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STATEMENT OF ENVIRONMENTAL EFFECTS

For Alterations and Additions

No. 4 LAURA STREET, SEAFORTH NSW 2092

Prepared on behalf of Marcelle Carr

by Amanda Elboz *Director*
Space Landscape Designs Pty Ltd

24th July 2020

1.0 Site Description and Location

The site is known as 4 Laura Street, Seaforth or Lot 4, D.P. 249261. The site is located on the low side of Laura Street has a northern street frontage and area of 976.2m². The rear of the site falls steeply approximately 9.5m from the rear patio level to Middle Harbour foreshore.

Currently the site contains a multi storey single dwelling. There is an existing pool with terraced retaining walls and steps leading down to the foreshore with two jetties.

Alterations and additions have occurred in 2010 including a second floor addition, new roof and extended garage. A new jetty has been constructed which was approved under Transport Roads & Maritime Services DA 13/113 dated 14/11/13. A DA was approved in 2015 for a new seawall, retaining walls and modification to boatshed. A DA for alterations and additions was lodged in June and is under assessment.

The surrounding area consists of low density residential developments. The site enjoys uninterrupted views across Middle Harbour.



Image 1 – Subject Site courtesy of Northern Beaches Council

2.0 Locality and Planning

The site is located within Northern Beaches Council.

The proposed development has been prepared in accordance with Manly Local Environmental Plan (LEP) 2013 and Manly Development Control Plan (DCP) 2013. Consideration has also been given to the Coastal Management Act 2016, State Environmental Planning Policy (Coastal Management)

2018, Sydney Harbour Catchment Regional Environment Plan, 2005 and Sydney Harbour Foreshores and Waterways Area Development Control Plan, 2005.

3.0 Proposed Works

The proposal is for alterations and additions. The proposed works consist of the following:

- a. New outdoor covered entertaining area to replace existing shade structure
- b. New external access stairs to replace existing
- c. New storage area in void under existing balcony

Relevant pieces of legislation applicable to this development is as follows:

4.0 State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) took effect on 3 April 2018.

The site is located on both the 'Coastal Environment Area' and 'Coastal Use Area' maps but not included on the Coastal Vulnerability Area Map under the State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP). Therefore clauses 12, 13, 14 and 15 of the Coastal Management 2018 SEPP are relevant. However, as the site has not been identified as a coastal vulnerable area and it is located under the Sydney Harbour Foreshores and Waterways Area, Clauses 12, 13 and 14 do not apply to this site.

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.

Comments

The proposed works are located at the eastern side of the existing dwelling over existing paving. There is no cutting or filling required. The proposed works are located over 17m from the foreshore and over 11m above the water level. Therefore there will be no adverse impacts on the land or neighbouring land.

5.0 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

2 Aims of plan

(1) This plan has the following aims with respect to the Sydney Harbour Catchment—

- (a) to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained—*
 - (i) as an outstanding natural asset, and*
 - (ii) as a public asset of national and heritage significance, for existing and future generations,*
- (b) to ensure a healthy, sustainable environment on land and water,*
- (c) to achieve a high quality and ecologically sustainable urban environment,*
- (d) to ensure a prosperous working harbour and an effective transport corridor,*
- (e) to encourage a culturally rich and vibrant place for people,*
- (f) to ensure accessibility to and along Sydney Harbour and its foreshores,*

- (g) to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity,*
- (h) to provide a consolidated, simplified and updated legislative framework for future planning.*
- (2) For the purpose of enabling these aims to be achieved in relation to the Foreshores and Waterways Area, this plan adopts the following principles—*
 - (a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,*
 - (b) the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores,*
 - (c) protection of the natural assets of Sydney Harbour has precedence over all other interests.*

Comment

The proposed works are located within the property boundaries on the eastern side boundary adjacent to the existing dwelling. The proposed open pergola replaces an existing pergola over paving. Therefore the proposal will not adversely affect Sydney Harbour

14. Foreshores and Waterways Area

The planning principles for land within the Foreshores and Waterways Area are as follows—

- (a) development should protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores,*
- (b) public access to and along the foreshore should be increased, maintained and improved, while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation,*

Comment

No impact. The proposed works are located within the property boundaries. There is currently no public access along the foreshore.

- (c) access to and from the waterways should be increased, maintained and improved for public recreational purposes (such as swimming, fishing and boating), while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation,*

Comment

No impact. There is currently no public access to and from the waterways. There will be no impact on the watercourses or remnant vegetation as proposed works are located at the eastern side of the existing dwelling over existing paving.

- (d) development along the foreshore and waterways should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands and foreshores,*

Comment

No impact. The proposed works will not be visible due to the height above the foreshore area and setback of the structures.

- (e) adequate provision should be made for the retention of foreshore land to meet existing and future demand for working harbour uses,*

N/A

(f) public access along foreshore land should be provided on land used for industrial or commercial maritime purposes where such access does not interfere with the use of the land for those purposes,

N/A

(g) the use of foreshore land adjacent to land used for industrial or commercial maritime purposes should be compatible with those purposes,

N/A

(h) water-based public transport (such as ferries) should be encouraged to link with land-based public transport (such as buses and trains) at appropriate public spaces along the waterfront,

N/A

(i) the provision and use of public boating facilities along the waterfront should be encouraged.

