



STATEMENT OF ENVIRONMENTAL EFFECTS

*19 ADELAIDE STREET,
BALGOWLAH HEIGHTS*

*‘Alterations to existing dwelling – replacement
balcony and rear stairs’*

November 2020

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1.0 INTRODUCTION

- 1.1 This statement has been prepared at the request of the applicant in support of a development application to Northern Beaches Council (the “Council”) comprising replacement of upper level balcony and rear stairs of existing dwelling, at 19 Adelaide Street, Balgowlah Heights.
- 1.2 The existing dwelling is a substantial 2/3-storey residence located on the southern side of Adelaide Street (a cul-de-sac), off Abbott Street. The applicant is seeking to replace an existing balcony (with no change to its size) as the existing balcony is structurally unsound and replace the ground level stairs below, leading from the lower ground level up to ground floor level. The building envelope and external presentation of the existing residence remains unchanged.
- 1.3 The subject site is zoned R2 Low Density Residential under Manly LEP 2013 (MLEP 2013). The proposal, is ancillary and incidental to the existing dwelling and this therefore permissible with Council’s consent. The new balconies will improve the indoor/outdoor liveability and amenity of the dwelling.
- 1.4 The proposal represents Local development and is assessed under Part 4 of the *Environmental Planning and Assessment Act, 1979 (EP&A Act 1979)*. This statement has been prepared pursuant to Section 4.12(9) of the *EP&A Act 1979*, and cl 47 and Schedule 1, Part 1, Clause 2(c) of the *Environmental Planning and Assessment Regulation 2000*, and reviews the applicable environmental planning instruments and development control plans that apply to the subject property as well as the natural and built environmental impacts of the proposal with particular reference to the relevant heads of consideration listed under s4.15 of the *EP&A Act 1979*.
- 1.5 Therefore, it is with confidence and high expectation of support that the subject proposal is submitted to Council for approval.

2.0 DESCRIPTION OF SITE AND LOCALITY

The subject site is legally described as Lot 13 DP 2610, No. 19 Adelaide Street, Balgowlah Heights. The site has an area of 520.23sqm. It is a regular shaped site with 12.2m front and rear boundaries and side boundaries of 42.7m. The site falls from the street to the rear boundary. The footpath level adjacent the crossover is RL82.82m and north-west corner at rear of the lot is RL77.46m. Access to the site is via a driveway off Adelaide Street.

The existing house is two storeys fronting Adelaide Street and three storeys at the rear, comprising three bedrooms, two bathrooms, rumpus room, large laundry, lower level store rooms, and large double garage.

Figures 1 – 5 show the location of the site.

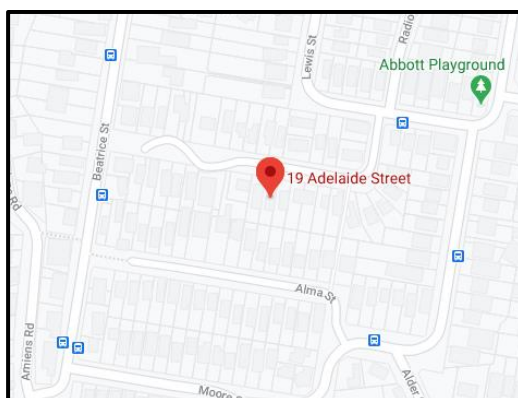


Figure 1: Location of the site

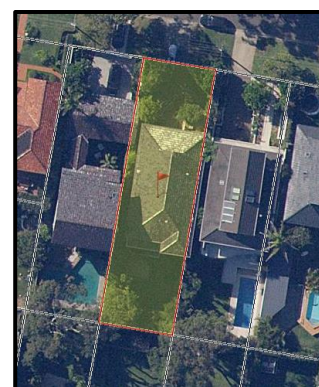


Figure 2: Aerial of the site



Figure 3: Existing property from Adelaide Street

3.0 DESCRIPTION OF PROPOSAL

3.1 Description of Proposed Works

The following works are proposed under the subject application:

- Lower ground floor: replacement rear stairs up to ground floor level.

