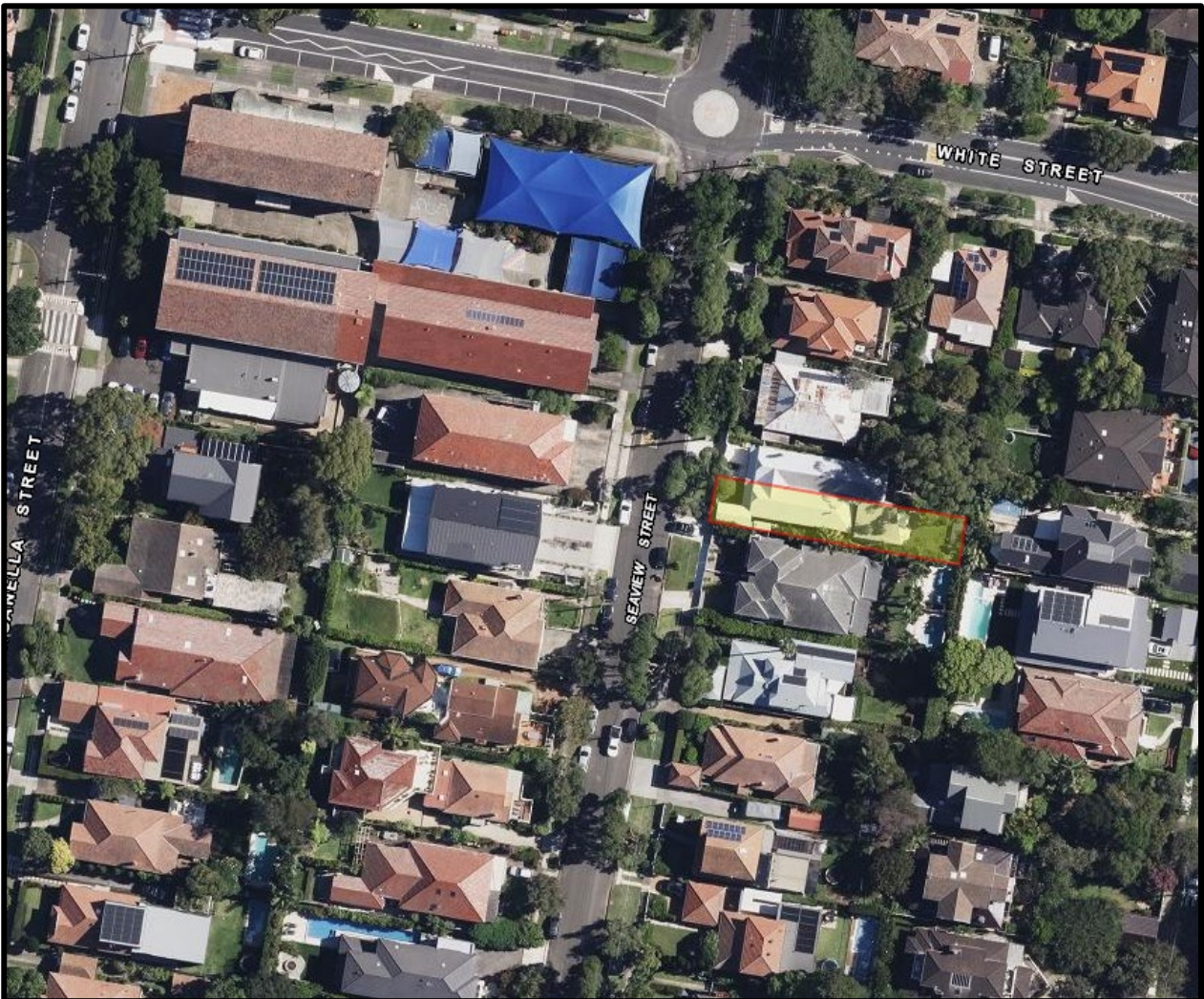


STATEMENT OF ENVIRONMENTAL EFFECTS



SITE: Lot 2 DP 581210
52 Seaview Street
Balgowlah

PROPOSED DEVELOPMENT: Alterations and additions to existing dwelling



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INTRODUCTION

This Statement of Environmental Effects is submitted to Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for alterations and additions to an existing dwelling including the addition of a swimming pool. This report is based on plans prepared by Right Angle Design and Drafting Pty Ltd. Job number RADD23003, dated February 2023.

