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STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Dwelling
House

17 Maretimo Street,
Balgowlah

Suite 1, 9 Narabang Way Belrose NSW 2085

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Statement of Environmental Effects

Proposed Dwelling House

17 Maretimo Street, Balgowlah

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1 Introduction

This statement has been prepared as part of the supporting documentation for a Development Application in relation to the construction of a new dwelling. The new dwelling will be sited on the newly created lot as a result of the approved Torrens Title subdivision associated with DA219/2016.

We note that on 25th November 2020, approval was granted for the modification of the above development consent seeking a minor adjustment to the geometry of the proposed right of carriageway to facilitate the deletion of the approved vehicle turning platform (turntable) with the accompanying vehicle sweep path analysis demonstrating the acceptability of such outcome. The application also involved the modification of the approved drainage plans to enable direct connection of the charged system from Lot 2 to the street drainage system with a concept dwelling house design on Lot 1 forming the basis of the drainage and vehicular sweep path analysis undertaken by Council. The proposed dwelling house design, the subject of this application, reflects the concept dwelling house design considered as a component of the previous modification application.

Particular attention has been given to ensuring that the proposed dwelling affords high levels of amenity for future occupants, whilst ensuring high levels residential amenity to adjoining properties are retained in relation to privacy and overshadowing. The proposal is considered to be appropriate within the streetscape and provides additional housing opportunities within the Balgowlah area.

In addition to the Statement of Environmental Effects, the following also accompanies the application:

- Survey by Daw & Walton Surveyors;
- Stormwater Management Plans by Stellen
- Landscape Plan by Ursino Architects
- Architectural Plans by Ursino Architects
- Waste Management Plan by Ursino Architects
- Driveway and sweep path analysis by Stellen

In preparation of this document, consideration has been given to the following:

- Environmental Planning and Assessment Act, 1979;
- Manly Local Environmental Plan 2013 and
- Manly Development Control Plan 2013

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the proposed use and associated works.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

2 Site Analysis

2.1 Site Description and Location

The site is identified as being within lot 6 in DP 18433, 17 Maretimo Street, Balgowlah. The site has an area of 356.8m² and is rectangular in shape with a frontage to Maretimo Street. The site is a battle-axe block with the subject site comprising the front allotment. The topography of the site has a slight fall from street level before rising up moderately towards the rear of the site. An aerial location view is provided as figure 1 below.



Figure 1: Site Location Map (Source: Six Maps)

The development in the local area contains a mixture of detached and semi-detached residential dwellings. The existing development on the site contains a dwelling house which is sited on the rear allotment. A detached brick garage is located adjacent to Maretimo Street. The vehicle access to the existing dwelling the rear allotment will be via the existing driveway along the northern boundary.



Figure 2: Frontage to Maretimo Street.

3 Description of Development

3.1 Details of the Proposed Development

The development application proposed the construction of a new dwelling on the recently created front allotment on the subject site. Specifically, the works include:

Garage Level (RL 85.15):

- Double garage with subfloor storage areas

Ground Floor (RL 86.80):

- Open plan living/kitchen/dining space. A deck with BBQ area is proposed to wrap around the dwelling at ground level.
- Laundry.
- Bathroom.
- Pedestrian entry to the dwelling is via a pathway adjacent to the southern boundary.

First Floor (RL 89.90):

- 4 bedrooms with bedroom 1 including a walk-in-robe and ensuite. A balcony runs along the northern elevation and wraps around to the front of the dwelling.
- Potential family room in lieu of bedroom 4.
- Study.
- Bathroom.

This application includes a landscape plan by Ursino Architects and stormwater management plans by Stellen.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential environmental impacts are discussed below.

4.1 Manly Local Environmental Plan 2013

4.1.1 Zoning and Permissibility

The subject site is Zoned R1 General Residential. The objectives of R1 General Residential zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Dwelling houses are permissible with consent in the R1 General Residential Zone and is not an impediment to the granting on consent.

