



## **STATEMENT OF ENVIRONMENTAL EFFECTS REPORT**

**Demolition of existing dwelling & construction of new two (2) storey dwelling**

No.12 Scales Parade, Balgowlah Heights

December 2020

**CONTENTS**

<b>1.0 INTRODUCTION .....</b>	<b>3</b>
<b>2.0 SITE DETAILS.....</b>	<b>4</b>
2.1 SITE LOCATION.....	4
2.2 SITE DESCRIPTION .....	4
2.3 SITE CONTEXT .....	6
<b>3.0 PROPOSED DEVELOPMENT .....</b>	<b>8</b>
<b>4.0 PLANNING CONSIDERATIONS.....</b>	<b>9</b>
4.1 STATE ENVIRONMENTAL PLANNING POLICY NO.55-REMEDIATION OF LAND (SEPP 55) .....	8
4.2 STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004.....	8
4.3 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018 .....	8
4.4 STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017.....	8
4.5 MANLY LOCAL ENVIRONMENTAL PLAN 2013 (MLEP 2013) .....	8
4.6 MANLY DEVELOPMENT CONTROL PLAN 2013.....	9
<b>5.0 SECTION 4.15 (79C)-ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979. ....</b>	<b>13</b>
<b>6.0 CONCLUSION .....</b>	<b>15</b>

## 1.0 INTRODUCTION

Metro Planning Services has been engaged by G J Gardner Homes (Brookvale) to prepare a Statement of Environmental Effects Report (SEE) in support of a development application which seeks consent to demolish an existing dwelling and construct proposed two (2) storey dwelling on a site described as No. 12 Scales Parade, Balgowlah Heights.

The site is zoned R2 Low Density Residential under the provisions of Manly Local Environmental Plan 2013 (MLEP 2013) and the proposed dwelling is permissible with consent. The dwelling is also generally consistent with the relevant controls of Manly Development Control Plan 2013.

The report is intended to assist Northern Beaches Council in its assessment of the Development Application and incorporates the following details:

- Description of site and context;
- Description of proposed development;
- Consideration of relevant planning considerations;
- Consideration of relevant environmental effects; and
- S4.15-Matters for Consideration under EP & A Act

The report should be read in conjunction with the following supporting material:

- Architectural Plans prepared by KJR Drafting,
- BASIX Certificate prepared by KJR Drafting;
- Concept Stormwater plan prepared by Nastasi and Associates; and
- Preliminary Lot Classification Geotechnical Report prepared by Ideal Geotech

## 2.0 SITE DETAILS

The following details of the site's locational and physical characteristics are provided to assist Council in the assessment of the development application.

### 2.1 Site Location

The subject land is located at 12 Scales Parade, Balgowlah Heights as identified in Figure 1.

