

Statement of Environmental Effects

for

**11 Beatty Street
Balgowlah Heights 2093**

Prepared by

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1.0 INTRODUCTION

This report has been prepared by Lawton Hurley Pty Ltd to support a Section 4.55 modification to a development consent being **Mod2019/0296 (18th September 2019)** at 11 Beatty Street, Balgowlah Heights, Lot A DP 373783.

On 18th September 2019 Council granted consent to modify the approved development **DA no. 0253/2017 (29th March 2017)** under a section 4.55 modification **Mod2019/0296**.

This proposal seeks the approval of minor alterations to the 4.55 application (Mod2019/0296) including:

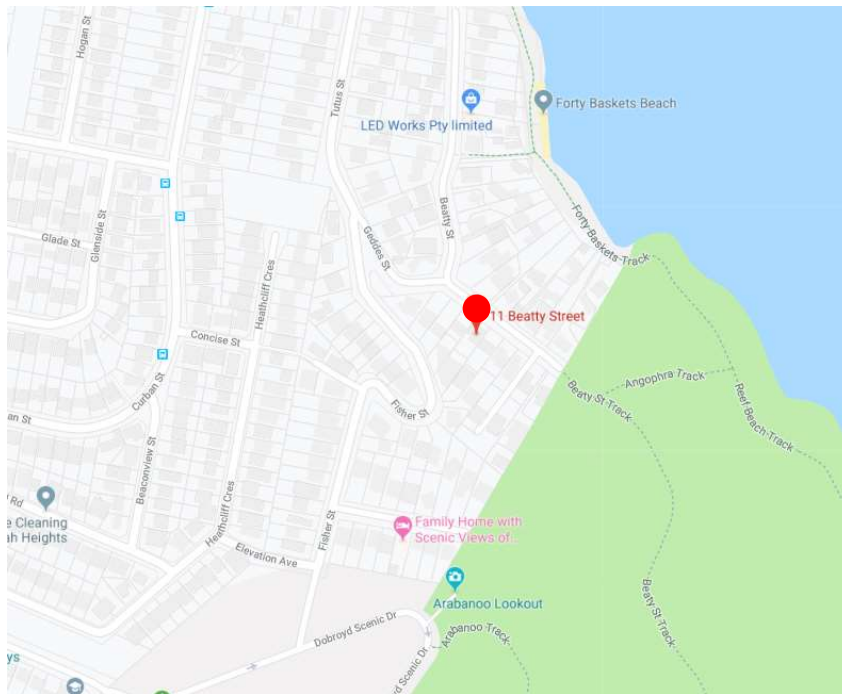
- reconfiguring the first floor ensuite and robe
- adjustments to the first floor ensuite windows and skylights
- addition of two skylights to the level one robe
- adjustment of the awning and deck design
- relocation of the approved carport
- minor widening of the existing driveway
- existing spa removed
- a new landscape design

2.0 SITE LOCATION AND DESCRIPTION

The property is located on the south western side of Beatty Street and has a total site area of 684.8sqm. See Figure 1.

Figure 1 – Location Plan

Indicates Site ●



The photos of the existing site are set out below:



11 Beatty Street Balgowlah Heights.



Street view of 11 Beatty Street & neighbours

PROPOSED WORKS

The proposed works are as follows:

- reconfigure first floor ensuite and robe
- adjustment of the first floor ensuite windows and skylights
- addition of two skylights to the level one robe
- size adjustment of the ground floor awning and deck
- relocation of the carport closer to the front boundary
- widening of the existing driveway
- existing spa removed
- new landscape design

The proposed modifications as part of this S4.55 application are minor in nature and the existing approved building form has been maintained.

The ensuite & robe internal layouts have been amended. The approved skylights and first floor windows have been reconfigured to improve natural daylight and respond to the amended internal changes within the first floor ensuite and robe area.

The timber deck directly off the living area is slightly increased by removing the existing spa and relocating the pool plant and equipment, thus improving the amenity of the deck area as the principal outdoor living area.

The operable awning roof over the main deck has increased in size slightly by extending south to align with the corner of the house, making the roof over the deck openable to the sky and providing improved control of solar access for winter and summer conditions. This will also make the principal outdoor living area more functional and accessible year-round.

The relocation of the carport towards the street and the modified landscape design improves the amenity of the accessible private outdoor open space alongside the western side of the dwelling. It also decreases the amount of hardstand driveway and parking areas for vehicles and allows for a more useable and accessible front yard.

The proposed character of the dwelling remains unchanged and the approved materials and colour scheme also remain the same.

3.0 ENVIRONMENTAL ASSESSMENT

4.1 Environmental Planning Instruments

The relevant planning instruments and controls are as follows:

- Manly LEP 2013
- Manly DCP 2013
- State Environmental Planning Policy No. 55 – Remediation of Land

The key planning controls relevant to the site are set out below.

4.2 Manly LEP 2013

The land is zoned R2 Low Density Residential under the provisions of the MLEP 2013.

The proposed development application does not contravene any of the following development standards:

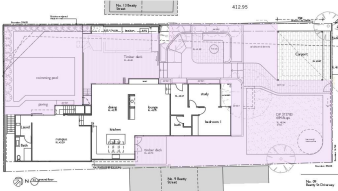
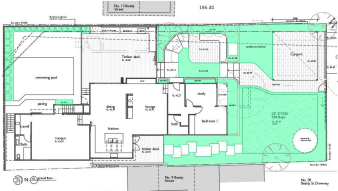
Clause		Requirement	
4.3	Height of building	8.5 m	Complies No proposed change to the approved scheme.
4.4	Floor Space Ratio	0.4:1	Complies No proposed change to the approved scheme.
6.2	Earthworks		Complies

			There are no significant earthworks proposed
6.4	Stormwater management		Complies No proposed change to the approved scheme.
6.9	Foreshore Scenic Protection		Complies No proposed change to the approved scheme.
6.12	Essential services		Complies No proposed change to the approved scheme.

4.3 Manly Development Control plan 2013

Manly DCP 2013 – Compliance Table			
Clause	Assessment criteria	Proposal	Compliance
Clause 3.1. Streetscape		The proposed streetscape is substantially the same as the approved streetscape.	YES
Clause 3.3 Landscaping		The proposed landscaping exceeds the required 40% of total open space.	YES
Clause 3.4 Amenity		The windows to the first floor substantially remain in the same location causing no additional effect on the neighbour's amenity. The site has a north-easterly aspect and the approved scheme showed minimal impact to the neighbouring sites solar access.	YES
Clause 3.4.3 maintenance of views		There are no changes to the approved scheme.	YES
Clause 3.5 Sustainability		Basix statement attached	YES
Clause 3.7 Stormwater Management		No proposed change to the approved scheme.	YES

Manly DCP 2013 – Compliance Table			
Clause	Assessment criteria	Proposal	Compliance
Clause 4.1.1 Residential Density & Subdivision	Density Area D7 – 1 dwelling per 750m ²	Site area is 684.8m ²	Complies
Clause 4.1.2 Height of Buildings	Wall height – 6.5m Max two storeys Roof height – 2.5m	No proposed change	Complies
Clause 4.1.4 Setbacks	Front setback: Relate to neighbouring sites and the prevailing building lines or 6m	The approved Carport is relocated to 1100mm from the front boundary, closer to the existing	NO See Below

(front, side and rear)		Carport setback of approximately 1000mm. No proposed change to other setbacks.	
Clause 4.1.5 Open space and Landscaping	Area OS4 Open space: Min 60% site area required Open space Landscaping: 40% of total open space required Open space-above ground: No more than 25% of total open space Private open space: 18sqm required	Total Site area = 684.8sqm Total open space: 684.8 X 60% = 410.9sqm required 412.9sqm provided  Required Landscaping: 410.9 X 40% = 164.4sqm required 186.4sqm provided  Allowable open space above ground: 410.9 X 25% = 102.7sqm maximum permitted No Change Private open space exceeds 18sqm.	Complies Complies Complies Complies
Clause 4.1.6 Parking	Min 2 spaces	No change to the number of parking spaces.	Complies
Clause 4.1.6 Parking, vehicular access & loading	The proposed carport is forward of the building line. <i>b) i) garages and carports adjacent to the front property boundary may not be permitted if there is a reasonably alternative onsite location</i>	The visual impact of the proposed carport as seen from the street remains like that approved. It is an open structure with a flat roof so presents a minimal elevation to the public domain. The Proposed widening of the existing driveway is minor in nature and will provide improved	NO

		accessibility for the two cars to the double carport. The minor widening of the driveway does not impact the existing two street parking spaces between the subject driveway and the adjoining driveway to the south, subsequently there is no loss of on-street parking.	
Clause 4.1.7 First Floor and Roof Additions	a) 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 impacted by overshadowing, view loss or privacy issues. b) 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 Manly. 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.	The awning and deck extension is aligned with the existing boundary wall, maintaining the existing side setback. The approved character and style of the approved works remain unchanged.	Complies
Clause 4.1.9 Swimming pools, spas and Water features		Existing pool remains unchanged. Spa to be removed.	Complies
Clause 4.1.10 Fencing	Freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point.	Minor change to proposed gate location to suit updated carport. No proposed change to the height of the approved fence.	Complies

Clause 4.1.4 - Setbacks (front, side, and rear)

As discussed by Council's assessing officer in the assessment report from the original approved development application (DA0253/2017); the proposed development was non-compliant only in relation to the carport front setback. The proposed position of the carport would result in no loss of views from no. 18 Fisher Street.

The proposed carport design in this S4.55 application is set back 1100mm from the front boundary. The existing carport is currently located approximately 1000mm from the front boundary line. Therefore, the proposed scheme will slightly increase the existing front setback.

The proposed carport is an open, low-profile structure that complements the aesthetic of the existing residence. The proposed carport is sited in a manner that does not dominate the street frontage.

4.2 Environmental Planning and Assessment Act 1979

Section 4.15

The consent authority must assess the proposal against the following:

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECT 4.15 Evaluation

(1) Matters for consideration-general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

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

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

(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,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

- This statement has assessed the proposal against the relevant provisions of the Manly LEP 2013 and the manly DCP 2013

The likely impacts of the proposal have been considered and the proposal is considered acceptable because it is:

- Suitable for the site
- Able to provide positive social and economic impacts in the locality
- The proposal will not result in the loss of views or outlook from any surrounding public or private place.
- Therefore, in the public interest

Section 4.55

(2) Other modifications

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 4.8) 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 amendment is minor in nature and of minimal environmental impact.

The proposal can be considered as substantially the same development and can be assessed under a section 4.55 modification.

4.0 CONCLUSION

This Section 4.55 application seeks approval to amend Mod2019/0296 (18th September 2019) as set out in the report above. It is submitted that in accordance with Section 4.55:

- The proposal is substantially the same development
- The proposal will not result in any adverse environmental impacts

We trust this information is sufficient for council to make a prompt assessment of the proposed modifications.

Please do not hesitate to contact us should you require any further information.

Kind Regards,



Peter Hurley

5.0 ATTACHMENTS

This application is accompanied by the following:

- Architectural Drawings DA01B, DA02B, DA03B, DA04B, DA05B, DA06B, DA07B, DA08B, DA09B & DA10B
- Amended BASIX Certificate
- Modified landscape design
- A4 Notification Plans N01 & N02