Ground Floor

- Ground Floor: Replacement rear stairs to lower ground level
- First Floor: Replacement balcony

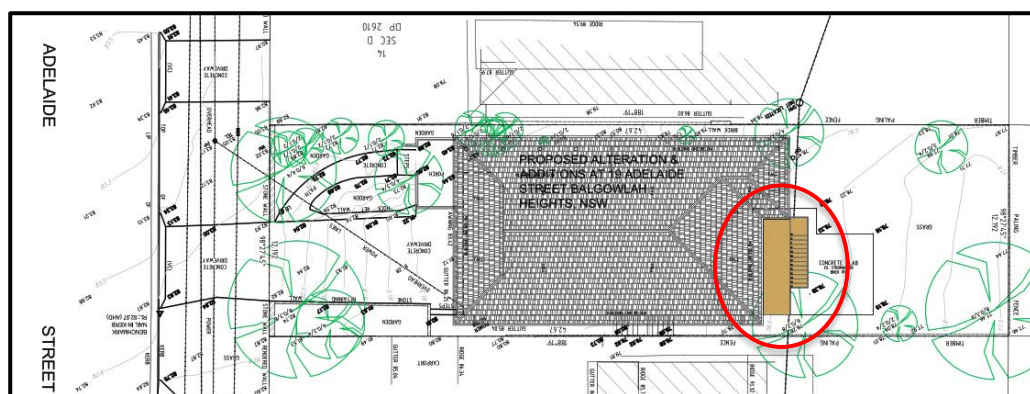
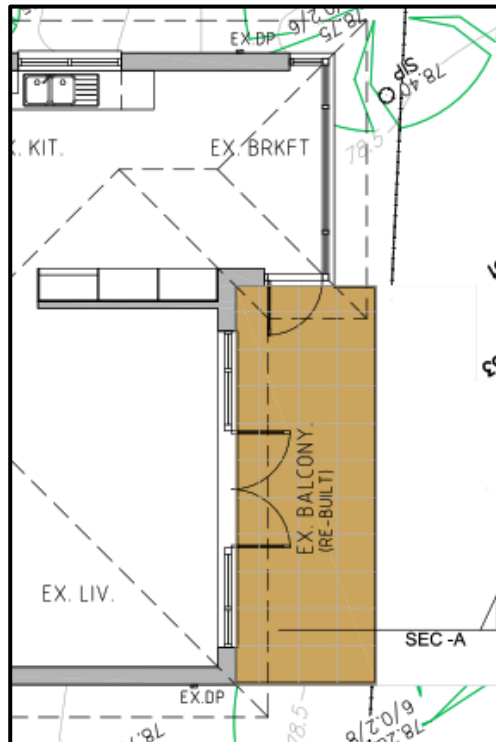


Figure 4: Site Plan



4.0 SECTION 4.15 ASSESSMENT – HEADS OF CONSIDERATION

In accordance with s4.15 Evaluation of the *EP&A Act 1979* the following matters shall be considered in determination of the development application.

4.15 Evaluation

(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:

(a) the provisions of:

- (i) any environmental planning instrument, and
- (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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), 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,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

4.1 Relevant Statutory Environmental Planning Policies

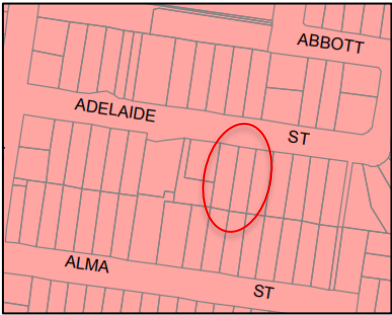
The following statutory planning policies have been considered as part of the assessment.