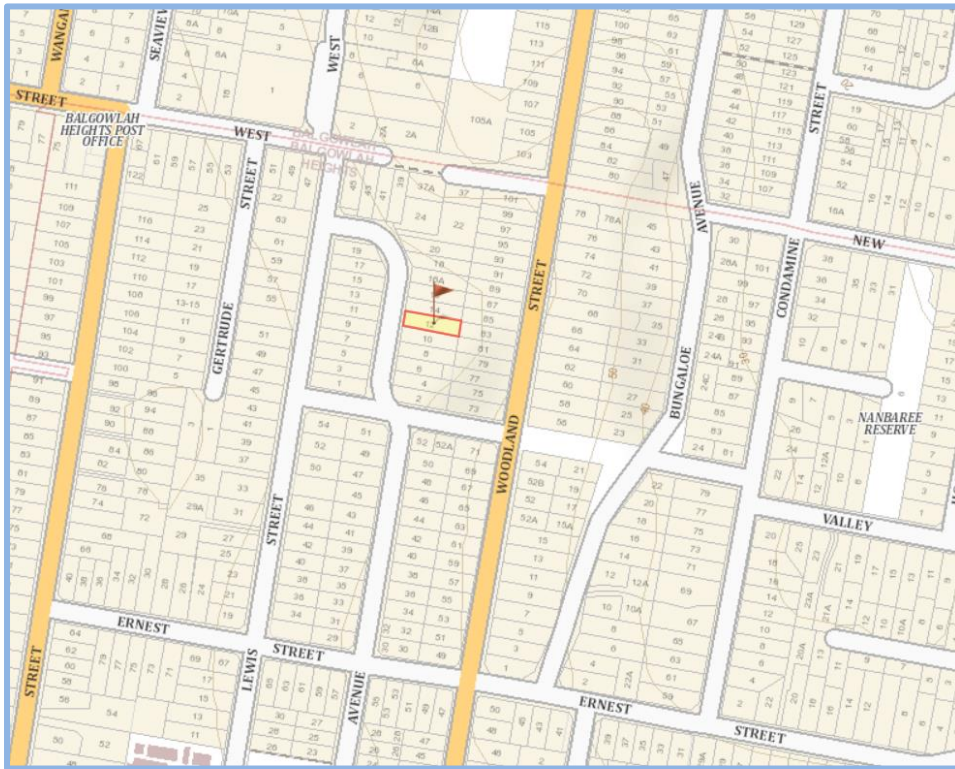


Figure 1-Site Locality Plan

### 2.2 Site Description

The subject land is legally described as Lot 30 DP 5840.

The site is a typical rectangular shaped allotment with an area of 572.2m<sup>2</sup> which has a frontage of 12.19m to Scales Parade and depth of 46.94m.

The site is currently occupied by a one and two storey brick dwelling and rear swimming pool. The dwelling is proposed to be demolished as part of the development application.

The site falls gently towards the rear of the site as illustrated on the survey plan prepared by Total Surveying Solutions (TSS).

The site generally comprises grass coverage. However, it is noted that the frontage of site contains three (3) trees relatively insignificant trees located at the frontage as identified on the survey plan prepared by Total Surveying Solutions which require removal.



Figure 2 provides an aerial depiction of the site.

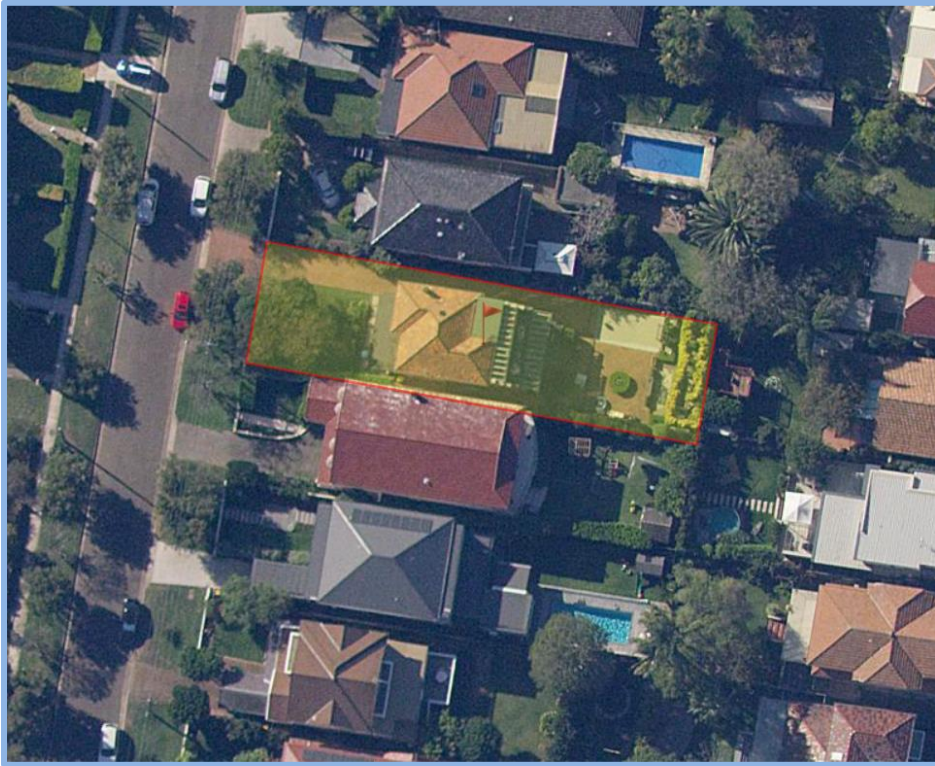


Figure 2-Aerial view of site

### 2.3 Site Context

This site is located within a low density residential area of Balgowlah Heights comprising a mixture of single and two storey detached dwellings on similar sized lots to the subject site. site. More recent developments in the general vicinity of the site comprise larger two storey dwellings of contemporary appearance.

