



4 TUTUS STREET BALGOWLAH HEIGHTS

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR
ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING**



Report prepared for
Patioland
December 2019

Contents

- 1 INTRODUCTION
- 2 THE SITE AND ITS LOCALITY
- 3 SITE PHOTOS
- 4 PROPOSED DEVELOPMENT
- 5 STATUTORY FRAMEWORK
- 6 SECTION 4.15
- 7 CONCLUSIONS

1.0 Introduction

- 1.1 This is a statement of environmental effects for alterations and additions to an existing dwelling at 4 Tutus Street, Balgowlah Heights. The proposal is for an extension to the existing rear deck, the addition of a louvred roof and new pool fencing.
- The report describes how the application addresses and satisfies the objectives and standards of the Manly Local Environmental Plan 2013, the Manly Development Control Plan 2013 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 7.1 This statement of environmental effects has been prepared with reference to the following:
- ◆ Site visit
 - ◆ Survey Plan prepared by Anthony WG Clarke
 - ◆ Architectural drawings prepared by Patioland
 - ◆ Waste Management Plan
 - ◆ BASIX Certificate
- 1.3 The proposed alterations and additions are consistent with the objectives of all Council controls, considerate of neighbouring residents and will result in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

2.0 The site and its locality

- 2.1 The subject site is located on the eastern side of Tutus Street in Balgowlah Heights, approximately 105 metres south of its intersection with New Street East. The site is legally described as Lot 1 DP 747796.
- 2.2 It is battle-axe lot with a 4.86-metre-wide access handle from Tutus Street. It has boundaries measuring 37.19 metres (north, 62.79 metres including the access handle), 24.385 metres (east), 25.6 metres (south) and 19.505 metres (west). The site has an area of 805.7m² and slopes from west to east (from Tutus Street to the rear of the lot).
- 2.3 The site is currently occupied by a one and two-storey rendered brick dwelling with a metal roof and swimming pool. The dwelling enjoys water views to the east, over Forty Baskets Beach and Reef Bay.
- 2.4 The site is surrounded by detached residential dwellings in all directions. It is serviced by the Balgowlah shops to the north and is in close proximity to Forty Baskets Beach, Reef Bay and Wellings Reserve.