4.1.1. State Planning Policies

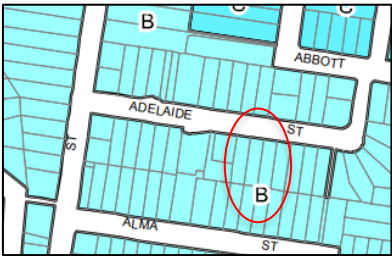
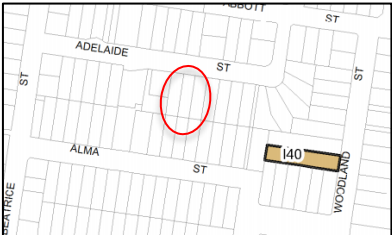
Planning Control	Comment	Complies
4.1.2 SEPP 55		
<i>Consider relevant provisions regarding historical uses which may present contamination issues.</i>	Standard conditions will suffice in this instance given the site has a long and established history of residential use.	Yes
4.1.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005		
(2) For the purpose of enabling these aims to be achieved in relation to the Foreshores and Waterways Area, this plan adopts the following principles: (a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good, (b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores, (c) protection of the natural assets of Sydney Harbour has precedence over all other interests.”	The proposal satisfies the stated aims of the plan given that the alterations to the existing dwelling are minor in terms of the overall existing built form and there is no change to the relationship of the current residence with the adjoining properties.	Yes
25. Foreshore and waterways scenic quality “The matters to be taken into consideration in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways are as follows:	The proposal does not alter the scale and form when considered in the context of the foreshore to the south. The development satisfies the Cl. 25 objectives of the SREP.	Yes

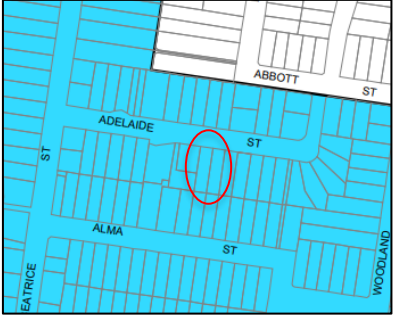
<p>(a) the scale, form, design and siting of any building should be based on an analysis of:</p> <p>(i) the land on which it is to be erected, and</p> <p>(ii) the adjoining land, and</p> <p>(iii) the likely future character of the locality,</p> <p>(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries,</p> <p>(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores.”</p>		
<p>Cl. 26 Maintenance, protection and enhancement of views</p> <p>The matters to be taken into consideration in relation to the maintenance, protection and enhancement of views are:</p> <p>“(a) development should maintain, protect and enhance views (including night views) to and from Sydney Harbour,</p> <p>(b) development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items,</p> <p>(c) the cumulative impact of development on views should be minimised.”</p>	<p>No change to the height of the built form and the size of each balcony is small and do not protrude less than one metre to the rear of the dwelling.</p>	<p>Yes</p>

4.1.2 Manly Local Environmental Plan (MLEP 2013)

LEP Provision	Comment	Complies
<p>Zone R2 Low Density Residential</p>  <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. 	<p>The proposal, being two small balconies and rear external stair is ancillary and incidental to the existing dwelling on the site.</p> <p>The proposal satisfies the stated objectives given that:</p> <ul style="list-style-type: none"> The primary dwelling is permissible on the site. The environmental values of this site are not adversely impacted by the proposal. The height and bulk of the existing dwelling is not altered by the proposal and therefore do not impact on the character, nature or values of the area. 	<p>Yes</p>

<p>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</p> <p>2 Permitted without consent Home-based child care; Home occupations.</p> <p>3 Permitted with consent Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Signage; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems</p> <p>4 Prohibited Advertising structures; Water treatment facilities; Any other development not specified in item 2 or 3.</p>		
<p>4.3 Height of buildings</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the <u>Height of Buildings Map</u>.</p>  <p>"1" = 8.5m</p>	<p>The height of the existing dwelling is over the 8.5m height control due to the lower ground level, including store rooms. This relates to the slope of the land and the existing lower level rooms.</p> <p>There is no new work above the height line.</p>	<p>No change to the roof or overall building height as part of this application.</p>
<p>4.4 Floor space ratio</p> <p>The maximum floor space ratio for a building on any land is not to exceed</p>	<p>Site area: 520.2sqm</p> <p>Permitted FSR is 0.4:1 or 208.1sqm.</p>	<p>No however no additional floor area</p>

