

# **Statement of Environmental Effects**

## **Extension to Ground Floor Balcony 7 Addison Road, Manly**



**Prepared for M. Williams  
Submitted to the Northern Beaches Council**

**March 2020**

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## Appendix

Appendix 1 Plans and site survey

## Executive Summary

This Statement of Environmental Effects (SEE) has been prepared to accompany a DA for a minor extension to the ground floor balcony at 7 Addison Road, Manly. This SEE has been prepared and is submitted to the Northern Beaches Council (Council) pursuant to the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

### The site and locality

The site is located at 7 Addison Road, Manly, within the Northern Beaches LGA. The site is legally described as Lots 1 and 2 SP 4666.

The site has an area of 834.7m<sup>2</sup> with approximately 6.095m frontage to Addison Road and adjoins the mean high water mark of Manly Cove. The site is irregular in shape with a 54.86m southern side boundary and a 57.91m northern side boundary. The site comprises of a part 2 and part 3-storey dwelling and ancillary structures.

Surrounding land uses are low to high density residential developments, Manly Cove and Manly Peace Park. The proposal will improve the functionality of the ground level open space and will improve the amenity for the residents of the dwelling.

### The proposal

The proposal comprises a minor extension to the ground floor balcony on the north-western façade of the dwelling.

### Statutory Planning Framework

Section 4 of the SEE consider relevant State legislation and State and local environmental planning instruments, including:

- Section 4.15 of the EP&A Act;
- *State Environmental Planning Policies (SEPPs)*, including:
  - *State Environmental Planning Policy No.55 (Remediation of Land)*
  - *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
  - *Draft State Environmental Planning Policy (Environment)*
- The DA has been assessed against the relevant clauses of the *Manly Local Environmental Plan (MLEP) 2013* and has been demonstrated to comply with these clauses.
- The proposal is also consistent with the *Manly Development Control Plan (DCP) 2013*.

### Environmental Planning Assessment

A detailed assessment of the potential environmental impacts of the proposal is contained in Section 4. This section demonstrates that the proposal is of a minor nature that will have minimal environmental impact and is an appropriate use of the site and building.

### Conclusion

This SEE provides a comprehensive environmental assessment of the proposal. The proposed development is a minor extension to an existing balcony which will not impact the adjoining properties' privacy or result in unreasonable overshadowing impacts. In conclusion, the proposal should be supported by Council and approved.

# 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application for a minor extension to an existing balcony on the Ground Level of the dwelling at 7 Addison Road, Manly.

This SEE has been prepared and is submitted to the Northern Beaches Council (Council) pursuant to the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposed development involves an extension to the ground floor balcony on the north-western façade of the dwelling. The proposal comprises:

- a 1m extension to the north-west and north-east portions of the balcony
- new wrought iron balustrade to match the existing

This SEE describes the site, its surroundings and the proposed DA and provides an assessment of the proposal in terms of the matters for consideration under section 4.15(1) of the EP&A Act.

This SEE demonstrates that the proposal is generally consistent with the relevant provisions of the:

- *State Environmental Planning Policy No.55 (Remediation of Land)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Draft State Environmental Planning Policy (Environment)*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013*

This SEE concludes that the proposal is an appropriate use of the building and will not result in any significant environmental impacts. The proposed works are internal only and will have a minimal impact on the heritage fabric.

This SEE should be read in conjunction with the following supporting plans (Appendix 1).

## 1.1 Consent authority

The cost of works for the purpose of determining the DA fee for the proposal is calculated in accordance with Clause 255(1) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) at \$10,000 including GST

The DA will be determined by the Northern Beaches Council.

## 2 The site and locality

### 2.1 Location and context

The site is located at 7 Addison Road Manly and adjoins Manly Cove. The surrounding land uses includes low to high density residential development, Manly Cove and the Peace Park.