Figure 1. The site and its immediate surrounds

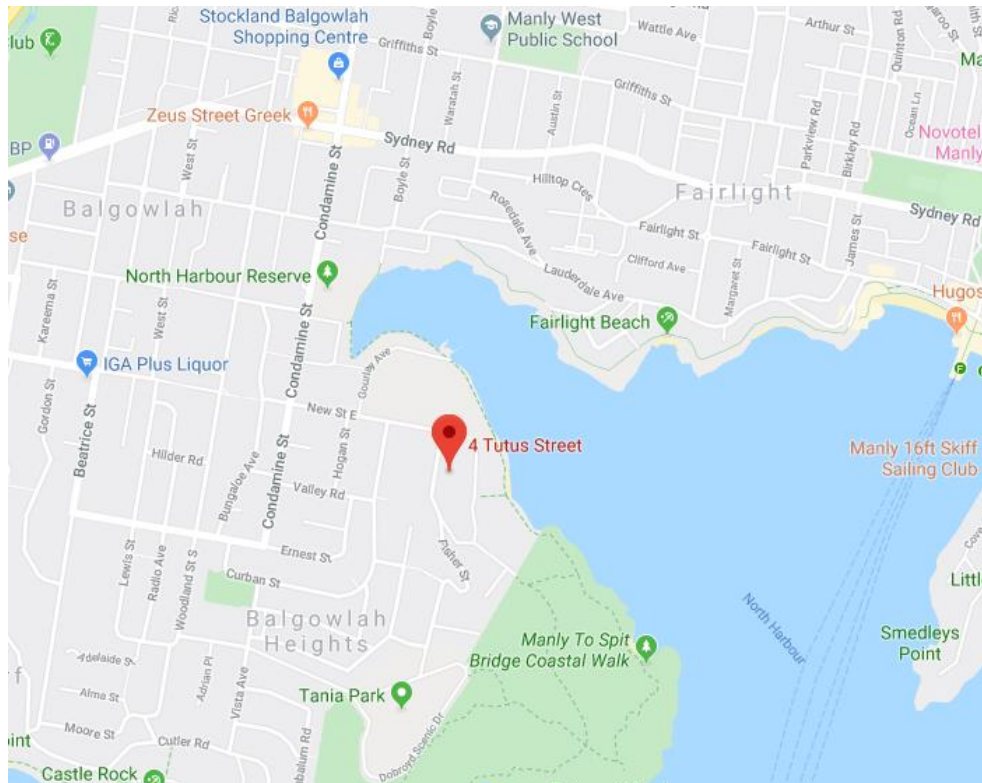


Figure 2. The site within the locality

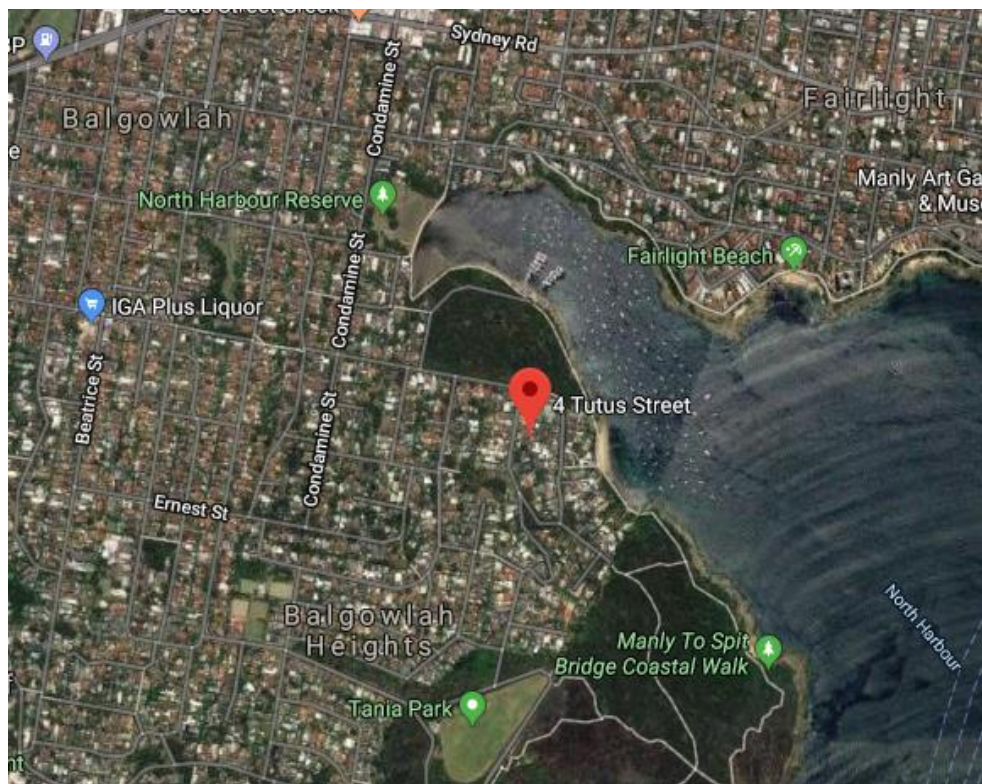


Figure 3. Aerial image of the site within the locality

3. Site Photos



Figure 4. The access handle viewed from Tutus Street



Figure 5. The rear of the dwelling and location of the proposed deck extension, looking west.



Figure 6. The view from the existing deck, looking east.



Figure 7. Existing decking where the deck extension and louvred roof is proposed

4. Proposed Development

- 4.1 The proposed development is for alterations and additions to the existing dwelling, specifically a 12.14m² addition to square off the existing deck to create a total area of 50.8m² with a new louvred roof and new, upgraded pool fencing.
- 4.2 The proposed alterations and additions remain consistent with the streetscape and the locality. The proposal is consistent with Council controls, ensures views, privacy and solar access are maintained for surrounding properties and the subject site.
- 4.3 The alterations and additions to the dwelling will be made up as follows:
- Demolish the existing glass roofed patio cover and pergola,
 - Construct a 12.14 m² extension to the existing deck from hardwood,
 - Install new 'Eclipse' louvred patio roof (including new posts and guttering),
 - A new frameless glass pool fence with aluminium posts and a stainless-steel top rail.

5. Statutory Framework

5.1 State Environmental Planning Policies

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel. SEPP BASIX applies to the proposal and a compliant BASIX certificate is provided with this application.

State Environmental Planning Policy (Coastal Management) 2018

The site is mapped as 'Coastal Environment Area' and 'Coastal Use Area' by State Environmental Planning Policy (Coastal Management) 2018, accordingly the consent authority must consider clauses 13 and 14 of the SEPP.

