

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR PROPOSED ALTERATIONS AND ADDITIONS
TO UNIT 1 OF EXISTING RESIDENTIAL FLAT BUILDING**

LOCATED AT

UNIT 1, 119-120 NORTH STEYNE, MANLY

FOR

INGRID BURGESS AND THE OWNERS CORPORATION (SP 74073)

**Prepared
October 2019**

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1.0 Introduction

This Statement of Environmental Effects accompanies details prepared by Quattro Architecture, Project No 19-0547, Drawings No DA-A-050, DA-A-051 & DA-A-520 all Revision A dated 28 June 2019, on behalf of the Owners Corporation (SP 74073) and the owner of Unit 1 within SP 74073, to detail the proposed replacement of an existing front fence and entry gate, together with minor landscape works to include a new pedestrian access gate to the street at **119-120 North Steyne, Manly (La Corniche Apartments)**.

A separate Development Application (DA2019/1081) has been lodged for Council's consideration and which proposes alterations to the existing roof level.

This Statement reviews the proposed development by assessing the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, (as amended) including:

- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Manly Local Environmental Plan 2013*
- *Manly Development Control Plan 2013 Amendment 11*

2.0 Property Description

The subject allotment is described as **119-120 North Steyne, Manly**, being SP 74073 and is zoned R3 Medium Density Residential under the Manly Local Environmental Plan 2013.

The land is noted as being within a Foreshore Scenic Protection Zone and the SEPP Coastal Management Zone. These issues are discussed further within this submission .

The building is not listed as a heritage item within Schedule 5 of the Manly Local Environmental Plan 2013 and is not noted as being within a Conservation Area. A heritage item adjoins to the south of the site and will be discussed further within this submission.

The property is not noted as being affected by potential bushfire attack.

3.0 Site Description

The site is located on the south-western corner of the intersection of North Steyne & Pacific Street, opposite the beach front reserve. The site also has a rear, western frontage to Pine Lane.

The irregular shaped allotment has a primary frontage of 49.985m to Pacific Street, 15.205m to North Steyne & 26.45m to Pine Lane. The southern boundary measures 43.46m and the total site area is 916.7m².

The existing six level residential flat building is located over two levels of basement garages, with pedestrian access Pacific Street and vehicular access from Pine Lane.

A roof level decorative awning feature on the eastern elevation is dilapidated and will be replaced with a new awning under DA 2019/1081, which is intended to be provided as an extension to the existing roof form.

The details of the site are included on the survey plan prepared by Detailed Surveys, Reference No 033/19 dated 19 June 2019, which accompanies the DA submission.

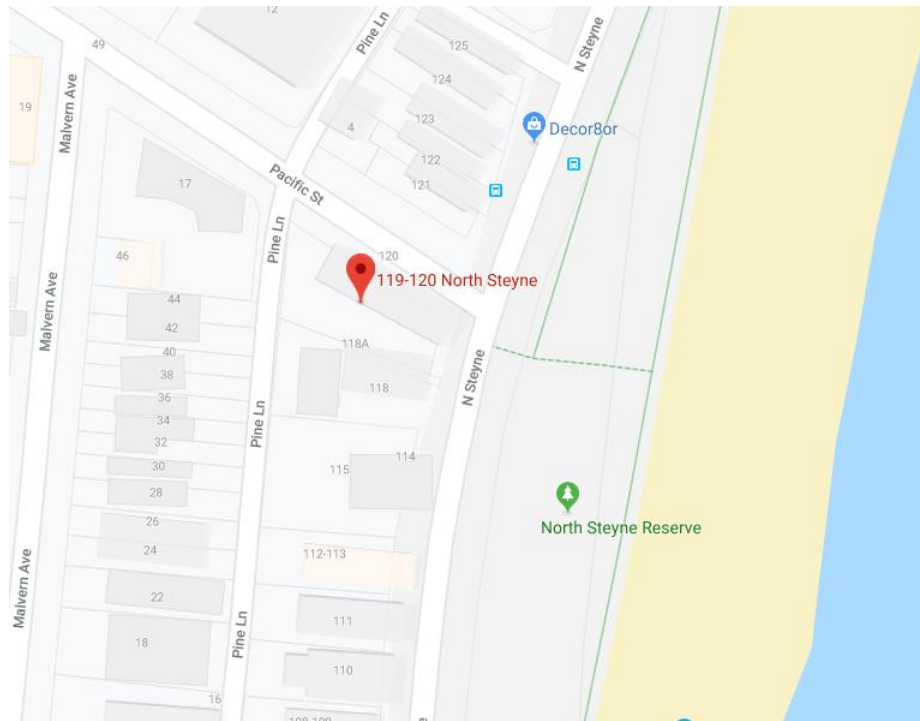


Fig 1: Location sketch
(Source: Google Maps)