4.1.2 Floor Space Ratio

Pursuant to clause 4.4 in the LEP, the site has a maximum floor space ratio (FSR) control calculated at 0.5:1. The objectives of the FSR control are as follows:

- a) *to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*
- b) *to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features,*
- c) *to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*
- d) *to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,*
- e) *to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres.*

The proposed FSR is calculated at 0.5:1 which represents a gross floor area of 178.4m² and is compliant with the development standard. As the proposal complies with the numerical standard it is also deemed to comply with the associated objectives.

4.1.3 Height of Buildings

Pursuant to clause 4.3 in the LEP the max building height is measured at 8.5m. The objectives of the control are as follows:

- a) *to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*
- b) *to control the bulk and scale of buildings,*
- c) *to minimise disruption to the following:*
 - i. *views to nearby residential development from public spaces (including the harbour and foreshores),*
 - ii. *views from nearby residential development to public spaces (including the harbour and foreshores),*
 - iii. *views between public spaces (including the harbour and foreshores),*

As indicated on the elevations and section drawings, the building will sit below the 8.5m development standard. The section drawing (DA401) demonstrates compliance with the 8.5m height limit.

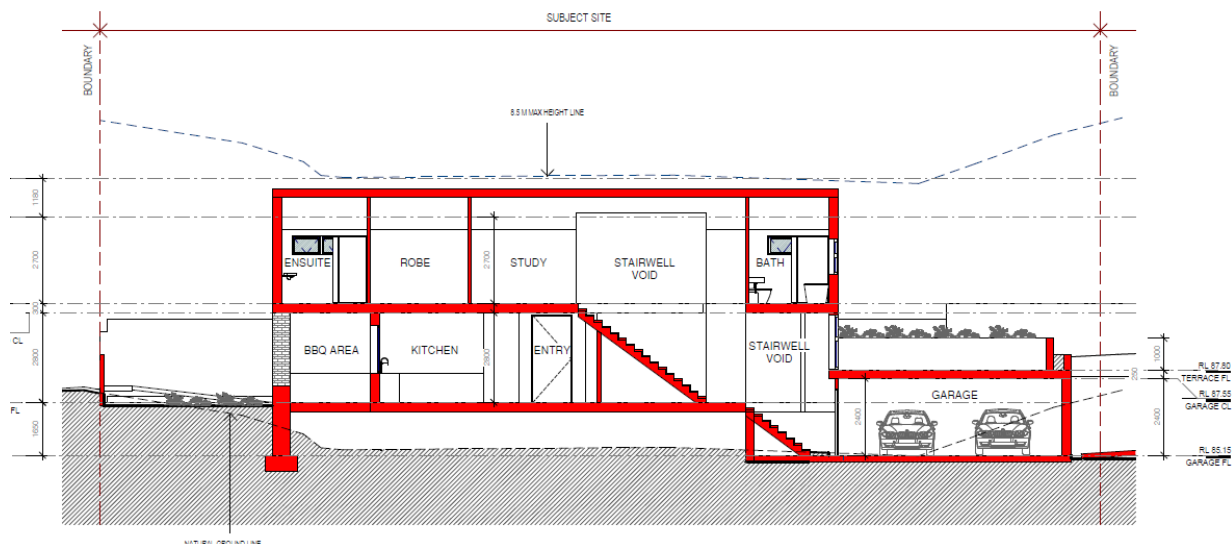


Figure 3: Section showing the 8.5m height control

4.1.4 Acid Sulfate Soils

Pursuant to clause 6.1 of the LEP the objective is to ensure that development does not disturb expose or drain acid sulfate soils and cause environmental damage. The subject site is mapped as being within class 5 acid sulfate soils.

The proposed development requires some excavation to accommodate a lower level garage at the rear. An erosion and sediment control plan has been provided with this application and it is considered that there is little risk of exposing any acid sulfate soils nor result in any adverse impacts of the local environment.

4.1.5 Earthworks

Pursuant to clause 6.2 the objectives of the clause are as follows:

(a) to ensure that earthworks and associated groundwater dewatering for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without requiring a separate development consent.

It is considered that the proposed works at the rear of the site to accommodate a lower level garage will not have an adverse impact on the local environment and its processes. An erosion and sediment control plan has been prepared to limit any adverse runoff associated with the proposed excavation.