### 3.0 PROPOSED DEVELOPMENT

The Development Application seeks consent for the demolition of an existing dwelling and construction of a new two (2) storey dwelling on a property described as 12 Scales Parade, Balgowlah Heights.

The proposed dwelling comprises the following floor layout as illustrated on the architectural plans prepared by KJR Drafting:

**Ground Floor:** Entry/foyer, bedroom 5, open dining, family and kitchen room, powder room, laundry and double garage, and outdoor alfresco

**First Floor:** Four (4) bedrooms, including main bedroom with ensuite and WIR, sitting room, bathroom and rear balcony.

The proposed dwelling is a conventional design that is proposed to be constructed of timber clad wall materials with a colorbond skillion roof.

The dwelling is proposed to have a primary front setback of 6.5m to Scales Parade, rear boundary setback of 17.6m measured from the alfresco and side boundary setbacks ranging from 1.0m-1.3m on the north side and 1.0m to 3.2m on the south side.

The proposal also provides for stormwater disposal in accordance with the Stormwater Concept Plan, prepared by Nastassi & Associates which provides for all collected stormwater being discharged to the rear of the site.

The proposal provides for a new driveway to be constructed from the Scales Parade frontage of the site.

The existing swimming pool located at the rear of the site is proposed to be retained.

The proposal also seeks to remove one small insignificant tree located at the frontage of the site to facilitate the construction of the proposed driveway.



Photo 1-View of site frontage and existing trees



## **4.0 PLANNING CONSIDERATIONS**

### **4.1 State Environmental Planning Policy No.55-Remediation of Land (SEPP 55)**

Pursuant to Clause 7 of SEPP 55, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

The site displays no evidence of contamination and is suitable for its continued residential use. On this basis the proposal is consistent with relevant objectives and matters for consideration under SEPP 55 and suitable for its proposed residential use.

### **4.2 State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004**

A BASIX Certificate is submitted with the development application. The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal.

### **4.3 State Environmental Planning Policy- (Coastal Management) 2018**

The site is located within the coastal zone and the proposal requires assessment under the provisions of State Environmental Planning Policy- (Coastal Management) 2018.

The proposed development is not inconsistent with any of the Coastal Management SEPP provisions and will not have an adverse impact upon the coastal qualities or processes of the area.

### **4.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The site does not comprise any vegetation of biodiversity or visual amenity significance that warrants removal. On this basis, the proposal is consistent with State Environmental Planning Policy (Vegetation in Non-Rural Areas).

### **4.5 Manly Local Environmental Plan 2013**

The subject land is zoned R2 Low Density Residential under the provisions of Manly LEP 2013 and the proposal is permissible with the consent of Council. An assessment of the proposal with relevant clauses of MLEP 2013 is addressed in Table 1.



