



Statement of Environmental Effects

alterations and additions to
dwelling and adjustment of
strata lot boundaries

1/7 Boyle Street, Balgowlah

Client	Buck and Simple
Project No.	2019-0112
Document Type	Statement of Environmental Effects
Document Author	Ryan Gill

Revision	Amendment Description	Date
FINAL	-	6.03.2020

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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared to support an application for alterations and additions to dwelling and adjustment of strata lot boundaries at 1/7 Boyle Street, Balgowlah.

The objective of the development proposal is to improve the liveability of the dwelling through the expansion of presently underutilised lower ground floor space and the extension of private open space areas to take advantage of aspect.

Key aspects of the proposal include expanding the lower ground floor to create an additional living space, installing a staircase for internal vertical access between ground and lower ground levels, and the construction of a rear balcony over vehicle circulation area and front terrace. Corresponding adjustments to the strata lot boundaries are also proposed.

Our assessment finds that the development proposal is generally consistent with relevant environmental planning instruments and closely aligns with the objectives and controls contained within relevant planning guidelines, with a handful of minor and justifiable exceptions.

The proposed development will involve a small departure to the floor space ratio development standard contained in *Manly Local Environmental Plan 2013* (MLEP) and a variation request pursuant to clause 4.6 of MLEP has been prepared to describe the planning merits of this departure.

We have identified two assessment matters that we consider will be of interest to the consent authority, being development integration with streetscape and the potential for overlooking from the proposed balcony structure. This report explains how the development has been designed to avoid adverse impact in relation to these assessment matters.

Based on our evaluation of the proposal against relevant planning instruments and our detailed consideration of the environmental impacts, we conclude that the proposal is worthy of conditional approval.

1. INTRODUCTION

This Statement of Environmental Effects has been prepared to support an application for alterations and additions to dwelling and adjustment of strata lot boundaries at 1/7 Boyle Street, Balgowlah.

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Key aspects of the proposal include expanding the lower ground floor to create an additional living space, installing a staircase for internal vertical access between ground and lower ground levels, and the construction of a rear balcony over vehicle circulation area and front terrace. Corresponding adjustments to the strata lot boundaries are also proposed.

The purpose of this document is to evaluate the proposal against relevant planning instruments and to provide a planning assessment of its environmental impacts, as required by section 4.15 of the *Environmental Planning and Assessment Act 1979*.

2. SITE AND CONTEXT

This section describes the characteristics of the land and evaluates the constraints and opportunities presented by the site which have informed and influenced the proposal. Here we also describe the characteristics of the locality which have been considered in developing the proposal.

2.1. SITE DESCRIPTION

The site is located at 1/7 Boyle Street, Balgowlah and the land is legally described as Lot 1 in SP 33890. An aerial photograph of the site identifying in red the cadastral boundary of 7 Boyle Street is provided at Figure 1.

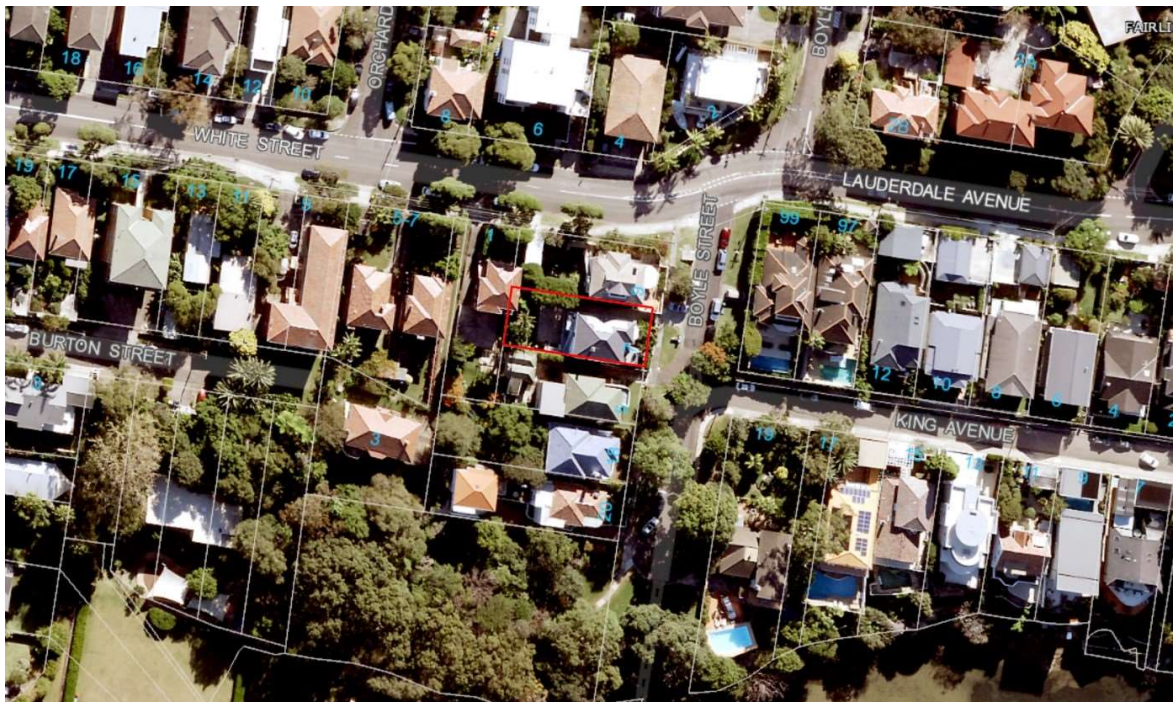


Figure 1 | Aerial photograph of site (Source: NBC)

2.1.1. Site Characteristics

The site is rectangular with a front boundary length of 13.72m, a depth of 33.53m and an area of 459.86sqm. The site has a steady fall from the northeast corner to the southeast corner of the property, reflecting the topographic characteristics of the immediate locality.