The proposed works include:

- Construction of swimming pool
- Replace existing patio with decking
- Addition of front path, steps and gate to entrance of dwelling.

The subject site is located on the eastern side of Seaview Street and is rectangular in shape. The allotment has a frontage of 8m, a depth of 45m and a total land area of 363.4m². The site currently contains a two-storey semi-detached dwelling which is to be retained as part of the proposed development. No trees are required to be removed in order to site the proposed pool, ensuring that the landscape character of the area is maintained.

The site is within an established residential area that predominately consists of one and two storey dwellings with parking commonly provided within the front of lots. It is noted that recent developments within the area have been constructed of a contemporary design, establishing a changing dwelling character for the area. The subject site is located is not identified to be a heritage item or located within a conservation area however St Cecilia's Catholic Church (54 Wanganella street) a local heritage item within proximity located west of the proposed development separated by Seaview Street and other dwellings along both Wanganella and Seaview Street.

The following sections of this statement address the likely impact of the proposal.



LEGISLATIVE REQUIREMENTS

The following sections address the matters for consideration as listed in Part 4 Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

(a)(i) Relevant environmental planning instruments

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 – Standards for Residential Development - BASIX

The proposed in ground swimming pool has a volume of 29,300L. It is understood that a BASIX certificate is only required for swimming pools with volumes greater than 40,000L. Therefore, the proposed development does not need to comply with BASIX and no further assessment is considered necessary in this instance.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Clause 4.6 Contamination and remediation to be considered in determining development application

- (1) *A consent authority must not consent to the carrying out of any development on land 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 subject site is within an existing area historically utilised for residential purposes. No previous land uses are known to have occurred on the site that would result in potential land contamination. No further assessment is considered necessary in this instance.



State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Part 2.3 Development controls

Division 15 Railways

Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors

Clause 2.98 Development adjacent to rail corridors

(1) This section applies to development on land that is in or adjacent to a rail corridor, if the development—

- (a) is likely to have an adverse effect on rail safety, or*
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
- (c) involves the use of a crane in air space above any rail corridor, or*
- (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

The subject site is not located within proximity to a railway corridor, and does not have a common boundary with a railway corridor. No further assessment is anticipated in this regard.

Division 17 Roads & Traffic

Subdivision 2 – Development in or adjacent to road corridors and road reservations

Clause 2.119 Development with frontage to classified road

(1) The objectives of this section are—

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*



- (i) the design of the vehicular access to the land, or*
- (ii) the emission of smoke or dust from the development, or*
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject site is not located within proximity to a classified road, and does not have a frontage or common boundary with the classified roadway. No further assessment is anticipated in this regard.

Manly Local Environmental Plan 2013

Part 2 Permitted and prohibited development

Clause 2.2 Zoning of land to which this plan applies

The subject site is zoned R1 General Residential pursuant to Clause 2.1 of Manly Local Environmental Plan 2013.

The proposed development is ancillary development to the existing semi-detached dwelling on the allotment. A '*semi-detached dwelling*' is defined in the Plan as "*a dwelling that is on its own lot of land and is attached to only one other dwelling*".

The identified zone permits the construction of a 'semi-detached dwelling' therefore ancillary development is permitted subject to development consent from Council.

Clause 2.3 Zone Objectives and land use table

The objectives of the R1 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.*



The proposed development is ancillary to the existing low-density residential development, being compatible with the existing and future character of the locality. The proposed works are designed to provide a high level of amenity for adjoining residents whilst considering the natural constraints of the site.

