



# **BLACKWATTLE** **PLANNING**

STATEMENT OF ENVIRONMENTAL  
EFFECTS

for strata subdivision of an existing  
Dual Occupancy at

**219 Condamine Street  
Balgowlah**

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## 1.0 Introduction

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This statement of environmental effects accompanies a Development Application for strata subdivision of an attached Dual Occupancy at 219 Condamine Street Balgowlah (the site). The statement is prepared by Blackwattle Planning on behalf of the owners and relies upon the following documentation:

Draft Plan of Strata Subdivision prepared by Total Surveying Solutions  
Survey Plan prepared by Total Surveying Solutions

## 2.0 The site and its surrounds

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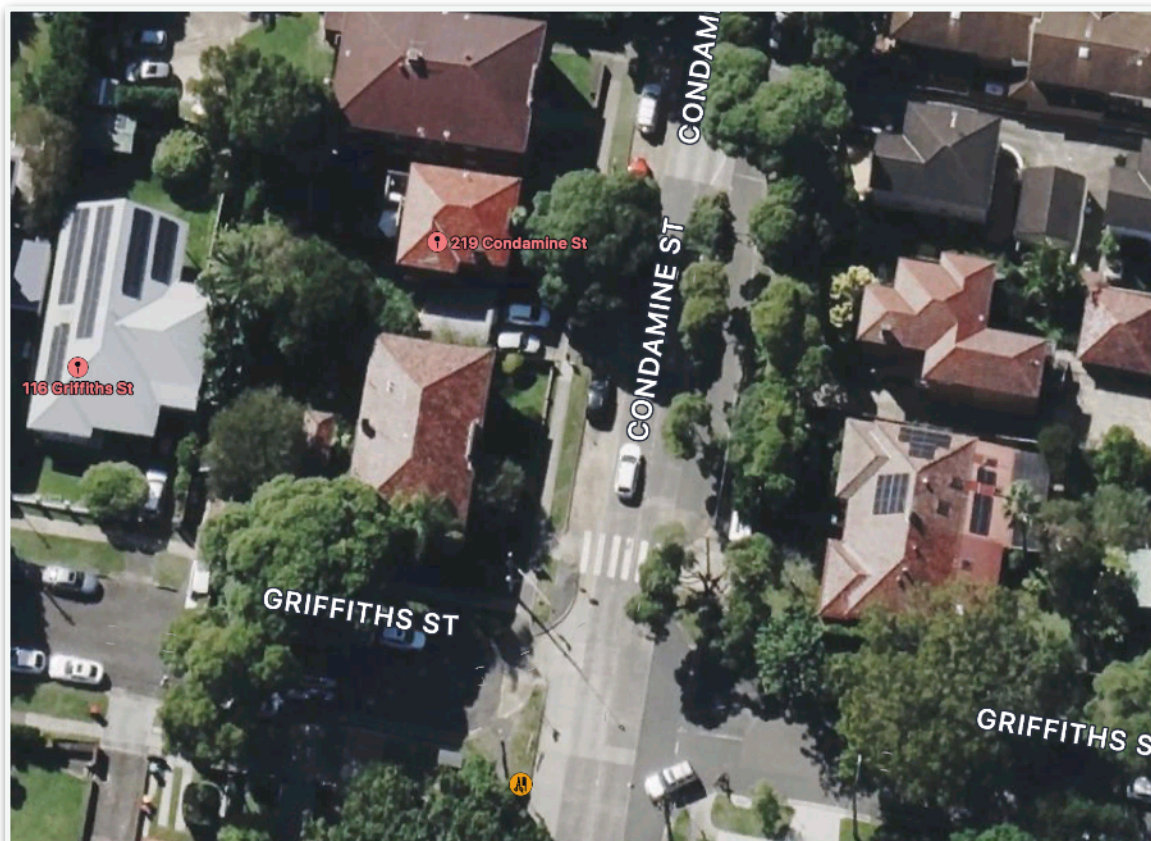
The site is known as No. 219 Condamine Street Balgowlah and is legally identified as Lot Y DP 344944. The site has a generally east west alignment and is located on the western side of Condamine Street in Balgowlah. Access to the site is via a driveway at the southern boundary of the site leading to a double carport. The site has a total area of 487.7sqm with a rear yard sloping at a grade of 11%.