Vegetation at the site is typical of a modest domestic scale garden and comprises a handful of small trees and shrubs, including palms, ornamental hedges and fernery. Vegetation is generally situated at the edges of garden areas along property boundaries.

The site presently accommodates a three-storey brick building containing two dwellings. The building presents as a two-storey structure from Boyle Street however the fall of the site has allowed for a lower ground level at the rear containing garage, laundry and storage space.

Vehicular access to the site is from Boyle Street. A concrete driveway situated between the building and the northern property boundary provides access to a paved circulation area in the rear yard and garages at lower ground level. The portion of the site used for vehicular access and circulation is designated as common property.

2.1.2. Site Constraints

There are no site constraints that would preclude reasonable alterations and additions to the existing residential building. Given the proximity of neighbouring dwellings, it is important that the siting and design of additions and alterations considers visual and acoustic privacy.

2.1.3. Site Opportunities

The topographic characteristics of the locality is such that views of Balgowlah are available from the west-facing openings and balcony spaces of the property. There is opportunity to optimise south and westward views from the property without unduly impacting neighbours.

The existing subfloor storage at lower ground level has been identified as underutilised space. There is opportunity to expand this space beneath the patio slab at the front of the property to improve the utility of the dwelling without making any discernible change to the building envelope.

2.2. LOCALITY DESCRIPTION

The site is situated within Northern Beaches Council Local Government Area in the suburb of Balgowlah. North Harbour Reserve is a short walk south of the site and North Harbour is situated to the southeast of the site. Manly is the nearest major commercial centre and is 2-3km to the east.

2.2.1. Land Use

Land use in the immediate locality is almost exclusively residential comprising of dwelling houses and residential flat buildings. Balgowlah Local Centre, a compact commercial precinct, is located a block to the north on Sydney Road. A large area of public open space, North Harbour Reserve, is located south of the site.

2.2.2. Building Form

Building form is characterised by substantial multi-storey dwellings and three to four storey residential flat buildings. Housing stock in the immediate locality is predominantly older with traditional roof forms (i.e. hipped roof) and building materials (i.e. face-brick and tiles).

Front building setbacks on the western side of Boyle Street (south of White Street) are reasonably uniform. Garaging in the immediate locality, including the subject site, is generally situated on a secondary street frontage or behind the building, with a few notable exceptions including 9 Boyle Street.

2.2.3. Adjacent Development

Adjacent development includes:

- **9 Boyle Street**

A large multi-storey dwelling house to the north of the site is perched on higher ground and incorporates south-facing openings and private open space areas to take advantage of aspect. This dwelling has an enclosed stone garage structure situated on the front property boundary with terrace space above. Boundary planting prevents cross-viewing between the rear yards of 9 Boyle and 7 Boyle Street.

- **5 Boyle Street**

A multi-storey brick structure containing multiple units. The front and rear setback of the primary building aligns with the building at 7 Boyle. Very few openings exist on the northern façade. Single storey outbuildings (understood to include freestanding garage) are located at the rear adjacent the side boundary. Boundary planting and privacy screening prevents cross-viewing between the rear yards of 5 Boyle and 7 Boyle Street.

- **1 White Street**

A multi-storey brick structure, also containing multiple units. This site is oriented north-south, perpendicular to and adjacent the rear boundary of 7 Boyle Street. There are openings on the eastern façade of this building oriented toward the rear yard of 7 Boyle Street, however established vegetation mitigates overlooking from these rooms.

The arrangement and siting of adjacent development has been considered in the design of the development proposal.

3. PROPOSED DEVELOPMENT

This section provides a description of the proposal and should be read in conjunction with accompanying architectural drawings included at Appendix 2. Here we endeavour to explain how the proposal has been designed to work with site constraints and optimise site opportunities.

The proposed development is for alterations and additions to the dwelling to create additional living space at lower ground level, a new rear balcony and a new front terrace space, as well as adjustments to the strata boundaries to account for the balcony over the common area.

3.1. SITE PREPARATION

3.1.1. Demolition

Minor demolition works are proposed at lower ground level to remove internal walls and to create a new south-facing window opening. At ground level the existing stair to the front patio is to be demolished and a new opening will be created for pedestrian entry to the building. The extent of demolition works is shown on the architectural drawings.

3.1.2. Tree Removal

No trees are proposed to be removed.

3.1.3. Land Modification

Limited land modification works are proposed to create a habitable space at lower ground level and will be contained within the existing building envelope and beneath the front patio slab. Land modification will not be readily discernible from outside of the building. The extent of land modification works is indicated on the architectural drawings.

3.2. BUILDING WORKS

3.2.1. Building Alterations

At lower ground level a new exterior wall is proposed and will align with the front edge of the existing front patio slab. The external wall will define the extent of the proposed living space at lower ground level. A new window opening on the southern elevation is proposed at lower ground level.

At ground level a spiral staircase will be installed to facilitate internal vertical movement between ground and lower ground levels. There is presently no internal access between ground and lower ground levels. The installation of the staircase necessitates the relocation of the front door.

3.2.2. Balcony and Terrace Additions

A timber balcony with balustrade is proposed at the rear of the property and will extend from the existing west-facing concrete balcony over the common property below. The common property below is utilised for vehicular circulation and a column and beam arrangement is proposed to avoid conflict between structure and vehicle movements.

A timber terrace with balustrade is proposed at the front of the property at ground level. The terrace will be constructed over the existing front patio and will be setback 900mm from the southern side boundary and 1500mm from the front property boundary. New timber steps will facilitate pedestrian access to the terrace and thereafter the front door of the property.

3.3. ANCILLARY WORKS

3.3.1. Landscaping

No landscaping works are proposed however perimeter planting along the front property boundary will be retained and will serve to screen the area below the elevated deck and ameliorate the appearance of the structure.

3.3.2. Stormwater Management

The proposal does not alter the existing drainage arrangement. The terrace is designed to allow water to pass through the structure and filter into the earth below. The balcony at rear is to be constructed over existing hardstand and is also designed to allow stormwater to pass through the structure, where stormwater will sheet off hardstand onto the pervious rear yard.

3.4. SUBDIVISION

The extension of the rear balcony over the vehicle circulation space will necessitate the adjustment of strata lot boundaries. As identified in the draft plan of subdivision submitted with the development application, Lot 1 in the strata plan will be extended to capture the entirety of the proposed rear balcony.

4. COMPLIANCE SUMMARY

This section provides an evaluation of the proposal against relevant planning instruments as required by section 4.15(1) of the *Environmental Planning and Assessment Act 1979*.

4.1. ENVIRONMENTAL PLANNING INSTRUMENTS

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) applies to BASIX affected development and requires that a BASIX certificate accompany the development application.

A BASIX certificate accompanies the development application.

4.1.2. State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) states that a consent authority must not consent to development of land unless it has considered whether the land is contaminated and, if contaminated, can be made suitable for the proposed use.

The site has a longstanding history of residential use and is unlikely to contain contaminants that would preclude ongoing residential use. The proposed development is minor and involves minimal site disturbance. No further consideration under SEPP 55 is required.

4.1.3. Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SEPP SHC) applies to land within the Sydney Harbour Catchment Area. SEPP SHC includes a series of planning principles and development controls which are to be considered by the consent authority in assessing applications for development within the catchment area.

The site is within the Sydney Harbour Catchment however is not within a mapped foreshore, waterway or heritage conservation area. The planning principles as they relate to water quality and stormwater management are broadly applicable to the proposed development.

The proposed development does not increase the area of hardstand or impermeable surfaces, nor will the development dramatically alter movement and management of stormwater at the site. Stormwater presently sheets off the paved surface at the rear of the site and is absorbed in the rear lawn and garden area.

SEPP SHC is only broadly applicable to the proposed development. The proposal is consistent with the aims of the Policy and the planning principles that apply to development within the Sydney Harbour Catchment.

4.1.4. Manly Local Environmental Plan 2013

Manly Local Environmental Plan 2013 (MLEP) applies to the site. The site is within Zone R1 General Residential and the proposed development is permitted with consent. An extract of the zoning map with the site identified by yellow line is provided at Figure 2.



Figure 2 | Zoning map extract (Source: NSW Gov)

The objectives for development in Zone R1 General Residential are:

- 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 aligns with the relevant objectives for development in Zone R1 General Residential given that proposed works will improve the functionality and liveability of the existing dwelling.

The proposal is consistent with relevant development standards and provisions contained within MLEP except for the floor space ratio development standard. A variation request has been prepared to describe the planning merits of the departure and is provided at Appendix D.

A compliance summary is provided at Table 1.

Table 1 | MLEP compliance summary

Clause	Standard	Comment	Compliance
2.3 Zone objectives and Land Use Table	Zone R1 General Residential	The development aligns with relevant zone objectives.	Yes

Clause	Standard	Comment	Compliance
		<i>Subdivision and dual occupancies</i> are permitted with consent in Zone R1.	
4.1 Minimum subdivision lot size	Lot resulting from subdivision of land is not to be less than 300sqm	Clause does not apply to strata subdivision.	n/a
4.3 Height of buildings	Height of building is not to exceed 8.5m	The existing building is greater than 8.5m in height however works proposed by this application will not exceed the 8.5m maximum building height.	Yes
4.4 Floor space ratio	Floor space ratio for a building is not to exceed 0.5:1	The proposal expands gross floor area (GFA) at lower ground floor. Proposed GFA is 248sqm which equates to a FSR of 0.54:1.	Appendix D
6.1 Acid sulfate soils	Development consent required to undertake certain works on land affected by acid sulfate soils	Land is designated acid sulfate soil class 5. The water table will not be lowered as a result of the proposed development and therefore consent under this clause is not required.	n/a
6.2 Earthworks	Development consent required to carry out earthworks	Limited earthworks are proposed to allow for expanded lower ground floor. Earthworks will have no adverse impact on drainage or soil stability, or the amenity of adjoining properties. Excavated material will be appropriately disposed of.	Yes
6.4 Stormwater management	Development to maximise water permeable surfaces, include stormwater retention (if practical) and avoid adverse impact of runoff	Works are contained primarily within the existing building footprint or situated over existing hardstand areas, except for the proposed timber terrace in the front setback which will have openings allowing stormwater to fall through to the earth beneath. Stormwater currently sheets off the rear paved area onto the lawn and garden at the	Yes