MANLY LOCAL ENVIRONMENTAL PLAN 2013		
Clause	Comment	Compliance
<b>1.0-PRELIMINARY</b>		
<b>1.2 Aims of Plan</b>	Proposal consistent with aims of the plan.	Yes
<b>2.0-PERMITTED OR PROHIBITED DEVELOPMENT</b>		
<b>2.1 Land use Zones</b>	The site is zoned R2 Low Density Residential.	Yes
<b>2.3 Zone Objectives</b> R2 Low Density Residential zone	The proposal represents a single detached dwelling which is a permissible use that is consistent with the objectives of the R2 Low Density Residential zone. It is considered that the proposed development 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.	Yes
<b>2.7 Demolition requires consent</b>	Development consent is sought to demolish the existing dwelling on site. A demolition plan and supporting information is submitted with application.	Yes
<b>4.0-PRINCIPAL DEVELOPMENT STANDARDS</b>		
<b>4.3 Height of Building</b> 8.5m	8.16m	Yes
<b>4.4 Floor Space Ratio</b> 0.45:1 (257.4m <sup>2</sup> )	0.44:1 (251m <sup>2</sup> ) Site area-572m <sup>2</sup>	Yes
<b>5.0-MISCELLANEOUS PROVISIONS</b>		
<b>5.9 Preservation of trees and vegetation</b>	Repealed.	Yes
<b>5.10 Heritage Conservation</b>	The site does not contain any European heritage items and nor is it in the vicinity of surrounding heritage items or in a heritage conservation area.	Yes
<b>6.0-ADDITIONAL LOCAL PROVISIONS</b>		
<b>6.1 Acid Sulfate Soils</b>	The site is not mapped with high acid sulphate soils.	Yes
<b>6.2 Earthworks</b>	The proposal involves limited earthworks given stepped design.	Yes
<b>6.3 Flood Planning</b>	The site is not mapped as flood prone land.	Yes
<b>6.8 Landslip Risk</b>	The site is not mapped in a landslip risk area	Yes

Table 1-Manly LEP 2013

#### 4.6 Manly 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 provides general principles applying to all development and Part 4 outlines development controls for specific forms of development including residential and Part 5 provides for special character areas. The relevant provisions of **Part 3** are summarised below:

### Clause 3.1.1 – Streetscape (Residential Areas)

The proposal provides for a 2 storey dwelling which is considered to be modest in height and bulk and will not have a detrimental impact on the view of the site from the street. The intended outcomes are noted as:

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

It is considered that the proposal provides for a dwelling that is compatible with the existing surrounding streetscape, particularly when having regard to the immediately adjoining development.

The new works will be compatible with the style and form of the surrounding dwellings by providing for a two storey dwelling with conventional pitched roof and as such will respect Council's residential streetscape controls.

### Clause 3.1.1.3 - Roofs and Dormer Windows

The proposed skillion roof style will be complementary to the style and scale of the existing surrounding development.

### Clause 3.3 - Landscaping

The proposal provides for ample area of the site to be landscaped area.

### 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 proposed design will not adversely impact on privacy, views, solar access and general amenity of adjoining and nearby properties.

#### Clause 3.5 – Sustainability

A BASIX Certificate has been prepared to support the new works and confirm that the dwelling will achieve the appropriate thermal performance criteria.

#### Clause 3.7 - Stormwater Management

It is proposed to connect all collected stormwater to the street gutter via a rainwater reuse tank. A Concept Stormwater Management Plan, prepared by Nastassi & Associates has been prepared and submitted with the application in accordance with the Manly Specification for Stormwater Drainage 2003.

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

MANLY DEVELOPMENT CONTROL PLAN 2013-Part 4			
CONTROLS	REQUIRED	PROVIDED	COMPLIANCE
Site Area: 572.2m <sup>2</sup>			
Residential Density – Area D5	500m <sup>2</sup> of site area per dwelling	572m <sup>2</sup> of site area per dwelling	Yes
Height	2 storey	2 storeys	Yes
Wall Height			
-North side	6.9m	5.47m-6.4m	Yes
-South side	6.9m	5.46m-6.24m	Yes
Roof height	2.5m	1.36m	Yes
Front setback	6.0m or streetscape	9.75m Consistent with streetscape.	Yes
North side setback	1.8m-2.0m	1.0 & 1.3m	Variation
South side setback	1.8-2.0m	Ground Fl-1.0m 1 <sup>st</sup> Fl-1.0m & 3.2m	Variation
Setback Rear	8.0m  Consistent with prevailing pattern	17.6m from alfresco  Consistent with prevailing pattern	Yes
Open space - total	55% (314.7m <sup>2</sup> )	57.5% (329m <sup>2</sup> )	Yes
Open space - soft (Landscaped area)	35% (200.3m <sup>2</sup> )	49% (283m <sup>2</sup> )	Yes
Private Open Space	18m <sup>2</sup>	>18m <sup>2</sup>	Yes

