

STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations and
Additions

28 Ethel Street,
Balgowlah

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Statement of Environmental Effects

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1 Introduction

This statement has been prepared as part of the supporting documentation for a Development Application proposing alterations and additions to the existing dwelling house.

The project architect has responded to the client brief to design a dwelling of exceptional quality which takes advantage of its superior location attributes whilst maintaining appropriate residential amenity to surrounding properties. The final design detailing is responsive to the minutes arising from formal pre-DA discussions with Council and provides for a dwelling house which will sit comfortably within the existing streetscape and its prominent corner location. Considerations has been given to the adjoining heritage item to ensure that the heritage value is not adversely impacted with the proposed development. In addition to the Statement of Environmental Effects, the following also accompanies the application:

- Boundary Identification Survey
- Architectural Plans including shadow diagrams
- Waste Management Plan
- BASIX certificate
- Heritage Impact Assessment
- Landscape Plan

We note that the required photographic archival recording of the dwelling will be carried out prior to the commencement of works on site and to that extent no objection is raised to the imposition of an appropriately worded condition of consent.

In preparation of this document, consideration has been given to the following:

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

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the proposed use and associated works.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.
- The proposal will not give rise to any unacceptable streetscape, heritage or residential amenity impacts.

- The application provides for a significantly improved streetscape outcome through the introduction of a dwelling house displaying exceptional design quality. The proposed landscaping will ensure that the dwelling sits within a landscaped setting.

2 Site Analysis

2.1 Site Description and Location

The subject property is legally described as Lot 20 in DP 9398, No. 28 Ethel Street, Balgowlah. The site is a corner allotment with frontage and address to Ethel Street and a secondary frontage to Whittle Ave. The site has a width of 12.19m, length of 39.635m and total area of 483.189m². An aerial photograph of the site is at Figure 1 below.



Figure 1: Site Location Map (Source: SIX Maps)

The existing development on the site consists of a single storey brick dwelling with hipped tiled roof. A small brick garage is located in the north-west corner of the site. The topography of the site slopes down gently from the Ethel Street frontage towards the rear of the site in a northerly direction. Development in the vicinity consists of predominately residential typologies with Balgowlah RSL and commercial uses located directly to the west.



LOOKING NORTH AT 28 ETHEL ST (LEFT) 26 ETHEL ST (RIGHT), FROM ETHEL ST



LOOKING EAST AT 28 ETHEL ST, FROM WHITTLE AVE

3 Description of Development

3.1 Details of the Proposed Development

The application proposes alterations and additions to the existing dwelling house as depicted on the accompanying architectural plans. The existing dwelling will require partial demolition which is depicted on the demolition plans provided.

Lower Ground Floor:

- New garage accessed from Whittle Ave
- Garage will include storage area and access stairs to the rear of the dwelling

Ground Floor:

- New addition towards the rear of the site to create a new open plan kitchen/living/dining area which will open out to the private open space area.
- Laundry
- New entryway access along the Whittle Ave frontage

First floor:

- New first floor additions behind the existing front façade to Ethel Street
- 2 bedrooms, rumpus, study and bathroom

A landscape plan has been provided detailing the proposed planting schedule and swimming pool which represents a significant enhancement on the site. Stormwater management plans have also been provided.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential environmental impacts are discussed below.

4.1 Manly Local Environmental Plan 2013

4.1.1 Zoning and Permissibility

The subject site is Zoned R1 General Residential. The objectives of R1 General Residential zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Dwelling houses are permissible with consent in the R1 zone and the works relate to alterations and additions to an existing dwelling. As such, the works are permissible with consent.

4.1.2 Floor Space Ratio

Pursuant to clause 4.4 in the LEP, the site has a maximum floor space ratio (FSR) control calculated at 0.5:1. The objectives of the FSR control 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 business zones 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.*

The proposed gross floor area is calculated at 217m² which represents a compliant FSR of 0.44:1.