Clause	Standard	Comment	Compliance
		low end of the block. No change to management of stormwater is proposed or required.	
6.9 Foreshore scenic protection area	Consent authority to consider impacts on visual amenity of foreshore and suitability of the development given relationship to foreshore	Proposed works will not be apparent from foreshore areas and will have no impact on visual quality of the foreshore.	Yes
6.12 Essential services	Supply of water and electricity, connection to sewerage, appropriate stormwater drainage and suitable vehicle access is required	The site has existing connections to water, sewerage and electricity. Stormwater is appropriately managed and discharged. Existing vehicular access is to be retained.	Yes

4.2. PROPOSED INSTRUMENTS

There are no proposed planning instruments that are relevant to the site or the proposed development.

4.3. DEVELOPMENT CONTROL PLANS

4.3.1. Manly Development Control Plan 2013

Manly Development Control Plan 2013 (MDCP) applies to the site.

The proposal is broadly consistent with relevant development controls contained within MDCP. Additional discussion concerning streetscape compatibility and potential for overlooking has been provided at Section 5 to assist the consent authority with their assessment of the proposal.

A compliance summary is provided at Table 2.

Table 2 | MDCP compliance summary

Clause	Control	Comment	Compliance
3.1.1 Streetscape (residential areas)	(a) Development in the streetscape should be designed to: (i) complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality; (ii) ensure the bulk and design of development	The proposed works are internal or involve the addition of minor ancillary structures and will not impact building form or detract from building character. The proposed front terrace will be elevated approximately 1700mm above ground level at its	Yes

Clause	Control	Comment	Compliance
	<p>does not detract from the scenic amenity of the area when viewed from surrounding public and private land;</p> <p>(iv) avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like.</p> <p>(vii) incorporate building materials and finishes complementing those dominant in the locality.</p>	<p>highest point, projecting at the same level as the existing porch. The terrace is unenclosed and will not be a visually dominant element in the streetscape. The utilisation of the front setback for this purpose mimics the arrangement of the adjoining development at 9 Boyle Street. Further discussion is provided at Section 5.1.1.</p> <p>The use of timber is appropriate and preferred over a concrete structure. Timber building elements are evident throughout the immediate locality.</p>	
	<p>(c) In higher density areas (including LEP Zones R1 & R3), careful consideration should be given to minimising any loss of sunlight, privacy and views of neighbours.</p>	<p>The proposed rear balcony and terrace are unenclosed and will not obscure views from neighbouring properties.</p> <p>Solar diagrams demonstrate that the structures will cast minor additional shadow however the private open space area and living room windows of neighbouring properties will not be impacted.</p> <p>The rear balcony will not overlook living room windows of the property to the south. Given the position of neighbouring private open space, only incidental and infrequent overlooking is likely to occur. Existing boundary vegetation precludes overlooking of neighbours.</p>	Yes
3.1.1.2 Front fences and gates	<p>(a) the siting, height and form of boundary fences and walls should reflect the fencing characteristic of the locality, particularly those of adjacent properties. All fencing and wall materials must be compatible with</p>	<p>Existing front fencing, consisting of brick piers and palings, is proposed to be retained.</p>	Yes

Clause	Control	Comment	Compliance
	the overall landscape character and the general appearance of the building and the streetscape.		
	(b) Boundary fences or walls must not be erected where they would conflict with the local character.	The existing boundary fencing will be retained.	n/a
3.3.1 Landscaping design	(a) The design, quantity and quality of open space should respond to the character of the area. In particular: (ii) In higher density areas: the provision of adequate private open space and landscaped areas are to maximise residential amenity. Site works must be minimised to protect natural features.	The proposed balcony and terrace structures will create new private open space or, in the case of the terrace structure, optimise a presently underutilised private open space area in the front building setback.	Yes
3.4.1.1 Overshadowing adjoining open space	(a) New development must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at the winter solstice.	The primary private open space of 5 Boyle Street is situated towards the rear of the property on the southern side of outbuildings and will continue to receive adequate sunlight. Shadow diagrams have been provided with the development application and demonstrate that neighbouring private open space will not be overshadowed. Overshadowing is discussed in more detail at section 5.1.3.	Yes
3.4.1.2 Maintaining solar access into living rooms of adjacent properties	In relation to sunlight to the windows or glazed doors to living rooms of adjacent properties: (a) for adjacent buildings with an east-west orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors to living rooms for a period of at least 2	The proposed development will not cast additional shadow over windows or glazed doors associated with living rooms of adjacent properties.	Yes

Clause	Control	Comment	Compliance
	hours from 9am to 3pm on the winter solstice (21 June)		
3.4.2.1 Window design and orientation	(b) When building close to boundaries, windows must be off-set from those in the adjacent building to restrict direct viewing and to mitigate impacts on privacy.	The proposed lower ground level window will not directly oppose windows on the neighbouring dwelling.	Yes
3.4.2 Privacy and security	(a) Architectural or landscape screens must be provided to balconies and terraces to limit overlooking nearby properties. Architectural screens must be fixed in position and suitably angled to protect visual privacy.	<p>The potential for overlooking between proposed balcony and terrace structures is negated by siting of structures in relation to neighbouring buildings and location of private open space.</p> <p>Any overlooking will be incidental and infrequent. Privacy screening is unnecessary in this instance and will unduly contribute to the apparent bulk of the structures if installed.</p> <p>Privacy and overlooking is discussed in more detail at section 5.1.2.</p>	Yes
3.4.2.3 Acoustical privacy	(a) Consideration must be given to the protection of acoustical privacy in the design and management of development.	<p>The proposed balcony and terrace structures are for domestic use and are of a scale that is typical in a residential context. Noise generated from the use of this space will be of a level expected from infrequent domestic use of a balcony or terrace area.</p> <p>Balcony and terrace structures are appropriately positioned in that they are not situated adjacent to noise sensitive rooms of neighbouring properties and no additional noise mitigation is necessary in this instance.</p>	Yes
	(b) Proposed development and activities likely to generate noise including	The proposed balcony and terrace areas are extension of existing balcony spaces	Yes

Clause	Control	Comment	Compliance
	certain outdoor living areas like communal areas in Boarding Houses, outdoor open space, driveways, plant equipment including pool pumps and the like should be located in a manner which considers the acoustical privacy of neighbours including neighbouring bedrooms and living areas.	and are located to avoid adverse impact on noise sensitive spaces.	
3.4.3 Maintenance of views	(a) The design of any development, including the footprint and form of the roof is to minimise the loss of views from neighbouring and nearby dwellings and from public spaces.	<p>The proposed balcony and terrace spaces are unenclosed and present as modest light-weight structures.</p> <p>The development will have no adverse impact on views from neighbouring properties, nor will they adversely impact views to or from public spaces.</p>	Yes
3.5.1 Solar access	The building and site layout is to maximise northern orientation to optimise solar access.	The building form and orientation is fixed as the proposal relates to an existing building. The position of proposed balcony and terrace areas will ensure these spaces receive adequate direct sunlight.	Yes
3.5.3.2 Location and area of openings	(b) Locate windows and openings in line with each other, and with the prevailing breezes to assist ventilation so that air can pass through a building from one side to the other, replacing warm inside air with cooler outside air.	<p>A new opening is proposed at lower ground level and will allow for the space to be naturally ventilated.</p> <p>This is an improvement on the existing scenario as there are no window openings for natural ventilation to lower ground floor.</p>	Yes
3.8 Waste management	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	<p>No adjustment to operation waste management arrangements is proposed or required. A small volume of demolition and construction waste is anticipated.</p> <p>A Waste Management Plan addressing demolition and construction waste is submitted with the</p>	Yes

Clause	Control	Comment	Compliance
		development application and is included at Appendix F.	
4.1.4.1 Street front setbacks	(a) Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.	No adjustment is proposed to the street-facing external wall of the building.	Yes
	(d) Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, chimneys, meter boxes and the like, where no adverse impact on the streetscape or adjoining properties is demonstrated to Council's satisfaction.	<p>A terrace is proposed forward of the building line within the front setback area.</p> <p>The terrace will be unenclosed and presents as a modest light-weight element. The terrace is comparable (though far less intrusive) to existing building elements in the streetscape, such as the garage and terrace structure at 9 Boyle Street immediately adjacent the site.</p> <p>The structure is compatible with the streetscape and encroachment into the front setback area is acceptable on this basis, and in the absence of any tangible adverse impact.</p> <p>Streetscape compatibility is discussed in more detail at section 5.1.1.</p>	Yes
4.1.4.2 Side setbacks and secondary street frontages	(c) All new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries.	<p>The new window proposed at lower ground level is within 3m of the side property boundary.</p> <p>This arrangement is acceptable given the external wall within which the opening is proposed is existing, the window will not oppose neighbouring windows, there will be no adverse privacy impacts, and there is no alternative location for a window given part of the floor is subterranean.</p>	On merit

Clause	Control	Comment	Compliance
4.1.5.1 Minimum residential total open space requirements	<p>(a) Open Space must be provided on site in accordance with Figure 34.</p> <p>Total open space requirement: 55% of site area.</p> <p>Landscaped area requirement: 35% of total open space.</p> <p>Above ground open space: no more than 25% of total open space.</p>	<p>The proposal will not reduce the existing extent of total open space.</p> <p>The balcony over the paved vehicular circulation area will increase the total open space at the site by contributing to available above ground open space.</p> <p>The landscape area post-development is 144.6sqm which equates to 57% of the total open space area.</p> <p>A compliance sheet identifying area included in the open space calculation has been included with the architectural drawings.</p>	Yes
4.1.5.3 Private open space	<p>(a) Principal private open space is to be provided in accordance with the following minimum specifications:</p> <p>(ii) Minimum area of principal private open space for residential accommodation with more than 1 dwelling on the site is 12sqm for each dwelling.</p>	<p>The proposed extension of the rear balcony and new terrace space provides for compliant private open space area.</p>	Yes
4.1.10 Fencing	<p>Freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point.</p>	<p>No free-standing walls or fences are proposed between the property boundary and the building. The balustrade associated with the terrace is part of the building and not subject to this control.</p>	Yes
5.4.1 Foreshore scenic protection area	<p>(a) Further to matters prescribed in the LEP, the development in the Foreshore Scenic Protection Area must also:</p> <p>(i) minimise the contrast between the built environment and the natural environment;</p> <p>(iii) maximise the retention of existing vegetation including tree canopies, street trees, wildlife corridors and habitat;</p> <p>(vi) consider any effect of the proposal when viewed</p>	<p>The proposal will have no impact on the extent or quality of vegetation in the locality.</p> <p>The structures proposed are not enclosed and will not contribute in any significant way to apparent building volume. The structures will have no visual impact on the foreshore scenic protection area.</p> <p>Materials proposed include timber and are non-reflective.</p>	Yes

Clause	Control	Comment	Compliance
	from the harbour / ocean to ridgelines, tree lines and other natural features; (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.		

4.4. PLANNING AGREEMENTS

There are no planning agreements associated with this site.

4.5. THE REGULATIONS

Section 92 of the *Environmental Planning and Assessment Regulation 2000* prescribes additional matters that the consent authority must consider in determining a development application. Each matter for consideration and its relevance to the proposal is noted in Table 3.

Table 3 | Additional matters for consideration (Regs)

Clause	Matter	Relevance
92(1)(b)	In the case of a development application for the demolition of a building, the provisions of <i>AS 2601 The demolition of structures</i> .	Minimal demolition is involved however will be carried out as per the provisions of AS 2601.
92(1)(c)	In the case of a development application for development on land subject to a subdivision order, the provisions of that subdivision order.	The site is not subject to a subdivision order.
92(1)(d)	In the case of certain development on land within 200km of Siding Spring Observatory, the <i>Dark Sky Planning Guideline</i> .	The site is not within 200km of the Siding Spring Observatory.
92(1)(e)	In the case of a development application for a manor house or multi dwelling housing (terraces), the <i>Medium Density Design Guide for Development Applications</i> .	The development application does not propose a manor house or multi dwelling housing (terraces).
92(1)(f)	In the case of a development application for residential development within the Penrith City Centre, the <i>Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in Penrith City Centre</i> .	The site is not within the Penrith City Centre.

5. PLANNING ASSESSMENT

This section provides a planning assessment of the likely impacts of the proposed development, considers the suitability of the site and evaluates whether the development is in the public interest, as required by section 4.15(1) of the *Environmental Planning and Assessment Act 1979*.

5.1. IMPACTS ON THE NATURAL AND BUILT ENVIRONMENT

The proposal will have no significant adverse impact on the natural or built environments. The proposed additions have been sited and designed to mitigate potential impacts on streetscape and to negate overlooking.

5.1.1. Streetscape Impact

The proposed terrace at the front of the dwelling has been designed to enhance the utility of the existing front patio space and to integrate with characteristic elements of the streetscape. The structure satisfies the streetscape objectives provided at section 4.1.4 of MDCP.



Figure 3 | Anticipated streetscape appearance

MDCP permits projections into the front setback area for unenclosed balconies provided there are no adverse impact on streetscape or adjoining properties. The terrace satisfies these criteria as follows:

- No significant adverse impact on neighbours in terms of overshadowing or visual privacy as there are no north-facing windows on the building to the south (5 Boyle Street) opposing the terrace.

- The terrace is a lightweight and unenclosed structure set back from the front and side property boundaries to allow for the retention of perimeter landscaping, therefore maintaining the pattern of modest domestic planting which is character of the street.
- The terrace arrangement reflects existing built features in the streetscape, namely the garage and terrace situated forward of the building line at 9 Boyle Street.

A perspective of the proposed terrace in context is provided at Figure 3 and demonstrates the anticipated appearance of the proposed structure. The proposed terrace is demonstratively compatible with streetscape character in terms of design, arrangement and building materials.

5.1.2. Visual Privacy

The proposed development has been designed to ensure overlooking impacts are mitigated and the privacy of neighbours is maintained, and therefore satisfies the privacy objectives provided at section 3.4.2 of MDCP.

The proposed rear balcony is a modest extension of an existing private open space area. Overlooking from the balcony is mitigated by proposed balcony position in combination with site conditions i.e. level difference, siting of outbuildings and boundary vegetation.



Figure 4 | Indicative outlook from proposed rear balcony

The photograph at Figure 4 is taken from the existing rear balcony from which the proposed balcony will extend and demonstrates that views of neighbouring private open space is obscured by neighbouring outbuildings, boundary fencing and vegetation. The private open space area of 5 Boyle Street is located on the southern side of the outbuildings on this site.

Screening at the edge of the balcony is not proposed nor is it necessary for the reasons described above. Screening would increase apparent volume of the structure as perceived from neighbouring property and contribute to overshadowing.