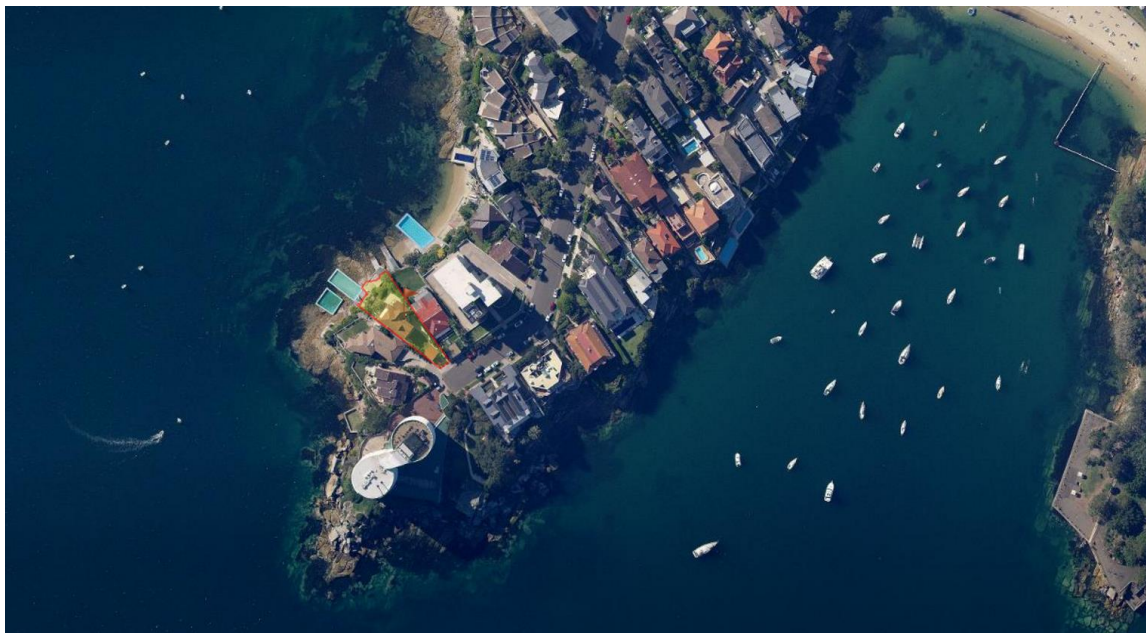


Figure 1: Location of the site (Source: Six Maps)

The site is irregular in shape with approximately 6.095m frontage to Addison Road, 54.86m southern side setback and 57.91m north eastern side setback. The site has an area of 834.7m<sup>2</sup> and comprises a part 2 and part 3 storey dwelling, garage and ancillary structures.

There are shrubs and several trees on the site. The site slopes down from Addison Road to the mean high water mark adjoining Manly Cove. The site is not flood or bushfire affected.

As the site has frontage to Manly Cove, the site is identified as comprising a heritage item (I1 – Landscape) under the Manly Local Environmental Plan 2013.





Figure 2: Existing ground floor balcony North-western façade (Source: Applicant)



Figure 3: Existing ground floor balcony North-western façade (Source: Applicant)

### 3 The proposal

The proposed development is described in the table below:

Address/Property	7 Addison Road, Manly
LGA	Northern Beaches
Zoning	E4 Environmental Living
Permissibility	Permissible
Project	<p>The proposed development comprises:</p> <ul style="list-style-type: none"> <li>Extension of balcony on the Ground Level on the north-western façade from approximately 8.89m<sup>2</sup> (4351mm x 2043mm) to 16.28m<sup>2</sup> (5351mm x 3043mm)</li> <li>New wrought iron balustrade to match the existing balustrade</li> </ul>

Table 1: Project Overview

The existing ground floor balcony is directly accessible from the internal dining and living area. The existing ground floor balcony is narrow and cramped. The proposed increased balcony will improve the functionality of the balcony as the circulation space will be increased. The proposal will improve the outdoor private open space and the amenity for the residents of the dwelling.

