

STATEMENT OF ENVIRONMENTAL EFFECTS

57 MACMILLAN STREET, SEAFORTH

**PROPOSED DEMOLITION AND CONSTRUCTION OF A
NEW DWELLING**

**PREPARED ON BEHALF OF
MR DEGEER**

OCTOBER 2019

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APPENDICES

APPENDIX 1 – TREE REMOVAL APPROVAL FOR NO 55 MACMILLAN STREET

1. INTRODUCTION

This application seeks approval for demolition of the existing dwelling and construction of a new two storey dwelling upon land at Lot 11 DP 18517 which is known as **No. 57 Macmillan Street, Seaforth.**

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

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

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

- Survey Plan prepared by Rennie Golledge Pty Ltd, File No. 080.18 and dated 07/03/18.
- Architectural Plans prepared Ukalovic Design for Green Homes Australia Sydney North, Project No. 1809 Revision A and dated 18.09.2019.
- BASIX Certificate #980763S_04 and issued 2 September 2019.
- Stormwater Management Plan prepared by Taylor Consulting, Drawing No. Sheet-1/A and dated 22/11/18.
- Correspondence prepared by Taylor Consulting and dated 12 September 2019.
- Exterior Design Schedule prepared by Jeni Jewell Designs, dated 3 September 2018.

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. BACKGROUND

Development Application DA2018/2050 was lodged with Council on 21 December 2018. Concerns were raised by Council's Landscape Officer in respect to a She Oak located on the adjoining property, No. 55 Macmillan Street, and within close proximity of the boundary with the subject site. The application was withdrawn.

The owners of No. 55 Macmillan Street have since obtained approval for the removal of the She Oak under the Council's Tree Preservation Order (TA2019/0320). A copy of this approval is included in Appendix 1 of this report. As such the issues previously raised with Council's Landscape Officer have now been resolved.

3. SITE DESCRIPTION AND LOCALITY

The site is identified as Lot 11 in DP 18517 which is known as No. 57 Macmillan Street, Seaforth. The site is located to the southern side of Macmillan Street to the east of its intersection with Redman Street. The site has a street frontage of 15.09m with a total site area of 727.2m². The locality is depicted in the following map:



The site is rectangular in shape with a depth of 48.12m. The site has a slope from the rear (RL94.61) towards the street frontage at Macmillan Street (RL87.51).

The subject site currently comprises a single level storey brick dwelling with garage under. The dwelling is constructed of brickwork with a tiled pitched roof. A detached secondary dwelling is located in the rear yard. The secondary dwelling is being retained as part of this application.

A brick and timber picket fence is erected along the front boundary of the site. Concrete driveway tracks providing access to the garage is located adjacent to the western boundary.

The site is depicted in the following photographs:



View of Subject Site from Macmillan Street

The existing surrounding development comprises a mixture of original single level dwellings interspersed with large two storey dwellings of modern architecture. The existing surrounding development is depicted in the following aerial photograph:



Aerial Photograph of Locality

4. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the demolition of the existing dwelling and construction of a new two storey dwelling. The dwelling will be constructed of rendered and painted brickwork with a tiled roof. The existing detached secondary dwelling will be retained.

The proposed dwelling is located centrally on site and provided with setbacks to the street frontage that range from 6.77m from the wall of the garage to 8.56m to the garage. Setbacks of 1.5m and 1.84m are provided to the eastern and western side boundaries, respectively.

The proposed dwelling will comprise the following:

Lower Floor: Foyer, sitting/guest room with wet bar and powder room and double garage.

Upper Floor: Three bedrooms (Bed 1 with ensuite), living room, family/dining room, kitchen, bathroom and laundry.

The proposal provides all collected stormwater to be discharged to the street gutter via rainwater reuse tanks with a capacity of 11,000L in accordance with the Stormwater Management Plan submitted with the application.