As the proposal satisfies the numerical control it is also deemed to comply with the associated objectives. Accordingly, there is no statutory impediment to the granting of consent.

4.1.3 Height of Buildings

Pursuant to clause 4.3 in the LEP the max building height is measured at 8.5m. The objectives of the control 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),*

The elevation and section drawings provided demonstrate compliance with the 8.5m height development standard. The dwelling will reach 8.5m at its highest point.

4.1.4 Acid Sulfate Soils

Pursuant to clause 6.1 of the LEP the objective is to ensure that development does not disturb expose or drain acid sulfate soils and cause environmental damage. The subject site is mapped as being within class 5 acid sulfate soils. We note that class 5 acid sulfate soils represent the least amount of risk. The site will require some minor excavation to accommodate the new garage and is not considered a risk to the local environment.

4.1.5 Heritage Conservation

The subject site adjoins a heritage item known as *Fleurbaix* which is described as:

'Highly ornate stuccoed brick and tile Spanish Mission styled bungalow. Significant elements include; semi-circular and square headed windows with decorative diamond patterned render surrounds; decorative quoins with diagonal markings; fish-scale pattern stucco decoration beneath gable - end windows. Three dormer windows added to roof.'

As such, a heritage impact assessment has been prepared by Edwards Heritage Consultants and accompanies this application. The report concludes that the proposal will not result in any material affectation to significant heritage fabric and will not have an intrusive contribution to the streetscape or heritage item thus retaining significant viewpoints of the existing dwelling adjacent to the subject site.

4.2 Manly Development Control Plan 2013

The relevant provisions of the Manly Development Control Plan 2013 in relation the proposed works are detailed as follows:

Control	Requirement	Proposed	Compliance
Streetscapes and Townscapes 3.1	<p>To minimise any negative visual impact of walls, fences and carparking on the street frontage.</p> <p>To ensure development generally viewed from the street complements the identified streetscape.</p> <p>To encourage soft landscape alternatives when front fences and walls may not be appropriate.</p> <p>To ensure that all parking provision is designed and sited to respond to and respect the prevailing townscape.</p> <p>To assist in maintaining the character of the locality.</p> <p>To recognise the importance of pedestrian movements</p>	<p>The dwelling is considered to be consistent with the existing streetscape character of the local area. The design ensures that the existing character of the dwelling is largely maintained as it presents to Ethel Street. The works have been confined to the rear of the site and more readily visible from Whittle Ave. The works have been conscious to provide significant spatial separation between the subject site and the adjoining heritage item to ensure its heritage value is not impacted.</p> <p>The dwelling will incorporate a highly articulated built form minimising any potential bulk and scale concerns. Proposed landscaping treatments represent an enhancement of the site and provides opportunities for softening and screening the built form.</p> <p>The proposal is consistent with the character of the streetscape.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>and townscape design in the strengthening and promotion of retail centres.</p> <p>To minimise negative visual impact, in particular at the arterial road entry points into the Council area and the former Manly Council area, so as to promote townscape qualities.</p>		
