

STATEMENT OF ENVIRONMENTAL EFFECTS



SITE: Lot 6 DP 9891
136 Woodland Avenue
Balgowlah

APPLICANT: Drafting Help

PROPOSAL: Section 4.55 (2) Modification of Development Application No.
DA2019/1133

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INTRODUCTION

Reference is made to Development Application No. 2019/1133 determined by Northern Beaches Council on 20 November 2019 for "Alterations and additions to a dwelling house" at 136 Woodlands Street, Balgowlah.

This Application to Modify Consent made under Section 4.55 (2) of the *Environmental Planning and Assessment Act 1979 (EPA Act 1979)* proposes to modify the existing Development Consent through changes to windows of the dwelling and addition of a carport to the approved development. Modification to the conditions detailed below to reflect the updated design.

The updated design has been modified to improve amenity whilst maintaining the essence of the development as a residential dwelling. The proposed changes will not have any detrimental impact on the development or the surrounding area as the new internal layout has given consideration to minimising impact on the adjoining properties in keeping with the original approval.

It is requested that Condition 1 of the consent be modified to read as follows:

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
SP – Site Plan	31 March 2021	Drafting Help
Sheet 4 – South Elevation - Proposed	31 March 2021	Drafting Help
Sheet 5 – West Elevation – Proposed	31 March 2021	Drafting Help
Sheet 6 – North Elevation – Proposed	31 March 2021	Drafting Help
Sheet 7 – East Elevation – Proposed		Drafting Help
Sheet 8 – Section A-A – Proposed		Drafting Help
Sheet 9 – Section B-B – Proposed		Drafting Help
Sheet 10 – Ground floor Plan – Proposed		Drafting Help
Sheet 11 – First Floor Plan – Proposed		Drafting Help
Sheet 12 – Roof Plan – Proposed		Drafting Help

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
BASIX Certificate, (Cert. No. A355791	14 August 2019	Tim Woods
Geotech Report (Ref. J2429)	11 October 2019	White Geotechnical Group

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Assessment – Section 4.55 of the EPA Act 1979

Section 4.55(2) of the EPA Act 1979 states:

'A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with—
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.'

The proposed modifications to the windows of the proposed alterations and additions and the addition of a carport are considered to be minimal in the overall context of the development ensuring it will not result in any detrimental environmental impact.

The proposed development will remain substantially the same as the approved development, being for the construction of 'Alterations and additions to a dwelling house'. The modification is not considered to significantly alter the proposal and will maintain an appropriate design for the allotment. There will be only a minor modification to the approved design of the development and no increased impact on the amenity of the adjoining properties.

ENVIRONMENTAL EFFECTS

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

Manly Local Environmental Plan 2013

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 dwelling house on the allotment. A dwelling house is defined in the Plan as being 'a building containing only one dwelling'.

The identified zone permits the construction of a 'dwelling house' 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.

Clause 4.3 Height of Buildings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
8.5m	<8.5m – Overall height of the existing dwelling unchanged by the proposal.	Yes

Clause 4.4 Floor space ratio

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
0.6:1	<0.6:1 – FSR unchanged by the proposal.	Yes

Clause 4.6 Exceptions to Development Standards

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

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 being a local heritage item however it is understood that the site is located within proximity to two local heritage items on adjacent White Street. The heritage items are two storey residential dwellings including 37 and 28 White Street.

The existing streetscape character of Woodland Street and the surrounding area consists of a mix of one and two storey dwellings with a variety of contemporary and more traditional designs. The existing two storey dwelling complements the streetscape, and the proposed alterations and additions will not drastically impact the design of the dwelling. It is not considered necessary for the proposed alterations and additions to be constructed of a certain style and its siting will not result in any impact on the significance of the heritage item.

The proposed development is not anticipated to have any detrimental impact on the heritage significance of Woodland Street and heritage items. Therefore the dwelling will be in keeping with recent developments within the street and is considered to compliment 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 6.1 Acid Sulfate Soils

The subject property is identified as being affected by Class 5 Acid Sulfate Soils. The proposal is not considered to lower the water table by 1 meter and no excavation is required to site the proposed works. The development is not anticipated to have any specific requirement in respect to Acid Sulfate Soils.

Clause 6.2 Earthworks

No ground disturbance is anticipated with the proposed development, with the proposed alterations located within the building footprint, and the carport located within the existing concrete driveway.

Clause 6.4 Stormwater management

Drainage from the proposed works are to be directed to the existing drainage system on the subject site.

Clause 6.3 Flood planning

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

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 proposed alterations and additions to an existing two storey development is in keeping with the existing development of Balgowlah. The proposed development is compatible with the character of the area and has been designed to minimise the impact upon the scenic character and the landscape values of the area. The dwelling design continues to address the street frontage to the benefit of the streetscape. The proposed dwelling will not detrimentally impact the foreshore area due to the separation of the site and the foreshore, the dwelling will not be visually prominent when viewed from the water.