4.2 Manly Development Control Plan 2013

The relevant provisions of the Manly Development Control Plan 2013 in relation the proposed works are detailed as follows.

Control	Requirement	Proposed	Compliance
Streetscape (Residential Areas) 3.1	Streetscape is defined and represents the inter-relationship between buildings, landscape and open spaces in the street scene. Local amenity and identity are closely linked to streetscape character. Development should recognise predominant streetscape qualities, such as building form, scale, patterns, materials and colours and vegetation which contributes to the	<p>The proposed development is consistent within the streetscape and compatible with existing development in the local area.</p> <p>No predominant architectural style dominates the area with a mix of older and newer styles of development present in the streetscape.</p>	Yes

Control	Requirement	Proposed	Compliance
	character of the local area.	The dwelling utilises a range of materials and finishes which are identified on the architectural drawings.	
Landscape Design 3.3.1	<p>To encourage appropriate tree planting and maintenance of existing vegetation.</p> <p>To retain and augment important landscape features and vegetation remnant populations of native flora and fauna.</p>	<p>A landscape plan has been prepared by Ursino Architects and is provided within the architectural set of drawings.</p> <p>A range of plantings are proposed which complement the dwellings and will provide increased amenity to the outdoor areas.</p>	Yes
Preservation of Trees 3.3.2	<p>To protect and enhance the urban forest of the Northern Beaches.</p> <p>To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.</p>	No trees are proposed to be removed with the development.	Yes
Sunlight Access and Overshadowing 3.4.1	New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from	<p>Shadow diagrams between 9am and 3pm have been prepared by Ursino Architects.</p> <p>Additional overshadowing will occur to the rear private open space areas of 2 and 4 Ethel Street.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>9am to 3pm at the winter solstice (21 June) ; or</p> <p>Where there is no winter sunlight available to open space of adjacent properties from 9am to 3pm, the calculations for the purposes of sunlight will relate to the equinox in March and September from 9am to 3pm.</p>	<p>It is considered that the development will not eliminate more than 1/3 of the existing sunlight to the rear private open space of these adjoining properties and is consistent with this control.</p>	
Privacy and Security 3.4.2	<p>To minimise loss of privacy to adjacent and nearby development by:</p> <ul style="list-style-type: none"> • appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings; • mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings. <p>To increase privacy without compromising access to light and air. To balance outlook and views from habitable rooms and private open space.</p>	<p>Particular attention has been given to minimising the amount of fenestration to the southern elevation to ensure that any overlooking risks are mitigated. Ground and first floor balconies have been orientated to the north. The setback to the northern boundary is generous and does not give rise to any significant adverse privacy impacts.</p> <p>No direct viewing between windows of adjacent properties will occur with the proposed development.</p> <p>Pedestrian entry to the dwelling is located along the southern boundary and is clearly defined. Appropriate security lighting will be included to the entryway.</p>	Yes

Control	Requirement	Proposed	Compliance
	To encourage awareness of neighbourhood security.		
Stormwater Management 3.7	<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>	Stormwater Management Plans have been prepared by Stellen.	Yes
Waste Management 3.8	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	A waste management plan has been prepared and accompanies this application.	Yes

Control	Requirement	Proposed	Compliance
Safety and Security 3.10	<p>To ensure all development are safe and secure for all residents, occupants and visitors of various ages and abilities.</p> <p>To ensure that the design process for all development integrate principles of 'Safety in Design' to eliminate or minimise risk to safety and security.</p> <p>To contribute to the safety and security of the public domain.</p>	<p>The design of the dwelling allows for the casual surveillance of the street with front facing windows.</p> <p>The vehicle crossings will have a clear line of sight for the protection of pedestrians.</p>	Yes
Wall Height 4.1.2.1	6.5m	<p>The wall height to the southern elevation is approximately 5.5m and consistent with the controls.</p> <p>The northern elevation presents a highly articulated built form. The wall height increases to this elevation as the slope of the land falls away. It has an approximate wall height of 7.4m. This is considered appropriate in this instance considering the dwelling is compliant with the 8.5m development standard and that there is a generous setback to the northern boundary. The access handle to the rear lot also provides an additional buffer. It is</p>	Yes

