### STATEMENT OF ENVIRONMENTAL EFFECTS

for

Alterations and Additions

to

1CUTLER ROAD, CLONTARF NSW, 2093

November 2023

Prepared by
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#### 1. <u>SITE AND SURROUNDS</u>

Property Details: Lot 12, Section 61, DP 758044

**Site Area:** 1114.0m<sup>2</sup>

#### Site Location and description

The site is located within an established low density residential area consisting of one and two storey single dwellings.

It is bounded by No.3 Cutler Road on the north, No.2 and 4 No.4 Barrabooka Street on the west. On the south, crown land extends from the property boundary towards middle harbour. The site is on the low (western) side of the Cutler Road and slopes gently towards the west. To the south and west there are filtered views through the bushland towards the city, Middle Harbour and Balmoral Beach.

The predominant landscape elements are the native species of banksia, acacia and casuarina trees around sandstone rock platforms.



The site - 1 Cutler Rd Clontarf

#### 2. THE PROPOSED WORKS

#### 2.1 General Description

The existing house is a freestanding two storey brick and tile house with 4 bedrooms, two living areas, three bathrooms and a double garage.

Access to the property is via a concrete driveway along the northern side of the house.

The proposed development maintains these facilities, renovating the lower level, including an expansion of the garage and rebuilding the upper floor at a higher level to obtain views across the bushland and create a contemporary functional space for the young family.

In addition to these areas, the design incorporates the insertion a mezzanine level, below the new first floor level, with additional rumpus area, bedroom and bathroom Externally, a pool is proposed in the rear yard.



#### 2.2 Design Statement

The existing house is sited below the road level and significantly lower than the permissible 8.5m height limit. This presented an opportunity to design alterations and additions that take advantage of the views to the south and west, across bushland, towards the city and middle harbour, whilst also opening up the living areas and deck to the sunny north.

By creating a living level which can open up on three facades, the occupants can control their interior environment and cross ventilation in a number of ways, depending on the season and prevailing winds. The provision of balcony space on all three sides of the living area allows for seasonal use of the warmer northern side in winter ( protected from cold southerly wind) and the shady southern side in summer.

The existing house is generally rundown and in need of major repairs to all aspects of the structure and finishes. A decision to retain the lower levels of the existing house and re-use face brickwork was driven by both sustainability concerns (re-use and waste reduction) as well as a visual link to the history of the house and the bricks of the 70's era.

Replacement of windows, wall and floor first structure enables the new construction to be adequately insulated and sealed to current standards, providing an energy efficient dwelling. The provision of a new expanse of roof area allows for a large number of photo voltaic panels which will provide a significant amount of electricity to run the needs of the household and the pool filter pump.



1 Cutler Road – Entry from North-east corner

#### 3.PLANNING CONTROLS

#### 3.1 Manly Local Environmental Plan 2013 (MLEP 2013)

### PART 2-: PERMITTED OR PROHIBITED DEVELOPMENT Land Use Zone: C3 ENVIRONMENTAL MANAGEMENT

#### Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To protect tree canopies and provide for low impact residential uses that does not dominate the natural scenic qualities of the foreshore.
- To ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation.
- To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate, and minimise the impact of hard surfaces and associated pollutants in stormwater runoff on the ecological characteristics of the locality, including water quality.
- To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.

The proposed alterations and additions will achieve the zone objectives for the following reasons:

- The proposal has been designed within the relevant bulk and height controls and will not have any negative effects relating to special values of the surrounding land, in particular the crown bush land to the south.
- The tree canopies within the zone will remain intact and the building height and bulk will not dominate the natural scenic qualities, or result in loss of bushland or natural vegetation. As stated previously, the height remains within that required by the controls and the colour is dark and recessive, therefore the proposal will have a low impact on the natural scenic qualities of the foreshore.
- The proposed development is consistent with surrounding residential development, with height, bulk and setbacks compatible with the neighbouring properties.

## Part 4- PRINCIPAL DEVELOPMENT STANDARDS Summary of Compliance with Principal Development Standards

**Summary of Compliance with relevant provisions** 

CLAUSE	COMPLIANCE
4.3 Building Height	Proposed maximum building height:
From Height of Buildings Map Max Height above ground level 8.5m	8.3m
4.4 Floor Space Ratio	
From Floor Space Ratio Map FSR 0.4:1	Gross floor area proposed = 360m2
Site area = 1114sqm Gross floor area allowable: 1114 x 0.4 = 445.6sqm	FSR=0.32:1

#### Part 6- ADDITIONAL LOCAL PROVISIONS

#### Clause 6.2-Earthworks

The proposal involves work to the existing structure, largely within the building footprint, however minor excavation will be done for footing supports to balcony columns on the exterior of the house, and some excavation into rock (max.1.2m)in the south west corner for the proposed swimming pool.