Currently on the site is a two storey brick building with a tile roof over 2 levels, comprising an attached Dual Occupancy development. The occupancies are physically separated horizontally at the ceiling/floor level, with near identical floor plans but separate access. The rear yard is divided by a fence running west to east, and each occupancy has separate access to one half of the yard.

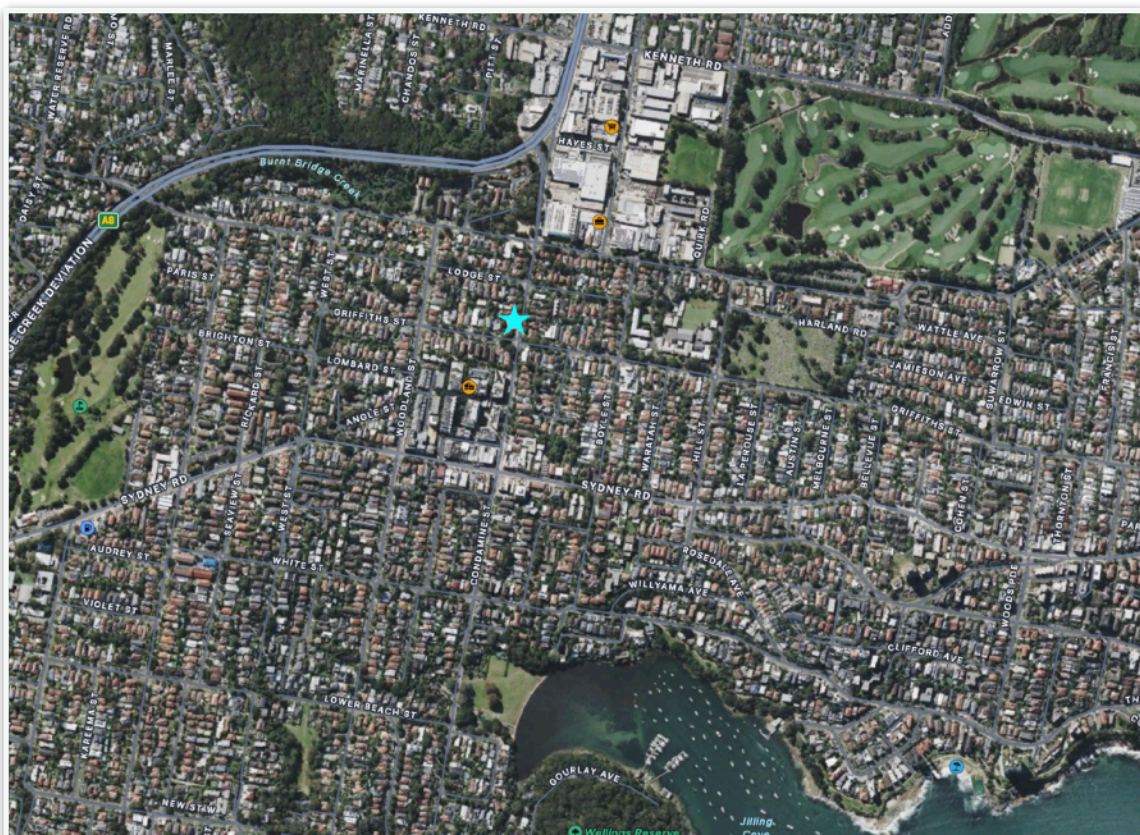
Immediately to the north and south are buildings of a similar age with multiple occupancies. No. 217 Condamine Street adjoining to the south is a listed local heritage item under Manly LEP 2013. Adjoining the rear yard to the west is a single dwelling known as 116 Griffiths Street.

The site is located in a residential neighbourhood characterised by mixed architecture styles and densities, set on a regular subdivision pattern. The site is conveniently located within walking distance of Balgowlah Village Shopping Centre.





