdivision	eastern lot will remain unchanged.	Yes
	Subdivisions to complement prevailing subdivision pattern	The subdivision pattern within the locality is varied, with the neighbouring properties to the south comprising substantially smaller lots than the subject property. The proposed subdivision is therefore considered consistent with the locality.	
	Subdivisions must have regard to existing vegetation, topography, views, scenic values and natural bushland and other natural features	The subdivision itself will not require the removal of any significant vegetation. The proposal provides for lots with a suitable size which are capable of accommodating development which respects the scenic values of the locality.	
<b>Clause 5.4.1</b> Foreshore Scenic Protection Area			N/A

Control	Required	Proposed	Compliance
<b>Clause 5.4.2</b> Threatened Species and Critical Habitat			N/A



**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.

The site is not within the Foreshores and Waterways Boundary of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

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

**7.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority**

It is not considered that there are any draft environmental planning instruments applying to the site.

**7.3 Any development control plan**

The development has been designed with regard for the requirements of Manly Development Control Plan 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 subdivision pattern 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**

No matters of relevance are raised about 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 about 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 approval for the Torrens title subdivision of one lot into two, is reasonable. The development will maintain a favourable bulk and scale relationship with other development in the vicinity. It is considered that the resultant development is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's LEP and Council's Codes and Policies.

#### **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.

The subject site does not exhibit any significant constraint to the construction of 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 unreasonably 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 support the Torrens title subdivision of one lot into two, which satisfies the stated objectives of Council's Development Controls.

The proposal is Stage 3 of a three stage proposal that also involves the construction of a detached dual occupancy dwelling (Stage 1) and the demolition of the existing single storey dwelling facing Prince Edward Road (Stage).

By maintaining our neighbour's amenity and by complementing the scale and form of other development in the immediate 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.

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