Fig 2: View of subject site, looking west from North Steyne



Fig 3: View of subject site, looking south- west from North Steyne



Fig 4: View of adjacent development to the south (including adjacent heritage item at No 118 North Steyne), looking south-west from North Steyne



Fig 5: View of south-eastern corner of subject site, noting location of new pedestrian access gate and existing fence to be replaced, looking west from North Steyne



Fig 6: View of south-eastern corner of subject site, noting location of new pedestrian access gate and existing fence to be replaced, looking south-west from North Steyne



Fig 7: View of south-eastern corner of subject site, noting location of new pedestrian access gate and existing fence to be replaced, looking south-west from North Steyne

4.0 Surrounding Environment

The area surrounding the site is predominantly represented by a mix of low, medium and higher density residential development comprising multi-storey buildings.

Development in the vicinity has been designed with living areas and associated open space that are oriented to take advantage of the significant views towards to Manly & North Steyne Beach and further to the north towards Queenscliff Beach.



Fig 8: Aerial view of subject site
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks consent the proposed replacement of an existing front fence and entry gate, together with minor landscape works to include a new pedestrian access gate to the street.

The new 1.8m fence will be provided to replace the existing fence to the eastern boundary facing North Steyne and the eastern portion of the northern boundary facing Pacific Street.

The proposed fence will be 1.8m in height and comprise a powdercoated finish “Straco” batten style screen fence.

The proposed materials schedule and external finishes and colours have been detailed in the DA submission.

The site’s existing landscaped area, open space and floor area of the building will be unchanged.

6.0 Zoning and Development Controls

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

The works are for a non-habitable structure and also with a cost of less than \$50,000 and as such, there are no relevant BASIX commitments. t.

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

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

6.3 State Environmental Planning Policy (Coastal Management) 2018

The subject site is identified as being within the coastal zone and therefore SEPP (Coastal Management) 2018 is applicable to the proposed development.

The stated Aim of the Policy under Clause 3 is to:

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The Coastal Management Act 2016 states within **Clause 3**:

The **objects** set out in **Clause 3** of the Coastal Management Act 2016 are:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*

- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 2016.*

It is submitted that the assessment detailed under the Statement of Environmental Effects suggests that the proposed development is consistent with the objects of the SEPP (Coastal Management) 2018, as set out in Clause 3 of the Coastal Management Act 2016.

The matters for consideration under Division 5 of SEPP (Coastal Management) 2018 are:

The relevant provisions of this clause are addressed as follows:

Division 3 Coastal environment area

13 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment:

The proposal provides for the replacement of an existing fence and the installation of a pedestrian gate to North Steyne, which not result in any significant change to the existing built form.

The proposed works will be carried out by the licensed building contractor who will ensure that appropriate structural integrity for the site will be maintained.

Division 4 Coastal use area

14 Development on land within the coastal use area

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
 - (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
 - (b) *is satisfied that:*
 - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
 - (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*
- (2) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment

The proposal will not result in the removal of any existing public access along the foreshore.

The proposed new works will not result in any significant change to the appearance of the building or result in any loss of views to the foreshore area. The proposal will protect the visual amenity of the locality.

The site does not contain any heritage items, nor is it within a conservation area. The site has been previously cleared, and it is not anticipated that any items of Aboriginal heritage will be encountered.

Division 5 General

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

Comment

The proposal provides for minor alterations to the existing residential flat building, with no significant disturbance to the site's ground conditions. The proposed new works are not considered to increase the risk of coastal hazards for the subject property or adjoining land.

16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

Comment: No coastal management programs have been identified.

17 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

Comment: Noted

18 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are

inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

Comment

Noted

6.4 Manly Local Environmental Plan 2013

The land is zoned R3 Medium Density Residential under the provisions of the MLEP 2013.



Fig 6: Extract of Manly Local Environmental Plan 2013

The development of and use of the land for residential purposes is consistent with the R1 zone objectives, which are noted as:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.*
- *To encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination.*

It is considered that the proposed new works will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the mix of existing low, medium and higher density housing within the locality.
- The proposed minor alterations will ensure the development continues to respect the scale and form of other new development in the vicinity and therefore complement the locality. The proposal provides for the replacement of an existing front fence and the installation of a pedestrian gate to North Steyne.

- The proposal does not have any adverse impact on long distance views for the surrounding properties.
- The site is utilised as housing and will continue to maintain the residential use.
- The proposal will maintain an appropriate level of amenity to the adjoining properties.
- The proposal does not unreasonably obstruct any significant views from private property or the public domain.

Clause 4.3 provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The building height limit for development in this portion of Manly is 13m. The proposal will provide for the replacement of an existing fence with maximum height of 1.8m, which will comply with Council's control. The [proposal will not result in any change to the overall building height.

Clause 4.4 provides a maximum floor space ratio control of 1.5:1 for development in this locality. The existing floor area of the building will be unchanged.

Clause 5.9 relates to the preservation of trees or vegetation. The proposal will not involve any disturbance to any existing vegetation.

Clause 5.10 relates to heritage conservation. The site does not contain any heritage items, nor is it located in a Conservation Area. However, the site is adjacent the heritage listed dwelling at No 118 North Steyne (Item 117).

The proposed works are located at the road level of the existing building and given the modest height of up to 1.8m, the works will not have any direct physical or visual impact on the adjacent heritage item.

The proposed development is therefore not considered to detract from the significance of the nearby heritage item and will present an appropriate scale and form when viewed from North Steyne & Pacific Street.

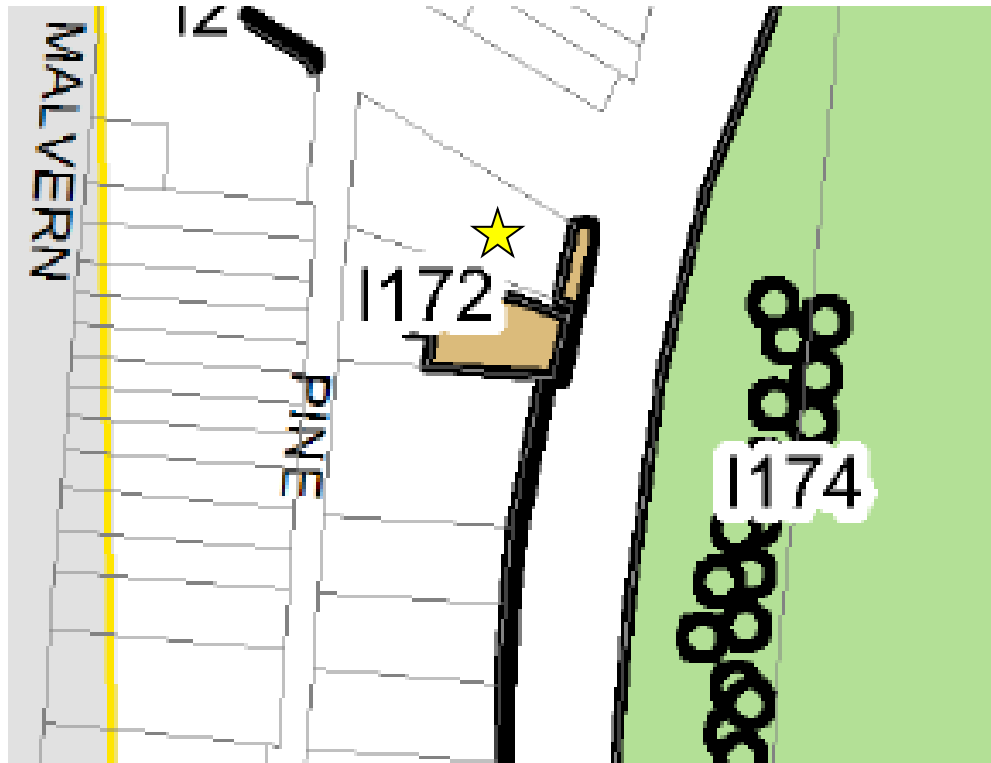


Fig 7: Extract of Manly Local Environmental Plan 2013 Heritage Map

Clause 6.2 relates to earthworks. The proposal will not involve any further excavation of the site to accommodate the proposed works.

Clause 6.9 relates to development within the Foreshore Scenic Protection Area and notes within (3):

3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:

- (a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,*
- (b) measures to protect and improve scenic qualities of the coastline,*
- (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,*
- (d) measures to reduce the potential for conflict between land-based and water-based coastal activities.*

In this regard, it is considered that the proposal is suitable in the Foreshore Scenic Protection area, as the works will replace an existing structure in the current location and to the existing levels.

There are no other clauses of the MLEP 2013 that are considered to be relevant to the proposed development.

6.5 Manly Development Control Plan 2013 – Amendment 11

Council's DCP Development Control Plan 2013 – Amendment 11 provides the primary control for development within the area.

The DA submission will address the Council's submission requirements outlined in Part 2 – Process.

The primary areas which are applicable to the proposed works are detailed within Part 3 – General Principles of Development & Part 4 – Development Controls and Development Types.

Clause 3.1.1 – Streetscape (Residential Areas)

The intended outcomes are noted as:

- a) Development in the streetscape (including buildings, fences and landscaping) should be designed to:*
- 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*

Setback Principles in Low Density Areas

- b) In lower density areas including LEP Zones R2, E3 & E4, setbacks should be maximised to enable open space to dominate buildings, especially on the foreshore.*

As detailed within the accompanying plans, the proposal seeks approval for the replacement of an existing 1.8m screen fence with a new powdercoated batten style fence and pedestrian access gate to North Steyne. The modest scale of the works will not result in any significant change to the streetscape presentation of the site.

Clause 3.3 Landscaping

The proposed new works will retain the existing landscaped area.

Clause 3.4 Amenity (Views, Overshadowing, Overlooking/Privacy, Noise)

The objectives of the clause are noted as (over):

- | | |
|---------------------|---|
| <i>Objective 1)</i> | <i>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.</i> |
| <i>Objective 2)</i> | <i>To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.</i> |

The modest nature of the works will ensure that the existing amenity and outlook for the adjoining premises will be maintained.

Clause 3.7 Stormwater Management

The existing stormwater provisions will be unchanged, with collected roofwater directed to the street gutter.

Part 4 – Residential Development Controls

Site Area 916.7m² – Density Sub Zone D1 (1 Unit /50m² per lot)

Compliance Table

Control	Required	Proposed	Compliance
Clause 4.1.1 Residential Density & Subdivision	Density Area D1 – 1 unit per 50m ²	Site area is 916.7m ²	Yes – existing site and dimensions are unchanged, with no increase in unit numbers
Clause 4.1.2 Height of Buildings	Maximum height – 13m	Works will replace the existing fence with a height of up to 1.8m	Yes
Clause 4.1.13 Floor Space Ratio (SR)	1.5:1	Unchanged – no additional floor area proposed	Yes
Clause 4.1.4 Setbacks (front, side and rear) Side Boundary setback – 1/3 of wall height Rear setback – N/A – corner site	Relate to neighbouring sites or 6m	The proposal seeks approval for the demolition and replacement of an existing fence in the same location (950mm setback to North Steyne & 460mm setback to Pacific Street). Existing rear setback unchanged.	Yes – on merit

Clause 4.1.5 Open space and Landscaping	Area OS 1 Min 45%/25%	The proposal will maintain the existing open space and landscaped area .	Yes
Clause 5.4.1 Foreshore Scenic Protection Area		In this regard, it is considered that the proposal is suitable in the Foreshore Scenic Protection area, as the works will respect the height, scale and form of the surrounding residential development and the existing development on the site.	Yes
Clause 5.4.2 Threatened Species and Critical Habitat			N/A

7.0 Matter for Consideration under the 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 SEPP Coastal Management & Manly Local Environmental Plan 2013 and the relevant supporting Council policies. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

The site is not within the Foreshores and Waterways Boundary of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

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

7.2 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to comply with the requirements of Manly Development Control Plan 2013 – Amendment 11.

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 about the proposed development.

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

No matters of relevance are raised about the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks approval for the proposal seeks approval for the replacement of an existing 1.8m screen fence with a new powdercoated batten style fence and pedestrian access gate to North Steyne, which will not have any significant impact on the natural and built environment.

The proposal is considered to be well designed having regard to the relevant provisions of the

Council's LEP and Council's Codes and Policies.

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 and is considered suitable for the proposed development.

The subject site does not exhibit any significant constraint to the construction 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 to be within the public interest.

8.0 Conclusion

The principal objective of this development is to support the for the replacement of an existing 1.8m screen fence with a new powdercoated batten style fence and pedestrian access gate to North Steyne.

By maintaining our neighbour's amenity and by complementing the scale and form of other development in the immediate locality, the stated objectives have been satisfied.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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