

STATEMENT OF ENVIRONMENTAL EFFECTS

Section 4.55 (2) Application
Modification to Place of Public Worship

18 BOYLE STREET, BALGOWLAH

21 March 2018

Prepared by Chapman Planning



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1.0 INTRODUCTION and BACKGROUND

This statement has been prepared for All Saints Anglican Church Balgowlah as part of the supporting documentation for a Section 4.55(2) application for amendments to the approved plans associated with development consent No. 300/2012 for All Saints Anglican Church - 18 Boyle Street, Balgowlah.

Manly Council issued Development Consent No. 300/2012 on 6 March 2013 for the development at 18 Boyle Street, Balgowlah for:

Alterations and Additions to the existing All Saints Anglican Church including extensions to the ground floor and first floor.

A S.96(2) application was approved by Manly Council on 14 June 2016 (S96 300/2012) for:

Section 96(2) application to modify approved alterations and additions to the existing All Saints Anglican Church including extension to the ground floor and first floor – involving new internal lift, new skylights, changes to approved roof, internal modifications, changes to windows and doors- Part 2.

The Section 4.55 application includes modifications to the development consent plans summarised as follows:

- Internal modifications to ground floor and first floor levels.
- Alteration to external façade materials and finishes.
- Deletion of selected parapets and louvers to the octagonal roof.
- Deletion of skylights, with the retention of 1 approved skylight.
- Change to window locations.
- A reduction in the roof height over the entry foyer.

All Saints Anglican Church is located on the south-east corner of the intersection of Sydney Road and Boyle Street, Balgowlah. The subject site includes the Church Ministers residence, the main Church building and a 2 storey hall. The Church and hall are accessed from Boyle Street with an informal drop-off and pick –up area in front of the church. There is no parking on the subject site. The subject site is zoned SP2 – Place of Public Worship pursuant to the Manly Local Environmental Plan (LEP) 2013.

The immediate locality is low to medium density residential area. The southern boundary of the subject site adjoins a 2 storey residential flat building accessed from Boyle Street, the eastern boundary adjoins a 2 storey residential flat building fronting Sydney Road and driveway/parking areas for the dwellings at 305 – 307 Sydney Road, and on the opposite side of Boyle Street there are 2 – 3 storey town houses.

In addition to this statement the S.4.55 application is accompanied by the following:

- *Architectural Plans numbered A/11 – A/13, A/16 – A-17, A/20 – A/22 dated 12 March 2018 prepared by Trevor Hall Architects,*
- *BCA Compliance Assessment Report, dated 16 March 2018 prepared by Greenfield Certifiers Pty Ltd,*
- *Access Report, dated 19 March 2018 prepared by Obvius Access Consultants, and*
- *Stormwater plans numbered 15046-DA-C1.01, 15046-DA-C2.01 - 15046-DA-C2.02, 15046-DA-C3.01 - 15046-DA-C3.02 and 15046-DA-C4.01 Revision 3 dated 20 March 2018 prepared by Dawes Consulting Engineers.*

In this statement, the proposal is assessed in accordance with the relevant planning controls, being:

- *S.4.55(2) Environmental Planning and Assessment Act 1979;*
- *SEPP No. 55- Remediation of Land;*
- *Manly Local Environmental Plan 2013;*
- *Manly Development Control Plan 2013; and*
- *S.4.15 Environmental Planning and Assessment Act 1979.*

2.0 SITE and LOCALITY

All Saints Anglican Church is located on the south-east corner of the intersection of Sydney Road and Boyle Street, Balgowlah. The subject site includes the Church Ministers residence, the main Church building and a 2 storey hall. The Church and hall are accessed from Boyle Street with an informal drop-off and pick –up area in front of the church. There is no parking on the subject site. The subject site is zoned SP2 – Place of Public Worship pursuant to the Manly Local Environmental Plan (LEP) 2013.

The legal description of the subject site is Lot A and Lot B in DP 347673 known as 18 Boyle Street, Balgowlah. The subject site has 25.6m boundary to Sydney Road and a 46.7m frontage to Boyle Street with a site area of 1538m².