**Figure 1:** No. 219 Condamine Street and surrounds **Source:** Apple Maps



**Figure 2:** 219 Condamine Street (blue star) in its wider context **Source:** Apple Maps



3.0 Site Photos

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**Figure 3:** East elevation, from Condamine Street **Source:** Blackwattle Planning



**Figure 4:** Carport, from Condamine Street **Source:** Blackwattle Planning





**Figure 5:** Neighbouring development to the south **Source:** Blackwattle Planning



**Figure 6:** Neighbouring development to the north **Source:** Blackwattle Planning





**Figure 7:** Rear (west) elevation the subject building **Source:** Blackwattle Planning



**Figure 8:** Neighbouring dwelling to the west **Source:** Blackwattle Planning



## Proposed Development

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The proposed development for which consent is now sought is the strata subdivision of the existing Dual Occupancy. Lot Y in DP 344944 is to be subdivided into two strata lots being Lots 1 and 2, and including associated areas of open space for each Lot.

Lot 1 is located at ground level and will have an area entitlement of 268sqm. The private open space for Lot 1 is located on the northern side of the fence that divides the rear yard. Lot 2 will have an area of 266sqm, with access to the southern side of the rear yard for private open space.

The carport and driveway are proposed to be common property allowing for vehicle and pedestrian access for each lot.

There are no physical works proposed to facilitate the strata subdivision.

### 5.0 State Environmental Planning Policies (SEPP)

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#### 5.1 SEPP (Resilience and Hazards) 2021

#### Chapter 4 - Remediation of land

Chapter 4 applies to the land. Clause 4.6 requires that the consent authority must not consent to development unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The site has been utilised for residential purposes for an extended period of time and no change of use is proposed. No physical works form part of the application. The risk of contamination is low and there is no information suggesting the site may be contaminated. The consent authority can be satisfied that the land is suitable for the continued residential use.

## 5.2 SEPP (Biodiversity and conservation) 2021

### Chapter 2 - Vegetation clearing in Urban Areas

Chapter 2 aims to protect biodiversity values and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The proposed strata subdivision is consistent with the provisions of the SEPP as no trees are proposed to be removed.

## 5.3 SEPP (Building Sustainability Index: BASIX) 2004

SEPP BASIX provides the following definition of BASIX development:

***BASIX development*** means the following development if it is not BASIX excluded development—

- (a) development that involves the erection, but not the relocation, of a BASIX building,*
- (b) development that involves a change of building use by which a building becomes a BASIX building,*
- (c) development that involves the alteration of a BASIX building, if the estimated development cost is \$50,000 or more,*
- (d) development for the purposes of a swimming pool or spa, or combination of swimming pools and spas, that—*
  - (i) services 1 dwelling only, and*
  - (ii) has a capacity, or combined capacity, of 40,000 litres or more.*

As the proposed strata subdivision does not fall within the above definition of BASIX development, a BASIX Certificate for the Dual Occupancy is not required.

## 6.0 Manly Local Environmental Plan 2013 (MLEP 2013)

The site is within the area to which MLEP 2013 applies. Clause 2.2 of the LEP zones the land R1 General Residential in accordance with the Land Zoning map, reproduced in Figure 9 below:

**Figure 9:** No. 219 Condamine Street Balgowlah zoned R1 General Residential under MLEP 2013. **Source:** Northern Beaches Council mapping

## Subdivision - consent requirements



## Minimum subdivision lot size

Clause 4.1 requires that:

*(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.*

...

The minimum lot size for the site under the LEP is 300sqm. However subclause (4) provides an exemption for strata subdivision, as follows:

*(4) This clause does not apply in relation to the subdivision of any land—  
(a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or*

...

## Height of buildings

The maximum Height of buildings for this site is 8.5m as indicated by the Height of buildings map pursuant to Clause 4.3 of MLEP 2013. An excerpt is provided below.

