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STATEMENT OF ENVIRONMENTAL EFFECTS

*CONSTRUCTION OF AN ATTACHED DUAL OCCUPANCY
WITH SUBSEQUENT TORRENS TITLE SUBDIVISION*

No. 4 DUDLEY STREET BALGOWLAH

FOR

MR SAM SAMMOUR

May 2020

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1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared on behalf of the owner of the subject premises and accompanies architectural plans prepared by Metricon Homes Pty Ltd, Job number 707083-707085, dated 27 May 2020.

The proposal seeks approval for the construction of an attached dual occupancy and subsequent Torrens title subdivision at **No. 4 Dudley Street Balgowlah**. The demolition of the existing structures will be undertaken by the owner under a separate application.

This Statement assesses the proposed development against the relevant matters for consideration under Section 4.15C of the Environmental Planning and Assessment Act 1979, including:-

- *Environmental Planning and Assessment Regulation,*
- *State Environmental Planning Policy BASIX,*
- *Manly Local Environmental Plan 2013,*
- *Manly Development Control Plan 2013.*

As a result of the assessment it is concluded that the application addresses the controls satisfactorily and that the granting of consent to the application is justified.

2.0 PROPERTY DESCRIPTION

The subject property is described as **No. 4 Dudley Street Balgowlah**, being Lot 32 in DP 5769. In accordance with the Manly Local Environmental Plan 2013 (MLEP), the site is zoned R1 –General Residential.

The site is not identified as being heritage listed or located near any heritage listed items or within or near a heritage conservation area. The site is not identified as bushfire prone land or flood affected.



Figure 1: Location and zoning map (Source: www.planningportal.nsw.gov.au).

3.0 SITE DESCRIPTION

The subject site is located on the eastern side of Dudley Street Balgowlah. Rectangular in shape, the site comprises a total area of 699.1m². The site frontage to the street has a total width of 15.24m. The northern and southern side boundaries have a length of 45.87m.

Currently the site is occupied by a single storey brick dwelling of with a tiled roof and a metal garage in the rear yard. The site also supports a secondary dwelling in the rear yard. The site has a fall of approximately 1.5m of from south-east to north-west, towards Dudley Street, allowing stormwater to discharge to the street by gravity. The site is modestly landscaped, predominantly with lawns with small shrubs and trees. Majority of the rear yard is tiled.



Figure 2: Existing dwelling house located at No.4 Dudley Street Balgowlah.

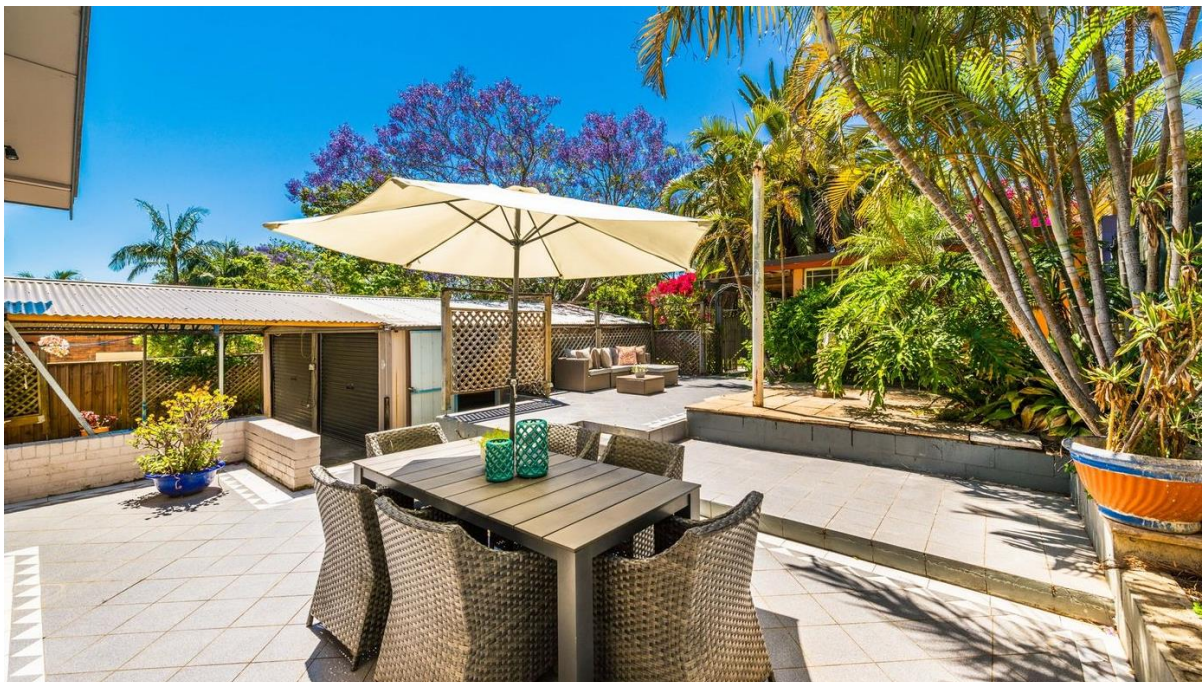


Figure 3: Photograph of the rear yard facing north east from the dwelling.

4.0 SURROUNDING ENVIRONMENT

Northern Beaches Council is the relevant Local Government area which forms part of the Northern Beaches region of Sydney. The site is located within the suburb of Balgowlah, which is predominately comprised of residential development and commercial development in the town centre.

Dudley Street is a typical residential street in Balgowlah. It is generally comprised of modest scale, low density, single and two storey dwellings in a garden suburb setting with moderate street vegetation. The adjoining site to the north.

The site is predominately surrounded by residential development in the R1 zone, with a B1 zone south of the site. The rear boundary of the site is adjacent to Balgowlah Golf Course.



Figure 4: Photograph of the streetscape of Dudley Street, facing north from the subject site.

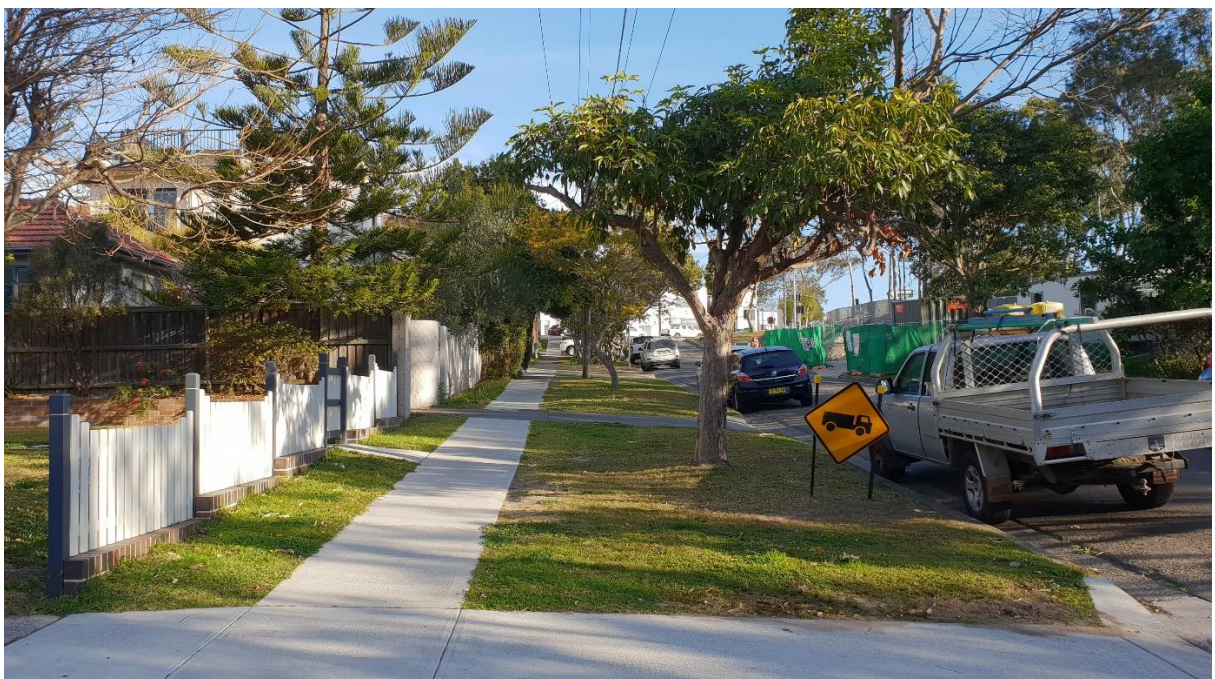


Figure 5: Photograph of the streetscape of Dudley Street, facing south from the subject site.