The proposed development is considered to meet the relevant objectives of the R1 zone.

Part 4 Principal development standards

Clause 4.3 Height of Buildings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
8.5m ridge height	Max. ridge height unchanged by proposal.	Yes

Clause 4.6 Exceptions to Development Standards

The proposed development does not contravene the development standards of the LEP.

Part 5 Miscellaneous Provisions

Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance or within a heritage conservation area. The subject site is located within proximity of a local heritage item; 'St Cecilia's Catholic Church'.

The proposed development is not anticipated to have any detrimental impact on the heritage item, therefore, the proposal will be in keeping with surrounding developments within the street and is considered to complement the streetscape.

Clause 5.11 Bush fire hazard reduction

The subject site is not identified to be bushfire prone land on Council's maps.



Clause 5.21 Flood planning

The subject site is not known to be located within a flood planning area.

Part 6 Additional local provisions

Clause 6.1 Acid Sulfate Soils

The subject property is identified as being affected by Class 5 Acid Sulfate Soils. No further assessment is required.

Clause 6.2 Earthworks

Minimal ground disturbance is required to provide a platform to site the swimming pool and replace the existing patio with decking. Balanced cut and fill, all earthworks can be suitably battered and/or retained to ensure structural adequacy and minimal impact on the adjoining properties. A suitable drainage system will run throughout the site to mitigate the change in ground levels.

Clause 6.4 Stormwater management

Drainage from the proposed works is to be directed to the existing drainage system on the subject site, with the inclusion of two additional rainwater tanks. Please refer to the attached Concept Drainage Plan.

Clause 6.8 Landslip risk

The site is not located within an area identified as a Land Slip Risk area.

Clause 6.9 Foreshore scenic protection area

The subject site is not identified as being within a foreshore scenic protection area.

* * *



Conclusion with respect to LEP requirements

The proposal is considered to generally satisfy the objectives of all the relevant development standards relating to dwelling houses as contained within MLEP 2013.

(a)(ii) Relevant draft environmental planning instruments

There are no known draft environmental planning instruments that would prevent the subject development from proceeding.

(a)(iii) Relevant development control plans

Mainly Development Control Plan 2013

PART 3 - General Principles of Development

3.1 Streetscapes and Townscapes

3.1.1 Streetscape (Residential areas)

The neighbourhood generally consists of two and three storey detached dwellings varying in architectural style. A varied front setback exists throughout the area due to the varying design of detached and attached garages. The proposed development is considered to be in keeping with the character of the area. All existing vegetation on the subject site is to be retained in order to maintain the landscape character of the area. Street planting is continual along Seaview Street and no street trees are required to be removed as part of the development.

No set-built theme was evident from the site and area analysis undertaken as built form, colours and materials were varied throughout the area. The landscape character is generally of front setbacks comprising turfed areas with tree planting.

Properties within the street provide varied front fences and/or retaining walls to delineate private boundaries at the street frontage.



3.2-3.10 General Principles development controls

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>3.2 - Heritage Considerations</u> LEP Clause 5.10(4) requires that Council consider the effect of proposed development on heritage significance of a heritage item or heritage conservation area.	The subject site is not located within a conservation area or identified as a heritage item. However, the subject site is located within proximity to a local heritage item. Refer to LEP Clause 5.10 above.	Yes
<u>3.3 - Landscaping</u> Encourage appropriate tree planting and maintenance of existing vegetation. Retain and augment important landscape features and vegetation remnant populations of native flora and fauna.	Minor vegetation removal is required to allow the proposed development. Post development landscaping will occur to re-establish southern boundary gardens and hedging.	Yes
<u>3.4 - Amenity (Views, Overshadowing, Overlooking / Privacy, Noise)</u> Sunlight Access & Overshadowing: Not to reduce sunlight to POS of adjoining by >1/3 Not to reduce sunlight to glazed areas of adjacent buildings: East / West orientation 2 hrs 9am-3pm 21 June to adjoining glazed areas. North / South orientation 4 hrs 9am-3pm 21 June to adjoining glazed areas. Privacy and Security: Use of narrow, translucent or obscured glass where necessary in order to reduce privacy intrusion.	Solar access to existing POS area unchanged by proposal. Adjoining glazed areas to east and west will maintain adequate levels of solar access. No new windows proposed.	Yes Yes N/A