<p>the floor space ratio shown for the land on the <u>Floor Space Ratio Map</u>.</p>  <p>"B" = 0.4:1</p>	<p>Existing GFA: 220sqm.</p> <p>FSR: 0.42:1</p> <p>Existing dwelling does not comply by 12 sqm.</p> <p>The proposal does not increase the GFA of the existing dwelling.</p>	<p>subject of this proposal.</p>
<p>5.10 Heritage conservation</p> 	<p>The site is not a listed heritage item, is not located within a Heritage Conservation Area and is not within the vicinity of any locally listed heritage items.</p>	<p>N/A</p>
<p>6.4 Stormwater management</p> <p>(2) This clause applies to all land in residential, business, industrial and environmental protection zones.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.</p>	<p>There is no change to the management of roof or surface water from the site.</p>	<p>No change to existing.</p>
<p>6.9 Foreshore scenic protection area</p> <p>(2) This clause applies to land that is shown as "Foreshore Scenic Protection Area" on the <u>Foreshore Scenic Protection Area Map</u>.</p>	<p>The subject site is mapped as located within the area covered by the Foreshore Scenic Protection Area.</p> <p>The proposal does not involve any change to the building envelope or the presentation of the existing dwelling from Middle Harbour to the south.</p> <p>The proposal is acceptable as:</p>	<p>Yes</p>

 <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:</p> <p>(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,</p> <p>(b) measures to protect and improve scenic qualities of the coastline,</p> <p>(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,</p> <p>(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.</p>	<ol style="list-style-type: none"> 1. There is no overshadowing of the public foreshore as a result of the proposed works; 2. No particular measures are required with this application in order to protect and improve scenic qualities of the coastline; 3. There is no change to the relationship of the existing dwelling and any foreshore area; 4. There is no conflict between the occupation and domestic use of the dwelling and the land and water based activities along the coastline of Middle Harbour.
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4.2 Non-Statutory Development Control Plans

4.2.1 Manly Development Control Plan 2013 (MDCP 2013) (@ 1 December 2019)

Manly DCP 2013 is the policy applying to residential development in the Manly section of the Northern Beaches LGA. The purpose of the plan is to provide additional planning and building guidelines than are available in MLEP 2013.

The general development and residential provisions contained in MDCP 2013 predominantly relate to the construction of new development. This proposal, being minor building works to replace the upper level balcony and rear stairs to an existing, approved dwelling house does not compromise the low density development typology, siting, the overall height or total habitable floor area of the building. Those provisions of the DCP are not relevant to this application.

Part 3 – General Principles of Development		
Control	Comment	Complies
<p>3.1.1.1 Complementary Design and Visual Improvement</p> <p>a) Development in the streetscape (including buildings, fences and landscaping) should be designed to:</p> <p>i) complement the predominant building form, distinct building character, building material and finishes and architectural</p>	<p>The proposal satisfies each of the DCP controls listed as:</p> <p>The proposal comprises minor building works to construct two balconies and stairs at the rear of the existing dwelling. The existing building envelope is not changed, therefore, the built form, low density development typology and general</p>	<p>Yes</p>

<p>style in the locality; ii) ensure the bulk and design of development does not detract from the scenic amenity of the area when viewed from surrounding public and private land; iii) maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys; iv) avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like. v) address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting.; vi) visually improve existing streetscapes through innovative design solutions; and vii) incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged.</p> <p><u>Setback Principles in Low Density Areas</u></p> <p>In lower density areas including LEP Zones R2, E3 & E4, setbacks should be maximised to enable open space to dominate buildings, especially on the foreshore.</p>	<p>architectural design and appearance of the existing residence is not substantially modified.</p> <p>The character and environmental values of the Adelaide Street area is not impacted by the proposal.</p> <p>There is no change to the existing building setbacks to any boundary.</p>	
3.1.1.2 Front Fences and Gates	N/A	N/A
3.1.1.3 Roofs and Dormer Windows <p>a) Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings. b) Roofs should be designed to avoid or minimise view loss and reflectivity.</p>	N/A	N/A
3.1.1.4 Garages, Carports and Hardstand Areas	N/A	N/A
3.3 Landscaping	N/A	N/A
3.3.2 Landscape / Tree Preservation	N/A	N/A