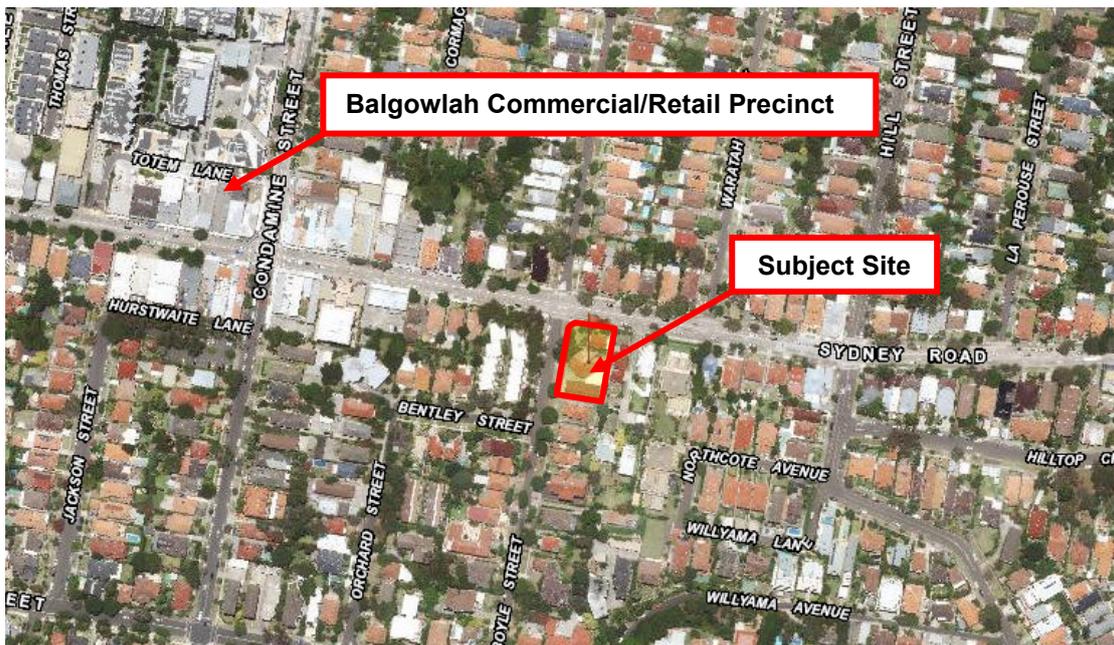
Development consent No. 300/2012 issued by Manly Council approved the alterations and additions to the existing Anglican Church including extensions to the ground floor and first floor. Modification application No. S96 300/2012 issued by Manly Council approved further modifications to the approved modifications.

The immediate locality is a low – medium density residential area with the church adjoining 2 storey residential flat buildings. The Balgowlah shopping strip on Sydney Road is to the west of the Church, approximately 200m from the subject site.

The subject site and surrounding development is shown in the following aerial photographs.



Source: SIX Maps Viewer



Source: SIX Maps Viewer

3.0 PROPOSED MODIFICATIONS

The S.4.55(2) application seeks modifications to the development consent plans of the approved Church at 18 Boyle Street, Balgowlah.

The architectural plans submitted with the S.4.55 application prepared by *Trevor Hall Architects* highlight the proposed modifications to the approved

development. The architectural plans are submitted with the development application.

The following lists the modifications to the development consent plans:

Ground Floor

- Deletion of internal doors between the main hall and new foyer.
- Deletion of operable wall separating hall 1.
- Re-configuration of front entry doorway and glass wall.
- Crying room re-named parents room.

First Floor

- Minor internal changes.

Roof Plan

- Deletion of selected parapets and louvers surrounding the octagonal roof.
- Deletion of large entry portal.
- A reduction in the roof height over the entry foyer.
- Deletion of skylights, 1 x approved skylight retained.

External

- Deletion of FC cladding to the façade.
- Change in parents room window location at the northern and western elevations.
- Change existing brickwork patching to gothic window shown rendered and painted on the western elevation.
- Retention of existing gothic window located on the eastern elevation, previous S96 application proposed to remove and brick window.
- Deletion of brick parapet addition to the eastern elevation.
- Addition of height level windows to western elevation.

Materials and Finishes

The proposed modifications include the removal of previously proposed FC cladding. The proposal retains existing approved materials and finishes.

4.0 PLANNING CONTROLS

4.1 Section 4.55 Environmental Planning and Assessment Act, 1979

S.4.55(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) allows the consent authority (Manly Council) to modify the consent. Clause 4.55(2) states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

The proposed modifications meet the requirements of S.4.55(2) of the Act, as follows;

- The proposed plan amendments apply to the approved All Saints Anglican Church Balgowlah in accordance with development consent No.300/2012. The modifications apply to the same land use and consist of minor amendments to the approved building form and internal changes.
- The proposed modifications do not require concurrence from the Minister or a public authority.
- The application will be notified in accordance with Council's notification policy and any submission will be considered in the assessment of the application.

Relevantly, Section 4.15(3) of the Act states:

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of*

relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

This statement addresses the relevant matters prescribed in Section 4.15 (1).