<p>Incorporation of architectural or landscape screens to balconies.</p> <p>Maintenance of Views: To provide view sharing for both existing and proposed development. Minimise loss of views and disruption of views from adjacent and nearby developments.</p>	<p>Existing first floor balcony to be replace with 1.8 high privacy screen as necessary. .</p> <p>The proposed development is not anticipated to result in a detrimental loss of views due to scale of works and maintaining existing setbacks and building height.</p>	<p>Yes</p> <p>Yes</p>
<p><u>3.5 / Sustainability</u> Principles of ecologically sustainable development are taken into consideration. Encouraging energy efficient building design that optimises energy conservation and sustainability in accordance with BASIX legislation.</p>	<p>Proposed development <40,000L pool and thus the requirements of BASIX do not apply to the proposal. Energy efficiency and ecological sustainability measures have been carefully considered in the design, siting and scale of the proposed swimming pool and alterations to rear private open space.</p>	<p>Yes</p>
<p><u>3.7 / Stormwater Management</u> 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>Manage construction sites to prevent environmental impacts from stormwater and protect downstream properties from flooding and stormwater inundation. Promote ground infiltration of stormwater where there will be no negative (environmental) impacts and</p>	<p>Sediment and Erosion Control measures to be in place prior to commencement.</p> <p>Stormwater to be connected to the existing drainage system for the property.</p>	<p>Yes</p> <p>Yes</p>



to encourage on-site stormwater detention, collection and recycling.		
<u>3.8 / Waste Management</u>	Waste Management Plan provided.	For Council's consideration.
<u>3.10 / Safety and Security</u> Safety Design to incorporate safe vehicle access. Security (Casual Surveillance) Development to be designed to maximise opportunities for passive surveillance of public and communal areas.	Proposed new front path and steps provides a safer access separate to vehicle access. Habitable areas and an open entry verandah remain located and orientated to the entry to maintain casual surveillance of the approach to the dwelling. No entrapment areas are created as part of the proposed.	Yes Yes

PART 4 Development Controls and Development Types

PART 4.1 Residential Development Controls

The subject property is located within Residential Density Area – D4 and Open Space Area – OS3 in accordance to Council's DCP.

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>4.1.1 / Dwelling density, dwelling size & subdivision</u> (Refer to Schedule 1 – Map A) Density and Size D1 – 50m ² per dwelling D2 – 150m ² per dwelling D3 – 250m ² per dwelling D4 – 300m² per dwelling D5 – 500m ² per dwelling D6 – 600m ² per dwelling D7 – 750m ² per dwelling	1 dwelling retained on site	Yes



<p>D8 – 950m² per dwelling D9 – 1150m² per dwelling</p> <p>Minimum internal areas: Studio dwelling – 35sqm 1 bedroom dwelling – 50sqm 2 bedroom dwelling – 70sqm 3 bedroom dwelling – 90sqm *Includes 1 bathroom, all additional bathrooms add 5sqm. 4th bedroom increase min. internal area by 12sqm.</p>	<p>No changes to internal areas.</p>	<p>N/A</p>
<p><u>4.1.2 / Height of Buildings</u> Overall height / As per LEP</p> <p>Maximum wall height: 6.5m for flat sites As per Figures 26, 27 and 28 for sloping sites. Site has slope of approx. 1:14 across the site = 6.9m wall height</p> <p>Max 2 storey (except LEP areas 'L' and 'N1' on the HoB Map.)</p> <p>Roof Height – 2.5m Parapets – 0.6m above wall height</p> <p>Roof Pitch - <35°</p>	<p>Complies.</p> <p>Wall height unchanged by proposal.</p> <p>Two storeys retained.</p> <p>Roof height unchanged by proposal No parapets proposed.</p> <p>Roof pitch unchanged by proposal.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>N/A N/A</p> <p>N/A</p>
<p><u>4.1.3 / Floor Space Ratio</u> As per LEP Except where lot size is less than the minimum lot size shown on the LEP Map. See Figure 30.</p>	<p>Complies. N/A</p>	<p>Yes N/A</p>
<p><u>4.1.4 / Setbacks (front, side and rear)</u> <i>Front setback</i></p>	<p>No change in existing front setback.</p>	<p>N/A</p>