3.4 Amenity	No change to the building envelope that would impact on any solar access to the subject site or neighbouring properties.	Yes
3.4.1 Sunlight Access and Overshadowing		
3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties	N/A	N/A
3.4.1.3 Overshadowing Solar Collector Systems <i>A minimum of 6 hours solar access be retained to solar collectors on neighbouring properties.</i>	N/A	N/A
3.4.1.4 Overshadowing Clothes Drying Areas <i>A minimum of 6 hours solar access be retained to a suitable clothes drying area.</i>	N/A	N/A
3.4.1.5 Excessive Glare or Reflectivity Nuisance <i>All external material and finishes incorporated into the development must consider and mitigate any excessive glare or reflectivity nuisance.</i>	No change to existing.	-
3.4.2 Privacy and Security	No change to existing.	-
3.4.2.1 Window Design and Orientation		
3.4.2.2 Balconies and Terraces	Refer to the DA plan set. Complies.	-
3.4.2.3 Acoustical Privacy (Noise Nuisance)	No change to existing.	-
3.4.3 Maintenance of Views	No change to existing.	-
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	N/A	N/A
3.5.2 Energy Sources and Systems <i>3.5.2.1 Photovoltaic Solar Cells</i> <i>3.5.2.2 Solar Hot Water Systems</i>	N/A	N/A
3.5.3 Ventilation <i>3.5.3.1 Building Design and Orientation to prevailing wind</i>	N/A	N/A

3.5.3.2 Location and area of openings		
3.5.5 Landscaping <i>3.5.5.1 Considerations in Plant Selection and Landscaping Design</i>	N/A	N/A
3.5.8 Water Sensitive Urban Design	N/A	N/A
3.7 Stormwater Management	N/A	N/A
3.8 Waste Management 3.8.1 Waste and Recycling Storage Areas	N/A	N/A
3.9 Mechanical Plant Equipment	N/A	N/A
3.10.1 Safety	N/A	N/A
3.10.2 Security (Casual Surveillance)	N/A	N/A
Part 4 – Development Controls and Development Types		
4.1 Residential Development Controls		
4.1.1.1 Residential Density and Dwelling Size <i>D7: 750m² of site area required per dwelling</i> <i>Dwelling size:</i> <i>Studio dwellings: 35sqm</i> <i>1 bedroom dwellings: 50sqm</i> <i>2 bedroom dwellings: 70sqm</i> <i>3 bedroom dwellings: 90sqm</i>	As existing No. change.	N/A
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height) <i>a) LEP Zones where numeric height controls in this DCP apply</i> <i>b) Exceptions to Height</i> <i>Where an existing building exceeds the maximum height controls in this plan or the height of building standards in the LEP, any alterations and/or additions to the building must not increase the overall height of the existing building.</i>	The proposal does not involve any change to the overall height or wall heights of the existing building.	No change to the height of the building or the wall height.

4.1.2.1 Wall Height	N/A	N/A
4.1.2.2 Number of Storeys	N/A	N/A
4.1.2.3 Roof Height	N/A	N/A
4.1.3 Floor Space Ratio <i>As per LEP Clause 4.4 (ie 0.40:1)</i>	No change to the existing dwelling.	No change
4.1.4.1 Front setbacks	N/A	N/A
4.1.4.2 Side setbacks and secondary street frontages	No change as the proposed works do not extend towards the side boundary. That is they are sited within the existing side boundary building line.	Yes
4.1.4.3 Variations to Side Setback in Residential Density Areas D3 to D9 (see paragraph 4.1.1 of this plan)	No change to existing.	-
4.1.4.4 Rear Setbacks	No change to the existing. Refer to the site plan. Remains compliant.	Yes
4.1.5 Open Space and Landscaping	No change to the existing.	No change.
4.1.5.2 Landscaped Area	No change to the existing.	No change
4.1.5.3 Private Open Space	No change to the existing.	Yes
4.1.6 Parking, Vehicular Access and Loading (Including Bicycle Facilities) 4.1.6.1 Parking design and the location of garages, carports or hardstand areas	N/A	N/A
4.1.7.1 First Floor Additions	N/A	N/A
4.1.8 Development on Sloping Sites	N/A	N/A
4.1.9 Swimming Pools, Spas and Water Features	N/A	N/A
4.1.10 Fencing	N/A	N/A
4.1.10.2. Fencing Height in relation to the height of retaining walls	N/A	N/A
4.4.2 Alterations and Additions	N/A	N/A