The proposed plans and site survey are provided in Appendix 1

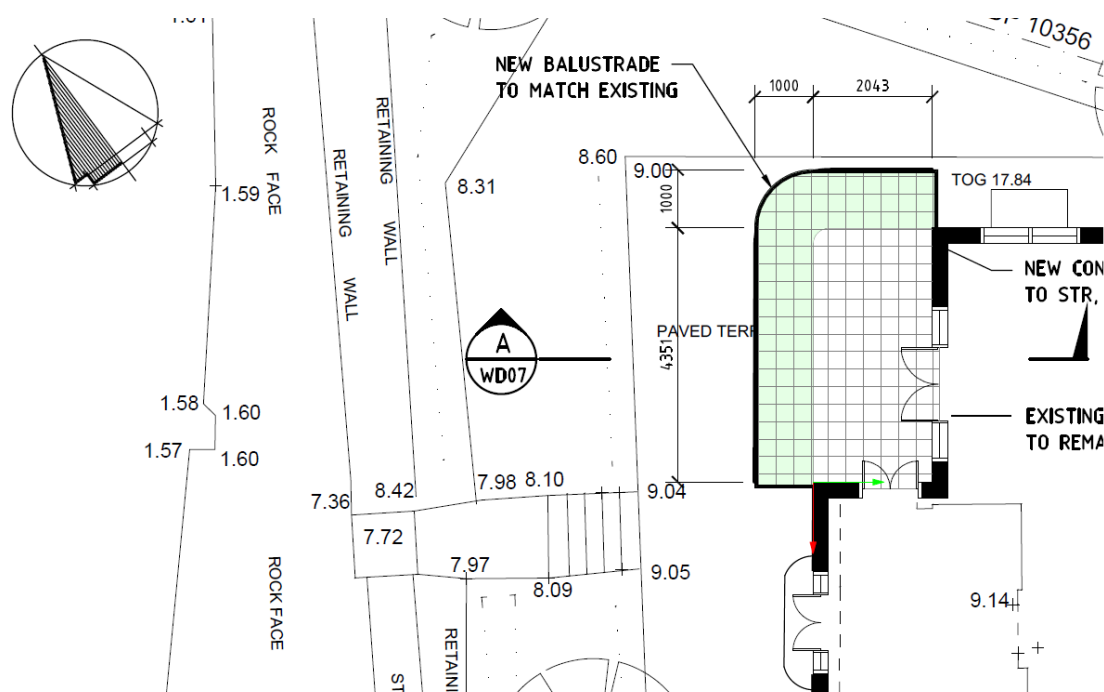


Figure 4: Proposed Ground level floor plan (Source: Turner Hughes Architects)



Figure 5: Existing (left) and proposed balcony extension (right) North-western facade (Source: Turner Hughes Architects)



## 4 Environmental Planning Assessment

### 4.1 Environmental Planning and Assessment Act 1979

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is considered to promote the orderly and economic use and development of land without resulting in an adverse impact on the environment. The orderly development of the land will be maintained by the proposed development as the proposal is consistent with the maximum building height and floor space ratio for the site.

This section of the report provides the planning assessment against the key statutory environmental planning instruments and Development Control Plans relevant to the development. The following detailed assessment of the proposal is based on the heads of consideration contained in section 4.15 of the EP&A Act.

#### 4.15(1) Matters for consideration—general

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

Relevant Provision	Comment
(a) the provisions of:	
(i) any environmental planning instrument, and	The relevant environmental planning instruments are addressed in Sections 4.2 and 4.3
(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	As above
(iii) any development control plan, and	The Manly Development Control Plan 2013 is addressed within Section 4.4
(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	Not applicable
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The requirements of the EP&A Regulations are addressed in Section 4.6
(v) (Repealed)	
that apply to the land to which the development application relates,	
(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,	The impacts of the proposal are addressed in Sections 4.7 to 4.11
(c) the suitability of the site for the development,	Site suitability is addressed at Section 4.13.
(d) any submissions made in accordance with this Act or the regulations,	Any submissions made in regards to this development application will be duly considered and addressed.
(e) the public interest.	Public interest is addressed at Section 4.15.

Table 2: Section 4.15(1) assessment

## 4.2 State Environmental Planning Policies

The key applicable state environmental planning policies relevant to the proposal are:

- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Draft State Environmental Planning Policy (Environment)*

These policies are discussed in detail below.

### 4.2.1 State Environmental Planning Policy No.55 – Remediation of Land

*State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) applies to the State and states that where a DA is made concerning land that is contaminated, the consent authority must not grant consent 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 application does not seek approval for substantial alterations to the building or any excavation. The site is not known to pose a risk of contamination and with respect to Clause 7, the land is considered suitable for the proposed use.

### 4.2.2 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The proposed development will be visible from Sydney Harbour due to its location. Notwithstanding, the proposal is for a minor extension to an existing balcony which will be imperceptible from the Harbour. The proposal is consistent with the aims and objectives of the policy.

### 4.2.3 Draft State Environmental Planning Policy (Environment)

The Draft State Environmental Planning Policy (Environment) consolidates a number of State and Regional Environmental Plans including the following:

- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

The proposal is consistent with the Draft Environment SEPP as it comprises minor internal works within an established building.