N/A

22 Public access to, and use of, foreshores and waterways

The matters to be taken into consideration in relation to public access to, and use of, the foreshores and waterways are as follows—

- (a) development should maintain and improve public access to and along the foreshore, without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation,*
- (b) development should maintain and improve public access to and from the waterways for recreational purposes (such as swimming, fishing and boating), without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation,*
- (c) if foreshore land made available for public access is not in public ownership, development should provide appropriate tenure and management mechanisms to safeguard public access to, and public use of, that land,*
- (d) the undesirability of boardwalks as a means of access across or along land below the mean high water mark if adequate alternative public access can otherwise be provided,*
- (e) the need to minimise disturbance of contaminated sediments.*

Comment

N/A. There is currently no public access to or use of the foreshore area as within owners site boundaries.

23 Maintenance of a working harbour

The matters to be taken into consideration in relation to the maintenance of a working harbour are as follows—

- (a) foreshore sites should be retained so as to preserve the character and functions of a working harbour, in relation to both current and future demand,*
- (b) consideration should be given to integrating facilities for maritime activities in any development,*
- (c) in the case of development on land that adjoins land used for industrial and commercial maritime purposes, development should be compatible with the use of the adjoining land for those purposes,*
- (d) in the case of development for industrial and commercial maritime purposes, development should provide and maintain public access to and along the foreshore where such access does not interfere with the use of the land for those purposes.*

Comment

No changes are proposed to the current foreshore area. The site does not adjoin land used for industrial or commercial maritime purposes.

24 Interrelationship of waterway and foreshore uses

The matters to be taken into consideration in relation to the interrelationship of waterway and foreshore uses are as follows—

- (a) development should promote equitable use of the waterway, including use by passive recreation craft,*
- (b) development on foreshore land should minimise any adverse impact on the use of the waterway, including the use of the waterway for commercial and recreational uses,*
- (c) development on foreshore land should minimise excessive congestion of traffic in the waterways or along the foreshore,*
- (d) water-dependent land uses should have priority over other uses,*
- (e) development should avoid conflict between the various uses in the waterways and along the foreshores.*

Comment

No changes are proposed to the current foreshore area or use of the waterway.

25 Foreshore and waterways scenic quality

The matters to be taken into consideration in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways are as follows—

- (a) the scale, form, design and siting of any building should be based on an analysis of—*
 - (i) the land on which it is to be erected, and*
 - (ii) the adjoining land, and*
 - (iii) the likely future character of the locality,*
- (b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries,*
- (c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores.*

Comment

No changes are proposed to the current foreshore area. The proposed works will not be visible from the foreshore due to the height above water level and setback of the structures. Therefore the scenic quality of the foreshore will be maintained.

26 Maintenance, protection and enhancement of views

The matters to be taken into consideration in relation to the maintenance, protection and enhancement of views are as follows—

- (a) development should maintain, protect and enhance views (including night views) to and from Sydney Harbour,*
- (b) development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items,*
- (c) the cumulative impact of development on views should be minimised.*

Comment

The proposal will not have any adverse impacts on views to or from public places or Sydney Harbour due to its location on the site.

6.0 Coastal Management Act 2016

27 Granting of development consent relating to coastal protection works

(1) Development consent must not be granted under the [Environmental Planning and Assessment Act 1979](#) to development for the purpose of coastal protection works, unless the consent authority is satisfied that:

(a) the works will not, over the life of the works:

(i) unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland, or

Comment

No impact. The proposed works are located at the eastern side boundary adjacent to existing dwelling. There is currently no public access.

(ii) pose or be likely to pose a threat to public safety, and

Comment

N/A.

(b) satisfactory arrangements have been made (by conditions imposed on the consent) for the following for the life of the works:

(i) the restoration of a beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by the presence of the works,

(ii) the maintenance of the works.

(2) The arrangements referred to in subsection (1) (b) are to secure adequate funding for the carrying out of any such restoration and maintenance, including by either or both of the following:

(a) by legally binding obligations (including by way of financial assurance or bond) of all or any of the following:

(i) the owner or owners from time to time of the land protected by the works,

(ii) if the coastal protection works are constructed by or on behalf of landowners or by landowners jointly with a council or public authority—the council or public authority,

Note.

Section 80A (6) of the [Environmental Planning and Assessment Act 1979](#) provides that a development consent may be granted subject to a condition, or a consent authority may enter into an agreement with an applicant, that the applicant must provide security for the payment of the cost of making good any damage caused to any property of the consent authority as a consequence of the doing of anything to which the consent relates.

(b) by payment to the relevant council of an annual charge for coastal protection services (within the meaning of the [Local Government Act 1993](#)).

(3) The funding obligations referred to in subsection (2) (a) are to include the percentage share of the total funding of each landowner, council or public authority concerned.

Comment

N/A. No beach or adjacent beach will be effected. The new works are to be funded and maintained by the owner.