4.2 SEPP No. 55- Remediation of Land

The development site has been historically used as a Place of Public Worship and there is no indication on site of any potentially contaminating activities occurring on the site in accordance with the Contamination Planning Guidelines.

In this case, there is no need to carry out a preliminary site investigation and Council can be satisfied that the land is not contaminated.

4.3 Manly Local Environmental Plan 2013

The subject site is zoned SP2 – Place of Public Worship under the Manly LEP 2013 and alteration and additions to the existing Anglican Church are permitted with consent



Source: Manly LEP 2013

The instrument provisions relevant to this application are addressed in turn:

The objectives of the SP2 – Infrastructure zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

- *To minimise loss of views to, from and within heritage items and minimising intrusion on the heritage landscape and visual curtilage of heritage items.*

The modifications maintain consistency with the objectives of the zone with the modifications retaining the existing site use, approved building envelope and footprint.

Part 4 of the LEP contains development standards including building height and FSR, noting there is no FSR control applied to the subject site. The development standards are addressed in Section 5 – Development Control Table of this statement.

Clause 4.3 Height of Buildings of the Manly LEP applies a 8.5m height control to the subject site. The proposed works subject of this Section 4.55 application are within the 8.5m height limit. It is noted that part of the existing church roof form and church spire exceed the height control. Notwithstanding, the proposal presents no change to this part of the building and a merit assessment of the existing building height is not required under this S.4.55 application.

The remaining LEP provisions are addressed below.

Clause 5.10 Heritage Conservation: It is noted that the development site is not identified as a heritage item. However, the adjacent group of houses 303-307 Sydney Road are listed as an item of local significance under Schedule 1 of the LEP.

The proposal retains the approved building form, and is consistent with the approved development application No. 300/2012. The heritage assessment conducted within the development assessment unit report for the original development application concluded:

The proposal will not have an adverse visual impact on the amenity of the heritage item and is thus supported.

The proposed modifications represent substantially the same development and are a reduction in the bulk and scale of the original proposal. In this case, the original assessment of the proposal remains relevant to the modifications and a Heritage Impact Assessment is not required with the application.

Clause 6.1 Acid Sulfate Soils: The subject site is identified as being class 5 acid sulfate soils. As the proposed modifications do not involve any excavation an acid sulfate management plan is not required.

Clause 6.2 Earthworks: Is not applicable to the proposed modification application as the proposed modifications do not propose any excavation works.

Clause 6.4 Stormwater Management: The proposal is accompanied by stormwater plans prepared by Dawes Consulting Engineers.

Clause 6.9 Foreshore Scenic Protection Area: The site is identified as “Foreshore Scenic Protection Area” on the Foreshore Scenic Protection Area Map contained in the MLEP 2013. The proposed modifications do not increase the approved height of the site, therefore the proposal will not have any impact on existing views and vistas.

4.4 Manly Development Control Plan

The modification application involves alterations and additions to a Church which renders the majority of the DCP controls irrelevant, noting the Manly DCP does not contain controls for Places of Public Worship.

The following addresses the relevant provisions contained in the DCP with potential amenity impacts including overshadowing and privacy addressed at Section 6 of this statement.

3.1 Streetscape and Townscapes

The proposed modifications to the Church and hall are within the existing building footprint and improve the presentation of the buildings to Boyle Street. The minor modifications to the approved development are acceptable for the Church site in the streetscape setting.

The design of the proposed modifications and materials are suitable for the existing building form noting the site is adjacent a heritage item of local significance.

3.2 Heritage Considerations

The proposed modifications have been assessed in accordance with Clause 5.10 of the Manly LEP 2013 and it is noted that the development site is not identified as a heritage item. However, the adjacent group of houses 303-307 Sydney Road are listed as an item of local significance under Schedule 1 of the LEP.

Given the proposal retains the existing building form, and is consistent with the approved development application No. 300/2012 and modification No. S96 300/2012 it is considered there will be no impact on the heritage significance of the adjacent heritage item.

3.5 Sustainability

The proposal involves alterations to the approved layout of Place of Public Worship. The building is classified as a Class 9B building and therefore BASIX does not apply to the development.

The proposal maintains existing levels of landscaped area and will not result in any additional overshadowing or privacy impacts to neighbouring dwellings as addressed below.

Additionally, the proposal is supported by a BCA Compliance Assessment Report, prepared by *Greenfield Certifiers Pty Ltd* that confirms the proposal is consistent with the relevant provisions of the BCA.