Clause 6.12 Essential Services

All essential services, including water, electricity, telephone and sewerage, are available to the subject site.

* * *

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

Manly Development Control Plan for the Residential Zone 2013

PART 3- General Principles of Development

3.1 Streetscapes and Townscapes

3.1.1 Streetscape (Residential areas)

The neighbourhood generally consists of various dwellings of a single and two-storey nature with a few noted to have been recently constructed as the area is progressing through an urban renewal phase. A varied front setback exists throughout the area

due to the varying age of the dwellings and development of detached garages forward of the building line. The proposed development is considered to be in keeping with the character of the area. Some vegetation exists on the subject and adjoining sites which are to be retained. Street planting is sporadic along Woodland Street however no street trees are required to be removed as part of the development.



The streetscape is made up of varied architectural styles and scales based upon the differing ages of construction. The more recent dwellings are predominantly brick or rendered and tiled roof homes, being generally two storey in nature and of a grand scale.

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. A few large trees are present throughout the street, however they are sporadically located.

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

Part 3.2 – 3.8

<i>Requirement</i>	<i>Provides</i>	<i>Compliance</i>
<p><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.</p>	<p>The subject site was not identified as being a local heritage item however it is understood that the site is located within proximity to two local heritage items on adjacent White Street. The heritage items are two storey residential dwellings including 37 and 28 White Street.</p> <p>The existing streetscape character of Woodland Street and the surrounding area consists of a mix of one and two storey dwellings with a variety of contemporary and more traditional designs. The existing two storey dwelling complements the streetscape, and the proposed alterations and additions will not drastically impact the design of the dwelling. It is not considered necessary for the proposed alterations and additions to be constructed of a certain style and its siting will not result in any impact on the significance of the heritage item.</p> <p>The proposed development is not anticipated to have any detrimental impact on the heritage significance of Woodland Street and heritage items. Therefore the dwelling will be in keeping with recent developments within the street and is considered to compliment the streetscape.</p>	<p>For Council's consideration</p>

<p><u>3.3 - Landscaping</u> Encourage appropriate tree planting and maintenance of existing vegetation.</p> <p>Retain and augment important landscape features and vegetation remnant populations of native flora and fauna.</p>	<p>Existing vegetation maintained as part of the proposed development.</p> <p>No trees are required to be trimmed or removed as part of the proposed development. All street trees to remain following construction.</p>	<p>Yes</p> <p>Yes</p>
<p><u>3.4 - Amenity (Views, Overshadowing, Overlooking / Privacy, Noise)</u> <u>Sunlight Access & Overshadowing:</u> Not to reduce sunlight to POS of adjoining by >1/3</p> <p>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.</p> <p><i>Privacy and Security:</i> Use of narrow, translucent or obscured glass where necessary in order to reduce privacy intrusion.</p> <p>Incorporation of architectural or landscape screens to balconies.</p> <p><i>Maintenance of Views:</i> 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>Solar access to POS area suitably retained throughout the day as part of the development.</p> <p>Glazed areas to adjoining buildings will maintain the existing levels of solar access.</p> <p>Existing living area windows unchanged by the proposed development. Suitably sized and orientated windows provided to proposed alterations to minimise privacy intrusion.</p> <p>No decks or balconies proposed.</p> <p>Due to the topography of the area and the small scale of alterations and additions, loss of views is not anticipated to occur.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</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.	BASIX Certificate provided.	For Council's consideration
<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. 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 to encourage on-site stormwater detention, collection and recycling.	Sediment and Erosion Control plan provided in attached plans. Control measures to be in place prior to commencement. Stormwater to be connected to the existing drainage system.	Yes Yes
<u>3.8 / Waste Management</u>	Waste Management Plan provided.	
<u>3.10 / Safety and Security</u> <i>Safety</i> Design to incorporate safe vehicle access. <i>Security (Casual Surveillance)</i> Development to be designed to maximise opportunities for passive	The existing driveway is located to the side of the subject site and is retained as part of the proposed development. Safety and amenity are enhanced by the proposed carport. Entry area remains unchanged by the proposed development and still allows for casual surveillance of the	Yes Yes