The proposal will result in the following numerical indices:

Site Area: 726.13m²

Proposed Total Open Space: 386.1m² or 53.17%
(as defined)

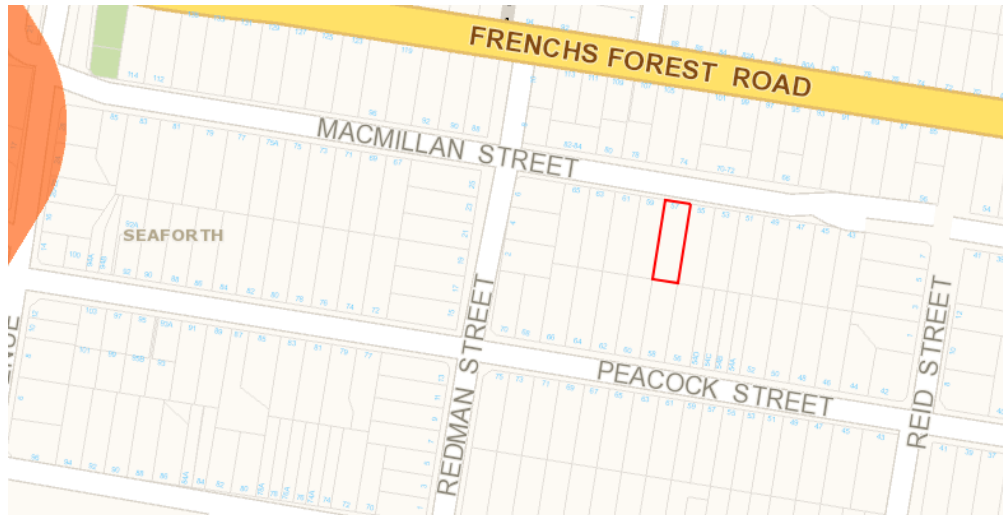
Proposed Soft Landscape: 347.01m² or 89.87% of the required total open space

Proposed FSR: 287.99m² or 0.39:1

5 ZONING & DEVELOPMENT CONTROLS

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

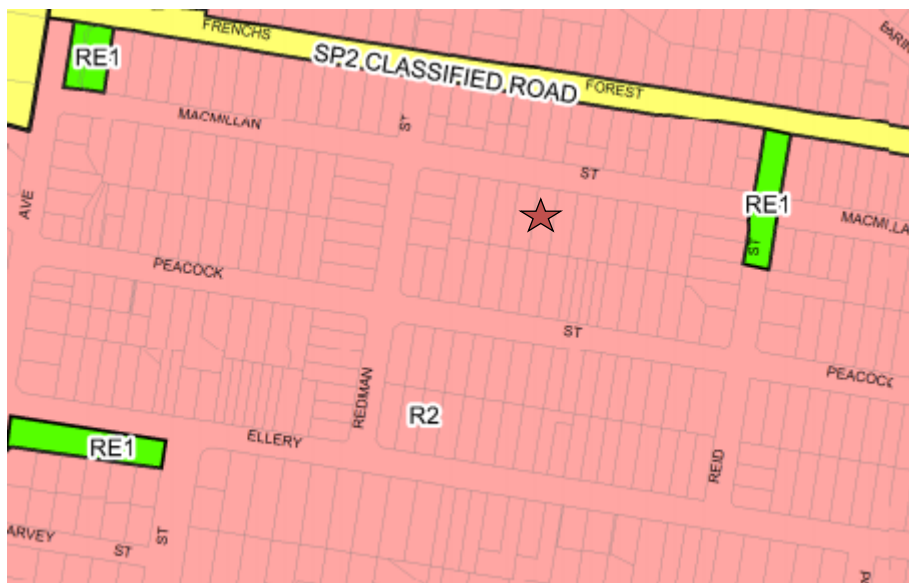
5.1 Planning for Bushfire Protection 2006



Extract of Bushfire Prone Lands Map

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.

5.2 Manly Local Environmental 2013



Extract of Zoning Map

The subject site is zoned R2 Low Residential. The objectives of the R1 Zone are as follows:

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

It is considered that the proposed development achieves these objectives by:

- Ensuring the proposal compliments the existing streetscape and the existing surrounding properties.
- Retaining the existing amenity to the surrounding residences.
- Providing a development that is compatible in terms of bulk, scale and height to surrounding properties.