All works will be documented by and undertaken with the supervision of a Structural Engineer.

#### Clause 6.4-Stormwater Management

The objectives of this clause are stated as:

- 1) To manage urban stormwater within its natural catchments and within the development site without degrading water quality of the catchments or cause erosion and sedimentation.
- 2) To manage construction sites to prevent environmental impacts from stormwater and protect downstream properties from flooding and stormwater inundation.
- 3) To promote ground infiltration of stormwater where there will be no negative (environmental) impacts and to encourage on-site stormwater detention, collection and recycling.
- 4) To make adequate arrangements for the ongoing maintenance of stormwater facilities.

A stormwater management system has been designed by Northern Beaches Engineers to address the objectives of this clause and forms part of this application.

#### Clause 6.5-Terrestrial Biodiversity

The site has been identified as in the "Biodiversity " zone on the Terrestrial Biodiversity Map. The following considerations have been taken into account within the proposal:

- (a) whether the development is likely to have—
- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
- (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
- (iv) any adverse impact on the habitat elements providing connectivity on the land, and
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The considerations have been addressed by the proposal and due to the small increase in building footprint and the maintenance of a large proportion of the existing site as landscaped area there will be no adverse impact on ecological value or significance of fauna and flora. Site management run-off and building waste during construction has been documented on the submission plans and a stormwater plan prepared by accredited engineers ensures that the impacts are minimised there will be no long term adverse impacts on the habitat.

#### **Clause 6.9-Foreshore Protection Area**

FORESHORE SCENIC PROTECTION AREA (CLAUSE 6.9 MLEP 2013)
The subject site and proposed development falls within the Foreshore Scenic Protection area and responses to the controls are addressed below.

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6.9 Foreshore Scenic Protection Area	
LEP / DCP Consideration Comment	RESPONSE
(a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore	The site is not connected to the coastal foreshore and will not overshadow the foreshore area or interrupt views from a public place towards the foreshore.
(b) measures to protect and improve scenic qualities of the coastline,	The development proposal is for two storey alterations and additions to an existing house, which is located within a residential context. The site is located at a distance from the foreshore and will not have a negative impact on the scenic or visual quality of the Middle Harbour foreshore.
(c) suitability of development given its type, location and design and its relationship with and impact on the foreshore	The development is considered suitable having regard to the current residential development and use of the subject site and its immediate neighbours, and the distance from the site to the foreshore area.
(d) measures to reduce the potential for conflict between land-based and water-based coastal activities	There is no potential for conflict arising between land based and water-based activities.
i) minimise the contrast between the built environment and the natural environment	The proposed development is viewed in the context of a developed urban environment and is compatible with this.
ii) maintain the visual dominance of the natural environment	The immediate foreshore area maintains its predominantly vegetated landform. The site is distant from the foreshore, within a residential streetscape, and will have no impact on the natural foreshore environment.
iii) maximise the retention of existing vegetation including tree canopies, street trees, wildlife corridors and habitat	It is not proposed to remove any existing trees for the proposed development.
iv) not cause any change, visually, structurally or otherwise, to the existing natural rocky harbour foreshore areas	The development proposal will not impact upon rocky areas of the harbour foreshore.
v) locate rooflines below the tree canopy	The proposed development is adjacent the existing scrubland tree canopy
vi) consider any effect of the proposal when viewed from the harbour / ocean to	The proposed development is a two storey structure within a context of similar houses

ridgelines, tree lines and other natural features	when viewed from Middle Harbour.
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	The development will be finished in materials having a low reflectivity and will adopt a recessive exterior colour palette.

Having regard to the above consideration of clause 6.9 of MLEP 2013 and clause 5.4.1 of MDCP 2013, it is evident that the proposed development will not have any adverse impacts on the foreshore environs of Middle Harbour or the scenic amenity of the foreshore area generally.

#### 3.2 Manly Development Control Plan 2013 (MDCP 2013)

# PART 3- General Principles of Development 3.1 Streetscape

The proposal maintains bulk and height within the controls and the street setback of the front façade is unchanged from the existing. The addition of a modest width balcony and pergola to the street façade facilitates shading and amenity. The current front fencing and hedge screen on the street elevation maintains a height that complements the adjacent bushland and is similar in character to the neighbouring properties along the street. The proposed recessive colours and contrast of variegated bricks with metal cladding create a contemporary residence with selected references to earlier architectural styles. The combination of these features ensures that the proposal is compatible with the following stated streetscape objectives:

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 <u>frontage</u> 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 as elevated open space terraces, pools, driveways and the like.
- vi) visually improve existing streetscapes through innovative design solutions; and
- vii) incorporate building materials and finishes complementing those dominant in the locality.