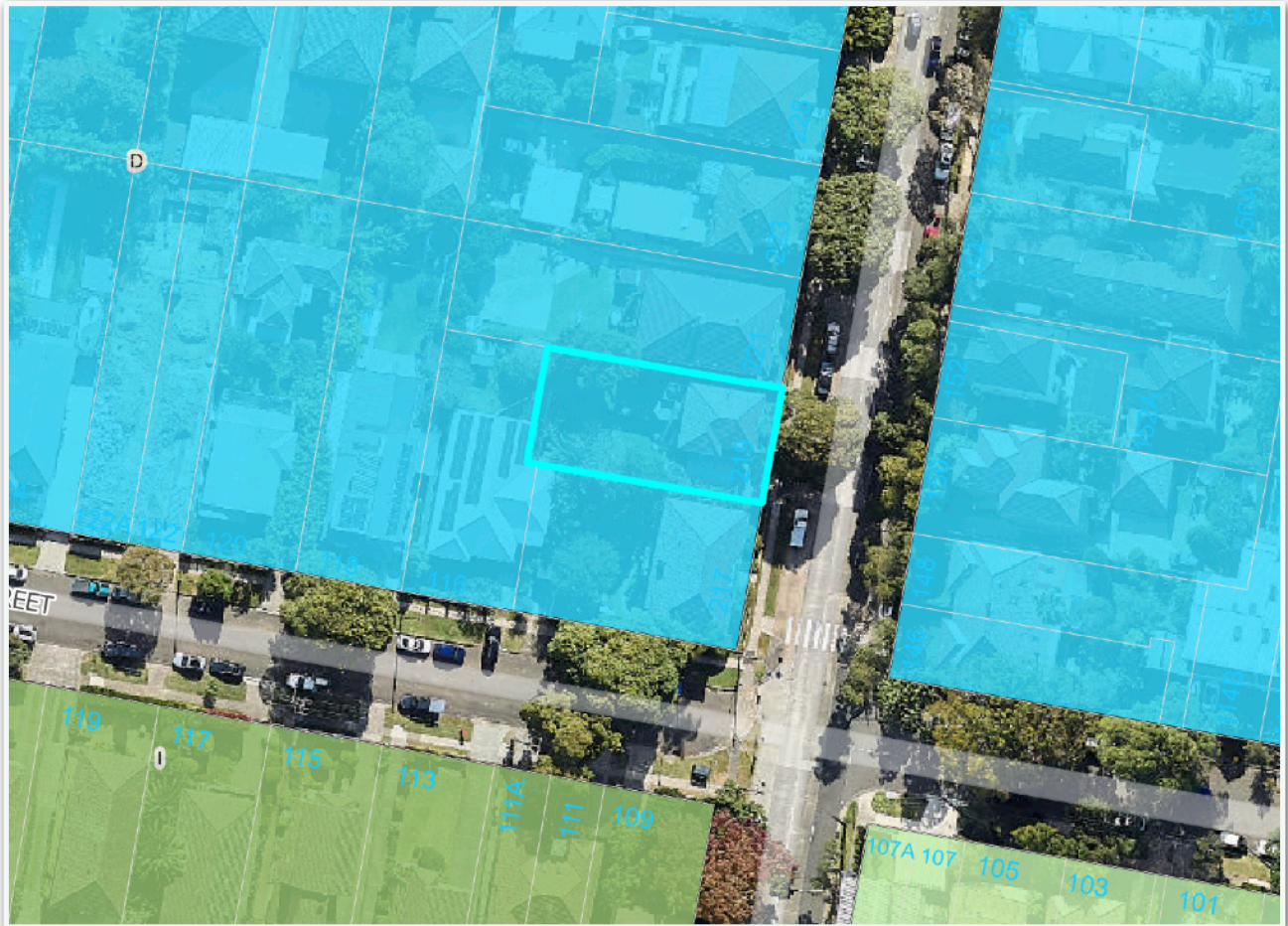


**Figure 10:** No. 219 Condamine Street Balgowlah Height of buildings 8.5m indicated in green, under MLEP 2013. **Source:** Northern Beaches Council mapping

The existing attached dual occupancy, when measured from the highest point on the roof, has a height above ground level (existing) to a maximum of 8.18m.