Control	Requirement	Proposed	Compliance
		considered that the wall height to the northern elevation is appropriate in this instance.	
Number of Storeys 4.1.2.2	2 storeys	2 storeys	Yes
Roof Height 4.1.2.3	Max 2.5m	complies	Yes
FSR 4.1.3	0.5:1	0.5:1	Yes
Front Setback 4.1.4.1	Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.	The proposed front setback is consistent with the prevailing front setback of the neighbouring properties.	Yes
Side Setbacks 4.1.4.2	1/3 of wall height	The side setback to the northern boundary is measured at 1.8m. The access handle to the rear lot that runs adjacent to the northern boundary further increases the side setback to the adjoining property. As such the northern side setback proposed is considered	No Acceptable on merit

Control	Requirement	Proposed	Compliance
		<p>appropriate in this instance.</p> <p>The southern side setback varies with it being 900mm at its closest point. The first floor level has been stepped in to be 1.5m from the boundary.</p> <p>It is considered that the variable ground floor setback and the recessed first floor provides for appropriate spatial separation between adjoining properties and limits any adverse amenity impacts with regard to overshadowing and privacy. The articulated southern façade will ensure that visual impacts will be minimised.</p>	
Open Space and Landscaping	<p>55% Open Space</p> <p>35% Soft Landscaping</p> <p>horizontal dimension of at least 3m in any direction; and</p> <p>a minimum unbroken area of 12sqm.</p> <p>A variation to the minimum specifications in i) and ii) above may only be considered for Above</p>	<p>The required total open space, as per the DCP requirements, is calculated at 196.2m² with a minimum landscaped area of 68.67m².</p> <p>The proposed total open space area is calculated at 29.3% (104.5m²) and has a landscape area of 24% (47m²). These calculations are based on the DCP requirements for determining total open</p>	<p>No</p> <p>Acceptable on merit</p> <p>No</p> <p>Acceptable on merit</p>

Control	Requirement	Proposed	Compliance
	<p>Ground Open Space where it can be demonstrated that lesser dimensions or areas will better serve to minimise amenity impacts on neighbours. A lesser areas of above ground open space may be included or calculated under the minimum requirements in the circumstances of the case. In all other cases open space that does not comply with the minimum specification is not included or calculated under the minimum requirements for total open space.</p>	<p>space and landscape area.</p> <p>If all open space and landscape areas, although not strictly compliant with the definition, are included it results in a total open space area of 51% (174.42m²) and a landscape area of 30% (59.1m²).</p> <p>While the proposal does not strictly comply with the numerical requirements, it is considered the proposal meets the objectives of the control. The development does not require the removal of any existing trees or important landscape features on the site. Private open space has been oriented to the northern boundary to limit any amenity impacts with regard to privacy.</p> <p>Landscaping treatments are proposed to surround the ground level terrace to provide additional screening and ensure this space achieves high amenity for the occupants.</p>	
Parking Design 4.1.6.1	<p>The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain</p>	<p>A 2 car garage is proposed at the rear of the dwelling.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	the desired character of the locality.		
Vehicle Access 4.1.6.4	<p>All vehicles should enter and leave the site in a forward direction.</p> <p>Vehicular access and parking for buildings with more than 1 dwelling is to be consolidated within one location, unless an alternative layout/design would better reflect the streetscape or the building form.</p> <p>Vision of vehicles entering and leaving the site must not be impaired by structures or landscaping.</p>	<p>The application is accompanied by swept path analysis and demonstrates that vehicles can enter and exit in a forwards manner.</p> <p>Both dwellings will utilise a shared driveway which is located adjacent to the northern boundary. This right-of-way was approved with the modification application (MOD2020/0313).</p>	Yes
Earthworks (Excavation and Filling) 4.4.5	<p>To retain the existing landscape character and limit change to the topography and vegetation of the Manly Local Government Area by:</p> <p>Limiting excavation, “cut and fill” and other earthworks;</p> <p>Discouraging the alteration of the natural flow of ground and surface water;</p> <p>Ensuring that development not cause sedimentation to enter</p>	<p>The proposal will require the excavation at the rear of the dwelling to accommodate a lower level double car garage. The topography of the site and its crossfall ensures that some excavation is required to accommodate the dwelling.</p> <p>Some fill is also proposed to the front of the site to provide a level surface for a new front lawn.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>drainage lines (natural or otherwise) and waterways; and</p> <p>Limiting the height of retaining walls and encouraging the planting of native plant species to soften their impact.</p>	<p>A sediment and erosion plan is provided with this application.</p> <p>It is considered that the proposed excavation and fill is relatively minor and achieves the objectives of the control.</p>	