<b>Number of Endemic Trees</b>	2 trees	>2 trees	Council can condition
<b>Car Parking – Residents</b>	2 spaces	2 spaces	Yes
<b>Excavation</b>	Generally 1m	Minimal earthworks	Yes
<b>Geotechnical Landslip Hazard</b>	Geotechnical landslip area G4	No geotechnical assessment required.	Yes
<b>Shadow-Adjacent POS</b>	<1/3 additional shadow	<1/3 additional shadow	Yes
<b>Adjoining NS orientation</b>	2hrs sunlight retained to living room window	>2hrs sunlight retained	Yes

Table 2-Manly DCP 2013

### Side boundary setback variation

The dwelling is proposed to be setback 1.0m and 1.3m from the northern side boundary and on the southern side is setback 1.0m on the ground level and 1.0m and 3.2m on the 1<sup>st</sup> floor level. The proposed setback requires a variation to the calculated side boundary setback of 1.8m to 2.0m.

The variation is relatively minor in the overall context of the dwelling and the minor non-compliance is not foreseen to contribute any adverse amenity impacts to adjoining properties in respect to privacy or overshadowing. Genuine attempts to minimise amenity impacts upon the adjoining southern landowner have been undertaken by recessing the upper 1<sup>st</sup> floor level away from the side boundary.

On this basis, the variation is worthy of being supported.

The following numerical provisions of **Part 5** are considered relevant but not applicable to the proposal:

### Part 5 - Special Character Areas and Sites

<b>Special Character Areas and Sites</b>	<b><u>Applicable</u></b>
Conservation Area	No
Foreshore Scenic Protection Area	No
Threatened Species and Critical Habitat	No
Flood Control Lots	No
Riparian Land and Watercourses	No
Road Widening	No
Gurney Crescent and Clavering Road, Seaforth	No



## **5.0 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.**

### **(a)(i) – The Provisions of any Environmental Planning Instrument**

Statutory assessment of the proposal has been previously addressed in Section 4.0. The site is zoned R2 Low Density Residential under Manly Local Environmental Plan 2013 and the proposal is permissible with development consent.

### **(a)(ii) Any proposed Draft Environmental Planning Instrument subject of public consultation**

There are no applicable Draft Planning instruments subject to public consultation.

### **(a)(iii) – The Provisions of any Development Control Plan**

Also as discussed earlier in the report, the site is subject to assessment under Manly Development Control Plan 2013. The proposal complies with relevant objectives and controls which are detailed in Section 4.4 of this report with the exception of minor side boundary variations.

### **(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)**

The proposal is consistent with relevant Regulations.

### **(a)(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)**

The proposal is not inconsistent with any coastal zone management plan.

### **(b) – The likely impacts of that Development**

It is considered that the development will provide for a new dwelling without any detrimental impact on the environment, social and economic status of the locality.

### **(c) – Suitability of the Site for Development**

The site is of a suitable size and configuration to accommodate the proposed dwelling. The subject site is zoned R2 Low Density Residential and the construction of a new dwelling house in this zone is permissible with the consent of Council. The resultant dwelling is of a bulk and scale that is consistent with the existing surrounding development.

On this basis, the site is considered suitable for the proposed development.

### **(d) – Any submissions made in accordance with this Act or Regulations.**

Any submissions received will be considered by Council.

**(e) – Public Interest**

The proposal will provide for housing needs of the community within a low density residential environment and is in the public interest.

## 6.0 CONCLUSION

The subject land is zoned R2 Low Density Residential under Manly Local Environmental Plan 2013 and the proposed dwelling is permissible with the consent of Council and the proposal is also consistent with the zone objectives.

The proposal is also generally consistent with relevant matters for consideration under Manly Development Control Plan 2013, with the exception of a minor variation to the side boundary setback controls as previously addressed in this report.

The application before the Council provides no unreasonable impacts to adjoining and adjacent residential properties. The subdivision is also in keeping with the envisaged low density residential character of the locality and no adverse amenity or environmental impacts are foreseen.

The proposal is assessed as being satisfactory, having regard to the matters for consideration contained within Section 4.15 of the EP&A Act 1979.

Accordingly, it is recommended that Council support the proposal and grant development consent subject to conditions of consent.