## Floor Space Ratio

Clause 4.4 of MELP requires that gross floor area on the site be restricted to an FSR of 0.5:1, as outlined on the FSR Map below:



**Figure 11:** The FSR Map for MLEP 2013 shows the site in Area D, shaded blue, which has a maximum FSR requirement of 0.5:1 **Source:** Northern Beaches Council mapping

The existing building on the site has a total floor space of 142sqm, which complies with the FSR development standard at 0.29:1. No additional floor space is proposed as part of this application.



## Heritage Conservation

The site is not listed as a heritage item and is not mapped as being in a Heritage Conservation Area. Adjoining the site to the south, is No. 217 Condamine Street, which is a listed Local Heritage Item under MLEP 2013.



**Figure 12:** Heritage Item No. 11 in MLEP 2013 adjoining the site to the south.

**Source:** Northern Beaches Council mapping

No.217 Condamine Street is a strata subdivided residential flat building containing 4 units. As no physical works are proposed to the subject site, there will be no impact on the heritage values of the neighbouring heritage item.

## Acid Sulfate Soils

The subject site is mapped as classification 5 on the Acid Sulfate Soils Map. As no physical work is proposed, there is no requirements for an Acid Sulfate Soils Management Plan.

## Earthworks

None proposed



## **Flood Planning**

The site is not mapped as being on flood prone land

## **Stormwater Management**

No physical works are proposed. Stormwater will be managed in accordance with Council requirements and using the existing stormwater system which drains to Condamine Street.

## **Essential Services**

Clause 6.12 of MLEP 2013 requires development to be connected to the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage, and suitable vehicular access.

We can confirm that all services are available to the existing building.

## 7.0 Manly DCP 2013

Council's Manly DCP 2013 applies to the site. A summary of the key development controls and the extent of compliance is provided in Table 1 below:

219 Condamine Street Balgowlah Site Area - 487.7sqm			
Manly DCP 2013	Standard	Proposed	Compliance
<b>Dwelling Density</b> Area D4	1 dwelling/300sqm	1 dwelling per 243.85sqm	No - As existing
<b>Height of Buildings</b> (wall height, number of storeys, roof height)	Wall Height - 6.8m (1:16)	Maximum at north east corner 6.66m	Yes
	Number of storeys - 2	2 storeys	Yes
	Roof Height - Max pitch 35 degree	Roof pitch - 22 degrees, as existing	Yes
<b>FSR</b>	0.5:1	0.29:1	Yes
<b>Setbacks (front, side and rear) and building separation</b>	Front Setback:		
	Primary Frontage: 6m or prevailing setback	Primary Frontage: As existing - 5.375m prevailing setback	Yes
	Side setback: One third the wall height of the adjacent external wall -  2.26m north 1.93m - south	1.645m north  5.47m south and nil to carport	No - As existing
	Rear setback - 8m	16m	Yes
<b>Open Space and Landscaping OS3</b>	Total Open Space: min. 55% of site area = 268sqm	285.5sqm or 58%	Yes
	Landscaped Area: min. 35% of open space = 93.8sqm	282sqm	Yes
	Above Ground: Max 25% of Total Open Space 25% of 285.5 = 71.375sqm	3.5sqm above ground	Yes
<b>Parking and Vehicular Access</b>	3 resident spaces 1 visitor space  Totals are Rounded up as required by DCP	2 spaces	No - As existing
<b>Development on sloping sites</b>	Site mapped in Area G4.	No works proposed	Yes

## Discussion

### Dwelling Density

The dwelling density is marginally non-compliant, however no additional floor space is proposed and capacity of both proposed lots will remain as existing. The size of each occupancy unit is above the required 70sqm for a 2 bedroom unit, and each has only one bathroom. There are no objectives for this particular DCP control, however it is noted that the building complies with the required FSR, and no additional impacts will arise as the building remains as existing.

### Side Setbacks

The side setbacks of the existing building are non-compliant on the northern side by 620mm. This is an existing circumstance and the lack of windows in the northern elevation ensures there is no adverse overlooking impacts. There are two windows in the northern elevation which are to the kitchen and bathroom. These windows are offset to those of the neighbouring building.