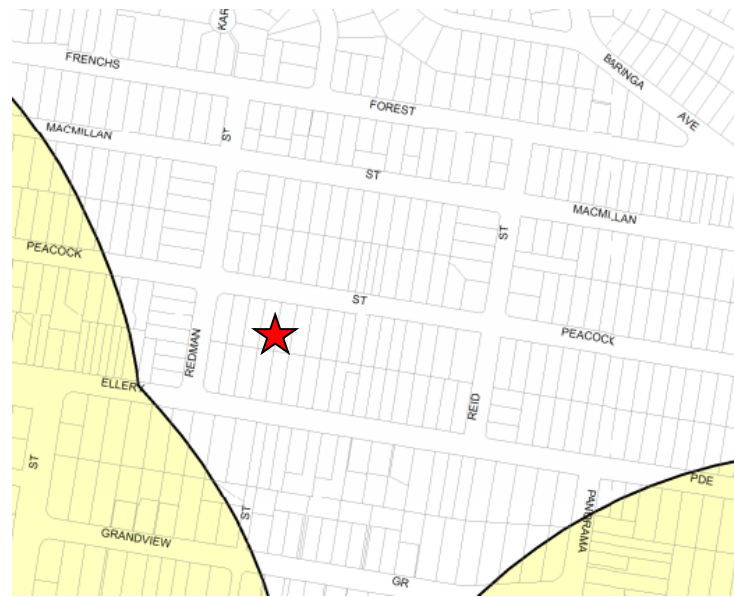
Single dwellings and associated structures are a permissible use in the R2 Low Density Residential zone with the consent of Council. The following numerical standards are applicable to the proposed development:

Clause	Development Standard	Proposal	Compliance
Clause 4.3 Height of Buildings	8.5m	Maximum 8.44m	Yes
Clause 4.4 Floor Space Ratio	0.45:1	0.39:1	Yes

Clause 5.10 Heritage

The subject site is not a heritage item nor located within a heritage conservation area. No further information is required in this regard.

Clause 6.1 Acid Sulphate Soils Map, Landslip Risk Map.



Extract of Landslip Risk Map

Clause 6.1 of the LEP relates to acid sulphate soils. It is noted that the subject site is not identified on Council's Acid Sulphate Soil or landslip risk map. No further information is required in this regard.

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

5.3 Manly Residential Development Control Plan 2013

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

Part 3

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

Clause 3.1.1 – Streetscape (Residential Areas)

The proposal provides for additions to an existing single level dwelling with storage under which is considered to be appropriate in height and bulk and will not have a detrimental impact on the view of the site from the street. The proposed additions to the dwelling are considered to be compatible with the existing surrounding development, particularly the more recently constructed dwellings within the immediate locality.

The intended outcomes are noted as:

- 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*

It is considered that the proposal provides for the construction of a new dwelling that are compatible with the existing surrounding streetscape.

The new dwelling will be compatible with the style and form of the surrounding dwellings. The proposal incorporates a use of materials that are compatible with the surrounding development and the natural environment. The dwelling is well articulated through the use of varied setback, change in finishes and balconies/patio. The garage is setback behind the front building line and integrated in the main dwelling structure.

Clause 3.3 - Landscaping

The proposed dwelling maintains sufficient area of the site available for landscaping. The proposal does not require the removal of any significant vegetation.

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

The objectives of the clause are noted as:

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

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

- The proposed dwelling design is compatible with the existing the existing surrounding development and the Macmillan Street streetscape.
- The materials and finishes selected assist in providing a modulated form with appropriate articulation.
- The front façade provides for a porch and upper level balcony with the garage provided with an increased setback to provide articulation and assist in reducing bulk and scale.
- The proposed dwelling will maintain a reasonable level of privacy to the adjoining properties. This has been achieved by locating the main living areas at the rear of the dwelling which is single storey. The proposal provides for a deck which is on the front façade and overlooks the street and dwelling approach. There is no opportunity to overlook internal living areas or private open space of the adjoining properties from this deck.
- The proposal does not obstruct any significant views from the surrounding properties.
- The proposal maintains a sufficient and more functional area of private open space for the residents.

