

Statement of Environmental Effects

alterations and additions to
dwelling involving modest
street-facing balcony

3 Mildred Avenue, Manly Vale

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1. INTRODUCTION

This Statement of Environmental Effects has been prepared to support an application to introduce a street-facing balcony to the approved dwelling at 3 Mildred Avenue, Manly Vale.

Consent (DA2020/0411) was granted to the construction of a new two storey dwelling house with double garage on 21 September 2020. A construction certificate has been issued and demolition of the existing dwelling is scheduled for mid-September 2021.

The objective of the development proposal is to deliver a modest balcony in a manner encouraged by the applicable zone objectives and planning controls. The addition will enhance the functionality of the dwelling and preserve the amenity of adjoining development.

Key aspects of the proposal include construction of a shallow upper-level balcony on the street-facing elevation of the approved dwelling. The balcony will extend from a bedroom and will incorporate a pitched awning with gable.

The purpose of this document is to evaluate the proposal against relevant planning instruments and to provide a planning assessment of its environmental impacts, as required by section 4.15 of the *Environmental Planning and Assessment Act 1979*.

2. SITE AND CONTEXT

This section describes the characteristics of the land which have informed and influenced the proposal. Here we also describe the characteristics of the locality which have been considered in developing the proposal.

2.1. SITE DESCRIPTION

The site is located at 3 Mildred Avenue, Manly Vale and the land is legally described as Lot 71 in DP 10974. An aerial photograph identifying the site in yellow shading is provided at Figure 1.



Figure 1 | Aerial photograph
(Source: Six Maps)

2.1.1. Site Characteristics

The site is a rectangular lot with primary frontage to Mildred Avenue of 15.24m and a depth of 47.25m. The site area is 720.1sqm. The land has a mild fall from the southeast corner to Mildred Avenue.

A Survey Plan illustrating site dimensions and contours is included at **Appendix A**.

The site presently accommodates a two-storey weatherboard dwelling with detached car port. There is a covered outdoor area to the rear with in-ground pool adjacent. The dwelling is scheduled for mid-September 2021.

Vehicular access to the site and the detached carport is from Mildred Avenue. Stormwater runoff is currently collected and discharged to drainage infrastructure in Mildred Avenue

3. BACKGROUND

This section describes any background information we consider to be relevant to the proposal.

3.1. APPROVAL HISTORY

Consent (DA2020/0411) was granted to the construction of a new two storey dwelling house with integrated double garage, and associated site and landscape works on 21 September 2020. A construction certificate has been issued and demolition of the existing dwelling is scheduled for mid-September 2021

4. PROPOSED DEVELOPMENT

This section provides a description of the proposal and should be read in conjunction with accompanying architectural drawings. Here we endeavour to explain how the proposal has been designed to work with site constraints and optimise site opportunities.

4.1. BUILDING WORKS

4.1.1. Balcony

The application proposes alterations and additions to the approved dwelling to introduce a modest upper-level balcony on the street-facing elevation. The balcony will be accessed from Bedroom 2.

A glazed door opening will replace the approved window opening.

The balcony has a depth of 1.1m and a total trafficable area of ~2.8sqm. The balcony will be covered by a pitched metal clad roof with gable presenting to the street. Gable proportions and roof pitch match the gables on the approved dwelling.

4.1.2. Materials

The balcony will be a timber frame construction and painted to match the approved dwelling. Colorbond cladding is proposed for the roof over the balcony. Colour will match approved dwelling.

5. COMPLIANCE SUMMARY

This section provides an evaluation of the proposal against relevant planning instruments as required by section 4.15(1) of the *Environmental Planning and Assessment Act 1979*.

5.1. ENVIRONMENTAL PLANNING INSTRUMENTS

5.1.1. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX) requires that a BASIX certificate accompany a development application for BASIX affected development.

The cost of work is less than \$50,000 and is therefore not a BASIX affected development.

5.1.2. State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) states that a consent authority must not consent to development of land unless it has considered whether the land is contaminated and, if contaminated, can be made suitable for the proposed use.

The site has a longstanding history of residential use and is unlikely to contain contaminants that would preclude ongoing residential use. No site disturbance is proposed by the development application. No further consideration under SEPP 55 is required.

5.1.3. Warringah Local Environmental Plan 2011

Warringah Local Environmental Plan 2011 (WLEP) applies to the site. The site is within Zone R2 Low Density Residential and the proposed development is permitted with consent. An extract of the zoning map is provided at Figure 2.

The objectives for development in Zone R2 are:

- 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.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

The proposed development aligns with the objectives for development in Zone R2 given that alterations and additions will improve approved low density housing stock and preserves landscape setting.