Preservation of Trees 3.3.2 Footpath Tree Planting 3.3.3	<p>To protect and enhance the urban forest of the Northern Beaches.</p> <p>To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.</p>	No trees will be impacted by the proposed development.	Yes
Sunlight Access and Overshadowing 3.4.1	<p>New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9am to 3pm at</p>	<p>The proposed works will maintain compliant levels of solar access to the adjoining properties.</p> <p>Hourly shadow diagrams have been provided and demonstrated that the additional overshadowing is relatively minor.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>the winter solstice (21 June) ; or</p> <p>Where there is no winter sunlight available to open space of adjacent properties from 9am to 3pm, the calculations for the purposes of sunlight will relate to the equinox in March and September from 9am to 3pm.</p>		
Privacy and Security 3.4.2	<p>To minimise loss of privacy to adjacent and nearby development by:</p> <ul style="list-style-type: none"> • 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. <p>To increase privacy without compromising access to light and air.</p>	<p>The proposal has appropriately considered the amenity of neighbours with regard to privacy.</p> <p>Fenestration has been limited to the new first floor level with highlight windows proposed to the side facing elevations. The rear facing windows are to bedrooms and significantly distanced from the heritage item to the north. The overlooking risk is minimised through that separation.</p> <p>The proposed pool has been sited adjacent to the existing garage/outbuilding at 26 Ethel Street. The garage is built to the boundary resulting in the pool not being in proximity to any adjoining private open space or habitable area. Significant landscape treatments are proposed along the setback to the northern boundary which will</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>To balance outlook and views from habitable rooms and private open space.</p> <p>To encourage awareness of neighbourhood security.</p>	<p>provide additional privacy attenuation.</p> <p>Entry and security will be improved with internal access to the dwelling from the garage and new entryway from Ethel St which runs along the Whittle Ave frontage.</p>	
Stormwater Management 3.7	<p>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.</p> <p>To manage construction sites to prevent environmental impacts from stormwater and protect downstream properties from flooding and stormwater inundation.</p>	<p>Stormwater management plans have been provided.</p>	<p>Yes</p>
Waste Management 3.8	<p>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</p>	<p>The development will require the partial demolition of the existing dwelling. All demolition materials will be disposed of appropriately or reused/recycled where possible.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	accompanied by a Waste Management Plan.		
Number of Storeys 4.1.2.2	2 storeys	<p>The proposal is considered a 2 storey dwelling with a lower level basement/garage due to the topography of the site.</p> <p>No habitable spaces are proposed at the lower garage level.</p>	Yes
Wall Height 4.1.2.1	Approx. 7m – based on the slope of the land	<p>Approximately 6.5m to each side elevation.</p> <p>The first floor extension is confined to the rear with the original part of the dwelling remaining single storey. In that regard, the works do not raise any significant concerns with regard to wall heights.</p>	Yes
FSR 4.1.3	0.5:1	0.44:1	Yes
Front Setback 4.1.4.1	Road Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity.	Maintained as per existing	Yes