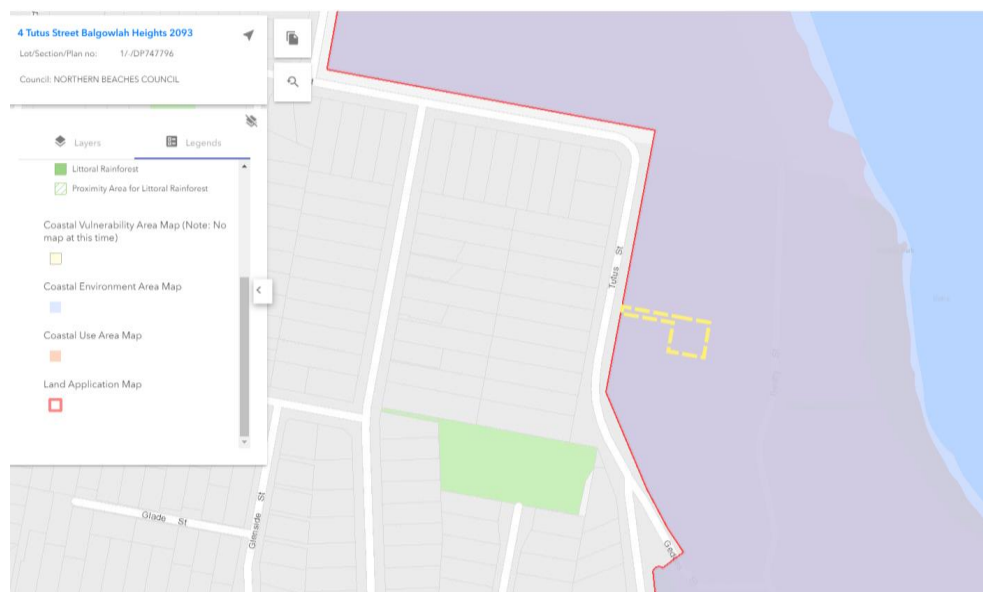


Figure 8: Extract – SEPP (Coastal Management) 2018

13. Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,

The proposed development is minor and located on a disturbed portion of the site. It will not impact upon the biophysical, hydrological or and ecological environments.

(b) coastal environmental values and natural coastal processes,

There will be no impact on environmental values or natural coastal processes.

(b) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,

The proposal will not result in a decrease to water quality leaving the site.

(c) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

There will be no impact on vegetation, habitats, headlands or rock platforms.

(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

The proposed development will not result in any change to the existing access to and along the foreshore and beach.

(f) Aboriginal cultural heritage, practices and places,

The location of the proposed addition is highly disturbed, there will be no impacts on Aboriginal cultural heritage, practices and places.

(g) the use of the surf zone.

There will be no impact on the surf zone.

14 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

The proposed development will not result in any change to the existing access to and along the foreshore.

(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,

The proposed development will not result in an increase to shadowing or wind funnelling. There will be no loss of views from public places to foreshores.

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

The consistent nature of the proposal with surrounding development, ensures scenic quality of the coast is maintained, with the minor scale, materials and colours consistent with the locality.

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

The proposed development is minor and located on a disturbed portion of the site. There will be no impacts on heritage.

(b) is satisfied that:

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

As described above, the proposed development is very minor and located on the disturbed area of the site. It is concluded that there will be no adverse impacts as referred to in (a).

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The appearance of the proposed addition is minor and consistent with the surrounding coastal and built environment. The bulk and scale are appropriate and compatible with the locality.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces the repealed provisions of clause 5.9 of the standard instrument LEP relating to the preservation of trees and vegetation.

The aims of this Policy are to protect the biodiversity values of trees and other vegetation, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The development remains consistent with the provisions of the SEPP as it does not propose the removal of any native trees.

5.2 Manly Local Environmental Plan 2013

The relevant clauses of the Manly Local Environmental Plan 2013 are addressed below.

Zoning

The site is zoned R2 Low Density Residential pursuant to the provisions of the Manly Local Environmental Plan 2013.



Figure 9. Extract from Manly LEP 2013 zoning map

The proposed development is a permissible use in the R2 zone which permits residential dwelling with development consent.

Demolition

Consent is sought for minor demolition works as described above and detailed on the attached DA plans.

Minimum Lot Size

The site is mapped with a minimum subdivision lot size of 750m². The subject site comprises an area of 805.7m² (624.25m² excluding the access handle) and no subdivision is proposed.

Height

Clause 4.3 of the LEP restricts the height of any development on the subject site to 8.5 metres. The development proposes a maximum height of 3.97 metres, easily compliant with Councils control.

Floor Space Ratio

A maximum floor space ratio of 0.4:1 is permitted for the site which equates to 322.28m² for the site area of 805.7m² or 249.7m² for the site area, excluding the access handle, of 624.25m².

The proposed development will not increase the existing approved gross floor area of the dwelling of 208m², maintaining a compliant FSR of 0.33:1 (excluding the access handle). No additional gross floor area is proposed.

