

STATEMENT OF ENVIRONMENTAL EFFECTS

29 FISHER STREET, BALGOWLAH HEIGHT

**CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO
AN EXISTING DWELLING**

**PREPARED ON BEHALF OF
Mr David Holihan**

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1. INTRODUCTION

This application seeks approval for the construction of alterations and additions to an existing dwelling on Lot A in DP 364675 which is known as **No. 29 Fisher Street, Balgowlah Height.**

In preparation of this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Manly Local Environmental Plan 2013.
- Manly Development Control Plan 2013.

The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by CMS Surveyors Pty Ltd, Ref No. 17893, Issue 2 and dated 28/11/19.
- Architectural Plans prepared by Michal Korecky, Drawing No. 20005, Issue 1 and dated 20.02.20.
- BASIX Certificate #A370392 and issued 17 February 2020.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

3. SITE DESCRIPTION AND LOCALITY

The site is identified as Lot A in DP 364675 which is known as No. 29 Fisher Street, Balgowlah Heights. The site is an irregular shaped allotment with a total area of 642.1m². Both the northeast and southwest boundaries front Fisher Street. The southwest (front) boundary is curved and has a frontage of 18.37m to Fisher Street with the rear northeast boundary having a frontage of 15.24m to Fisher Street. The locality is depicted in the following map:



Site Location Map

The property falls steeply from the southwestern frontage (RL66.56) towards the northeast Fisher Street frontage (RL54.0). The site currently comprises a two-storey brick and clad dwelling with a pitched tiled roof. The dwelling is orientated towards the southwest with vehicular access to the site from Fisher Street over the southwest boundary.

The site is not heritage listed nor is it contained within a heritage conservation area.

The site is depicted in the following photographs:

View of Southwest Elevation of Dwelling from Fisher Street

The existing surrounding development comprises a variety of single and larger two or three storey dwellings on varied sized allotments. The existing surrounding development is depicted in the following aerial photograph:



Aerial Photograph of Locality

4. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the construction of alterations and additions to an existing dwelling. The proposed additions are to be constructed of a mixture of fibre cement cladding and sandstone cladding with a low-pitched metal roof.

The proposed additions provide for new rumpus room at the southeast corner of the dwelling in the location of the existing patio. The proposed rumpus room is provided with a setback of 1.213m to the southeast side boundary. The proposed addition is setback 6.095m to the south west boundary which fronts Fisher Street.

All collected stormwater will discharge to the existing stormwater system. The proposal does not require the removal of any vegetation.

The proposal will result in the following numerical indices:

Site Area:	642.1m²
Floor Space Ratio:	257.6m² or 0.401:1
Total Open Space:	322m² or 50.14%
Landscaped Space:	322m² or 100% of the total open space.

5 ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Manly Council.

5.1 Planning for Bushfire Protection 2006

The subject site is not identified as bushfire prone land on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2006 do not apply to the proposed development.

5.2 Manly Local Environmental 2013



Extract of Zoning Map

The subject site is zoned R2 Low Density Residential. The objectives of the R2 Zone are as follows:

- *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.*

It is considered that the proposed development achieves these objectives by:

- Providing for additions to an existing detached dwelling which is permissible in this zone.
- Retaining the existing amenity to the surrounding residences.

- Providing a development that is compatible in terms of bulk, scale and height to surrounding properties.

Dwelling alterations and additions are permissible use in the R2 Low Density Residential zone with the consent of Council.

The following numerical standards are applicable to the proposed development:

Clause	Development Standard	Proposal	Compliance
Clause 4.3 Height of Buildings	8.5m	4.368m	Yes
Clause 4.4 Floor Space Ratio	0.45:1	257.6m ² or 0.401:1	N/A

The following provisions of the LEP also apply:

Clause 6.9 Foreshore Scenic Protection Area

The subject site is identified as land within the foreshore scenic protection area and therefore this clause applies. It is considered that the proposal is consistent with the requirements of this clause and should be supported for the following reasons:

- The proposal provides for a small addition to the front (southeast) corner of the dwelling. These additions will not be visible from the foreshore or water.
- The works do not extend above the height of the existing dwelling.
- There will be no conflict between land-based and water-based coastal activities as a result of this development.

There are no other specific clauses that specifically relate to the proposed development.

4.3 Manly Residential Development Control Plan 2013

The Manly DCP 2013 applies to all land where the LEP applies. Therefore, the DCP applies to the subject development.

Part 3

Part 3 provides general principles applying to all development and Part 4 outlines development controls for specific forms of development including residential. The relevant provisions of **Part 3** are summarised below:

Clause 3.1.1 – Streetscape (Residential Areas)

The subject site benefits from two street frontages. The dwelling house is orientated towards the southwest with both the main pedestrian and vehicle access from Fisher Street over the south west frontage. This application seeks to provide for a small addition to the front southeast corner of the dwelling to replace the patio. The additions are minimal and provide for a low-pitched roof to minimise bulk and scale. The proposed additions are not prominent in the streetscape given the slope of the site and appropriate design and as such is not considered to detract from the character of the streetscape.

It is considered that the proposal provides an appropriate presentation to the streetscape.

Clause 3.3 - Landscaping

The proposed additions replace the existing patio and as such do not reduce the amount of landscaping currently provided on site. The proposal does not require there removal of any vegetation.

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

The objectives of the clause are noted as:

- Objective 1) To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties.*
- Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.*

It is suggested that the works will achieve these objectives as:

- The proposal provides for a new rumpus room on the front façade. The additions do not provide for any new windows on the side elevations. Rather the rumpus room is orientated to provide views of the dwelling approach and front yard.
- The additions are single storey and provided with an appropriate side boundary setback. As such there will be no unreasonable loss of solar access to living areas or private open space of the adjoining properties.
- The additions are single storey, do not extend above the existing of the existing dwelling and will not obstruct any views.