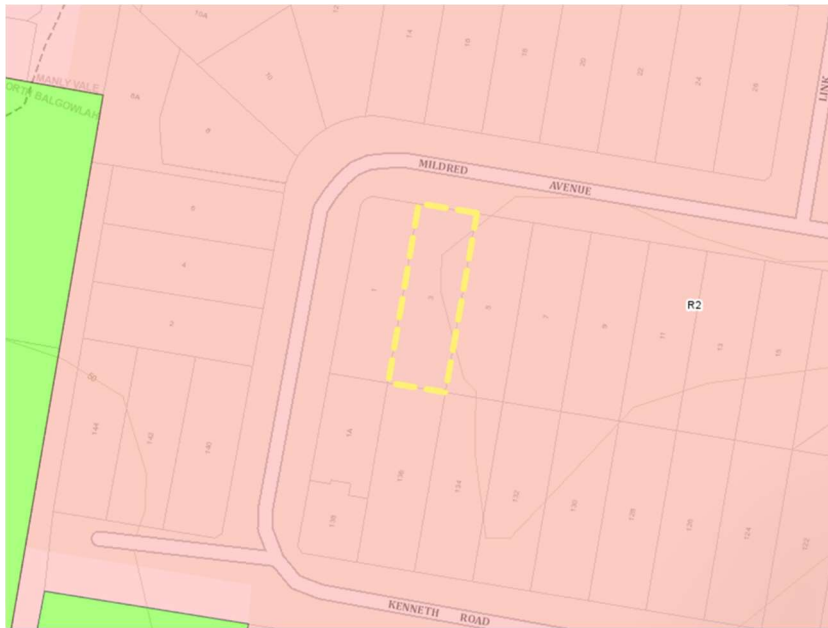


Figure 2 | Zoning Map extract (Source: NSW Govt.)

The proposal is entirely consistent with relevant development standards and provisions contained within WLEP. A compliance summary is provided at Table 1.

Table 1 | WLEP compliance summary

Clause	Standard	Comment	Compliance
4.3 Height of buildings	Height of building is not to exceed 8.5m.	The proposed building height is below the 8.5m height limit.	Yes
6.2 Earthworks	Consent authority to consider impact on drainage patterns and slope stability, quality of fill or soil to be excavated, likelihood of disturbing relics and so on.	The proposal involves delivery of a modest upper-level balcony. No land disturbance is proposed.	Yes
6.4 Development on sloping land	Consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the application has been assessed for the risk associated with landslides and so on.	The site is identified as Area A on the <i>Landslip Risk Map</i> . The proposal involves delivery of a modest upper-level balcony. No land disturbance is proposed. There is plainly no risk of landslip occurring because of the development.	Yes

5.2. PROPOSED INSTRUMENTS

There are no proposed planning instruments that are relevant to the site or the proposed development.

5.3. DEVELOPMENT CONTROL PLANS

5.3.1. Warringah Development Control Plan 2011

Warringah Development Control Plan 2011 (WDCP) applies to the site.

The proposal is entirely consistent with relevant development controls contained within WDCP.

A compliance summary is provided at Table 3.

Table 2 | WDCP compliance summary

Clause	Control	Comment	Compliance
Part B Built form controls			
B1 Wall heights	1. Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).	The balcony does not have enclosing walls. The control does not apply.	n/a
B2 Number of storeys	1. Buildings on land shown coloured on the DCP Map Number of Storeys must comply with the maximum number of storeys identified on the DCP Map Number of Storeys.	The site is not identified on the Number of Storeys Map.	n/a
B3 Side boundary envelope	1. Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 4 metres.	The site is shown on the Side Boundary Envelope Map. The balcony occurs within the side boundary envelope plane.	Yes
B4 Site coverage	1. Development on land shown coloured on the DCP Map Site Coverage shall not exceed the maximum site coverage shown on the map.	The site is not identified on the Site Coverage Map.	n/a

Clause	Control	Comment	Compliance
B5 Side boundary setbacks	1. Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from side boundaries as shown on the map.	The Side Boundary Setback Map indicates 0.9m setback from side boundaries is required. A side setback >0.9m is provided to the western edge of the proposed balcony.	Yes
	2. Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.	The upper-level balcony will have no impact on landscaping through the side passage.	Yes
B7 Front boundary setback	1. Development is to maintain a minimum setback to road frontages.	The Front Boundary Setback Map indicates 6.5m setback from the front boundary is required. The balcony setback is ~8.9m.	Yes
	2. The front boundary setback area is to be landscaped and generally free of any structures, basements, carparking or site facilities other than driveways, letter boxes, garbage storage areas and fences.	The upper-level balcony will have no impact on landscaping in the front setback.	Yes
Part C Siting Factors			
C9 Waste management	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 accompanied by a Waste Management Plan.	A waste management plan is supplied with the development application.	Yes
Part D Design			
D1 Landscaped open space and bushland setting	1. The required minimum area of landscaped open space is shown on DCP Landscaped Open Space and Bushland Setting Map.	The Landscaped Open Space and Bushland Setting Map indicates a that 40% of the site is to be provided as landscaped area.	Yes