Heritage

The site is not a heritage item, located within a heritage conservation area, or located near any heritage items.

Acid Sulfate Soils

The site is not located in an area nominated as Acid Sulfate soils.

Earthworks

Minor earthworks are proposed to prepare the site for construction. All works will be undertaken in accordance with engineering specifications, Councils controls and any conditions of consent.

Stormwater Management

Stormwater from the alterations and additions will be connected to the existing drainage infrastructure on the site.

Foreshore Scenic Protection Area

The subject site is mapped as foreshore scenic protection area, as such, development consent must not be granted unless the consent authority has considered the matters set out in clause 6.9 of LEP 2013:

(a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,

The proposed addition is designed and sited to work with the site and presents a practical, aesthetically pleasing addition to the rear of the dwelling. The development will not be visible from Tutus Street and will be barely visible from the foreshore. There will be no overshadowing of the foreshore or loss of views from a public place to the foreshore.

(b) measures to protect and improve scenic qualities of the coastline,

The site is barely visible from the coastal foreshore, as explained above. The development is minor and blends with the surrounding development when viewed from the coast. The proposed development incorporates coastal character, landscaping and layered textures to present a design in keeping with the coastal location, while maintaining the scenic quality of the coastal foreshore.

(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,

The proposed development is for a minor addition to an existing residential dwelling. The site is zoned residential and the use remains permissible in the zone. The proposed works will not impact on the foreshore.

(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.

The subject site is located approximately 145 metres from the water, within an existing residential lot. The proposed works will not create conflict between land-based and water-based coastal activities.

Essential Services

All essential services are existing on the site.

5.3 Manly Development Control Plan 2013

The relevant sections of the DCP are addressed below.

3. General Principles of Development

3.1 Streetscape and Townscapes

The proposal will remain consistent with the existing dwelling character and will not change the streetscape.

Garbage Areas

The dwelling has existing bin storage areas that will be retained.

Complementary Design and Visual Improvement

The proposed development remains consistent with the local character and streetscape in the locality.

The proposed works will be constructed of materials consistent with the residential use and coastal locality and are of an appropriate scale for the locality.

Front Fences and Gates

The development does not propose new front fencing or gates. A new frameless glass pool fence with aluminium posts and a stainless-steel top rail are proposed.

Roof and Dormer Windows

The patio roof pitch will be of a similar pitch to the existing pergola as a louvred cover is proposed.

Garages, Carports and Hardstand Areas

The subject site has an existing garage and no change is proposed.

3.3 Landscaping

The proposed alterations and additions have been designed to appropriately complement the residential character of the site and the neighbouring properties. The proposed works are located within a disturbed portion of the site. No significant trees are proposed to be removed as part of this application.

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

3.4.1.1 Overshadowing adjoining open space

The DCP requires that new development not eliminate more than 1/3 of existing sunlight accessing the private open space of adjoining properties between 9am and 3pm on 21 June.

The proposed development is a minor louvred roof system and deck which will not result in a significant increase in shadowing. Appropriate levels of solar access will be maintained for the property and its neighbours with no shadows required for the minor addition to the existing single storey structure.

3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties.

The subject site and adjoining lots have an east-west orientation, as such the DCP requires a minimum 2 hours solar access be maintained to the glazing in living rooms between 9am and 3pm on 21 June.

As described above, the proposed development is a minor louvred roof system and deck which will not result in a significant increase in shadowing. Appropriate levels of solar access will be maintained for the property and its neighbours.

3.4.1.3 Overshadowing Solar Collective System

The proposed development will not overshadow neighbouring solar collector systems.

3.4.1.3 Overshadowing Clothes Drying Areas

The proposed development will not overshadow neighbouring clothes drying areas.

3.4.1.5 Excessive Glare or Reflectivity Nuisance

All external material and finishes will be constructed of non-reflective materials in keeping with this clause.

3.4.2 Privacy and Security

Privacy will be retained for neighbours with ample setbacks and no direct overlooking into any key living areas. The side boundary fencing maintains privacy between dwellings, with a new privacy screen proposed on the northern elevation of the deck.

3.4.2.3 Acoustical Privacy (Noise Nuisance)

The development is appropriate and will not result in noise levels inappropriate to a residential area.

3.4.3 Maintenance of Views

The subject site and surrounding properties enjoy water views to the east, over Forty Baskets Beach and Reef Bay.

A site visit has been undertaken and it is considered that the proposed minor addition of a deck and louvred roof system to the rear of the subject site, will not impact on views for the subject site or surrounding properties. The existing view corridors and view sharing will be maintained in the locality.