The side setback of the building to the southern boundary is significantly in excess of the required setback. The carport however is on a nil setback to the boundary. The carport is a lightweight and open structure that sits at levels below the sill height of the neighbouring units to the south. There is no adverse overlooking or shadowing impacts that arise from the existing carport on a nil setback.

The objectives of the setbacks controls are met by the development, as outlined below:

*To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street*

No change to the existing streetscape will occur

*To ensure and enhance local amenity by:*

- *providing privacy;*
- *providing equitable access to light, sunshine and air movement; and*
- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- *defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- *facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersections*

No changes to these amenity criteria are proposed because there are no works proposed. The existing building has favourable relationships with adjoining dwellings in all directions and compliant access to privacy, solar access, and views are preserved. Existing



vehicular access arrangements are retained and the pattern of buildings in the streetscape remains as existing.

*To promote flexibility in the siting of buildings.*

No alternative siting of buildings is proposed or required.

*To enhance and maintain natural features by:*

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied*

No change to trees and landscaping on the site is proposed.

*To assist in appropriate bush fire asset protection zones*

The site is not bushfire prone land.

## **Parking**

The site cannot provide compliant levels of parking for 2 x 2 bedroom units. This is however an existing circumstance and it is noted that no increase in density or bedrooms is proposed.

Additionally, it is noted that the DCP provides an exception to parking rates where compliance would have a detrimental impact upon heritage values of items in the vicinity (Clause 4.1.6.1). Strict compliance with the parking controls would require two additional parking spaces which could only be provided adjacent to the southern neighbour, being a listed heritage item.

Together with impacts upon the streetscape, we think that strict compliance would be contrary to the intent of the DCP and in the circumstances of no increase in capacity or density, compliance is not warranted or in the public interest.

### **Matters for Consideration**

Section 4.15 of the Planning Act requires that the following matters be considered:

#### **Any environmental planning instrument**

All relevant SEPP's and MLEP 2013 have been addressed in this statement.

**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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)**

There are no relevant draft instruments that apply to this land or the proposed development.

#### **Any development control plan**

The relevant provisions of Manly DCP 2013 have been considered and addressed in this statement.

**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**

There is no planning agreement under s.7.4 of the EP & A Act that has been entered into or offered.

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

There are no relevant matters arising from the Regulation in relation to the proposal.

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

The likely impacts of the development have been addressed in this document. There are no proposed physical works and the strata subdivision of the site will not result in any adverse impacts in relation to privacy for the site or for neighbours, impacts upon sunlight to the site and to neighbours, and view loss from neighbours or the public domain. The proposal will not unreasonably impact upon the amenity of neighbours. The building is largely compliant with the provisions of Manly LEP 2013 and Manly DCP 2013.

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

The site is suitable for the ongoing residential use and for strata subdivision. The proposal will fit comfortably within its residential context and will continue to provide high level amenity for the occupants without adverse impacts upon neighbours.

### **The subject site is suitable for the proposed development.**

The site is zoned for general residential development. Dual Occupancy is a permitted development in the R1 Zone, and strata subdivision is permitted with development consent. The site is therefore considered suitable for the proposed development.

### **Any submissions made in accordance with this Act or the Regulations**

We understand that the application may be notified in accordance with Council's Community Participation Plan and that any submissions made will be taken into consideration as part of the Council's assessment.

### **The public interest**

Being compliant with the relevant provisions of the Environmental Planning and Assessment Act 1979, Manly LEP 2013, and Manly DCP 2013, an approval of the proposed works is considered to be in the public interest.

## **9.0 Conclusion**

The strata subdivision of the existing attached dual occupancy at No. 219 Condamine Street as proposed will result in a development that continues to contribute to the housing stock in the local area and remains a good fit for the community.

The existing building is highly compliant with the numeric provisions of the Manly LEP and DCP 2013, and achieves all the objectives of this policy. Given this, and that there are no detrimental effects on residential amenity, the development is considered to be consistent with the objectives of the EP&A Act and is worthy of Council's favourable consideration for Development Consent.

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