Clause	Control	Comment	Compliance
		The upper-level balcony occurs over an approved roof area and will have no impact on extent of landscaped area.	
D2 Private open space	1. Residential development is to include private open space for each dwelling.	Compliant private open space (POS) areas are provided at ground level under the dwelling approval. The balcony provides a supplementary area of POS to enhance occupant amenity.	Yes
	4. Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.	The balcony is oriented to the street and is modestly scaled. Use of the balcony will have no adverse impact on neighbours.	Yes
	5. Private open space shall not be located in the primary front building setback.	The balcony is not located in the 6.5m front setback area.	Yes
	6. Private open space is to be located to maximise solar access.	The balcony has northern orientation and will receive sunlight throughout the morning.	Yes
D6 Access to sunlight	1. Development should avoid unreasonable overshadowing any public open space.	The proposal will not cast shadow over public land.	Yes
	2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.	The balcony will not reduce solar access to the principal POS of the approved dwelling or cast shadow over neighbours POS areas.	Yes
D7 Views	1. Development shall provide for the reasonable sharing of views.	The proposal will have no adverse impact on views through or from the site.	Yes
D8 Privacy	1. Building layout should be designed to optimise	The balcony is oriented to the street and is	Yes

Clause	Control	Comment	Compliance
	privacy for occupants of the development and occupants of adjoining properties.	positioned to mitigate cross-viewing of neighbours POS areas and habitable rooms window.	
	2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.	The balcony is oriented to the street.	Yes
	3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.	The balcony is oriented to the street and is positioned to mitigate cross-viewing of neighbours POS areas and habitable rooms window.	Yes
D9 Building bulk	1. Side and rear setbacks are to be progressively increased as wall height increases.	The balcony additions provides additional articulation of the street facing façade.	Yes
	2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.	The balcony addition does not introduce large areas of continuous or unbroken wall.	Yes
	4. Building height and scale needs to relate to topography and site conditions.	The balcony does not contribute to apparent scale.	Yes
	5. Orientate development to address the street.	The balcony addresses the street and improves the appearance of the approved dwelling façade.	Yes
	6. Use colour, materials and surface treatment to reduce building bulk.	Materials are to match that of the approved dwelling and include timber frame and Colorbond metal cladding.	Yes
	8. Articulate walls to reduce building mass.	The balcony will contribute to façade articulation to create visual interest and reduce apparent building mass.	Yes

Clause	Control	Comment	Compliance
D10 Building colours and materials	1. In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping.	Materials are to match that of the approved dwelling and include timber frame and Colorbond metal cladding.	Yes
	3. The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.	Materials are to match that of the approved dwelling and include timber frame and Colorbond metal cladding.	Yes
D11 Roofs	2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.	A pitched roof is proposed and complements roof forms in the locality and that of the approved dwelling.	Yes
	4. Roofs shall incorporate eaves for shading.	Eaves have been incorporated into the design for weather protection and to reduce heat load on glazed surfaces.	Yes
	5. Roofing materials should not cause excessive glare and reflection.	The proposed corrugated roofing material is commonplace in the locality, is a neutral colour and will not cause excessive glare.	Yes
Part E The natural environment			
E10 Landslip risk	For land identified as being in Area A: Council may decide that a preliminary assessment of site conditions is required. If Council so decides, a preliminary assessment of site conditions must be prepared, in accordance with the Checklist for Council's assessment of site conditions by a suitably qualified geotechnical engineer/ engineering geologist. The	<p>The site is located within Area A.</p> <p>The site is almost level and no site disturbance is proposed i.e. works proposed are for an upper level addition.</p> <p>The proposal will have no impact on slope stability and will not adversely impact subsurface hydrology.</p> <p>A preliminary assessment by a geotechnical engineer</p>	n/a

Clause	Control	Comment	Compliance
	preliminary assessment must be submitted to Council before the granting of any development consent.	is unwarranted in this scenario.	

5.4. PLANNING AGREEMENTS

There are no planning agreements associated with this site.