<p>of 1:4 across the site = 8.0m 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>Existing two storey dwelling retained.</p> <p>Unchanged. N/A – no parapets</p> <p>Unchanged.</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>Unchanged by the proposed development.</p>	<p>Yes</p>
<p><u>4.1.4 / Setbacks (front, side and rear)</u> <i>Front setback</i> Consistent with the adjoining dwellings or 6.0m where no prevailing setback.</p> <p><i>Side setbacks and secondary street frontages</i> Side – not less than 1/3 height of adjacent external wall i.e.</p> <p>Northern side requirement – 0.86m (1/3 x 6.9m)</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><i>Variations to side setbacks in Areas D3 – D9</i> Side elevations partially setback to permit windows at 90° where possible. In such cases partial variation to side setbacks will be considered.</p> <p>Walls within 900mm of boundary, without windows</p>	<p>Unchanged by the proposed development.</p> <p>0.542m</p> <p>Min. 2.036m - unchanged by proposed development.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Yes</p> <p>No – See below</p> <p>Merit consideration.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>

permitted to one side only with max height 3m for 35% of boundary length. Any area of a wall without windows that exceeds 3m must be setback distance of wall with window.		
Rear Setback - 8m	16.319m	Yes
Setbacks adjoining RE1, RE2, E1, E2: 6m from common boundary (8m from rear)	N/A	N/A
<u>4.1.5 / Open space and Landscaping</u> Min. Total Open Space OS1 - 45% OS2 - 50% OS3 - 55% OS4 - 60% Min. % of Total Open Space as Landscaped Area OS1 - 25% OS2 - 30% OS3 - 35% OS4 - 40% Max. 25% open space can be above ground. Private Open Space for dwellings: Min. 18sqm Principal POS; and > 1 dwelling on site = 12sqm unbroken area. 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>Unchanged by the proposed development.</p> <p>Unchanged by the proposed development.</p> <p>N/A</p> <p>Provided within the backyard – unchanged by proposed development.</p> <p>Capable of complying with existing trees on the allotment.</p>	<p>Merit consideration</p> <p>Merit consideration</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>

<u>4.1.6 / Parking, Vehicular Access and Loading</u> As per Schedule 3 - 2 parking spaces for each dwelling house, semi-detached dwellings and secondary dwellings. Spaces required = 2 spaces	1 car space within the proposed carport, 1 parking space within the hardstand driveway area.	Merit consideration
<u>4.1.10 / Fencing</u> Fencing forward of the building line Max. 1m above ground level at any point.	No fencing proposed forward of the building line.	Yes

Variations

Side setback (carport) - Council's DCP requires a setback of 1/3 of the height of the wall closest to each boundary to be provided. The proposed development provides a setback of 0.542m in lieu of the required 0.86m to the proposed carport, thus requiring a variation to this control for the encroachment.

The required variation relates to a single storey open structure located to the northern front corner of the dwelling with a compliant setback provided to the remaining elements of the facade. The proposed siting of the structure to the side of the allotment ensures that suitable area is provided to allow for access to the rear yard and ancillary storage spaces for bins and clotheslines.

The required variation is considered acceptable in the overall context of the development and will not result in any loss of amenity to neighbouring properties.

The proposed development meets the objectives for side setbacks by providing a development that is compatible with the streetscape character of the area while allowing for sufficient solar access, visual and acoustic privacy. The proposed dwelling is not anticipated to interrupt any view corridors and promotes openness and separation between dwellings. It is considered an acceptable design solution for the proposal whilst meeting the objectives of the section.

As the proposed dwelling will not result in any impact beyond that of a compliant proposal, it is requested that the variation be supported in this instance.

* * *

Conclusion with respect to DCP requirements

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

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

The following matters are considered relevant when considering onsite impacts:

Siting and Design

The proposed single storey development will be compatible in terms of height, bulk and scale with surrounding developments within the area.

The siting of the addition provides appropriate boundary setbacks, contributing to spatial separation and openness between dwellings. The articulated design will limit the impact on the adjacent properties in terms of bulk, privacy and overshadowing and will not dominate any perceived views enjoyed by others.

The front façade is appropriately articulated and contains a variety of roof forms and elements along. In this way, the proposal provides varied shadow lines due to the different construction elements and finishes.

Sedimentation Control

No excavation is required to site the proposed addition. Sedimentation controls will be followed in accordance with the sediment and erosion plan attached to this application.

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, 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 modification results in a development that is substantially the same as the original approval, maintaining a functional design in keeping with the objectives of the EPA Act 1979, the R1 Zone and Council's specified design standards for dwellings. The development will not have any unreasonable impact on the surrounding natural and built environment.

As there will be no detrimental impact on the streetscape or surrounding properties as a result of the modified landscape design, the development is considered to remain in the public interest.

Given there will be no additional impact beyond that of the approved development, it is considered reasonable for the application to be supported in this instance.

A handwritten signature in black ink, appearing to read 'M Booth'.

Maxine Booth (B.UrbRegPlan & MPIA)
Town Planner
Urban Planning & Building Consultants
July 2021