3.6 Accessibility

The proposed modifications are supported by an access report prepared by *Obvius Access Consultants* that concludes that subject to the recommendations of the report the building can be built to satisfy the respective provisions of AS 1428, National Construction Code and The Disability (Access to Premised – Buildings) Standards 2010.

3.7 Stormwater Management

The proposed is supported by stormwater plans prepared by Dawes Consulting Engineers.

3.8 Waste Management

The proposed modifications to the church will maintain the function of the existing building for the congregation and groups using the church. The modifications will not increase the congregation with no change to the number of approved seats in the main hall. As such the waste from the facility shall be managed as existing serviced by a commercial contractor.

5.4.1 Foreshore Scenic Protection Area

The subject site is located within a foreshore scenic protection area. The proposed modifications do not increase the approved height of the site, therefore the proposal will not have any impact on existing views and vistas.

5.0 DEVELOPMENT CONTROL TABLE

The following table is an assessment of the proposed modifications in accordance with the relevant numerical planning controls contained in Manly LEP 2013. It is noted that the site is not subject to a Floor Space Ratio Control.

Planning Instrument	Approved Works	Proposed Works	Standard	Compliance
Manly LEP 2013				
Building Height	Max 7.6m	Max 7.6m (No Change)	8.5m	Yes Note: The proposed works are within the 8.5m height control. There is no change to existing roof

Planning Instrument	Approved Works	Proposed Works	Standard	Compliance
				forms – spire that exceed the height control.

6.0 ENVIRONMENTAL ASSESSMENT

6.1 Traffic and Parking

The RTA Guide to Traffic Generating Development does not include traffic and parking rates for churches- places of public worship. Further, Council's Development Controls Plans do not apply parking requirements for a church.

It is noted that the proposed works do not increase the seating in the church and the application does not include additional services currently provided. In this regard the proposed modifications will not result in a change to the traffic generation of the development.

Schedule 3 – Parking and Access of the Manly DCP contains parking rates for places of public assembly and worship in the Business zone except Manly as follows:

1 parking space for every 10 seats or 1 parking space for every 10sqm if seating capacity not specified.

The proposed modifications do not increase the approved number of seats or congregation. It is noted the existing church does not have on-site parking nor can the site accommodate parking.

6.2 Solar Access and Overshadowing

As addressed the proposed modifications to the approved development represent a minor reduction in the bulk and scale of the proposal with no changes to the building envelope. As such the shadow diagrams submitted with the original development application are considered to remain relevant to the proposal.

The assessment provided in the original statement of environmental effects submitted with DA 300/2012 concluded:

The proposal will not result in a reduction of solar access to living room windows to the property adjoining the southern boundary. Further, the additional shadow cast at 3pm falls onto driveway and parking areas for the properties at 305 – 309 Sydney Road, noting the open space area at the rear of the residential flat building at 309 Sydney Road will retain 3 hours of solar access at mid-winter.

As such, the development proposal meets the controls contained in Part 3.1.5 of the Manly DCP.

6.3 Visual and Acoustic Privacy

The proposed alterations and additions to the Church and hall do not increase the capacity of the church or number of activities/groups using the hall ensuring the works do not correlate to acoustic impacts.

7.0 CONCLUSION

In conclusion it is considered that the modifications to the development consent plans generally within the approved building envelope and are acceptable under the considerations of S.4.55(2) of the *EP&A Act 1979*. The following conclusions are made:

- *The modifications are substantially the same development apply to the approved Place of Public Worship with the modifications within the approved building envelope;*
- *The proposed modifications meet the 8.5m building height development standard contained in clause 4.3 of the Manly LEP 2013. The portions of the existing building exceeding the 8.5m height control will not be modified and in this case a merit assessment of the height of building development standard is not required with the S.4.55 application;*
- *The proposed building works improve the function of the Church and hall. The works are not proposed to accommodate additional church seating, services or groups ensuring the works do not contribute to additional traffic and parking generation;*
- *The subject site is not listed as a heritage item or a conservation area and the proposed works create a contemporary form being suitable for the existing building form and streetscape setting of the site;*
- *The proposed modifications do not increase the approved building envelope and in this case the modifications will not result in unreasonable overshadowing cast by the approved development; and*
- *The proposed modifications to the approved buildings are suitable for this existing Church site and will not result in unreasonable amenity impacts to the surrounding properties, additional traffic or parking impacts on Boyle Street, Sydney Road or the surrounding road network.*

For reasons outlined in this Statement of Environmental Effects, it is my opinion that the Section 4.55(2) application for modifications to the development consent plans for the All Saints Anglican Church at 18 Boyle Street, Balgowlah should be granted development consent.

Chapman Planning Pty Ltd
Certified Practising Planner