## 4.3 Manly Local Environmental Plan 2013

### 4.3.1 Zoning

The site is zoned E4 Environmental Living in the LEP 2013 (Figure 6). The objectives of the E4 zone are:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To protect tree canopies and ensure that new development does not dominate the natural scenic qualities of the foreshore.
- To ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation.
- To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate, and minimise the impact of hard surfaces and associated pollutants in stormwater runoff on the ecological characteristics of the locality, including water quality.
- To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.

The proposal comprises works to a dwelling house which is permissible with Council consent within the E4 Environmental Living zone. The proposal comprises minor and low-impact extension to the dwelling, to improve the useability of the outdoor living space.

The proposal is consistent with the objectives of the E4 Environmental living zone. The proposal will be largely contained within the existing footprint of the dwelling. No work is proposed to the foreshore.

The proposed extension to the balcony will be imperceptible from Manly Cove and will generally be undertaken within the footprint of the existing dwelling. The proposal will not alter the building height or bulk of the dwelling.

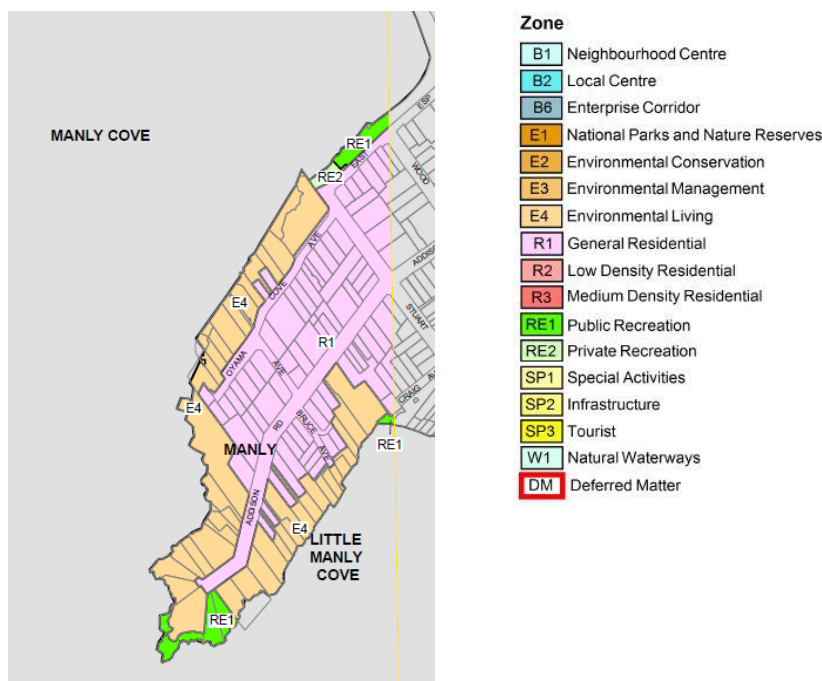


Figure 6: Extract of zoning map (Source: Manly Local Environmental Plan 2013)

### 4.3.2 Floor Space Ratio (FSR)

The FSR applying to the site is 0.6:1 under the Manly LEP 2013. The DA does not propose any additional floorspace.

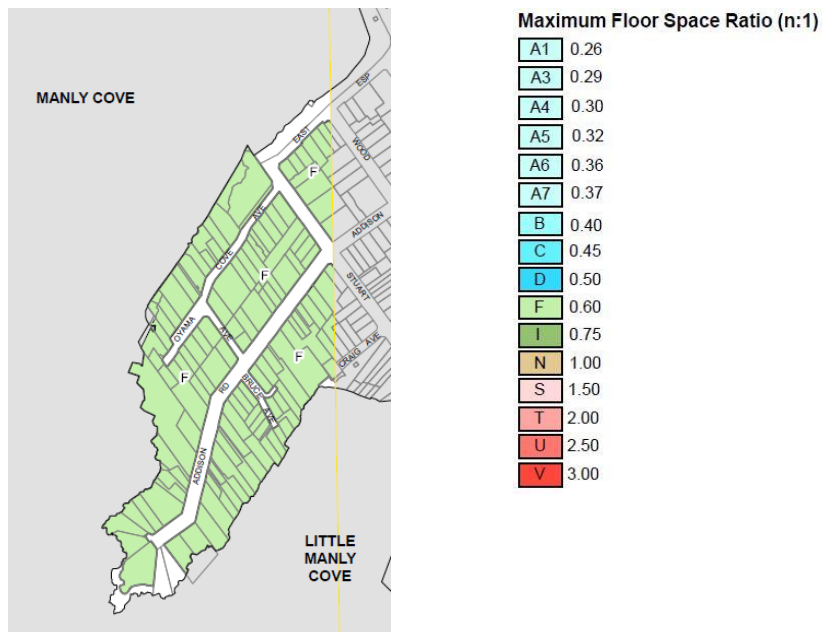


Figure 7: Extract of FSR map (Source: Manly Local Environmental Plan 2013)

### 4.3.3 Height

The maximum height limit applying to the site is 8.5m in the Manly LEP 2013. The proposal maintains the existing building height.

