



20 Curban Street Balgowlah Heights

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



Report prepared for
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1.0 Introduction

- 1.1 This is a statement of environmental effects for alterations and additions to an existing two storey dwelling at 20 Curban Street, Balgowlah Heights. The proposal includes additions and alterations to provide a second floor addition and a covered pergola at the rear of the property.
- 1.2 The report describes how the application addresses and satisfies the objectives and standards of the Manly Local Environmental Plan 2013, the Manly Development Control Plan 2013 and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3 This statement of environmental effects has been prepared with reference to the following:
- ◆ Site visit
 - ◆ Architectural drawings prepared by Action Plans
 - ◆ Survey Plan prepared by Landscape Surveys
 - ◆ BASIX Certificate
- 1.3 The proposed additions and alterations will be of great benefit to the residential amenity of the occupants, whilst having a positive impact from the streetscape and an appropriate and reasonable impact on surrounding properties.

2.0 The site and its locality

2.1 The site is located on the southern side of Curban Street in Balgowlah Heights.

2.2 The lot is irregular in shape with a front boundary of 19.81 metres and a rear boundary of 19.875 metres and a depth of 31.7 metres on the western boundary and 32.615 metres on the eastern boundary. The site has an area of 636.3m². The site slopes down to Curban Street (south to north).

2.3 The site is currently occupied by a two-storey dwelling with a metal roof including a double garage on the lower ground floor.

2.4 The site is surrounded by detached residential dwellings in all directions. It is in close proximity to Bareena Park, Reef Bay, Balgowlah Heights Public School and public transport accessed from Sydney Road.

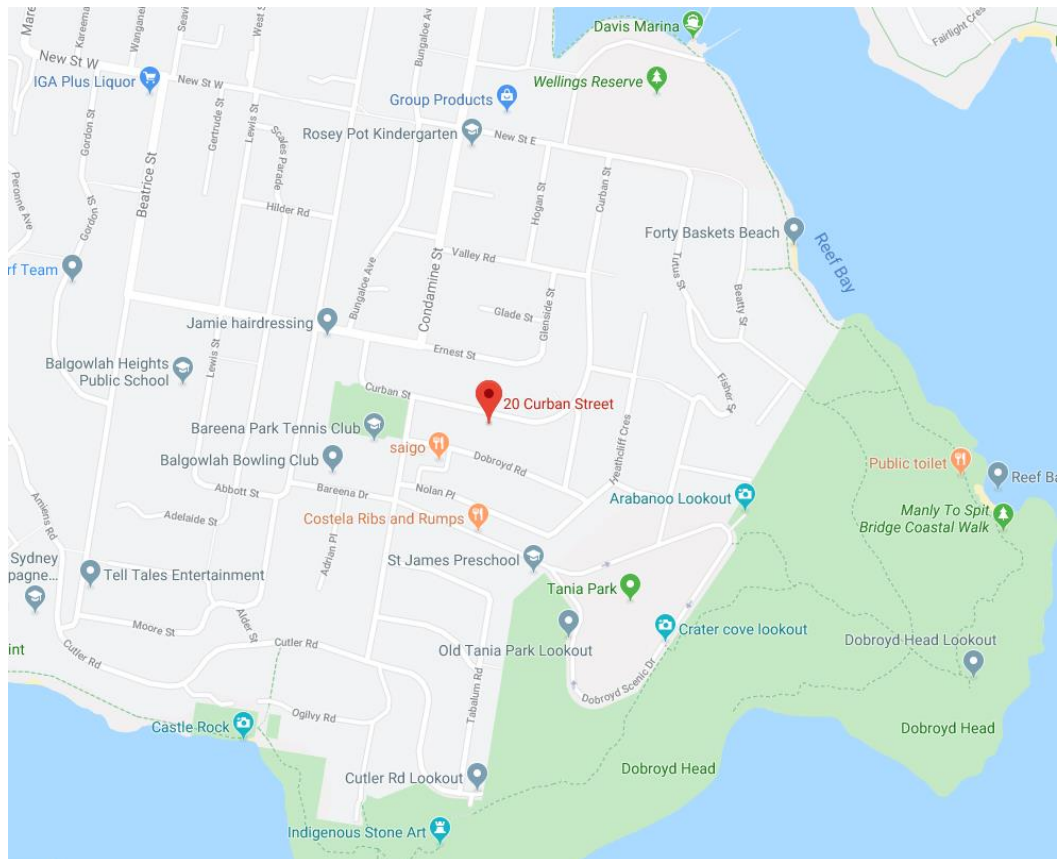


Figure 1. The site and its immediate surrounds



Figure 2. Aerial photograph of the site

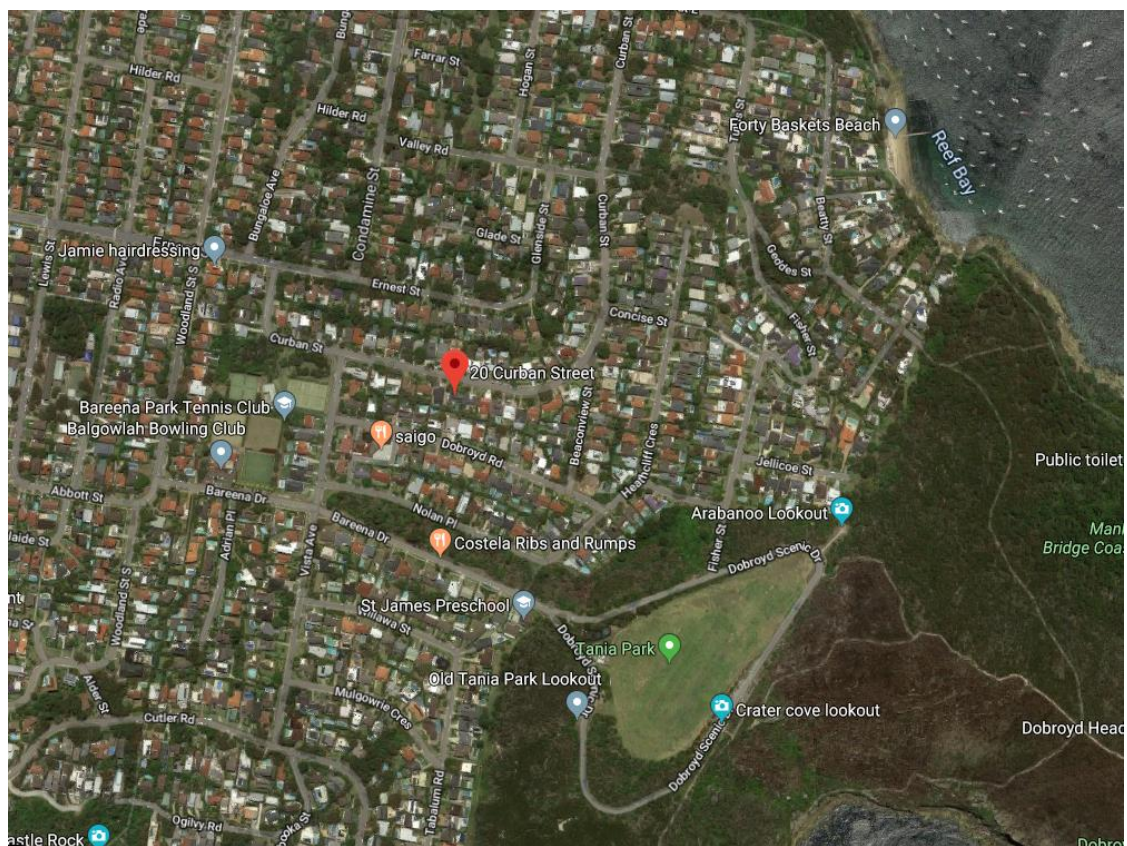


Figure 3. Aerial photograph of the site and its surrounds

3. Proposed Development

3.1 It is proposed to construct additions to the existing one and part two storey dwelling, primarily comprising an addition to the first floor. The additional floor area is 63.18m².

3.2 The alterations will provide additional space for the residents with positive impacts on the streetscape and minimal, reasonable and appropriate impacts to adjoining properties. Care has been taken in the design to keep the upper level to one side of the dwelling allowing for view corridors for land to the rear of the site.

3.3 Lower Ground Floor

No changes are proposed on this level

Ground Floor

- New internal staircase to access proposed first floor
- Removal of bedroom 2 and to allow for a foyer and enhanced storage
- New pergola roof (over the existing deck)
- Extension of the wardrobe in bedroom 3.

First floor

Construction of new first floor master suite including:

- Master bedroom
- Balcony
- Ensuite (including sauna)
- Walk-in-robe
- Study

3.4 The additions have been designed to provide a dwelling, which provides a contemporary and complementary addition to the streetscape and the site. The additions are of similar scale to neighbouring sites and achieve a bulk and scale, which is mirrored for much of the street.

3.5 The proposed patio roof will allow the area to be used more extensively throughout the year, providing protection from the sun and rain.



Figure 4. The site viewed from Curban Street



Figure 5. Location of the proposed second storey



Figure 6. Existing planting on rear boundary which screen view to the rear neighbour and ensures privacy



Figure 7. Existing decking where pergola roof is proposed

4. Zoning

4.1 The zoning under the provisions of the Manly LEP 2013 is R2 Low Density Residential.

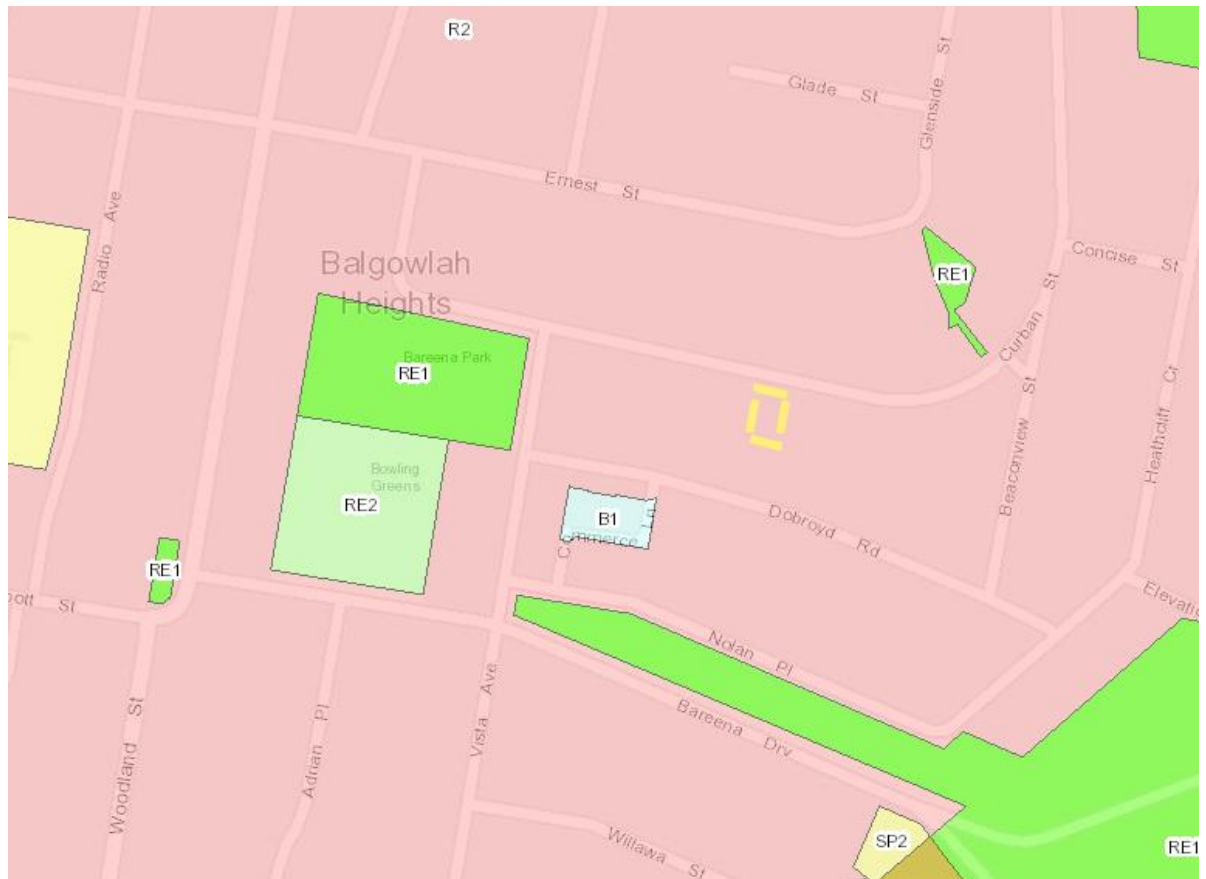


Figure 8. Extract from Manly LEP 2013 zoning map

A residential dwelling is a permissible use with Development Consent.

5. Statutory Framework

5.1 Manly Local Environmental Plan 2013

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

Zoning

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

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

Height

Clause 4.3 of the LEP restricts the height of any development on the subject site to 8.5 metres. The proposed development complies with the 8.5 metre control when the natural ground line is considered. However, a breach occurs when technical compliance is considered due to the basement rumpus room, which results in a maximum height of 10.228 metres to the sub-floor level only. A clause 4.6 is provided at Appendix One to provide justification for this technical breach.

Heritage

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

Floor Space Ratio

A maximum floor space ratio of 0.45:1 is permitted for the site. The proposed development will increase the site gross floor area of the dwelling to 308.66m² resulting in an FSR of 0.46:1. There is a minor non-compliance and a clause 4.6 variation is provided at Appendix Two providing justification for this minor breach.

Acid Sulfate Soils

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

5.2 Manly Development Control Plan 2013.

The relevant sections of the DCP are addressed below.

5.2.1 **3. General Principles of Development**

3.1 Streetscape and Townscapes

The proposal will remain consistent with the existing dwelling character and will complement the streetscape.

The additions have been designed to be consistent with the design of the dwelling and presents well to the street frontage. The additions to the dwelling maintain and improve the character of the area through design and architectural features.

3.1.1 Streetscape (Residential areas)

3.1.1.1 Complementary Design and Visual Improvement

The proposal will be consistent with the existing character of the streetscape. Visual amenity and street view of the property will be enhanced through the development as proposed. The development is highly appropriate regarding this DCP requirement and will result in an attractive and complementary addition to Curban Street.

3.1.1.3 Roof and Dormer Windows

The roof pitch will be of a similar pitch to complement the dwelling and a colorbond roof is proposed.

3.3 Landscaping

3.3.2 Landscape/Tree Preservation

No significant trees are proposed to be removed with all works within the existing built area.

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

3.4.1 Sunlight Access and Overshadowing

The principal private open space of neighbours will retain compliant solar access. Appropriate levels of solar access will be maintained for the property and its neighbours due to the north – south orientation of the lot which results in shadows being shared and moving across the back of the site and neighbours during the period of the day. This is demonstrated in the accompanying solar access diagrams.

3.4.1.1 Overshadowing adjoining open space

The additions to the existing dwelling will have a minimal and appropriate impact on the proposed development. This is demonstrated in the shadow plans provided with the application.

3.4.1.2 Maintaining Solar Access into Living Rooms of Adjacent Properties.

The additions to the dwelling will have an appropriate impact on the neighbouring dwellings to the east and west with ample solar access maintained to the site. This is demonstrated on the shadow plans provided with the application.

3.4.1.3 Overshadowing Solar Collective System

Not applicable.

3.4.1.3 Overshadowing Clothes Drying Areas

The shadow diagrams of the proposal demonstrate negligible impacts in regards to changes of shadow on adjoining properties.

3.4.1.5 Excessive Glare or Reflectivity Nuisance

Appropriate materials are proposed to ensure there is not excessive glare.

3.4.1.6 Sunlight Access to Communal Living Areas

N/A

3.4.2 Privacy and Security

Privacy will be retained for neighbours at an appropriate level for an urban environment. Windows have been located and designed to ensure overlooking is minimised. New upper level rooms are all bedrooms and bathrooms and not typically a concern in comparison to a living area view.

The site contains significant landscaping, which provides a high level of privacy for the residents and neighbours.

3.4.2.1 Window Design and Orientation

The new windows proposed on the first floor have been designed to maximise privacy for neighbours.

3.4.2.2 Balconies and Terraces

The new upper level balcony faces Curban Street and results in no overlooking. The upper level balcony will not be a key living area, being immediately off the master bedroom.

3.4.2.3 Acoustical Privacy (Noise Nuisance)

No acoustic issues will arise.

3.4.3 Maintenance of Views

The proposal will not be to the significant or unreasonable detriment of neighbouring views. Neighbours immediately adjacent will be unaffected. The neighbours to the rear are elevated above the subject site with some district views over the top of 20 Curban Street. However, these views are to a large degree interrupted by extensive existing vegetation as can be seen in figure 6 of this report.

While it is not believed that extensive views would be available, the development as proposed is set in, allowing for view corridors to be retained, which is a reasonable and appropriate response, particularly given the limited views, which are anticipated to be available.



Figure 9. Views to the district and water are likely to be past the subject site



Figure 10. 22 Dobroyd to the rear of the site seen from a drone above 20 Curban Street



Figure 10. Views from 22 Dobroyd Road from 1-2 storey dwelling prior to construction of newer dwelling demonstrate key views screened by vegetation. (source: realesatte.com.au)

In determining the extent of potential view loss to adjoining properties, the 4 planning principles outlined within Land and Environment Court case of *tenacity Consulting Pty Ltd V Warringah Council* (2004) NSWLEC 140, are applied to the proposal.

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured

The existing views which may be affected are likely to be distant views of the district, which are to a large degree blocked by trees and bamboo. The photos above at figure 6 and 10, show the trees currently between the neighbours and the subject site.

The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more

difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

If views are available through the canopies of the trees, they would be from upper level rooms and most likely standing. It appears that while a portion of this may be lost through the second storey addition, ample views would be retained in the view corridors remaining between dwellings.

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

It is assumed that views lost are from upper level bedrooms and that they are not lost in their entirety. Corridors of views will be retained to a reasonable level. This will need to be confirmed by the assessing officer.

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."

The overall view loss is minimal and there is no reason to refuse the development. The design, as proposed, incorporates adequate setbacks and allows for some view to be retained over the rear portion of the site. The impact is considered reasonable. The small non-compliances in the design do not play a role in any view loss.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979.

3.4.4 Other Nuisance (Odour, Fumes etc)

Not applicable. The proposal will have no impact on air quality.

3.5 Sustainability

The design of the additions to the dwelling uses the existing orientation, layout and landscaping to maintain and improve energy and water conservation.

3.5.1 Solar Access

The dwelling is existing and additions and have minimal impact on solar access. A compliant BASIX Certificate has been achieved, which demonstrates adequate compliance with this section of the DCP.

3.5.1.1 Building Form, Design and Orientation

The dwelling is existing and the additions have minimal impact on solar access.

3.5.1.2 Solar Shading Devices

The proposed alterations and additions take into account the summer sun and are suitable for the site.

3.5.2 Energy Sources and Systems

3.5.2.1 Photovoltaic solar cells

Noted.

3.5.2.2 Solar Hot Water Systems

Not applicable.

3.5.2.3 Trigeneration and Cogeneration

Not applicable.

3.5.2.4 Space cooling- Ceiling fans

Noted.

3.5.3 Ventilation

The additions to the dwelling have ensured ample and improved cross ventilation.

3.5.3.1 Building Design and Orientation to prevailing wind

Not applicable. The proposal is for additions and alterations, not a new dwelling. While there are significant changes to the site, the opportunities to develop the site are limited by the corner lot and topography of the site.

3.5.3.2 Location and area of openings

The proposal has been designed to allow sufficient ventilation of the dwelling.

3.5.5 Landscaping

The site has existing significant landscaping.

3.5.7 Building Construction and Design

The proposal has used environmentally sound building materials. The design of the additions to the dwelling uses the existing orientation, layout and the landscaping to maintain and improve energy and water conservation.

3.5.8 Water Sensitive Urban Design

3.5.8.1 Principles of Water Sensitive Urban Design

The application will comply with Council standards.

3.5.8.2 Water Sensitive Urban Design Targets

The proposal will have minimal impact in regards to storm water discharge. All Council controls and conditions of consent will be complied with in the construction works. Appropriate devices will be used during the construction process to ensure no issues arise with regard to erosion and sedimentation.

The proposal is not in the vicinity of a watercourse.

3.6 Accessibility

The proposed development will meet the relevant Building Code of Australia requirements for additions to a detached dwelling.

3.7 Stormwater Management

The proposal is compliant with Council's drainage controls and will fulfil all relevant conditions.

3.8 Waste Management

The site is already serviced by Council's existing garbage collection service.

Appropriate waste management will be undertaken during the demolition and construction process (refer to the attached Site Management Plan). The existing dwelling has appropriate waste storage areas, which will be retained.

3.9 Mechanical Plant Equipment

N/A

3.10 Safety and Security

The proposal allows for public surveillance with the new foyer area and balcony on the first floor providing for passive surveillance of the street frontage.

Part 4 Development Controls and Development Types

4.1 Residential Development Controls

4.1.1 Dwelling Density, Dwelling Size and Subdivision

The building bulk as proposed is appropriate. The scale of development on the site is consistent with its surrounds and will not be to the detriment of the site or the neighbouring properties.

4.1.1.1 Residential Density and Dwelling Size

Residential density will be unchanged by the proposed development.

4.1.1.2 Residential Land Subdivision

Subdivision is not proposed.