Control	Requirement	Proposed	Compliance
Side Setbacks 4.1.4.2	1/3 of wall height	<p>The ground floor will continue the side setbacks to the rear extension.</p> <p>The lower garage level will have a 1m setback to the secondary frontage. This is considered appropriate within the context of the streetscape and to achieve reasonable access to the dwelling. The associated garage and retaining walls do not raise any significant amenity issue with significant landscaping proposed within that setback and surrounding the garage.</p> <p>The first floor continues the 1.31m setback at ground level to the eastern boundary. It is stepped in to a setback of 2.681m to the secondary frontage boundary. This is considered reasonable and does not raise any concerns regarding unreasonable amenity impacts or excessive bulk and scale.</p> <p>The garage will sit within the rear setback and set into the site ensuring that any amenity and bulk and scale concerns are mitigated. The landscape plans does include a landscaped buffer along the rear boundary to minimise any adverse impacts.</p>	No – worthy on merit

Control	Requirement	Proposed	Compliance
Open Space and Landscaping	<p>55% Open Space</p> <p>35% Soft Landscaping</p>	<p>Proposed open space = 274.6m² or 57%</p> <p>Proposed landscaped area = 141.02m² or 53% of total open space</p>	Yes
Parking, Vehicular Access and Loading 4.1.6	<p>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.</p> <p>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.</p>	<p>A new garage is proposed which will accommodate 2 cars. The garage is proposed from Whittle Ave and is the most appropriate location for car parking on the site.</p> <p>The garage will have a 6m width in compliance with the control.</p>	Yes
First Floor Additions 4.1.7.1	<p>First floor additions must complement the architectural style of the ground floor and where possible retain existing roof forms. Notwithstanding setback provisions, the addition may follow the existing ground floor wall setbacks providing adjoining properties are not adversely</p>	<p>The first floor addition is considered relatively modest and has been confined to the rear of the existing dwelling. The original dwelling form and its presentation to Ethel Street will be largely retained with the first floor addition to sit behind.</p> <p>The first floor addition does not result in any unreasonable amenity impacts with regard</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>impacted by overshadowing, view loss or privacy issues.</p> <p>The dwelling and the form of alterations and additions must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences or the aesthetic quality of the former Manly Council area. In this regard, it may be preferable that the addition be confined to the rear of the premises or be contained within the roof structure.</p>	<p>to solar access, view loss or privacy.</p>	
<p>Development on Sloping Sites</p> <p>4.1.8</p>	<p>To ensure that Council and the community are aware of, and appropriately respond to all identified potential landslip & subsidence hazards.</p> <p>To provide a framework and procedure for identification, analysis, assessment, treatment and monitoring of landslip and subsidence risk and ensure that there is sufficient information to consider and determine DAs on land</p>	<p>A geotechnical report has been provided with regard to the excavation proposed to accommodate the development. The report concludes the proposed works will have an 'acceptable' level of risk provided the recommendations of the report are adhered to.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>which may be subject to slope instability.</p> <p>To encourage development and construction this is compatible with the landslip hazard and to reduce the risk and costs of landslip and subsidence to existing areas.</p>		
Swimming pools 4.1.9	<p>The setback of the outer edge of the pool/spa concourse from the side and rear boundaries must be at least 1m, with the water line being at least 1.5m from the boundary.</p>	<p>The swimming is sited adjacent to the existing garage on the adjoining property at 26 Ethel St which is built to the boundary. The swimming pool concourse is also proposed to be built to the boundary. This is considered reasonable in this instance as it directly adjoins a non-habitable space nor direct private open space. The pool surface is setback approximate 1m.</p> <p>The lower level garage does impact the ability to site a pool further away from the boundary.</p>	Yes

4.3 Matters for Consideration Pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 as Amended

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 (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(i) The provision of any planning instrument

The proposal is permissible and generally in conformity with the General, Development Type and Locality Specific Controls contained within Manly Development Control Plan.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

N/A

(iii) Any development control plan

Manly DCP applies.

(iiia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,

Context and Setting

i. 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

The proposed dwelling is entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

ii. 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

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

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

N/A

Public Domain

The proposed development will have no adverse impact on the public domain.

Utilities

Existing utility services will continue to service the dwelling house.

Flora and Fauna

N/A – landscaping will be enhanced as detailed on the landscape plan.

Waste Collection

Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

N/A

Economic Impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

Is the development design sensitive to environmental considerations 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

These matters have been discussed in detail earlier in this report. The potential impacts are minimal and within the scope of the general principles, desired future character and built form controls.

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 as required by Clause 98 of the Environmental Planning and Assessment Regulation 2000. There

will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

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

The environmental planning issues listed above

Site safety

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

Does the proposal fit in the locality

Are the constraints posed by adjacent development 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

Are the site attributes conducive to development

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The architect has responded to the client brief to provide for a dwelling of design merit that provides a high level of amenity for the future occupants whilst appropriately addressing the sites setting and maintaining the amenity of the nearby residential properties. The development will provide a quality built form outcome on the site.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes and controls contained within the adopted legislative framework. Accordingly, approval of the development would be in the public interest.

5 Conclusion

The proposed alterations and additions is commensurate with surrounding development and do not give rise to any unreasonable amenity impacts to neighbouring dwellings. The works are consistent with the objectives of the built form controls as they reasonably apply. The design provides for a dwelling of high architectural merit that will complement the streetscape and surrounding heritage items.

It is considered that the proposal is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the site and the proposed development.
- The proposal is compatible with the existing streetscape and development in the local area generally.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.
- The works will have a negligible impact on the heritage item identified at 1 Whittle Ave as detailed in the heritage impact assessment provided.

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of exceptional design merit, that satisfies the outcomes and controls contained within the adopted legislative framework.

Having given due consideration to the matters pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance.