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# **STATEMENT OF ENVIRONMENTAL EFFECTS**

To accompany a Development Application  
For alterations and additions to an existing dwelling  
house

**at No. 25 Valley Road, Balgowlah Heights**

Issue A – March 2024

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## **1.0 INTRODUCTION**

This statement has been prepared to accompany a Development Application for alterations and additions to an existing dwelling house at No. 25 Valley Road, Balgowlah Heights.

The purpose of this report is to describe the proposed development and review the relevant planning controls relating to the proposal. It provides an assessment of the proposed development in light of the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979.

This report aims to demonstrate that the proposed development is appropriate within its context and within the framework of the relevant planning policies.

This statement addresses issues arising from the proposed works in light of the following planning controls:

- Manly Local Environmental Plan 2013
- Manly Development Control Plan 2013
- Provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979

The assessment relies upon the following information:

- The subject land is zoned R2 Low Density Residential under the Manly Local Environmental Plan 2013
- The immediate context of the site and surrounding residential character

## **2.0 SITE & CONTEXT ANALYSIS**

### **2.1 SUBJECT SITE DESCRIPTION**

The subject site is located at No. 25 Valley Road, Balgowlah Heights and is legally identified as Lot 32 within DP 18053. The area of the subject site is 603.4m<sup>2</sup> by survey.

The subject site is located on the southern side of Valley Road, between the cross-streets of Condemine Street and Hogan Street. Figure 01 illustrates the context of the site within the locality.

The site is an irregular allotment with a 18.29 metre frontage to Valley Road. The site is orientated approximately north to south and is predominantly level.

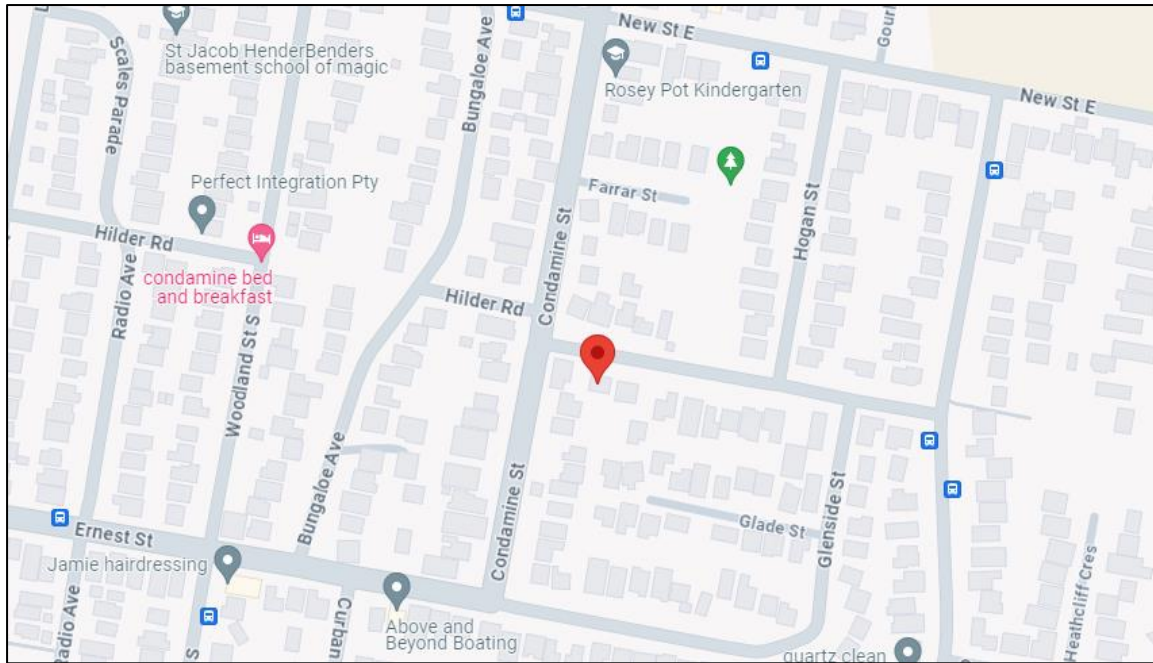


Figure 01: Map of site location (Google Maps, accessed 2024)

## 2.2 EXISTING BUILDING AND ASSOCIATED STRUCTURES

The subject site is occupied by a two storey dwelling house constructed of brick finish with tile roofing.



Figure 02: Subject Site at No. 25 Valley Road, Balgowlah Heights (Google Maps, accessed 2024)

## 2.3 NEIGHBOURING PROPERTIES

### No. 23 Valley Road

Neighbouring the subject site to the east is a two storey dwelling house constructed of painted brick finish with tile roofing.



Figure 03: Neighbouring property at No. 23 Valley Road (realestate.com.au, accessed 2024)

### No. 20 Condamine Street

Neighbouring the subject site to the west is a two storey dwelling house constructed of rendered brick finish with tile roofing.



Figure 04: Neighbouring property at No. 20 Condamine Street (Google Maps, accessed 2024)

## **2.4 SURROUNDING AREA**

### Locality

The subject site is located within an R2 Low Density Residential zone under the Manly Local Environmental Plan 2013. The site is located in Balgowlah Heights, a suburb of northern Sydney located 11km north-east of the Sydney central business district. The site is located at the centre of Balgowlah Heights within a predominantly residential area.

The locality of Balgowlah Heights is characterised by a diversity of land uses. The locality is bounded by Balgowlah, North Harbour, and Clontarf.

### Street Pattern

The streets form an inconsistent pattern with long linear blocks which have no predominant orientation. The streets are accompanied by street trees and vegetated road reserves.

## **3.0 THE DEVELOPMENT PROPOSAL**

### **3.1 OVERVIEW**

This Development Application will result in alterations and additions to the existing dwelling house, inclusive of extensions at basement and ground floor levels.

### **3.2 DESCRIPTION OF WORKS**

This Development Application proposes the following work as depicted on the architectural drawings prepared by Archispectrum:

#### Basement Floor (RL +30.80, RL +30.98)

- Demolition of internal and external walls, glazing, paving, and staircase
- Partial demolition of driveway and crossover
- Extension of driveway and crossover
- Extension of sub-floor
- Extension of garage
- Rumpus with bathroom
- 3 x storage rooms
- 3 x staircases to ground floor

### Ground Floor (RL +33.19, RL +33.29)

- Demolition of internal and external walls, glazing, and staircases
- Entry with pathway and staircase
- Foyer
- Open-plan living, dining, and kitchen with butler's pantry
- Bedroom 1 with walk-in wardrobe and ensuite
- Bedroom 2 with wardrobe
- Bedroom 3 with wardrobe
- Bedroom 4/ study with wardrobe
- Bathroom
- Water closet
- Laundry
- Linen closet
- Storage closet
- Alfresco

### External:

- New metal roofing (3° and 3.5° pitch)
- 1 x skylight above internal staircase
- 1 x skylight above ground floor water closet
- 1 x skylight above ground floor laundry
- Deep soil and hard landscaping

## **4.0 EVALUATION PURSUANT TO PLANNING INSTRUMENTS**

The application has taken into consideration relevant provisions of the Manly Local Environmental Plan 2013 and the Manly Development Control Plan 2013.

### **4.1 MANLY LOCAL ENVIRONMENTAL PLAN 2013**

#### **Part 2 Permitted or prohibited development**

##### **Clause 2.1 Land use zones**

##### **Zone R2 Low density residential**

###### **1 Objectives of zone**

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

###### **2 Permitted without consent**

*Home-based child care; Home occupations*

###### **3 Permitted with consent**

*Attached dwellings; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture;*

*Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Shop top housing; Signage; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems*

#### **4 Prohibited**

*Advertising structures; Water treatment facilities; Any other development not specified in item 2 or 3*

#### Comment

The proposed alterations and additions to the dwelling house meet the objectives of the zone and are permitted with consent.

### **Part 4 Principal development standards**

#### **Clause 4.3 Height of buildings**

*(1) The objectives of this clause are as follows—*

- (a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*
  - (b) to control the bulk and scale of buildings,*
  - (c) to minimise disruption to the following—*
    - (i) views to nearby residential development from public spaces (including the harbour and foreshores),*
    - (ii) views from nearby residential development to public spaces (including the harbour and foreshores),*
    - (iii) views between public spaces (including the harbour and foreshores),*
  - (d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings,*
  - (e) to ensure the height and bulk of any proposed building or structure in a recreation or conservation zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.*
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

#### Comment

The subject site is permitted a maximum building height of 8.5 metres. This application proposes a maximum building height of 6.39 metres.

#### **Clause 4.4 Floor space ratio**

*(1) The objectives of this clause are as follows—*

- (a) to ensure the bulk and scale of development is consistent with the existing and desired streetscape character,*
  - (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,*
  - (c) to maintain an appropriate visual relationship between new development and the existing character and landscape of the area,*
  - (d) to minimise adverse environmental impacts on the use or enjoyment of adjoining land and the public domain,*
  - (e) to provide for the viability of Zone E1 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.*
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

#### Comment

The subject site is permitted a maximum floor space ratio of 0.45:1. This application proposes a maximum floor space ratio of 0.4:1.

## 4.2 MANLY DEVELOPMENT CONTROL PLAN 2013

### Part 3 General principles of development

#### Chapter 3.1 Streetscapes and townscales

##### Clause 3.1.1 Streetscape (residential areas)

###### Sub-clause 3.1.1.1 Complementary design and visual improvement

- a) *Development in the streetscape (including buildings, fences and landscaping) 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 does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed from surrounding public and private land;*
  - iii) *maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys;*
  - iv) *avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like. See also paragraph 4.1.8 Development on Sloping Sites and paragraph 4.1.9 Swimming Pools, Spas and Water Features;*
  - v) *address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also paragraph 3.2 Heritage Considerations;*
  - vi) *visually improve existing streetscapes through innovative design solutions; and*
  - vii) *incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged. See also paragraph 3.5.7 Building Construction and Design.*
- b) *In lower density areas including LEP Zones R2, E3 & E4, setbacks should be maximised to enable open space to dominate buildings, especially on the foreshore.*

#### Comment

The proposed alterations and additions will present a façade which is better integrated with the existing and desired future character of the streetscape. The bulk and scale of the design is not considered to detract from the scenic amenity of the area.

### Chapter 3.4 Amenity (Views, overshadowing, overlooking/ privacy, noise)

#### Clause 3.4.1 Sunlight access and overshadowing

##### Sub-clause 3.4.1.2 Maintaining solar access into 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 hours from 9am to 3pm on the winter solstice (21 June);*
- b) *for adjacent buildings with a north-south orientation, the level of solar access presently enjoyed must be maintained to windows or glazed doors of living rooms for a period of at least 4 hours from 9am to 3pm on the winter solstice (21 June);*
- c) *for all adjacent buildings (with either orientation) no reduction in solar access is permitted to any window where existing windows enjoy less than the minimum number of sunlight hours specified above.*

#### Comment

Shadow diagrams have been prepared by Archispectrum and submitted alongside this application.



### **Clause 3.4.2 Privacy and security**

#### **Sub-clause 3.4.2.1 Window design and orientation**

- a) Use narrow, translucent or obscured glass windows to maximise privacy where necessary.
- 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.

#### Comment

All proposed glazing has been offset from neighbouring windows where possible, to avoid visual privacy issues. Where glazing has not been able to be offset, frosted glazing and tall sill heights are proposed.

#### **Sub-clause 3.4.2.2 Balconies and terraces**

- 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.
- b) Recessed design of balconies and terraces can also be used to limit overlooking and maintain privacy.

#### Comment

The proposed alfresco will be semi-enclosed by a wall and louvres on the east elevation to preserve the privacy between the subject site and No. 23 Valley Road.

### **Chapter 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.*

#### Comment

A waste management plan has been prepared by Archispectrum and submitted alongside this application.