4.3 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as Amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(i) The provision of any planning instrument

The proposal is permissible and generally in conformity with the General, Development Type and Locality Specific Controls contained within Manly Development Control Plan.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

(ii) 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

N/A

(iii) Any development control plan

Manly DCP applies.

(iiia) 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

N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

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

Context and Setting

i. What is the relationship to the region and local context in terms of:

The scenic qualities and features of the landscape.

The character and amenity of the locality and streetscape

The scale, bulk, height, mass, form, character, density and design of development in the locality

The previous and existing land uses and activities in the locality

The proposed dwelling is entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

ii. What are the potential impacts on adjacent properties in terms of:

Relationship and compatibility of adjacent land uses?

sunlight access (overshadowing)

visual and acoustic privacy

views and vistas

edge conditions such as boundary treatments and fencing

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

Travel Demand

dependency on motor vehicles

traffic generation and the capacity of the local and arterial road network

public transport availability and use (including freight rail where relevant)

conflicts within and between transport modes

Traffic management schemes

Vehicular parking spaces

Double car garage is provided at the rear of the dwelling

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

Existing utility services will continue to service the dwelling house.

Flora and Fauna

A landscape plan has been provided.

Waste Collection

Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

The site is flood affected and a flood risk assessment has been provided with this report.

Economic Impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

Is the development design sensitive to environmental considerations and site attributes including:

size, shape and design of allotments

The proportion of site covered by buildings

the position of buildings

the size (bulk, height, mass), form, appearance and design of buildings

the amount, location, design, use and management of private and communal open space

Landscaping

These matters have been discussed in detail earlier in this report. The potential impacts are minimal and within the scope of the general principles, desired future character and built form controls.

How would the development affect the health and safety of the occupants in terms of:

lighting, ventilation and insulation

building fire risk – prevention and suppression

building materials and finishes

a common wall structure and design

access and facilities for the disabled

likely compliance with the Building Code of Australia

The proposed development will comply with the provisions of the Building Code of Australia as required by Clause 98 of the Environmental Planning and Assessment Regulation 2000. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

What would be the impacts of construction activities in terms of:

The environmental planning issues listed above

Site safety

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

Does the proposal fit in the locality

Are the constraints posed by adjacent development prohibitive

Would development lead to unmanageable transport demands and are there adequate transport facilities in the area

Are utilities and services available to the site adequate for the development

Are the site attributes conducive to development

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The architect has responded to the client brief to provide for a dwelling of design merit that provides a high level of amenity for the future occupants whilst appropriately addressing the sites setting and maintaining the amenity of the nearby residential properties. The development will provide a quality built form outcome on the site.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly, approval of the development would be in the public interest.

5 Conclusion

The proposed dwelling is permissible and consistent with the intent of the LEP and DCP controls as they are reasonably applied to the proposal. While we seek favourable consideration with regard to the total open space and landscape area calculation it is considered worthy on merit. We note that Council's DCP controls are to be applied with a degree of flexibility within the context of each site.

It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposed dwelling is compatible with the existing streetscape and development in the local area generally.
- The proposed dwellings will have a satisfactory impact on the environmental quality of the land and the amenity of surrounding properties.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of exceptional design merit, that satisfies the outcomes and controls contained within the adopted legislative framework.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.