4.1.2 Height of Buildings

4.1.2.1 Wall Height

All wall heights are compliant with the upper level set in for the entirety for the development.

4.1.2.2 Number of Storeys

A maximum of two storeys is permitted. The proposal is stepped between 2 and 3 storeys. The area where 3 storeys are provided is in a location where the lower ground level is partly basement and accordingly, the overall dwelling appears as 2 storeys with the apparent height from natural ground level no greater than the 8.5 metres permissible. Based on the impacts and view to neighbours and to the street, this is appropriate and compliant with the objectives of the control.

4.1.2.3 Roof Height

Roof height is compliant at 1.6 metres and complementary to the existing dwelling.

4.1.3 Floor Space Ratio (FSR)

As stated earlier in the LEP section of the report the proposed development will increase the site gross floor area of the dwelling to 308.66m² resulting in an FSR of 0.48:1. There is a minor non-compliance and a clause 4.6 variation is provided at Appendix Two providing justification for this minor breach.

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

4.1.4.1 Street Front setbacks

The proposal does not include any changes to the front setback. The existing dwelling front setback is consistent with the surrounding dwellings.



Figure 11. Existing front setbacks on Curban Street

4.1.4.2 Side setbacks and secondary street frontages

Side setbacks on both sides of the dwelling will remain unchanged on the lower level, with the new first floor sitting above the existing ground floor, set in on all elevations to break up the facades and ensure a dwelling compatible with the streetscape.

The proposed first floor western side setbacks are greater than the setbacks of the existing dwelling at 5.5 metres.

The proposed first floor eastern setback of the dwelling is greater than the lower levels at 1.902 metres.

4.1.4.4 Rear Setbacks

The required rear setback is 8.59m. The proposal meets this control and the new pergola is setback 8.21m from the rear setback.

4.1.5 Open Space and Landscaping

4.1.5.1 Minimum Residential Total Open Space Requirements

The DCP requires a total of 55% of the site to be open space with a minimum 35% of the area to be open space. The proposal is compliant with total open space requirements and provides 58.1% (369.75m²) of the site for open space. These spaces meet the minimum dimensions and specifications requirements of the control and are unchanged.

See the attached area Calculations plan, which provides a breakdown of these figures.

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

The existing dwelling has a double garage. Vehicle access will be retained as existing.

4.1.7 First Floor and Roof Additions

The proposed upper floor addition is complementary to the site and streetscape and is appropriate with its impact on neighbouring properties.

4.1.8 Development on Sloping Sites

The proposal is designed to ensure a high standard of amenity from public and private spaces.

The subject site is not identified as Landslip Risk in the LEP map.

6. Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

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

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

The development is permissible in the zone.

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

Context and Setting

What is the relationship to the region and local context in terms of:

- *the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

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

What are the potential impacts on adjacent properties in terms of:

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed additions to the existing dwelling have been designed to complement the site and its surrounds. The alterations are appropriate and will have reasonable and appropriate impacts for adjacent properties.

Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

Proposed parking and traffic will be unchanged and remain appropriate.

Public domain

The proposed development will have a positive impact on the public domain as the proposal is consistent with the character of the streetscape of the area.

Utilities

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

Flora and fauna

There will be no impact.

Waste

There will be no impact.

Natural hazards

The site is not affected by any natural hazards.

Economic impact in the locality

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

Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed additions are highly appropriate to the site, with regards to all of the above factors. The development fits well within the context of the surrounds and the buildings on the site will remain of minimal scale and well suited to its residential surrounds.

How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will comply with the provisions of the Building Code of Australia. Additionally, finishes, building materials and all facilities will be compliant with all relevant Council controls.

Construction

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

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

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

6.3 **The suitability of the site for the development**

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The development does not impose any unusual development constraints.

Are the site attributes conducive to development?

The site is appropriate for the additions proposed.

6.4 Any submissions received in accordance with this Act or the regulations

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

6.5 The public interest

It is considered that the proposal is in the public interest as it allows for appropriate and positive additions to an existing residential site.

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

7. Conclusions

- 7.1 It is proposed to add a first floor to the existing dwelling at 20 Curban Street, Balgowlah Heights. The additions will provide additional space for the residents with no significant impacts on the streetscape or adjoining properties.
- 7.2 Minor breaches have been identified and discussed in the detail of the report. These are considered to be reasonable and justified.
- 7.3 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 7.4 Considering all the issues, the development is considered worthy of Council's consent.