Clause 3.5 - Sustainability

A BASIX Certificate has been prepared to support the proposed dwelling and confirm that the resultant dwelling will achieve the appropriate thermal performance criteria.

Clause 3.7 - Stormwater Management

A Stormwater Management Plan has been prepared by Taylor Consulting which provides for all collected stormwater to discharge to the street gutter in Macmillan Street via a rainwater reuse tank.

Part 4

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

Clause/ Design Element	DCP Requirement	Compliance/Comments
Residential Density & Subdivision	Density AreaD5 – 1 dwelling per 500m ²	Yes Site area is 727.1m ² .
Floor Space Ratio	Refer to LEP 0.45:1	Yes Proposed FSR 0.39:1
Wall Height	Height – 6.5m	Yes Maximum wall height 5.8m.
Number of Storeys	Two Storeys	Yes Maximum 2 storeys
Roof Height	2.5m above wall height	Not Applicable.

Clause/ Design Element	DCP Requirement	Compliance/Comments
Parapet Height:	600mm above wall height	N/A
Maximum Roof Pitch	35°	Yes.
Building Setbacks	<p>Front Setback – Min. 6.0 metres or consistent with neighbouring.</p> <p>Side Setback – 1/3 of the height of wall.</p> <p>Walls without windows may be constructed to one side boundary only, providing the objectives of this part can be met and the applicant can demonstrate no disadvantage to the adjacent allotment through increased overshadowing, or loss of view and no impediment to property maintenance.</p> <p>Rear Setback – Minimum 8.0 metres</p>	<p>Yes Proposal setback 6.77m (from dwelling) to 8.56m (garage) to the front the boundary. This provides a good transition from the No. 55 (approx. 2.0m) to No. 59 (9.0m).</p> <p>Yes Ground floor required to be setback 1.33m. Proposal generally provides for setbacks of 1.8m ad 1.5m. The garage is setback 1.25m to the western boundary, however this is a single storey element and complies with the setback requirement.</p> <p>First floor required to be setback 1.93m. First floor component setback 3.0m to west and 2.59m to east.</p> <p>Not Applicable</p> <p>Yes Ample setback to rear boundary.</p>

Clause/ Design Element	DCP Requirement	Compliance/Comments
Landscaping/Open Space	<p>Open Space Area 3: Minimum total open space: 55% of site area.</p> <p>Minimum soft open space as % of total open space: 35%</p> <p>Minimum number of endemic trees: 3</p> <p>Private open space to be directly accessible from living areas. Minimum dimension 3m. Minimum area of 18m².</p>	<p>Total Open Space: 386.1m² or 53.17%</p> <p>Soft Open Space: 347.01m² or 89.8% of total open space. See discussion at end of table.</p> <p>Yes Can be provided if considered necessary.</p> <p>Yes Living areas provide direct access to private open space.</p>
Parking and Access	<p>Minimum 2 Spaces per Dwelling.</p> <p>Garages/carports shall be sited so as to not dominate the street frontage through the use of appropriate materials.</p> <p>Carports forward of the building line shall be open on all sides. Maximum width of structures forward of the building line is 6.2m or 50% of site width whichever is the greater.</p>	<p>Yes The proposal provides for a two car garage located behind the front wall of the dwelling.</p>

Clause/ Design Element	DCP Requirement	Compliance/Comments
First Floor Additions	Additions may follow existing ground floor wall setbacks providing adjoining properties are not adversely impacted by shadow, view loss or privacy issues. Must retain the existing scale and character of the street	Not Applicable
Fences	Maximum height 1.0m for solid Maximum height 1.5m where at least 30% is transparent.	Not applicable

The following controls are discussed in more detail below:

Clause 4.1.5 Open Space & Landscaping

As noted previously, the proposal does not comply with the numerical controls of this clause in relation to total open space. The justification is provided below:

- The proposal retains the important landscape features of the site. The existing street trees within the road reserve which are retained as part of this application. There is no significant vegetation on site that is worthy of retention.
- The proposal provides for a single area of private opens space. This area is to the rear of the dwelling which is accessible from the living area and alfresco zone. This area is of sufficient width to accommodate a range of active and passive recreation activities and is sufficient for boundary landscaping. There are sufficient areas on site for landscape hedging with small and large shrubs.
- The additions have been discussed to maintain privacy, amenity and solar access to the adjoining properties as discussed previously in this report.
- All collected stormwater will discharge to the street gutter in Macmillan Street in accordance with Council's DCP and the Stormwater Management Plan prepared by Taylor Consulting. The proposal will not result in additional runoff to the adjoining properties.
- The proposal provides for 85% of the open space area to be soft landscaping which is significantly more than the minimum required.
- The non-compliance with total open space, being only 13m², is very minor, will not be discernible and has no detrimental impact. Therefore the minor non-compliance is considered appropriate and it is not justified to seek strict compliance.

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

6. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

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

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

The Likely Impacts of the Development

It is considered that the development will provide for a new two storey dwelling without detrimentally impacting on the character of the area. The proposal does not result in the removal of any significant vegetation and retains ample area of the site for soft landscaping. The design of the proposal is such that it does not result in any unreasonable loss of privacy.

The Suitability of the Site for the Development

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

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

The Public Interest

It is considered that the proposal is in the public interest in that it will provide for a new two storey dwelling that is consistent with other development in this locality without unreasonably impacting the amenity of the adjoining properties or the public domain.

7. CONCLUSION

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

It is therefore considered that the proposed demolition and construction of a new two storey dwelling upon land at **No. 57 Macmillan Street, Seaforth** is worthy of the consent of Council.

Natalie Nolan
Grad Dip (Urban & Regional Planning) Ba App Sci (Env Health)
Nolan Planning Consultants
October 2019

**APPENDIX 1
TREE REMOVAL APPROVAL FOR NO 55 MACMILLAN STREET**



northern
beaches
council

13 August 2019



Glen D Parkes
55 Macmillan Street
SEAFORTH NSW 2092

Dear Sir/Madam,

Permit No: TA2019/0320
Description: Proposed Removal of Tree
Address: 55 Macmillan Street SEAFORTH

We are writing to advise you that the abovementioned Tree Permit has now been determined.

Section 97 of the Environmental Planning and Assessment Act 1979 confers on the applicant a right of appeal to the Land and Environment Court within 3 months of receipt of this letter.

Should you require any further information on this matter, please contact Council between the hours of 8.30am to 5.00pm, Monday to Friday, on 1300 434 434 or anytime at council@northernbeaches.nsw.gov.au

Yours faithfully

Daniel Spiric

Tree Assessment Officer



NOTICE OF DETERMINATION OF PERMIT

Application No: TA2019/0320

PERMIT DETAILS

Applicant Name and Address: Glen D Parkes
55 Macmillan Street
SEAFORTH NSW 2092

Land (Address): 55 Macmillan Street SEAFORTH

Proposed Application: Tree Removal (1 tree)

Approved Application: Tree Removal (1 tree)

DETERMINATION

Made on (Date): 13 August 2019

Consent to operate from (Date): 13 August 2019

Consent to lapse on (Date): 13 August 2024

Details of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards.

NOTES:

- This determination relates to the condition of the tree/s at the time of inspection by Council and is limited to a visual assessment of the subject tree from ground level.
- The responsibility of routine inspection and maintenance of trees located on private property is the responsibility of the relevant landowner.
- Tree owners are strongly advised by Council to have their trees regularly inspected and maintained by an appropriately qualified person, to prevent the likelihood of branch or tree failure.

FAILURE TO COMPLY WITH THE CONDITIONS OF THIS CONSENT MAY RESULT IN ON THE SPOT FINES BEING ISSUED, OR COUNCIL PURSUING ANY ACTION REQUIRED (INCLUDING LEGAL PROCEEDINGS) TO ENFORCE THE REQUIREMENTS WITHOUT PRIOR WARNING.

GENERAL CONDITIONS

APPROVED WORKS

1. Works

The following applies to the site:

(a) Trees approved for removal

This consent includes approval to remove the following trees:

Council Reference No:	Species	Location
1	Casuarina glauca	front

2. (e) Replacement Trees which must be planted

The following replacement tree species must be planted onsite to ensure the preservation of the landscape character of the locality:

No of replacement trees required:	Species	Location
1	Suitable species for site/location	Suitable location

Replacement trees are to satisfy the following:

- a) All replacement trees must be a minimum pot size of 25L at planting;
- b) All replacement trees must be of a species that will attain a minimum height of six (6) metres at maturity within six (6) years of planting;
- c) All replacement trees must be maintained until they reach six (6) metres in heights;
- d) If any replacement tree dies prior to reaching six (6) metres in height that tree is to be replaced; and
- e) The replacement trees shall be planted within three (3) months of the approved trees removal.

Reason: To enhance the landscape character.

SITE REQUIREMENTS

3. Permit on Site

A copy of this consent shall be kept on site at all times during and up to twelve (12) months after the completion of works, so as to be readily available for perusal by any Authorised Officer of Council.

Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance.

4. Protection of Footpaths and Roadways

(a) The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

(b) No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in this development consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

Reason: Protection of footpath and roadways.

5. Silt & Sediment Control

Provision shall be made throughout the period of tree removal to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

Reason: To avoid siltation to adjoining properties and waterways.

6. Soil Erosion and Landslip Risks

Any person carrying out works permitted under permit has a duty of care in the appropriate management of soil erosion and landslip risks when removing trees and vegetation. It is the responsibility of landowners to see expert advice from a Geotechnical Engineer in relation to these matters prior to the removal of the tree/stump. Operating under this permit does not absolve the landowner from their responsibility for landslip and erosion issues.

Reason: To avoid soil erosion and landslip.

7. No Work on Public Open Space

The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior approved permit of Council.

Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.

8. Kerbside restrictions, construction zones

The applicant's attention is drawn to the existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

Reason: Proper management of public land.

9. Noxious Plants

All lantana, privet, rubber trees, parateria, and other declared noxious plants on the site, shall be eradicated.

Eradication of noxious weeds shall be conducted within three (3) months of the approved works being conducted.

Reason: *To ensure that plants identified as weed species are not allowed to proliferate or interfere with a quality-landscaping outcome.*

10. Protection of Wildlife

Any person carrying out works permitted under this permit must check for native wildlife roosting and nesting within the tree hollows prior to and during tree works. Where wildlife is found to be using tree hollows which are proposed for removal, a wildlife carer must be contacted to facilitate any required animal rescue.

Reason: *Protection of wildlife.*

11. Hours of Work

Works shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays in accordance with Industrial Noise Policy and the *Protection of the Environmental Operations Act 1997 (POEO Act) / Regulations*.

The person acting upon this consent shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to issue of a permit on each occasion from Council's Customer Services Centre. Such permit must be obtained and the appropriate fee paid at least two (2) clear working days in advance of each relevant date. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk.

Reason: *To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACGEch)*

12. Health and Safety

- a) The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan.
- b) Site fencing must be installed (where required) sufficient to exclude the public from the site.
- c) Safety signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries.

Reason: *To ensure the health and safety of the community and workers on the site.*

13. Prohibition on Use of Pavements

Any person carrying out works permitted under this permit shall ensure that Council's footpath is maintained in a safe way to ensure safe pedestrian access throughout any tree removal / pruning. Under no circumstances are any branches or other tree debris to be placed on Council's footpaths, roadways, parks or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.

All tree debris is to be disposed of appropriately. Should the material need to be stored, it must be contained and stored within the property boundary and in a safe and healthy condition.

***Reason:** To ensure public safety and amenity on public land.*

Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 3 months after the date on which you receive this notice.

Daniel Spiric

Signed on behalf of the consent authority

Name Tree Assessment Officer