Figure 6: Aerial view of subject site (highlighted in yellow) showing surrounding environment.

5.0 PROPOSED DEVELOPMENT

The proposed development involves:

Site Works

- Construction of a secondary driveway adjacent to the southern boundary to provide vehicular access to Unit B
- Front and rear landscaping on completion as per the landscape plan.

Ground Floor (Unit A and Unit B)

- Front portico
- Single garage
- Powder room and laundry
- Open plan kitchen/living/dining area
- Each dwelling will have an outdoor room accessible directly from the living areas at the rear.

First Floor (Unit A and Unit B)

- Master bedroom with ensuite and walk-in-wardrobe,
- Three bedrooms
- Leisure room
- Bathroom and powder room

Please note that the demolition of the existing structures will be undertaken by the owner under a separate application.

6.0 RELEVANT STATUTORY CONTROLS

The proposed development is identified as development requiring consent under the provisions of Section 4.2 of the *Environmental Planning and Assessment Act 1979*, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and the relevant planning instruments and policies of Manly Council.

6.1 Manly Local Environmental Plan 2013 (MLEP)

The site is zoned R1 – General Residential under the provisions of the Manly Local Environmental Plan 2013 (MLEP). The proposed demolition, construction of an attached dual occupancy and subdivision is permissible under the zoning with the consent of council.

6.1.1 Manly Local Environmental Plan 2013 Compliance Table

The following compliance table summarises the proposed development against the MLEP development standards.

Please note that all proposed figures and calculations relating to development controls take into account the relevant definitions in the Dictionary of the MLEP.

MANLY LOCAL ENVIRONMENTAL PLAN 2013			
CLAUSE	DEVELOPMENT STANDARD	PROPOSAL	COMPLIANCE
4.1 Minimum subdivision lot size	Min lot size: 300m ²	The lot will be subdivided into two lots, each lot will have a total area of 349.55m ² .	Complies
4.3 Height of Buildings	8.5m	The dwelling has a maximum height of 7.74m.	Complies.
4.4 Floor Space Ratio	0.5:1	The maximum floor space ratio for this site is 0.5:1, based on a total site area of 699.1m². Allowable GFA: Unit A = 174.775m² Unit B = 174.775m² Total = 349.55m². Proposed FSR = 0.43:1. Proposed GFA = 298.21m².	Complies

6.2 Manly Development Control Plan 2013 (MDCP)

The Manly Development Control Plan provides the relevant design guidelines for residential development within the relevant local government area. The following provisions of the document are considered to be relevant to the proposal.

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MANLY DEVELOPMENT CONTROL PLAN – PART 4

CLAUSE	REQUIREMENT	COMPLIANCE
Residential Density & Subdivision	Density Area D4 – 1 dwelling per 300m ² of site area	Complies. Subdivision will result in each dwelling having 349.55m ² of site area.
Floor Space Ratio	Refer to LEP 0.5:1	Complies. Maximum FSR of 0.43:1 is proposed.
Wall Height	Height – 6.5m	Complies. Proposal provides for a wall height less than 6.5m.
Number of Storeys	Two Storeys	Complies. The proposed dwelling is two storeys.
Roof Height	2.5m above wall height	Complies. The roof height does not exceed 2.2m above wall height.
Parapet Height: 600mm above wall height.	600mm above wall height	Complies. Parapet is 570mm above first floor wall.
Maximum Roof Pitch	35°	Complies. Roof pitch of 20°.
Building Setbacks	Front Setback – Min. 6.0 metres or consistent with neighbouring. Side Setback – 1/3 of the height of wall. Rear Setback – Minimum 8.0 metres Setback for development adjacent to LEP Zones RE1, RE2, E1 and E2 – 8m.	Complies. The proposed setback is 6m to the front portico of Unit B at the closest point. This is consistent with the existing and surrounding development. Complies. The proposed side setbacks are a minimum of 1/3 of the wall height in all instances. Complies. Proposed rear setback of 19.44m. Complies. Rear setback exceeds 8m.
Landscaping/Open Space	Open Space Area 3: Minimum total open space: 55% of site area. Minimum soft open space as % of total open space: 35% Minimum number of endemic trees: 3	Complies. The total open space required for the site is 384.505m². A total open space of 393.6m² has been achieved. Complies. The total landscaped area of 332.64m² (84.5%) is compliant with this control. Complies. Refer to the Landscape Plan for further clarification.