<p>Consistent with the adjoining dwellings or 6.0m where no prevailing setback.</p> <p><i>Side setbacks and secondary street frontages</i></p> <p>Side – not less than 1/3 height of adjacent external wall i.e.</p> <p>Windows in living & dining to be >3m from side boundaries.</p> <p>Secondary street to apply side setbacks unless a prevailing setback is apparent.</p> <p>Variations to side setbacks in Areas D3 – D9</p> <p>Rear Setback - 8m</p> <p>Setbacks adjoining RE1, RE2, E1, E2: 6m from common boundary (8m from rear)</p>	<p>No additional external walls proposed.</p> <p>No changes to existing living and dining windows.</p> <p>N/A</p> <p>N/A – no variation required.</p> <p>10.2m to the deck</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>N/A</p>
<p><u>4.1.5 / Open space and Landscaping</u></p> <p>Min. Total Open Space</p> <p>OS1 - 45%</p> <p>OS2 – 50%</p> <p>OS3 – 55%</p> <p>OS4 – 60%</p> <p>Min. % of Total Open Space as Landscaped Area</p> <p>OS1 - 25%</p> <p>OS2 – 30%</p> <p>OS3 – 35%</p> <p>OS4 – 40%</p>	<p>51% total open space maintained, unchanged by the proposed development</p> <p>38% landscaped area proposed.</p> <p>N/A</p>	<p>No – unchanged by the development</p> <p>Yes</p> <p>N/A</p>



<p>Max. 25% open space can be above ground.</p> <p>Private Open Space for dwellings: Min. 18sqm Principal POS; and > 1 dwelling on site = 12sqm unbroken area.</p> <p>Min. no endemic trees: Lot Size Map Area C(<500m²) = 1 Other Lot Size Map Areas(<500m²) = 2 All Lot Size Map Areas(500-800m²) = 3 Lot Size Map Area C(>800m²) = 3 Other Lot Size Map Areas(>800m²) = 4</p>	<p>POS unchanged by proposal.</p> <p>No changes to no. of trees on site.</p>	<p>N/A</p> <p>Merit consideration.</p>
<p><u>4.1.6 / Parking, Vehicular Access and Loading</u></p>	<p>No change to existing carport and access.</p>	<p>N/A</p>
<p><u>4.1.9 Swimming Pools, Spas and Water Features</u></p> <p>Max. 1m above NGL</p> <p>Not located within the front setback</p> <p>Setbacks: Side and Rear setbacks – 1m to the pool and 1.5m to the water line.</p> <p>Pool to occupy no more than 30% of total open space</p> <p>Connected to the sewerage system</p> <p>Filters and pumps to be enclosed and acoustically controls</p>	<p>Inground swimming pool proposed</p> <p>Located in rear setback</p> <p>Min. 1.18m provided to pool. >1.5m provided to water line.</p> <p>23%</p> <p>Capable of complying – please see drainage plans</p> <p>Proposed filter to be enclosed</p> <p>Rainwater tank system proposed</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>



Separate rainwater tank to refill pool as required	Capable of complying	Yes
Pools to be covered by a pool blanket or similar device.		
<u>4.1.10 / Fencing</u> Fencing forward of the building line Max. 1m above ground level at any point.	Proposed 1.2m childproof safety fence in accordance with Swimming Pool Act 1992 and boundary fencing 1.8m.	No – see below.