3.5 Sustainability

A compliant BASIX Certificate is provided with the attached plan set.

The proposed alterations and additions provide compliant solar access and ventilation and will result in improved amenity for the residents of the site.

3.7 Stormwater Management

Stormwater from the alterations and additions will be connected to the existing drainage infrastructure on the site.

3.8 Waste Management

Appropriate waste management will be undertaken during the demolition and construction process.

All demolished materials will be recycled where possible which is detailed in the accompanying Waste Management Plan.

The existing dwelling has appropriate waste storage areas, with waste to be collected by Councils regular service.

Part 4 Development Controls and Development Types

4.1 Residential Development Controls

No change is proposed to the existing residential density which comprises of a single dwelling house.

4.1.2 Height of Buildings (incorporating wall height, number of storeys and roof height)

Clause 4.3 of the LEP restricts the height of any development on the subject site to 8.5 metres. The development proposes a maximum height of 3.97 metres, easily compliant with Councils control.

A flat, louvred roof is proposed.

4.1.3 Floor Space Ratio (FSR)

As described above, a maximum floor space ratio of 0.4:1 is permitted for the site which equates to 322.28m² for the site area of 805.7m² or 249.7m² for the site area, excluding the access handle, of 624.25m².

The proposed development will not change the existing gross floor area.

4.1.4 Setback (front, side and rear) and Building Separation

4.1.4.1 Street Front setbacks

A front setback consistent with the prevailing setback, or minimum 6 metres, is required on the site.

The subject site is a battle-axe lot, with a street setback far in excess of the 6 metres control. No change is proposed to the existing setback.

4.1.4.2 Side setbacks and secondary street frontages

The development retains a minimum side setback of 925mm (north) to the existing deck and replacement louvred roof. The proposed setback is existing, unchanged and consistent with the existing dwelling and compliant with the Building Code of Australia.

4.1.4.4 Rear Setbacks

A minimum rear setback of 8 metres is required on the site and the development proposes a compliant rear setback of 8.4 metres.

4.1.5 Open Space and Landscaping

4.1.5.1 Minimum Residential Total Open Space Requirements

The DCP requires a total of 60% of the site to be open space with a minimum 40% of that open space to be landscaped area (area OS4). This equates to 374.55m² of open space for the site area, excluding the access handle, of 624.25m² and 149.82m² of landscaped area.

The development will result in a compliant open space area of 374.65m² or 60% and a compliant landscaped area of 191.15m² or 51%.

4.1.6 Parking, Vehicular Access and Loading (including bicycle facilities)

No change is proposed to the existing double garage or vehicular access from Tutus Street.

4.4.2 Alterations and Additions

The proposal meets the DCP description of an addition.

5.4 Environmentally Sensitive Lands

5.4.1 Foreshore Scenic Protection Area

This matter is discussed under SEPP (Coastal Management) and LEP Foreshore Scenic Protection Area above.

6. Section 4.15 Considerations

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 to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed land use is complimentary and compatible with adjoining development. The proposal achieves the aims of the Manly LEP and DCP.

The development is permissible in the zone.

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

6.1. Context and Setting

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?*

These matters have been discussed in detail in the body of the statement.

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?*

The proposed alterations and additions have been designed to complement the site and its surrounds. The proposal is appropriate and will have negligible impact on adjacent properties.

6.2. 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?*

No conflict or issues will arise as a result of the proposed development.

6.3. Public domain

There will be no impact.

6.4. Utilities

There will be no impact on the site, which is already serviced.

6.5. Flora and fauna

There will be no impact.

6.6. Waste

There will be no impact.

6.7. Natural hazards

The site is not constrained by natural hazards.

6.8. Economic impact in the locality

There will be no impact, other than the possibility of a small amount of employment during construction.

6.9. Site design and internal design

Is the development design sensitive to environmental conditions 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?*

The proposed development is highly appropriate to the site regarding all of the above factors. The proposed development fits well within the context of the surrounds and is an appropriate scale.

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 and all relevant Council controls.

6.10. Construction

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

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

The suitability of the site for the development

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments 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?*

The adjacent development does not impose any unusual development constraints.

Are the site attributes conducive to development?

The site is appropriate for the proposed alterations and additions.

Any submissions received in accordance with this Act or the regulations

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

The public interest

It is considered that the proposal is in the public interest as it allows for appropriate use of the residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

7. Conclusions

- 7.1 The proposed development for alterations and additions to an existing deck at 4 Tutus Street Balgowlah Heights is appropriate considering all State and Council controls.
- 7.2 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 7.3 Considering all the issues, the fully compliant development is considered worthy of Council's consent.