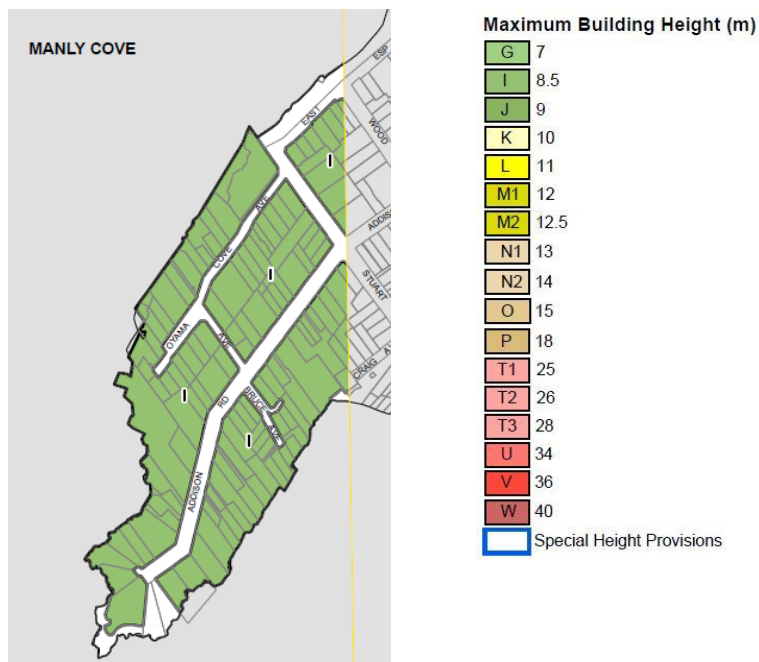


Figure 8: Extract of height map (Source: Manly Local Environmental Plan 2013)

#### 4.3.4 Heritage

As the site has frontage to Manly Cove, the site comprises local heritage item I1 – Landscape as identified within Schedule 5 of the Manly LEP 2013.

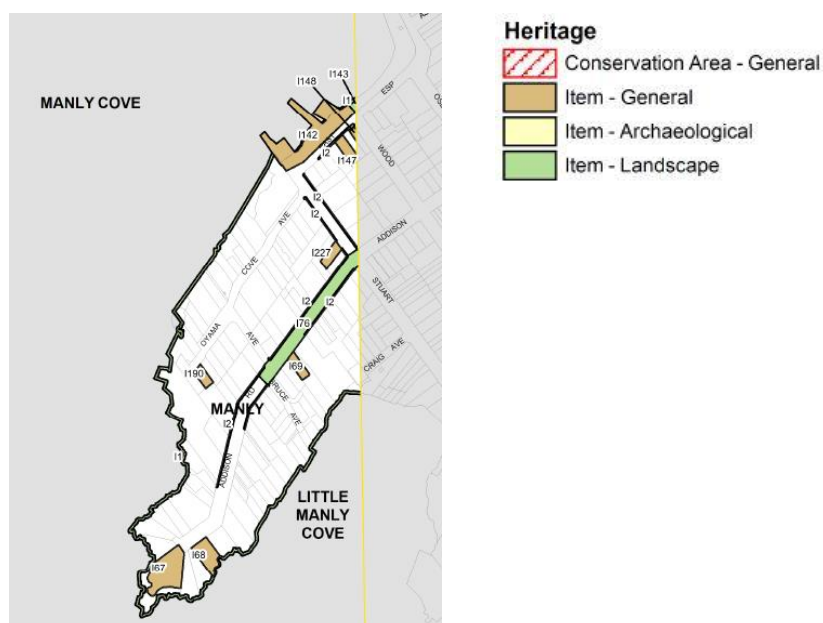


Figure 9: Extract of heritage map (Source: Manly Local Environmental Plan 2013)

The proposal seeks to extend the existing ground floor balcony, no works are proposed along the foreshore. The proposed works are generally contained within the footprint of the dwelling over 10m from Manly Cove and a minimum of 8m above the foreshore of Manly Cove. The proposed works are generally within the footprint of the existing dwelling, as such the proposal will not have adverse impacts on the foreshore.