5.1.3. Overshadowing

Shadow diagrams are included with the architectural drawings and indicate the shadow cast by the proposed development compared to shadows cast by existing development. The diagrams demonstrate that additional shadow is minor and neighbouring properties continue to receive sunlight to private open space areas in accordance with MDCP.

5.2. SOCIAL IMPACTS

The proposal will have positive social impacts from the perspective of those occupying the dwelling as the liveability and functionality of the space will be improved. Short term disturbance associated with demolition and construction works is likely however mitigation measures such as prescribed hours of work will minimise impact.

Social impacts associated with the proposal can be mitigated and are short term.

5.3. ECONOMIC IMPACTS

The proposal will have short term economic impact through job creation associated with demolition and construction works. The proposed works will enhance the liveability and functionality of the dwelling and it is anticipated that there will be resultant uplift in property value.

Economic impacts associated with the proposal are positive.

5.4. SITE SUITABILITY

The site presently accommodates a residential land use, and this is both permitted within Zone R1 and compatible with surrounding land use. The development involves modest alterations and additions to enhance the existing residential use of the site.

The development is designed to take advantage of opportunities presented by site topography (i.e. utilising lower ground level) and aspect (i.e. rear balcony to optimise views to the west). The site does not present any constraints that would preclude reasonable development of the land for residential purposes.

The site is suitable for the proposed development.

5.5. PUBLIC INTEREST

The development, although modest, will greatly enhance the functionality and liveability of the existing dwelling by optimising underutilised space and improving existing areas of private open space. The development has been designed to minimise

impacts on neighbours and integrate with the streetscape. The proposal aligns with the public interest.

6. CONCLUSION

This Statement of Environmental Effects has been prepared to support an application for alterations and additions to dwelling and adjustment of strata lot boundaries at 1/7 Boyle Street, Balgowlah.

The objective of the development proposal is to improve the liveability of the dwelling through the expansion of presently underutilised lower ground floor space and the extension of private open space areas to take advantage of aspect.

Our report describes the key aspects of the proposal which include expanding the lower ground floor to create an additional living space, installing a staircase for internal vertical access between ground and lower ground levels, and the construction of a rear balcony over vehicle circulation area and front terrace. Corresponding adjustments to the strata lot boundaries are also proposed.

Our evaluation of the proposal against the relevant planning instruments has found that the proposal is broadly consistent with instrument objectives, development standards, provisions and controls. We have identified a minor numeric non-compliance with the floor space ratio development standard and have prepared a variation request which describes the planning merits of the departure.

We have undertaken an assessment of the environmental impacts of the proposal and have determined that there are no apparent adverse impacts. Critical thought has been given to streetscape compatibility and potential for overlooking and we are of the opinion that siting and design of the development are appropriate, and no additional mitigation measures or design modification is warranted.

Our report explains that the site is suitable for the development as it is zoned for residential purposes and the development involves modest alterations and additions to an existing dwelling. We establish that the development is in the public interest given the absence of adverse impact and the resultant improvement to existing housing stock. We conclude that the proposal is worthy of approval.



APPENDIX A | SURVEY



APPENDIX B | ARCHITECTURAL PLANS



APPENDIX C | PLAN OF SUBDIVISION



APPENDIX D | VARIATION REQUEST (FSR)



clause 4.6 variation request

alterations and additions to
dwelling and adjustment of
strata boundaries

1/7 Boyle Street, Balgowlah

INTRODUCTION

This clause 4.6 variation request has been prepared to support an application for alterations and additions to dwelling and adjustment of strata boundaries at 1/7 Boyle Street, Balgowlah.

The proposal

The proposal involves expanding the lower ground floor to create an additional living space, installing a staircase for internal vertical access between ground and lower ground levels, and the construction of a rear balcony over vehicle circulation area and front terrace. Corresponding adjustments to the strata lot boundaries are also proposed.

Zone and objectives

The site is within Zone R1 General Residential under *Manly Local Environmental Plan 2013* (MLEP).

The objectives for development in Zone R1 General Residential are:

- 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 aligns with the relevant objectives for development in Zone R1 General Residential given that proposed works will improve the functionality and liveability of the existing dwelling.

The variation

The proposal does not comply with clause 4.4 *floor space ratio* which states that floor space ratio (FSR) for a building on the site must not exceed 0.5:1. Clause 4.4 is not expressly excluded from the operation of clause 4.6.

The site area is 460sqm therefore the maximum permitted gross floor area (GFA) at the site is 230sqm (0.5:1).

The existing building exceeds maximum permitted FSR with a GFA of 242.1sqm (0.53:1). The development involves expansion of the lower ground floor area which results in a total GFA of 248sqm (0.54:1).

The proposal introduces an additional 5.9sqm of floorspace meaning the building post-development will exceed permitted GFA by 18sqm. This equates to a percentage variation of 7.8%.

A calculation sheet is provided with the architectural drawings to identify where additional floorspace is situated and to illustrate which areas have been accounted for in the GFA calculation.

Purpose of the request

The purpose of this document is to satisfy the conditions of clause 4.6 of MLEP which requires the submission of a written request from the applicant justifying contravention of the development standard.

This request demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

ADDRESSING CLAUSE 4.6

This section of the written request addresses the key elements of clause 4.6 in turn.