5.5. THE REGULATIONS

Section 92 of the *Environmental Planning and Assessment Regulation 2000* prescribes additional matters that the consent authority must consider in determining a development application. Each matter for consideration and its relevance to the proposal is noted in Table 3.

Table 3 | Additional matters for consideration (Regs)

Clause	Matter	Relevance
92(1)(b)	In the case of a development application for the demolition of a building, the provisions of <i>AS 2601 The demolition of structures</i> .	No demolition works proposed.
92(1)(c)	In the case of a development application for development on land subject to a subdivision order, the provisions of that subdivision order.	The site is not subject to a subdivision order.
92(1)(d)	In the case of certain development on land within 200km of Siding Spring Observatory, the <i>Dark Sky Planning Guideline</i> .	The site is not within 200km of the Siding Spring Observatory.
92(1)(e)	In the case of a development application for a manor house or multi dwelling housing (terraces), the <i>Medium Density Design Guide for Development Applications</i> .	The development application does not propose a manor house or multi dwelling housing (terraces).
92(1)(f)	In the case of a development application for residential development within the Penrith City Centre, the <i>Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in Penrith City Centre</i> .	The site is not within the Penrith City Centre.

6. PLANNING ASSESSMENT

This section provides a planning assessment of the likely impacts of the proposed development, considers the suitability of the site and evaluates whether the development is in the public interest, as required by section 4.15(1) of the *Environmental Planning and Assessment Act 1979*.

6.1. IMPACTS ON THE NATURAL AND BUILT ENVIRONMENT

The proposed alterations and additions are sited and designed to optimise occupant amenity and to mitigate adverse impact on neighbour amenity. The development will result in positive built environment outcomes and will have no significant adverse impact on the natural environment.

6.2. SOCIAL IMPACTS

The proposal will have positive social impacts from the perspective of future occupants of the dwelling who will enjoy high amenity spaces. Short term disturbance associated with demolition and construction works is likely however mitigation measures such as prescribed hours of work will minimise impact.

Social impacts are overwhelmingly positive and adverse social impacts can be mitigated and are short term.

6.3. ECONOMIC IMPACTS

The proposal will have short term economic impact through job creation associated with demolition and construction works. The proposed development will improve housing stock in Manly Vale and there will be resultant uplift in property value.

Economic impacts associated with the proposal are positive.

6.4. SITE SUITABILITY

The site presently accommodates a residential land use which is both permitted within Zone R2 and compatible with surrounding land use. The development involves alterations and additions to an approved dwelling in a manner encouraged by applicable zone objectives and planning controls.

The development is designed to integrate with the approved dwelling and the streetscape more broadly, and to preserve the amenity of neighbouring dwellings. The site does not present any constraints that would preclude reasonable development of the land for residential purposes.

The site is suitable for the proposed development.

6.5. PUBLIC INTEREST

The development will improve approved housing stock in a manner encouraged by the applicable zone objectives. The development has been designed to respond to site conditions, minimise impacts on neighbours and integrate with the streetscape.

The proposal aligns with the public interest.

7. CONCLUSION

This Statement of Environmental Effects has been prepared to support an application to introduce a street-facing balcony to the approved dwelling at 3 Mildred Avenue, Manly Vale.

Consent (DA2020/0411) was granted to the construction of a new two storey dwelling house with double garage on 21 September 2020. A construction certificate has been issued and demolition of the existing dwelling is scheduled for mid-September 2021.

The objective of the development proposal is to deliver a modest balcony in a manner encouraged by the applicable zone objectives and planning controls. The addition will enhance the functionality of the dwelling and preserve the amenity of adjoining development.

Our report describes the key aspects of the proposal include construction of a shallow upper-level balcony on the street-facing elevation of the approved dwelling. The balcony will extend from a bedroom and will incorporate a pitched awning with gable.

Our evaluation of the proposal against the relevant planning instruments has found that the proposal is entirely consistent with instrument objectives, development standards, provisions and controls.

We have assessed the environmental impacts of the proposal and have determined that there are no apparent adverse impacts. We have assessed addition siting and neighbour amenity and consider that development outcomes are appropriate, and no design modification is warranted.

Our report explains that the site is suitable for the development as it is zoned for residential purposes and is compatible with surrounding land use. We establish that the development is in the public interest given the absence of adverse impact and the resultant improvement to housing stock.

We conclude that the proposal is worthy of approval.



APPENDIX A | SURVEY



APPENDIX B | ARCHITECTURAL PLANS



APPENDIX C | COST SUMMARY REPORT



APPENDIX D | WASTE MANAGEMENT PLAN