#### 3.3 Landscaping

Relevant DCP objectives to satisfy in relation to this part include the following:

- i) To encourage appropriate tree planting and maintenance of existing vegetation.
- ii) To retain and augment important landscape features and vegetation remnant populations of native flora and fauna.

#### Landscape Character

- a) The design, quantity and quality of open space should respond to the character of the area. In particular:
  - i) In low density areas: (including LEP Zones R2 Low Density, E3 Environmental Management and E4 Environmental Living) open space should dominate the site. Setbacks of buildings from open space should also be maximised to enable open space to dominate buildings, especially when viewed to and from Sydney Harbour, the Ocean and the foreshore.

The existing landscaped area is largely retained with a small expansion of the building footprint and addition of a swimming pool. The proposal preserves the screening plants to the site boundaries where there are neighbouring properties and low hedges to the street elevation. Low level shrub gardens transition towards the crown land/bushland boundary and allow the open space to dominate.

The remainder of the landscaped area is maintained as mown lawn.

The landscape objectives have been maintained and it should be noted that landscape features have also been the subject of requirements of the Bushfire Risk Assessment (Refer to document attached to this proposal) and the requirement of this report to maintain the entire area of the site as an Inner Protection Area (as defined by in Planning for Bushfire Protection 2019).

#### 3.4 Amenity

#### 3.4.1 Sunlight Access and Overshadowing

The relevant objectives to satisfy in relation to this part include the following:

- 1) To provide equitable access to light and sunshine.
- 2) To allow adequate sunlight to penetrate:
  - private open spaces within the development site; and
  - private open spaces and windows to the living spaces/
  - habitable rooms of both the development and the adjoining properties.
- To maximise the penetration of sunlight including mid-winter sunlight to the windows, living rooms and to principal outdoor areas by:
  - encouraging modulation of building bulk to facilitate sunlight penetration
  - into the development site and adjacent properties; and
  - maximising setbacks on the southern side of developments
  - to encourage solar penetration into properties to the south.

The shadow diagrams on DA10 illustrate existing and proposed shadows for the development on June 21. The effects are minimal and show that the relevant objectives have been achieved. They may be summarised as follows:

#### No.2 Barrabooka Street:

The shadow diagrams indicate that this is the only property affected by shadows from the proposed first floor addition. A minor effect will be seen in the rear yard at 9am on June 22. This will, in reality, not create any change in the shadowing as dense planting to a height of approximately 3m currently exists between the two properties and the shadow effects from the new proposal will be within this zone.

Sunlight access is maintained unchanged to windows on the eastern facade of the house and rear deck.

#### 3.4.2 Privacy and Security

The relevant objectives to satisfy in relation to this part include the following:

- 1) To minimise loss of privacy to adjacent and nearby development by:
  - appropriate design for privacy (both acoustical and visual)
  - including screening between closely spaced buildings;
  - mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.
- 2) To increase privacy without compromising access to light and air.

  To balance outlook and views from habitable rooms and private open space.
- 3) To encourage awareness of neighbourhood security.

The proposed house has been designed to prevent overlooking and maintain the privacy of the neighbours by utilising existing landscape screening and new architectural design elements.

This has been achieved as follows:

#### No.3 Cutler Road:

The dense planting screen will be maintained along the northern boundary. In addition, a new privacy screen comprising vertical directional blades will be provided along the proposed northern deck to prevent overlooking and dissipate sound from the property(refer to DA 04 First Floor Plan and DA-5 North Elevation).

#### No.s 2 and 4 Cutler Road:

The dense planting screen will be maintained along the western boundary. The current height of this planting is sufficient to prevent overlooking into the rear yards of these properties.

#### 3.4.3 Maintenance of Views

Relevant DCP objectives to be satisfied in relation to this paragraph include the following:

- 1) To provide for view sharing for both existing and proposed development and existing and future Manly residents.
- 2) To minimise disruption to views from adjacent and nearby development and views to and from public spaces including views to the city, harbour, ocean, bushland, open space and recognised landmarks or buildings from both private property and public places (including roads and footpaths).
- 3) To minimise loss of views, including accumulated view loss 'view creep' whilst recognising development may take place in accordance with the other provisions of this Plan.