Variation Requests:

Open Space– The proposed development is provided with an open space area of 51% and is unable to meet the minimum landscape area requirement of 55% of the allotment area. A variation is therefore requested to Council's control to permit the proposed development.

The non-compliance relates to the existing non-compliance prior to the proposed development. The completed development with an open space area of 51% of the site is considered to appear in keeping with the intended landscape character of the surrounding area. The proposed development maintains suitable open space area and proposes to develop the open space to more desirable and useable spaces for the occupants to use.

In this instance the reduced open space area will not result in any impact beyond that of a compliant proposal and it is therefore considered reasonable and appropriate for the variation to be supported.

PART 4.4 Other Development (all LEP Zones)

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>4.4.5 Earthworks (Excavation and Filling)</u> NGL to be maintained within 0.9m of side and rear boundary.	No change to side and rear boundary NGL	Yes
Max. excavation – 1m	<1m	Yes



Max. fill – 1m	<1m	Yes
Retaining walls within 1m of the front boundary - Max. 1m high.	Proposed retaining wall >1m of front boundary and <1m high	Yes

* * *

Conclusion with respect to DCP requirements

The proposed development is considered to meet the aims and objectives of the DCP.

(iia) Relevant planning agreement, or draft planning agreements

There are no known planning agreements that would prevent the proposed development from proceeding.

(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality

The following matters are understood to be relevant when considering on site impacts.

Sitting and Design

The proposed inground swimming pool and landscape works will be compatible in terms of height, bulk and scale with surrounding developments within the area.

The siting of the proposed works provides suitable boundary setbacks, contributing to spatial separation and openness between dwellings

Sedimentation Control

Due to the topography of the site, earthworks will be required for the construction of the proposed alterations and additions, as shown on the development plans. All disturbed areas will be provided with sedimentation controls in accordance with Council's policy with compliance required as a condition of consent.



Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

Noise and Vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged to occur during construction.

(c) The suitability of the site for the development

The subject site is within an existing residential area and is close to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.

The proposed alterations and additions to an existing residence, the subject of this application, can be constructed with all services necessary and has been designed to suit site constraints and the character of the surrounding locality.

The residential use of the site is permissible with development consent under the provisions of Manly LEP 2013 and generally satisfies the objectives of the relevant development control plans as discussed above.

(d) Any submissions made in accordance with this Act or the regulations

Council will consider any submissions received during the relevant notification period for this development application.

(e) Public interest

As the proposal can satisfy the objectives of all relevant planning instruments and development control plan, approval of the subject dwelling is considered to be in the public interest.



CONCLUSION

The proposed development has been considered in respect of the relevant Environmental Planning Instruments and is deemed to be satisfactory with respect to those requirements taking into consideration the overall merits of the design presented.

The residential use of the site is permissible with development consent under the provisions of Manly Local Environmental Plan 2013, and can satisfy the objectives of the relevant development control plan for the area.

It is considered that the construction of an inground swimming pool will complement and blend with the existing and likely future character of Balgowlah and the minor extension to existing first floor balcony will not result in any adverse privacy impacts. The proposal is not expected to have an adverse impact on the surrounding natural or built environment.

The appropriateness of the development has been evident within this statement and within the supporting documentation submitted to Council. The proposed inground swimming pool and minor alterations to the balcony and decking appropriately identifies and relates to the sites use as a residential development.

Having considered the requirements of all environmental planning instruments and DCP's the proposed landuse activity is considered acceptable and maintains the integrity of the existing locality. There are no potential adverse impacts from the development having considered the relevant heads of consideration under S4.15 of the E P and A Act 1979.

Given the relevant planning policies, codes and requirements of the EP & A Act 1979 have been duly satisfied the proposed development is on balance worthy of approval.

Olivia McQuaid

Town Planner

Urban Planning & Building Consultants

27 November 2023