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MANLY DEVELOPMENT CONTROL PLAN – PART 4		
CLAUSE	REQUIREMENT	COMPLIANCE
	Private open space to be directly accessible from living areas. Minimum dimension 3m. Minimum area of 18m ² .	Complies. The proposed private open space is accessible from the open plan kitchen/ living/dining room. Each POS area is at least 30m ² .
Parking and Access	Minimum 2 Spaces per Dwelling. Garages/carports shall be sited so as to not dominate the street frontage through the use of appropriate materials. 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.	Complies. Each site will provide for one covered parking space in the single garage and a hardstand parking area on the driveway in front of the garage. Complies. The garage will not dominate the streetscape and is recessed from the front façade and setback 8.039m from the street. Complies. The single garages each have a width of 3m.
First Floor Additions	Additions may follow the existing ground floor wall setbacks providing adjoining properties are not adversely impacted by overshadowing, view loss or privacy issues. Must retain the existing scale and character of the street and should not degrade the amenity of surrounding residences.	N/A. Not applicable as new dwellings are proposed.
Fences	Maximum height 1.0m for solid fences. Maximum height 1.5m where at least 30% is transparent.	N/A. Front fence is not proposed in the development.

7.0 MATTERS FOR CONSIDERATION UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Manly Local Environmental Plan 2013, SEPP BASIX and the relevant supporting Council policies. It is considered that the provisions of these environmental planning instruments have been satisfactorily addressed within this report and that the proposal achieves compliance with their provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any draft environmental planning instrument that is or has been placed on public exhibition and which has been notified to the consent authority

Northern Beaches Council is currently progressing a Planning Proposal (PP_2018_NBEAC_003_00) to prohibit dual occupancy development in the R2 and R3 zones. Since the proposal is in the R1 zone, it is not affected by this draft environmental planning instrument. It is noted that the Planning Proposal has not been finalised at the time of writing.

7.3 Any development control plan

The proposed development is guided by the Manly DCP 2013 (MDCP) which is relevant to the application.

The proposed development seeks approval for the demolition of existing site structures, subsequent construction of an attached two storey dual occupancy and Torrens title subdivision.

The proposed development has been designed to be highly compliant with the relevant provisions of the MDCP, as demonstrated within the Compliance Table.

Having regard to the above, it is noted that section 4.15(3A) of the Environmental Planning and Assessment Act 1979 *requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply.* Accordingly, we request that any minor variances that are identified be favourably determined, as adequate justification has been provided within this Statement.

7.4 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

No matters of relevance are raised in regard to the proposed development.

7.5 Any matter prescribed by the regulations that apply to the land to which the development relates.

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts and the social and economic impacts in the locality.

It is considered that the proposal, which seeks approval for the construction of an attached dual occupancy and Torrens title subdivision, will not produce unreasonable external impacts such that would cause the refusal of the application.

The development is highly compliant and results in an acceptable planning outcome with an appropriate site density.

7.7 The suitability of the site for the development

The subject land is currently zoned R1 – General Residential under the Manly Local Environmental Plan 2013. The proposed demolition and development works are permitted within the zone with development consent.

The size and shape of the land is suitable for the type of development proposed and the site does not exhibit any significant constraints to the implementation of the proposed development.

7.8 Submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The Public Interest

The proposal will not unreasonably impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered not to be contrary to the public interest.

8.0 CONCLUSION

The principle objective of the development is for the construction of an attached dual occupancy including landscaping works, and subsequent Torrens title subdivision resulting in development consistent with the residential zone objectives of the Manly Local Environmental Plan 2013.

The proposal is permissible and has been designed in accordance with the desired future character of the R1 – General Residential zone within the Dudley Street locality.

As the proposed development is unlikely to have any significant impact on the environment or the amenity of the adjoining properties and will be consistent with the future vision for the locality, the application is considered to be reasonable and supportable.

The proposal satisfies the stated objectives of Council's Development Controls and the development maintains the amenity of the neighbouring properties.

It is our opinion that this application for the construction of an attached dual occupancy including landscaping works and subsequent Torrens title subdivision at **No. 4 Dudley Street Balgowlah** as described in the application is reasonable and supportable and warrants the consent of Council.



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