## **Part 4 Development controls and development types**

### **Chapter 4.1 Residential development controls**

#### **Clause 4.1.2 Height of buildings**

##### **Sub-clause 4.1.2.1 Wall height**

- a) *Within the LEP Height of Buildings development standard, the maximum external wall height is calculated based on the slope of the land under the proposed wall. Figures 26, 27 and 28 provide guidelines for determining the maximum height of external walls based on the particular slope of the land along the length of these proposed walls. The maximum wall height control will also vary from one building, elevation or part elevation to another depending on the slope of land on which the wall is sited. Within the range of maximum wall heights at Figures 26 and 28, the permitted wall height increases as the slope of the land increases up to a gradient of 1 in 4, at which point the permitted maximum wall height is capped according to Figure 26.*

#### Comment

The subject site is permitted a maximum wall height of 6.95 metres due to the slope of the land. This application proposes a maximum wall height of 5 metres.

#### **Clause 4.1.4 Setbacks (front, side and rear) and building separation**

- a) *Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.*
- b) *Where the street front building lines of neighbouring properties are variable and there is no prevailing building line in the immediate vicinity i.e. where building lines are neither consistent nor established, a minimum 6m front setback generally applies. This street setback may also need to be set further back for all or part of the front building façade to retain significant trees and to maintain and enhance the streetscape.*
- c) *Where the streetscape character is predominantly single storey building at the street frontage, the street setback is to be increased for any proposed upper floor level. See also paragraph 4.1.7.1.*
- 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.*

#### Comment

The proposed front setbacks of 7.475 metres and 7.414 metres at basement and ground floor levels respectively are consistent with the prevailing building lines in the immediate vicinity.

#### **Sub-clause 4.1.4.2 Side setbacks and secondary street frontages**

- a) *Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building.*
- b) *Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sun-hoods, and the like, if it can demonstrate there will be no adverse impact on adjoining properties including loss of privacy from a deck or balcony.*
- c) *All new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries;*
- d) *For secondary street frontages of corner allotments, the side boundary setback control will apply unless a prevailing building line exists. In such cases the prevailing setback of the neighbouring properties must be used. Architecturally the building must address both streets.*
- e) *Side setbacks must provide sufficient access to the side of properties to allow for property maintenance, planting of vegetation and sufficient separation from neighbouring properties. See also paragraph 4.1.4.3.b.vi. of this plan.*
- f) *In relation to the setback at the street corner of a corner allotment the setback must consider the need to facilitate any improved traffic conditions including adequate and safe levels of visibility at the street intersection. In this regard Council may consider the need for building works including front fence to be setback at this corner of the site to provide for an unobstructed splay. The maximum dimension of this triangular shaped splay would be typically up to 3m along the length of the site boundaries either side of the site corner.*

#### Comment

The proposed side setbacks will measure 3.279 metres and 1.604 metres at basement floor level, and 3.278 metres and 1.604 metres at ground floor level.

#### **Sub-clause 4.1.4.4 Rear setbacks**

- a) *The distance between any part of a building and the rear boundary must not be less than 8m.*
- b) *Rear setbacks must allow space for planting of vegetation, including trees, other landscape works and private and/or common open space. The character of existing natural vegetated settings is to be maintained. See also paragraph 3.3 Landscaping.*
- c) *On sloping sites, particularly where new development is uphill and in sensitive foreshore locations, consideration must be given to the likely impacts of overshadowing, visual privacy and view loss.*
- d) *Rear setbacks must relate to the prevailing pattern of setbacks in the immediate vicinity*

*to minimise overshadowing, visual privacy and view loss.*

### Comment

This application proposes a minimum rear setback of 1.494 metres at both basement and ground floor levels, however due to the shape of the lot, this is considered acceptable. The proposed rear setback at the widest part of the lot will measure 13.006 metres.

## **Clause 4.1.5 Open space and landscaping**

### **Sub-clause 4.1.5.1 Minimum residential total open space requirements**

- a) *Open Space must be provided on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground.*

<b>Residential open space areas at Map B</b>	<b>Total open space (min. % of site area)</b>	<b>Landscaped area (min. % of total open space)</b>	<b>Above ground (max. % of total open space)</b>
Area OS3	55%	35%	25%

### Comment

As the subject site measures 603.4m<sup>2</sup>, a minimum of 55% of total open space is required. This application proposes 50.15% of total open space, which comprises of 13.2% of the total open space located above ground, and deep soil landscaping which occupies 84.55% of the total open space.

