

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**39 HEATHCLIFF CRESCENT, BALGOWLAH HEIGHTS**

**DWELLING ALTERATIONS AND ADDITIONS**

**PREPARED ON BEHALF OF  
MR & MRS DELANEY**

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## 1. INTRODUCTION

This application seeks approval for the construction of dwelling alterations and additions upon land at Lot 16, Section 25 in DP 758044 which is known as **No. 39 Heathcliff Crescent, Balgowlah Heights**.

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 C&A Surveyors, Ref No. 18236-21 DET/ID and dated 6/07/2021.
- Architectural Plans, Schedule of External Finishes & Photo Montage prepared by Du Plessis + Du Plessis Architects, Issue 2 and dated 03/12/2021.
- Shadow Diagrams prepared by Cad Draft P/L, Project No. 21-131 and dated 23/11/2021.
- BASIX Certificate #A440753\_02 and dated 9 December 2021.
- Stormwater Management Plan and Sediment Control Details prepared by NY Civil Engineering, Job Ref: E210448, Issue A and dated 11/11/2021.
- Waste Management Plan prepared by Du Plessis + Du Plessis Architect.

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.

## 2. SITE DESCRIPTION AND LOCALITY

The site is identified as Lot 16, Section 25 in DP 758044 which is known as No. 39 Heathcliff Crescent, Balgowlah Heights. The site is generally a rectangular shaped allotment with a splayed rear boundary. The site is located on the western side of Heathcliff Crescent. The site has an area of 617.4m<sup>2</sup> with a frontage of 15.24m to Heathcliff Crescent and a maximum depth of 41.935m. The locality is depicted in the following map:



**Site Location Map**

The property falls from the centre of the site to both the street and rear boundaries. The site has the following levels:

NE Corner	RL62.53
SE Corner	RL63.24
SW Corner	RL60.28
NW Corner	RL60.19

The site is currently occupied by a part two and part three storey rendered masonry dwelling with metal roof. The attached double garage located forward of the dwelling is setback 5.99m from the street frontage. Vehicular access to the site is via a concrete driveway and vehicular crossing adjacent to the northern boundary.

The site is depicted in the following photographs:



**View of the existing development on site from Heathcliff Crescent**



**Rear View of Existing Dwelling**

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



Aerial Photograph of Locality



### **3. THE DEVELOPMENT PROPOSAL**

This proposal seeks approval for the construction of dwelling alterations and additions. The additions will be constructed of a lightweight cladding with external finishes to match the existing dwelling and a low pitched metal roof.

The proposed additions provide for construction of a bedroom suite to the existing upper level terrace. This level will be setback 2.69m to the southern side boundary. The proposal provides for ample setback to the remaining boundaries. The addition provides for a bedroom, with ensuite with the northern portion of the terrace being retained.

All collected stormwater will be directed to the street gutter in Heathcliff Crescent via the existing outlet as per the Stormwater Management Plan prepared by NY Civil Engineering.

The proposal will result in the following numerical indices:

<b>Site Area:</b>	<b>617.4m<sup>2</sup></b>
<b>Proposed FSR:</b>	<b>271.4m<sup>2</sup> or 0.43:1</b>
<b>Total Open Space:</b>	<b>406m<sup>2</sup> or 65%</b>
<b>Landscaped Space:</b>	<b>262m<sup>2</sup> or 64% of the total open space.</b>

#### 4. 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.

##### 4.1 Planning for Bushfire Protection 2006



**Extract of Bushfire Map**

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.

##### 4.2 Manly Local Environmental 2013



**Extract of Zoning Map**

The subject site is zoned R2 Low Density Residential. The objectives of the R1 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 to provide an attached dual occupancy which are permissible in this zone achieves these objectives by:

- Ensuring the proposal compliments the existing streetscape and the existing surrounding properties.
- Retaining the existing amenity to the surrounding residences.
- Providing a development that is compatible in terms of bulk, scale and height to surrounding properties

The following numerical standards are applicable to the proposed development:

Clause	Development Standard	Proposal	Compliance
Clause 4.3 Height of Buildings	8.5m	Refer to plans – less than 8.5m	Yes
Clause 4.4 Floor Space Ratio	0.45:1	271.4m <sup>2</sup> or 0.43:1	Yes

### Clause 5.10 Heritage Conservation

The subject site is not heritage listed nor is it located within a conservation area. The proposal complies with this clause.



Extract of Heritage Map

### Clause 6.1 Acid Sulfate Soils

The site is not identified on Council's Acid Sulfate Soils Map. There is no further information required.



**Extract of Acid Sulfate Map**

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 proposal provides for the construction of alterations and additions to the existing dwelling. When viewed from the street, the proposed additions are very minor and merely continue the existing roof form over the existing terrace. The existing and proposed works are depicted in the photo montage prepared by Du Plessis + Du Plessis and included below:



**Photo montage**

The proposed amendments will not be prominent and will not detract from the streetscape. The additions are located towards the rear and merely continue the existing roof line.

The development will be compatible with the style and form of the surrounding dwellings by providing appropriate front setback and modulation of the front facade.

### **Clause 3.3 - Landscaping**

The proposal provides ample area of the site for landscaping. It is noted that the proposed additions do not decrease the area of existing landscaping and the works do not have any impact on existing vegetation.

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

The objectives of the clause are noted as:

- |                     |   |
|---------------------|---|
| <i>Objective 1)</i> | <i>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.</i> |
| <i>Objective 2)</i> | <i>To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.</i>  |

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

- The proposed additions to the existing upper-level terrace provide for only a bedroom and ensuite. These are not high use living areas.
- The use of the upper level for a master bedroom will minimise use of the terrace area which is currently utilised for outdoor entertaining.