Compliance is unreasonable or unnecessary

Here we seek to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

In doing so, we invoke one of the “tests” established by the NSW Land and Environment Court in *Four2Five Pty LTD v Ashfield Council [2015] NSWLEC 90*, which suggests that if the objectives of the development standard are achieved notwithstanding non-compliance with the standard, strict compliance with that standard may be unreasonable or unnecessary.

The objectives of clause 4.4 and consideration of each in the context of the proposal is provided at Table 1.

Table 1 | Objectives of the development standard

Objective	Comment
(a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character	<p>The proposed expansion of the lower ground level will not project beyond the established building envelope and is partly subterranean.</p> <p>The apparent bulk and scale of the building post-development will be comparable to the apparent bulk and scale of the existing building.</p> <p>Although non-conforming, the proposed expanded floor space is concealed and makes no tangible contribution to perceived bulk and scale.</p> <p>The building will continue to be of a bulk and scale that is consistent with existing and desired streetscape character.</p>
(b) to control building density and bulk in relation to a site area to ensure that development does not obscure important landscape and townscape features	<p>For the reasons described above, the building post-development will have a comparable bulk and scale to that of the existing building.</p> <p>The proposed lower ground level expansion will not obscure landscape or townscape features as it will be contained within the existing building envelope and partly subterranean and therefore largely concealed from view.</p>
(c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area	<p>The proposed lower ground level expansion is contained within the existing building envelope and is partially subterranean.</p>

Objective	Comment
	<p>The additional GFA is not readily perceived from the street and therefore does not impinge on the visual relationship between the building and existing character of the area.</p> <p>The additional GFA does not impact landscape of the area.</p>
(d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain	For the reasons described above, namely that the proposed additional GFA is contained within the established building envelope and will not present as a prominent visual element, it is considered that the development will have no adverse impact on the use or enjoyment of adjoining land.
(e) to provide for the viability of business zones and encourage the development, expansion and diversity of business activities that will contribute to economic growth, the retention of local services and employment opportunities in local centres	n/a

As detailed above, the objectives of clause 4.4 are achieved notwithstanding non-compliance because the proposed additional GFA will make limited perceptible change to building volume and will have no adverse impact on streetscape character or spatial relationship between buildings.

On this basis, strict compliance with clause 4.4 is unreasonable and unnecessary in the circumstances of the case.

Sufficient environmental planning grounds

Here we explain that there are sufficient environmental planning grounds to justify contravening the development standard. The environmental planning grounds described below are specific to the site and to the development:

- The extent of variation is numerically minor at 18sqm which equates to a percentage variation of 7.8%. The marginal extent of variation is not in and of itself adequate justification however in the circumstances of the case, it is certainly relevant to council's consideration of the variation request.
- The existing building has a GFA of 242.1sqm and is therefore already non-complaint. The net increase in GFA proposed by this development application is 5.9sqm. Again, the small net increase in GFA is not adequate justification in isolation, though it is relevant to council's consideration of the variation request.
- The site falls away from the street and, in combination with established floor levels, topography creates an opportunity whereby existing subfloor storage

space can be converted and utilised as functional space without any significant change to streetscape appearance or apparent building volume. The proposed additional GFA is effectively concealed from view by the existing concrete patio, front fencing and established planting.

- The additional GFA will be contained within the parameters of the established building envelope. Though the lower ground floor walls will be reconfigured, they will ultimately align with the existing external walls and the concrete patio associated with the ground floor living room. Apparent building volume and spatial relationship between the dwelling and neighbouring buildings will be unchanged.
- The proposal seeks to optimise presently underutilised space within the building by converting storage space and subfloor to a secondary living space which will markedly improve the functionality of the dwelling. The proposal improves existing housing stock.

We have explained that there are sufficient environmental planning grounds to justify the proposed contravention of clause 4.4. Site conditions allow for expansion of the lower ground floor without any adverse impacts on building volume or the spatial relationship between buildings.

The development is in the public interest

This variation request demonstrates that the proposal aligns with the objectives for Zone R1 and achieves the objectives for clause 4.4. notwithstanding non-compliance with the development standard.

The development will greatly enhance the functionality and liveability of the existing dwelling by optimising underutilised subfloor storage space. The development has been designed to minimise impacts on neighbours and integrate with the streetscape. The proposal aligns with the public interest.

SUMMARY

This clause 4.6 variation request has been prepared to support an application for alterations and additions to dwelling and adjustment of strata boundaries at 1/7 Boyle Street, Balgowlah.

This written request seeks to vary clause 4.4 of MLEP. The development involves expansion of the lower ground floor area which results in a total GFA of 248sqm (0.54:1). The building post-development exceeds permitted GFA by 18sqm which equates to a percentage variation of 7.8%.

We have demonstrated that strict compliance with the development standard is unnecessary and unreasonable in the circumstances of the case given the development achieves the objectives of the standard notwithstanding non-compliance.

Further, we have explained that there are sufficient environmental planning grounds to justify contravening the development standard, namely that site conditions allow for expansion of the lower ground floor without any meaningful change to apparent building volume or the spatial relationship between buildings.

Finally, this written request demonstrates that the development is in the public interest as it is consistent with the objectives of the standard and the objectives of Zone R1.



APPENDIX E | BASIX CERTIFICATE



APPENDIX F | WASTE MANAGEMENT PLAN