Whilst the total open space is numerically non-compliant, it is noted that the proposal actually achieves 63.29% of total open space, however due to the irregular shape of the lot, 79.32m<sup>2</sup> of this area does not achieve the minimum 3 metre dimension requirement, thereby resulting in a shortfall of 29.29m<sup>2</sup> or 8.8% of total open space, which is negligible.

Additionally, the proposal exceeds the minimum landscaped area requirement by 139.67m<sup>2</sup> or 120.25%, which is considered appropriate to offset the total open space shortfall. In this instance, the shortfall is considered acceptable.

## **Clause 4.1.6 Parking, vehicular access and loading**

- a) *The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain the desired character of the locality.*
- b) *Garage and carport structures forward of the building line must be designed and sited so as not to dominate the street frontage. In particular:*
- i) *garages and carports adjacent to the front property boundary may not be permitted if there is a reasonably alternative onsite location;*
  - ii) *carports must be open on both sides and at the front; and*
- c) *the maximum width of any garage, carport or hardstand area is not to exceed a width equal to 50 percent of the frontage, up to a maximum width of 6.2m.*
- d) *In relation to the provision of parking for dwelling houses, Council may consider the provision of only 1 space where adherence to the requirement for 2 spaces would adversely impact on the streetscape or on any heritage significance identified on the land or in the vicinity.*

### Comment

The garage will measure 6.215 metres in width, comprising of 47% of the frontage width. The garage will provide two on-site car parking spaces.

### Clause 4.1.8 Development on sloping sites

- a) *The design of development must respond to the slope of the site, to minimise loss of views and amenity from public and private spaces.*
- b) *Developments on sloping sites must be designed to:*
  - i) *generally step with the topography of the site; and*
  - ii) *avoid large undercroft spaces and minimise supporting undercroft structures by integrating the building into the slope whether to the foreshore or a street.*

#### Comment

The proposed development has been designed to step down alongside the natural slope of the site.

## 5.0 COMPLIANCE TABLE

Planning Instrument	Clause	Complies
Manly Local Environmental Plan 2013	Clause 2.1 Land use zones	
Manly Local Environmental Plan 2013	Clause 4.3 Height of buildings	
Manly Local Environmental Plan 2013	Clause 4.4 Floor space ratio	
Manly Development Control Plan 2013	Sub-clause 3.1.1.1 Complementary design and visual improvement	
Manly Development Control Plan 2013	Sub-clause 3.4.1.2 Maintaining solar access into living rooms of adjacent properties	
Manly Development Control Plan 2013	Sub-clause 3.4.2.1 Window design and orientation	
Manly Development Control Plan 2013	Sub-clause 3.4.2.2 Balconies and terraces	
Manly Development Control Plan 2013	Chapter 3.8 Waste management	
Manly Development Control Plan 2013	Sub-clause 4.1.2.1 Wall height	
Manly Development Control Plan 2013	Clause 4.1.4 Setbacks (front, side and rear) and building separation	
Manly Development Control Plan 2013	Sub-clause 4.1.4.2 Side setbacks and secondary street frontages	
Manly Development Control Plan 2013	Sub-clause 4.1.4.4 Rear setbacks	Justification provided
Manly Development Control Plan 2013	Sub-clause 4.1.5.1 Minimum residential total open space requirements	Justification provided
Manly Development Control Plan 2013	Clause 4.1.6 Parking, vehicular access and loading	
Manly Development Control Plan 2013	Clause 4.1.8 Development on sloping sites	

## **6.0 CONCLUSION**

The proposed alterations and additions to the existing dwelling house at No. 25 Valley Road, Balgowlah Heights are consistent with the objectives and relevant provisions of Northern Beaches Council's planning instruments.

From this statement it is concluded that the proposed development provides a higher standard of residential accommodation which is compatible with the existing and desired future character of the area surrounding the subject site. There are no additional impacts that can be attributed to the development that will adversely affect the amenity of neighbouring properties.

In this regard the Council is requested to review the application favourably and grant the development consent.