#### 4.3.5 Terrestrial Biodiversity

Clause 6.5 of the Manly LEP 2013 provides controls for land identified as containing terrestrial biodiversity. The Manly LEP 2013 identifies the site as containing terrestrial biodiversity.

The site adjoins Manly Harbour which is identified as comprising critical habitat. The proposed works are generally contained within the footprint of the dwelling over 10m from Manly Cove and a minimum of 8m above the foreshore of Manly Cove.

Given the proposed development is for a minor extension to an existing balcony and no works are proposed along the foreshore, further studies with regards to Terrestrial Biodiversity are not considered to be warranted.

#### 4.3.6 Other Matters

Manly LEP 2013		
Relevant Planning Control	Comment	Compliance
6.2 Earthworks	The proposal does not include excavation or earthworks.	N/A
6.4 Stormwater Management	The proposal will not generate an increase in stormwater runoff and can utilise the existing stormwater system.	Yes
6.9 Foreshore scenic protection area	The proposal is not considered to have a detrimental impact on the visual amenity of the coastal	Yes



Manly LEP 2013		
Relevant Planning Control	Comment	Compliance
	foreshore given the proposal comprises a minor extension to the existing balcony. The proposal will not impact on any loss of views from a public place to the foreshore. No works are proposed along the foreshore.	
6.10 Limited development on foreshore	As detailed in the architectural plans, no works are proposed along the foreshore.	N/A
6.12 Essential services	No changes to the existing essential services are proposed.	Yes

Table 3: Consideration of Manly LEP 2013

## 4.4 Manly Development Control Plan 2013

The proposal is generally in compliance with the aims, objectives and key provisions of the DCP.

A detailed assessment of the proposal against the relevant provisions of the DCP is provided below.

Manly Development Control Plan 2013		
Relevant Planning Control	Comment	Compliance
<b>3. General Principles of Development</b>		
Sunlight	<ul style="list-style-type: none"> <li>Given the minor nature and siting of the proposal, it will not lead to any loss of sunlight access for adjoining properties.</li> </ul>	Yes
Solar Access	<ul style="list-style-type: none"> <li>The proposal will not lead to any loss of solar access for the subject site.</li> </ul>	Yes
Privacy	<ul style="list-style-type: none"> <li>Given the proposal involves the extension of an existing balcony, the proposal will not lead to any loss of privacy or security for adjoining properties.</li> </ul>	Yes
Stormwater Management	<ul style="list-style-type: none"> <li>The proposal will use the existing stormwater management measures in place.</li> </ul>	Yes
Waste Management	<ul style="list-style-type: none"> <li>A WMP can form a condition of consent. Minimal waste will be generated by the proposal.</li> </ul>	Yes
Relevant Planning Control	Comment	Compliance
<b>4 Development Controls</b>		
4.1.4 Side Setbacks	<ul style="list-style-type: none"> <li><i>1/3 of wall height of the proposed building.</i></li> </ul> <p>It is noted that the clause is relevant to side setbacks of a new dwelling. The proposal does not comprise a new dwelling, however regard has been given to this clause.</p> <p>The proposed balcony extension is setback a minimum of 1.8m from the north-eastern side setback. The balcony will continue to remain unenclosed. Given the siting of the extension to the existing envelope and the presence of significant screening plantings, the proposal will not impact upon the privacy of the adjoining dwelling at 9 Addison Road.</p>	Yes
4.1.4 Rear Setbacks	<ul style="list-style-type: none"> <li><i>No less than 8m.</i></li> </ul>	Yes