There are minimal effects on views from neighbouring properties. The effects may be summarised as follows:

#### No.3 Cutler Road:

This property is on the northern side of No.1 Cutler. It has filtered views of Middle Harbour to the west across the north-west corner of the site from a first floor bedroom. This view line will not be effected by the proposed development.

#### No 6 Cutler Road:

This property is across the road on the eastern side of No.1 Cutler. It is elevated above the site enjoys wide views west towards Middle Harbour and distant city views to the south-west. Due to its higher position, the proposed development will not obscure its existing views.

#### 3.5 Sustainability

A Basix report has been submitted for the Development and the proposed design complies with its requirements.

#### 3.7 Stormwater Management

A stormwater management system has been designed by Northern Beaches Engineers and forms part of this application .

#### 3.8 Waste Management

A waste management plan has been submitted as part of this application.

**PART 4- Summary of Compliance with Residential Development Controls** 

**Summary of Compliance with relevant controls** 

CLAUSE	npliance with releval	PROPOSED	Compliance
4.1.1.1	1 dwelling/750m <sup>2</sup>	1 dwelling/1114 m <sup>2</sup>	Yes
Residential			
Density			
4.1.2.1	Max wall height		
4.1.2.3 Wall Height	As per table: North Elevation	Max height 6.7 + 0.6 parapet:7.3m Actual wall height:7.9m	No See explanation below
	South Elevation	Max height 6.8 + 0.6 parapet:7.4m Actual wall height:8.1m	
4.1.2.2 Number of storeys	Buildings must not exceed 2 storeys	2-3 storeys A minor section of the mezzanine level overlaps the existing garage	No See explanation below
4.1.2.3 Roof Height	Max 2.5m	1.1m	Yes
4.1.4.1 Front Setback	Prevailing Building Lines. Where there is no prevailing building line pattern 6m setback is generally applied	Minimum setback from street: 18.8m Maximum setback from street: 22.2m	Yes
4.1.4.2 Side Setbacks	Min setback not <1/3 of the height of the corresponding wall	The majority of the proposed building maintains the required setback. There is a minor non-compliance on the NE corner of Bedroom 1. Required setback:7.1/3=2.3 Proposed setback: Varies from 1.7 to 3.7m	No See explanation below
4.1.4.2 Rear Setback	Minimum 8m	The proposed first floor balcony has a setback of 7.45m on the northern corner and 8.23m on the southern corner, an average of 7.8m.  The external wall of the building maintains the existing setbacks of 9.7m and 11.6m respectively.	No See below for explanation of variation request.
4.1.5.1	Area : OS4	Landacened 540	Vaa
Total Open Space	Total Open Space Min 60% of site area = 669.0m <sup>2</sup>	Landscaped area 510 Hard paved area 174 Swimming pool + paving 78 Open space above ground 111  Total Proposed Open Space: 873m <sup>2</sup>	Yes

4.1.5.2 Landscaped Area	Min 40% of open space (actual) = 873x0.4 =349.2m <sup>2</sup>	Proposed landscaped area (as part of open space calculations) =510m <sup>2</sup> =58.4%	Yes
	Max Open Space Above Ground is maximum 25% of Total Open Space =216.4m <sup>2</sup>	Open Space Above Ground = 111.0m <sup>2</sup> =13%	Yes
	Min 4 native trees		Yes
4.1.5.3	Principal Private	Principal Private open Space	Yes
Principal	Open Space Min 18 sqm	exceeds 18sqm	
Private	Will 10 3qm		
Open Space			
4.1.6	2 spaces per	2 spaces provided	Yes
Carparking	dwelling		
and	Maximum width of		Yes
Access	any garage not more than 50% of the site frontage (up to a maximum of 6.2m)		
4.1.9	Height out of	Height out of ground max 600mm	Yes
Swimming	ground max 1m		
Pools			
4.1.10	1m or 1.5m where	Existing	Yes
Fence	min 30% is open for the height		
Heights	above 1m		

### 3.3 Manly DCP 2013 Requests for Variations to Controls

#### Clause 4.1.2 Height of Buildings-Request for Variation to Control

It has been stated that "LEP objectives for the Height of Buildings at clause 4.3 are particularly applicable to controls at paragraph 4.1.2 of this DCP."

These objectives 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.

The proposed alterations and additions to the existing house, the new garage and pool have been designed to generally satisfy the MDCP 2013 Controls.