4.4.5 Earthworks (Excavation & Filling)	No change to existing.	-
4.4.5.2 Excavation	No change to existing.	-
4.4.5.3 Filling	No change to existing.	-
4.4.5.4 Retaining walls	No change to existing.	-
PART 5 Special Character Areas and Sites		
5.4 Environmentally Sensitive Lands		
5.4.1 Foreshore Scenic Protection Area	<p>The subject site is identified as being located within the foreshore scenic protection area.</p> <p>The proposal causes no direct adverse impact to natural features of the foreshore or to views across the site from Adelaide Street or adjoining properties.</p> <p>The minor building works are sited at the rear of the existing dwelling.</p>	Yes
5.4.1.1 Additional matters for consideration <i>LEP clause 6.9(3)(a) to (d) lists certain matters to be taken into account in relation to all development within the Foreshore Scenic Protection Area.</i> <i>a) Further to matters prescribed in the LEP, the development in the Foreshore Scenic Protection Area must also:</i> <i>i) minimise the contrast between the built environment and the natural environment;</i> <i>ii) maintain the visual dominance of the natural environment;</i> <i>iii) maximise the retention of existing vegetation including tree canopies, street trees, wildlife corridors and habitat;</i> <i>iv) not cause any change, visually, structurally or otherwise, to the existing natural rocky harbour foreshore areas;</i> <i>v) locate rooflines below the tree canopy;</i> <i>vi) consider any effect of the proposal when viewed from the harbour / ocean to ridgelines, tree lines and other natural features; and</i> <i>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.</i> <i>Setbacks in the Foreshore Scenic</i>	<p>The matters listed in this DCP provision and clause 6.9 of the MLEP 2013 are satisfied by the proposal, namely no significant changes to the external appearance of the existing dwelling.</p> <p>There will be no change to any view of the dwelling as the upper level balcony is a replacement. It is the same size as the existing balcony. Notwithstanding the balcony is not obtrusive in size, scale or materials and will integrated into the overall appearance of the dwelling once constructed.</p>	Yes

<i>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 in Manly.</i>		
5.4.2 Threatened Species and Critical Habitat Lands	N/A	N/A

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

The impacts on the natural and built environments are of a level considered acceptable for the proposed works of the scale and nature proposed. In this instance, the impact level is negligible and not to the extent that would require refusal or modification of the proposal.

The building remains a traditional design and layout, with no perceived change to the external appearance of the existing dwelling when viewed from adjoining residences along the same side of Adelaide Street. The upper level balcony is not new; it is a replacement of the existing balcony which is structurally unsound. The dwelling is consistent with other residences in the area.

The site is ideally suited to the proposed use, which is permissible and satisfies the broad objectives of MLEP 2013 and MDCP 2013.

4.4 Any submissions made in accordance with this act or the regulations

Council is responsible for the referral of the application to relevant Government bodies and to adjoining owners. Any submissions will be reviewed by the applicant and Council during the assessment process, and duly considered.

4.5 The public interest

Given that the relevant issues have been addressed with regard to the public interest as reflected in the relevant planning policies and codes, the development is unlikely to result in any adverse impact to the public interest in the circumstance of the case, particularly noting the sympathetic nature of the proposal.

5.0 CONCLUSION

The proposal, comprising construction of a replacement balcony and rear stairs of the existing dwelling, is permissible with the consent of Council. The subject site is zoned R2 Low Density Residential under the MLEP 2013. The proposed works are considered to be acceptable having regard to the opportunities and constraints of the site. The overall form of the residence remains unchanged and is in keeping with the existing form, design and built form along Adelaide Street. The proposal does not impact on the scenic or environmental values of this site when viewed at a distance from Middle harbour to the south.

The proposed works do not depart from the original layout of the dwelling. They do not alter the height of the building, the building envelope or site coverage. There remains ample private open space and landscape area for the site. The dwelling remains compatible with the existing adjoining and adjacent residences.

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



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