Manly Development Control Plan 2013		
Relevant Planning Control	Comment	Compliance
	The proposal maintains a rear setback in excess of 8m from the rear boundary setback.	
4.1.5 Open Space and Landscaping	<ul style="list-style-type: none"> <li>55% of site area to be open space (35% to be landscaped).</li> </ul> <p>The proposal will not result in a reduction of landscaping on-site.</p>	N/A
4.1.5.3 Private Open Space	<ul style="list-style-type: none"> <li>Minimum area of principal private open space for a dwelling house is 18sqm</li> </ul> <p>The proposal seeks to increase the area of the existing private open space on the Ground Level of the dwelling from approximately 8.89m<sup>2</sup> (4351mm x 2043mm) to 16.28m<sup>2</sup> (5351mm x 3043mm) to improve the functionality of the balcony. It is noted that the site comprises other open space areas on the other levels of the dwelling house and at the Lower Ground Level.</p>	Yes
5 Environmentally Sensitive Lands		
5.4.1 Foreshore Scenic Protection Areas	<p>a.</p> <ul style="list-style-type: none"> <li>i. minimise the contrast between the built environment and the natural environment;</li> <li>ii. maintain the visual dominance of the natural environment;</li> <li>iii. maximise the retention of existing vegetation including tree canopies, street trees, wildlife corridors and habitat;</li> <li>iv. not cause any change, visually, structurally or otherwise, to the existing natural rocky harbour foreshore areas;</li> <li>v. locate rooflines below the tree canopy;</li> <li>vi. consider any effect of the proposal when viewed from the harbour / ocean to ridgelines, tree lines and other natural features; and</li> <li>vii. use building materials of a non-reflective quality and be of colours and textures that blend with the prevailing natural environment in the locality.</li> </ul> <p>The proposal seeks to extend an existing balcony to improve its functionality. The proposal does not seek any earthworks or removal of vegetation and no works are proposed within the foreshore.</p> <p>b. Setbacks in the Foreshore Scenic Protection Area should be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshores</p> <p>The setback to the Foreshore Scenic Protection Area is in excess of 10m, being consistent with the rear setback control discussed above.</p>	Yes

Manly Development Control Plan 2013		
Relevant Planning Control	Comment	Compliance
5.4.2 Threatened Species and Critical Habitat	<p><i>Any development of land with known habitat for threatened species must consider the likely impacts of the development and whether further assessment needs to be undertaken by a Species Impact Statement.</i></p> <p>The site adjoins Manly Harbour which is identified as comprising critical habitat. The proposed works are generally contained within the footprint of the dwelling over 10m from Manly Cove and a minimum of 8m above the foreshore of Manly Cove.</p>	Yes

Table 4: Manly DCP 2013 Compliance table

## 4.5 Voluntary Planning Agreements

There is no voluntary planning agreement(s) relating to this DA.

## 4.6 Environmental Planning and Assessment Regulations

There are no known matters prescribed by the Environmental Planning and Assessment Regulations 2000 (EP&A Regulation) that are relevant to the consideration of this application.

## 4.7 Environmental Planning Assessment

Section 4.15(1)(b) of the EP&A Act requires an assessment of the impact of development on environmental impacts (natural and built), and social and economic impacts.

## 4.8 Built Form and Amenity

The proposal is for an extension to an existing balcony on the north-western façade on the Ground Level of the dwelling. The existing balcony is 8.89m<sup>2</sup> (4351mm x 2043mm) and can accommodate a table and chairs, however the outdoor space is inefficient.

The proposed balcony comprises a 1m extension to the north-eastern and north-western portions to achieve approximately a 16.28m<sup>2</sup> (5351mm x 3043mm) outdoor area immediately accessible from the internal dining area. The proposal will improve the functionality of the existing balcony as the circulation space will be increased. The proposal will improve the outdoor private open space and the amenity for the residents of the dwelling.

The proposed balcony extension will align with the existing balconies on the first floor which extend approximately 800mm from the north-eastern façade of the dwelling (refer to Figure 10) to create a balanced built form. The proposal will also incorporate a new wrought iron balustrade to match the existing. The balustrade is a minimum of 1.2m high as shown in the Figure 11.

The proposal seeks to increase the area of the existing balcony on the Ground Level which is approximately 2.88m above the existing ground level. The existing balcony is sited forward of the adjoining dwelling, currently under construction, at 9 Addison Road. Due to the siting of the proposal, the existing mature screening plantings along the common boundary and the privacy devices on the approved plans for 9 Addison Road, it is considered that the proposal will not result in a reduced level of amenity for the adjoining property.

Due to the siting and minor nature of the proposed extension, being on the north-western façade, any additional shadow will be contained within the current overshadowing envelope and will fall predominantly within the subject site.