Variations are being sought in relation to planning controls as explained below:

- 1) Wall Heights Northern and Southern Elevations- Variation to Control 4.1.2.3

  The variations to wall heights are considered reasonable in this circumstance as the proposal achieves the objectives of the LEP:
  - -the northern elevation wall height is within 10% of the control and is below the 8.5m building height. Its setback from the northern boundary is 7.8m, an generous amount ,which allows the proposal to achieve the stated objectives of minimising view disruption and solar access.
  - -the southern elevation wall height is within 10% if the control and is below the 8.5m building height. It faces the bushland and therefore does not have any effect on the privacy or solar access of neighbouring properties. As the non-compliant section of the wall has a side setback varying from 2.3 to 6.5m it does not conflict with public views or solar access within the adjacent crown land/bushland area.
- 2) Number of Storeys Variation to Control 4.1.2.2

  Variation to the maximum number of storeys may be considered:
  - where specific physical site constraints warrant an exception to this requirement.
     In these circumstances the development must still fully comply with other numeric height controls and development standards;

This minor overlap between the mezzanine and garage level is reasonable as the proposal complies with the LEP height limit and the side setback from neighbours on the northern boundary is 8.0m, being well in excess of the control.

#### Clause 4.1.4 Setbacks -Request for Variation to controls

#### 3) Side Setback-Southern Elevation- Variation to Control 4.1.4.2

As the orientation of the house is at an angle to the southern boundary, the side setback for wall of Bedroom 1 varies from 1.7 to 3.7m.

This is acceptable in this circumstance as the southern elevation faces the crown land/bushland, therefore there are no adverse effects on the privacy, or solar access of neighbouring properties. The minor variation to the control does not affect public views and solar access within the adjacent crown land/bushland.

#### 4) Rear Setback-Variation to Control 4.1.4.4

Due to the wedge shape of the site, the non-compliance relates to a minor part of the balcony in the NW corner, and not the entire façade. The average setback across the length of the balcony is 7.84m which is within 10% of the control. The objectives of this control are maintained as there is ample space for planting of vegetation to maintain the required character of the development, the reduced setback does not cause any negative effects in terms of privacy, overshadowing or view loss and is considered reasonable in this case.

### 3.4 Section 10.3.(2) Environmental Planning and Assessment Act 1979 Northern Beaches Bushfire Prone Land Map 2020

The site is within the "Vegetation Buffer" zone on the map.

A bushfire hazard assessment of the proposal has been undertaken by Bushfire Consulting Services Pty. Ltd.

(Refer to report attached to this submission).

Having regard to the distance to the vegetation, the effective slope of the land, and the aspect, the bushfire hazard assessment has determined that the bushfire threat risk for the development is high and its Bushfire Attack Level as Bal FZ.

The bushfire hazard assessment has concluded that, where all recommendations are implemented, the proposal can comply with the aim, objectives and performance criteria of Chapter 7 of the NSW RFS document "Planning for Bushfire Protection" (2019).

#### 3.5 Section 4.15 Environmental Planning and Assessment Act 1979

Responses to paragraph "(b) Likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality":

#### **Natural Environment**

Effects on the natural environment have been minimised and addressed in the documentation submitted with this application, including Stormwater Management Plans ,Waste Management Plan and Basix statement.

The existing garden comprises mostly lawn with perimeter garden beds that will be maintained according to the requirements set out in the Bushfire Assessment. The proposed landscape area of the site of will be above the minimum required and will maintain the required character of the area.

During the demolition and construction phases of the development, erosion and sedimentation controls will be put in place and maintained to ensure that sediment laden run-off from the site does not enter neighbouring properties or the crown land to the south of the site.

The architectural design plans illustrate compliance with council's codes and policies ensuring that the proposed development is in character with the existing area.

#### **Built Environment**

The development proposal will result in a significant upgrade and improvement of the functionality, amenity, and streetscape presentation of the existing dwelling house. The façade of the dwelling house will be well articulated behind the existing landscaped frontage of the house. The roofs will be flat and not visible at street level. The dominant elements of the building will be the re-use of existing variegated bricks, pairing with a dark metal wall cladding to present a recessive palette to the street.

The existing driveway and garage remain unchanged, the garage is located under the building and faces the northern boundary, perpendicular to the street.

The majority of the first floor is encircled by a balcony creating texture and shade on the façade. The existing canopy of palms will screen a large part of the building height from the northern and western neighbours. The building will not be visible from Middle Harbour. The built form within the existing landscape of the site will enhance the streetscape, and the development will therefore have a positive impact on the built environment.

#### 4.0 CONCLUSION

Megan M'Ainchey

We believe that the proposal for alterations and additions is consistent with the planning objectives described in the MLEP and DCP and will not result in any adverse effects on the surrounding natural or built environment. The proposal will result in a development that contributes positively to, and enhances the character of the residential environment.

Megan McGlinchey Architect Registration NSW 5761