The upper level terrace will now only service a bedroom and will improve privacy to the neighbours.

- The proposal provides for ample setbacks to the boundaries of the site. A setback of 2.69m is provided to the southern side boundary and there are no windows on this elevation of the upper level. There will be no impact on the privacy of the adjoining southern property. Ample setback is provided from the bedroom to the northern boundary.
- Shadow diagrams have been prepared. The proposal only results in very minimal additional overshadowing.
- The subject and surrounding properties currently enjoy any views to the northeast over North Harbour. The proposed additions ensure views from the adjoining properties are retained. This has been achieved by not exceeding the height of the existing upper level roof, and locating the additions to the rear of the existing structure at this upper level.

### 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 street gutter in Heathcliff Crescent in accordance with Council controls and the Stormwater Management Plan prepared by NY Consulting Engineers.

### **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 <sup>2</sup>	Yes Site has an area of 617.4m <sup>2</sup> .
Floor Space Ratio	Refer to LEP 0.45:1	Yes Proposal provides for a gross floor area of 0.43:1.
Wall Height	Height – 6.5m	The proposal provides for a maximum wall height of approximately 8.3m and a portion of the dwelling is three storeys. Whilst this does not comply with the numerical requirements it is considered justified for the following reasons:
Number of Storeys	Two Storeys	

Clause/ Design Element	DCP Requirement	Compliance/Comments
Roof Height	2.5m above wall height	<ul style="list-style-type: none"> <li>The proposal complies with the maximum overall building height.</li> <li>The additions are provide with ample setbacks to all boundaries and will not be prominent when viewed from the adjoining properties.</li> <li>The proposal continues the existing wall height.</li> <li>The addition is to the rear and not prominent in the streetscape.</li> <li>The proposal does not result in unreasonable overshadowing.</li> <li>The proposal does not reduce privacy, rather will improve privacy by reducing the terrace area and providing for a bedroom.</li> </ul>
Parapet Height: 600mm above wall height.	600mm above wall height	N/A
Maximum Roof Pitch	35°	Yes Refer to plans
Building Setbacks	<p>Front Setback – Min. 6.0 metres or consistent with neighbouring.</p> <p>Secondary setback – same as side boundary setback</p> <p>Side Setback – 1/3 of the height of wall.</p>	<p>Yes All works are located behind the existing front setback and in accordance with this clause.</p> <p>Not applicable</p> <p>A setback of 2.8m is required to the southern side boundary. The proposal provides for setbacks of 2.69m from the upper level addition. The setbacks as proposed are considered appropriate in this instance for the following reasons:</p>

Clause/ Design Element	DCP Requirement	Compliance/Comments
	<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 of view and no impediment to property maintenance.</p> <p>Rear Setback – Minimum 8.0 metres</p>	<ul style="list-style-type: none"> <li>• The upper level is provided with a greater setback then the ground and first floor levels to the southern boundary. This provides for an articulated built form.</li> <li>• The additions continue the setback currently provided by the upper level wall.</li> <li>• There are no windows proposed along the southern elevation and there will be no loss of privacy to the adjoining properties.</li> <li>• The non-compliance is very minor being only 110mm.</li> <li>• The proposal maintains an appropriate level of solar access to the private open space of the adjoining properties.</li> <li>• The proposal will not obstruct any significant views.</li> </ul> <p>Not Applicable</p> <p>Yes Ample setback is provided to the rear boundary.</p>
Landscaping/Open Space	Open Space Area 3: Minimum total open space: 55% of site area.	<p>Yes Proposal provides for the following: Total Open Space: 406m<sup>2</sup> or 65% of site area.</p>

Clause/ Design Element	DCP Requirement	Compliance/Comments
	<p>Minimum soft open space as 35% of total open space: 40%</p> <p>Minimum number of endemic trees: 2</p> <p>Private open space to be directly accessible from living areas. Minimum dimension 3m. Minimum area of 18m<sup>2</sup>.</p>	<p>Soft Open Space: 262m<sup>2</sup> or 64% of total open space.</p> <p>Yes There is sufficient area for landscaping including canopy trees.</p> <p>Yes There is ample area of private open space in the rear yard. This area is of sufficient dimension and is directly accessible from the internal living areas.</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>Carports forward of the building line shall be open on all sides.</p> <p>Maximum width of structures forward of the building line is 6.2m or 50% of site width whichever is the greater.</p>	<p>Yes Existing garage, driveway and parking retained.</p> <p>N/A</p> <p>N/A</p>
First Floor Additions	<p>Additions may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues.</p>	<p>Not Applicable</p>



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Clause/ Design Element	DCP Requirement	Compliance/Comments
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.

## **5. 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 a dual occupancy development without detrimentally impacting on the character of the area. The proposal does not result in the removal of any significant vegetation and provides ample area of the site for landscaping. The design of the proposal is such that they do not result in any unreasonable loss of privacy.

### **The Suitability of the Site for the Development**

The subject site is zoned R1 General Residential and the construction dwelling alterations/additions in this zone are 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 for additions to an existing dwelling that are consistent with other development in this locality without unreasonably impacting the amenity of the adjoining properties or the public domain.

## 6. CONCLUSION

This application seeks approval for the construction of alterations and 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 construction of dwelling alterations and additions upon land at **No. 39 Heathcliff Crescent, Balgowlah Heights** is worthy of the consent of Council.

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