Clause 3.5 - Sustainability

A BASIX Certificate has been submitted with the application.

Clause 3.7 - Stormwater Management

All collected stormwater will continue to be connected to the existing stormwater system in accordance with Council controls. It is noted that the proposal does not increase the existing hard surface area of the site.

Part 4

The following numerical provisions of **Part 4** are considered relevant to the proposal:

Clause/ Design Element	DCP Requirement	Compliance/Comments
Residential Density & Subdivision	Density Area D5 – 1 dwelling per 500m ²	Yes The site has an area of 642.1m ² and the proposal does not incorporate any subdivision.
Floor Space Ratio	Refer to LEP 0.45:1	Yes
Wall Height	Height – 6.5m	Yes Addition a maximum height of 4.368m
Number of Storeys	Two Storeys	Yes Additions are single storey
Roof Height	2.5m above wall height	Yes Low pitched roof
Parapet Height: 600mm above wall height.	600mm above wall height	N/A
Maximum Roof Pitch	35°	Yes
Building Setbacks	Front Setback – Min. 6.0 metres or consistent with neighbouring.	Yes Proposed additions are setback at least 6.095m to the southwest boundary fronting Fisher Street. It is noted that this is located behind the existing garage setback on the subject site and is located behind the building line of the adjoining southeast property, No. 31 Fisher Street.

Clause/ Design Element	DCP Requirement	Compliance/Comments
	<p>Secondary setback – same as side boundary setback</p> <p>Side Setback – 1/3 of the height of wall.</p> <p>Walls without windows may be constructed to one side boundary only, providing the objectives of this part can be met and the applicant can demonstrate no disadvantage to the adjacent allotment through increased overshadowing, or loss</p>	<p>Not applicable</p> <p>This clause requires a setback of 1.45m. The proposal provides for a setback of 1.213m to the southeast boundary. It is considered that the setback proposed is justified in instance for the following reasons:</p> <ul style="list-style-type: none"> • The proposal encloses an existing patio, retaining the existing side boundary setback. • The setback proposed is consisted with the setback of the existing dwelling. • The proposal does not provide for any windows on the southeast side elevation and the works are only single storey. There is no opportunity for loss of privacy to the adjoining property. • The proposal adjoins a garage on the adjoining property and as such there is no impact on the amenity of the adjoining property. • The property is on the low side of the street and the proposed setback will not have any detrimental impact on the streetscape. <p>Not Applicable.</p>

Clause/ Design Element	DCP Requirement	Compliance/Comments
	<p>of view and no impediment to property maintenance.</p> <p>Rear Setback – Minimum 8.0 metres</p>	Not Applicable
Landscaping/Open Space	<p>Open Space Area 4: Minimum total open space: 60% of site area.</p> <p>Minimum soft open space as 40% of total open space</p> <p>Minimum number of endemic trees: 4</p> <p>Private open space to be directly accessible from living areas. Minimum dimension 3m. Minimum area of 18m².</p>	<p>The proposal provides for 322m² or 50.1% of the site for open space. However, the proposed works are located over an existing roofed patio and as such do not result in the reduction of total open space. Strict compliance therefore is unreasonable.</p> <p>Yes The proposal provides for 322m² of soft open space or 100% of the provided total open space. It is noted that this clause requires a minimum of 154m² of soft open space which complies with this clause.</p> <p>Yes There is ample vegetation onsite.</p> <p>Yes The proposal retains ample private open space in the rear yard. The new works are located in the front yard and do not affect existing private open space.</p>
Parking and Access	<p>Minimum 2 Spaces per Dwelling.</p> <p>Garages/carports shall be sited so as to not dominate the street frontage through the use of appropriate materials.</p>	<p>Yes The proposal does not alter the existing parking on site.</p>

Clause/ Design Element	DCP Requirement	Compliance/Comments
	Carports forward of the building line shall be open on all sides. Maximum width of structures forward of the building line is 50% of site width up to a maximum of 6.2m.	
First Floor Additions	Additions may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues. Must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences	Not Applicable
Fences	Maximum height 1.0m for solid Maximum height 1.5m where at least 30% is transparent.	Not Applicable

There are no other provisions of the Manly DCP that apply to the proposed development.

6. EP & A ACT - SECTION 4.15

The Provisions of any Environmental Planning Instruments

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013 and the Manly DCP 2013. It is considered that the provisions of these documents have been satisfactorily addressed within this report.

There are no other environmental planning instruments applying to the site.

The Likely Impacts of the Development

It is considered that the development will provide for additions to an existing dwelling without detrimentally impacting on the character of the area. The proposal does not result in the removal of any vegetation protected by Council's Tree Preservation Order. The design of the proposal is such that they do not result in any loss of privacy, amenity or solar access to the adjoining properties.

The Suitability of the Site for the Development

The subject site is zoned R2 Low Density Residential and the construction of a alterations/additions to an existing dwelling house is permissible with the consent of Council. The resultant development is of a bulk and scale that is consistent with existing surrounding developments. The proposal does not result in the removal of any significant vegetation.

For these reasons it is considered that the site is suitable for the proposed development.

The Public Interest

It is considered that the proposal is in the public interest in that it will provide additions to an existing dwelling that are compatible with other development in this locality without unreasonably impacting the amenity of the adjoining properties or the public domain.

7. CONCLUSION

This application seeks approval for the construction of alterations/additions to an existing dwelling. As demonstrated in this report the proposal is consistent with the aims and objectives of the Manly Local Environmental Plan 2013 and the Manly DCP 2013. The proposal does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed of alterations/additions to an existing dwelling upon land at **No. 29 Fisher Street, Balgowlah Heights** is worthy of the consent of Council.

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