Figure 10: View of existing balconies on ground and first floors (Source: Applicant)

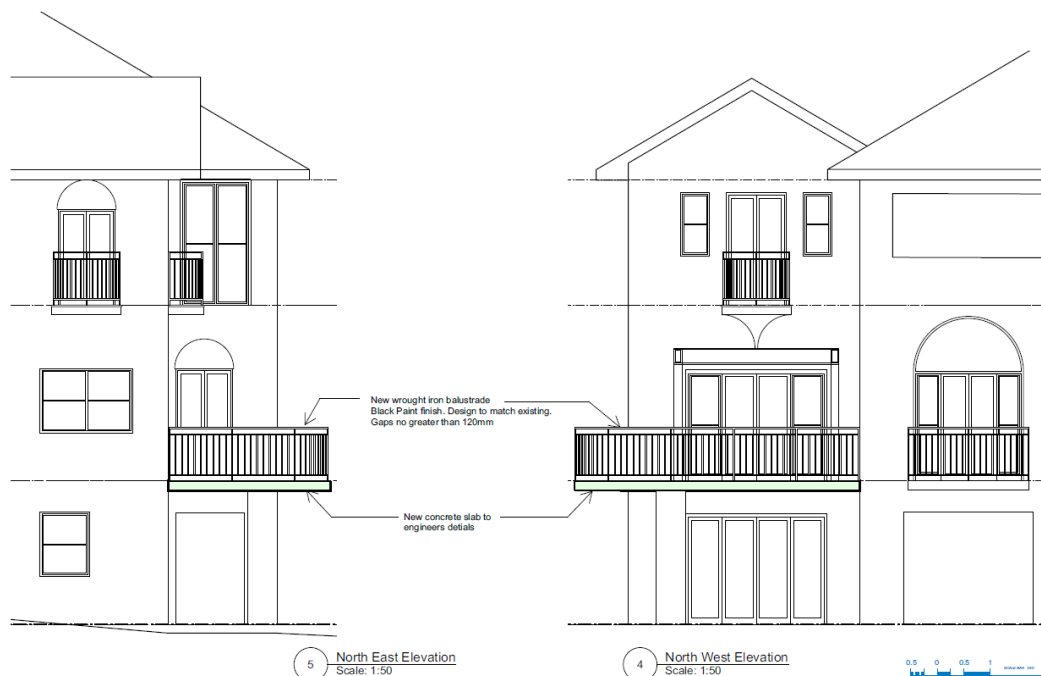


Figure 11: Proposal (note: existing Level 1 balconies not shown in North-western elevation)(Source: Turner Hughes Architects)

## 4.9 Heritage and Archaeology

As discussed in section 5.3.4 of the DCP compliance table, the proposal will not have adverse impacts on the heritage item.

## 4.10 Suitability of the site

The site is suitable for the proposed development for the following reasons:

- the proposal is permissible in the zone and complies with the relevant objectives of the Manly LEP 2013 and Manly DCP 2013;
- the proposed balcony extension will be generally imperceptible from Manly Cove;
- the proposal will not impact access to sunlight or reduce privacy for the adjoining properties;
- the proposal will not impact the local heritage landscape along the foreshore; and
- the proposal will not impact critical habitat as works are not proposed within the foreshore.

Accordingly, it can be concluded that the site is suitable for the proposal.

## 4.11 Submissions

The proposal will be notified in accordance with the Council's notification policy. Council officers will consider any submissions received prior to the determination of the application.

## 4.12 Public interest

The proposal is in the public interest as it will not result in any adverse environmental impacts.

In addition, Council will consider any public submissions relating to the proposal during its assessment. Accordingly, at this stage, it can be concluded that the proposed development is entirely in the public interest.

# 5 Conclusion

This SEE supports a Development Application for the proposed extension to the ground floor balcony of 7 Addison Road, Manly.

This SEE has been prepared and is submitted to the Northern Beaches Council pursuant to the provisions of Part 4 of the EP&A Act. A detailed examination of the site in its legislative and physical context has found that the proposal:

- is consistent with current legislative framework
- is consistent with relevant strategic documents
- is suitable for the site and the area, after an assessment against the heads of consideration of section 4.15(1) of the EP&A Act
- is consistent with the objectives of the E4 Environmental Living Zone in the *Manly Local Environmental Plan 2013*
- does not give rise to any adverse impacts on heritage items;
- will improve the functionality of the outdoor space which will improve the amenity for the residents; and
- will not result in any environmental impacts or adverse impacts on the amenity of surrounding land.

Consequently, approval of this development application is recommended.