5.0 Planning Controls

The subject site is zoned E3 Environment Management. The proposed development is permissible within the zone, with consent from the consent authority.

Provisions of Manly LEP 2013 as relevant to the proposed development:

CI 4.3 Height of buildings

Standard 8.5m	Proposed The proposed covered area is a 2.9m above the existing paving level. The height of the structure above existing natural ground level has been estimated by the Geotechnical Engineer to be 4.66m
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CI 4.4 Floor Space Ratio

Standard 0.4:1	Proposed N/A –The proposed development does not alter the existing FSR
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CI 5.10 Heritage Conservation

The site adjoins Heritage Item No.11 'Harbour foreshores' and is located within close proximity to Heritage Item No. 1276 'Port Jackson Fig Tree (*Ficus rubiginosa*)'.

The proposed covered entertaining area is located in the middle of the site. The proposal will not have any adverse impacts on views to or from public places or Sydney Harbour due to it's location on the site.

Similarly, the proposal will not block any public views to the heritage listed tree or cause any disturbance to the tree. It is considered the proposal will maintain the item's significance.

CI 6.5 Terrestrial Biodiversity

The site is identified on the 'Terrestrial Biodiversity Map'. The objectives of this clause are as follows:

- (a) *protecting native fauna and flora, and*
- (b) *protecting the ecological processes necessary for their continued existence, and*
- (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*

Comment

The proposed structure is above an existing paved entertaining area. No removal of vegetation will occur. Therefore there will be no adverse impact on the existing condition, ecological value and significance of the fauna and flora on the land.

CI 6.9 Foreshore Scenic Protection Area

The site is identified on the 'Terrestrial Biodiversity Map'. *The objective of this clause is to protect visual aesthetic amenity and views to and from Sydney Harbour, the Pacific Ocean and the foreshore in Manly.*

Comment

The proposal will not have any adverse impacts on views to or from public places or Sydney Harbour due to it's location on the site. The proposed works are located over existing paved area and is

consistent with the existing development on site and in the surrounding area. The proposed structure complements the existing built form of the site with a flat roof which reduces the bulk of the development. It will not result in an appearance that is not compatible with the surrounding area.

CI 6.10 Limited development on the foreshore

The foreshore building line encroaches through the site. The proposed works do not encroach within the foreshore building line.

7.0 Manly Development Control Plan 2013

The objectives of the primary controls set out in the Manly DCP and the compliance with those controls are outlined below.

PART 3

3.1 Streetscape and Townscape

3.1.1 Streetscape (Residential areas)

The proposed works will not be visible from the street and will not detract from the existing streetscape.

3.2 Heritage Considerations

The site does not contain a heritage item nor is it located in a heritage conversation area.

The site adjoins Heritage Item No.11 'Harbour foreshores' and is located within close proximity to Heritage Item No. 1276 'Port Jackson Fig Tree (*Ficus rubiginosa*)'.

The proposed covered entertaining area is located in the middle of the site. The proposal will not have any adverse impacts on views to or from public places or Sydney Harbour due to it's location on the site.

Similarly, the proposal will not block any public views to the heritage listed tree or cause any disturbance to the tree. It is considered the proposal will maintain the item's significance.

3.3 Landscaping

3.3.1 Landscaping Design

There is no changes to the existing landscape. The works are above an existing paved area.

3.3.2 Preservation of Trees or Bushland Vegetation

No existing trees are to be removed.

3.4 Amenity

3.4.1 Sunlight and Overshadowing

The proposal will not result in any additional loss of sunlight to adjoining neighbours. The accompanied certified Shadow Diagrams demonstrate the proposed works do not alter the current overshadowing path on adjoining lots.

3.4.2 Privacy and Security

The adjoining neighbour at number 3 Laura Street has privacy screens along the first floor of the western elevation. Therefore privacy impacts will be acceptable.

3.4.2.3 Acoustical Privacy

The area is currently an outdoor entertaining area and therefore the noise generated will be consistent and not alter.

3.4.3 Maintenance of Views

Although the proposed development is located along the side boundary and within a view corridor, no additional view loss is expected to occur. Due to the irregular shape of the block and topography, the entertaining area is not visible from the street due to the adjoining properties garage.

No additional view loss is expected to occur for the neighbouring dwelling at number 3 as they have existing high privacy screening along the western boundary fence and on the 1st floor elevation. The proposed structure is a flat roof which is an improvement on the existing pitched roof.

3.7 Stormwater Management

The proposed roof is over an existing paved area. There is no change to the impervious area. The new roof will be connected into the existing stormwater system via a new downpipe. Therefore there will be no additional stormwater runoff.

3.8 Waste Management

During construction, rubble and waste will be disposed of into a skip located on site. All waste will be disposed of by suitable contractors and be recycled where possible.

The proposed development will not produce additional household waste. The current household waste will continue to be dealt with according to council guidelines.

3.9 Mechanical Plant Equipment

N/A

3.10 Safety and Security

As new balustrade is proposed on the stairs to comply with BCA.

PART 4 Residential Development Controls

4.1 Residential Development Controls

4.1.2 Height of Buildings – 8.5m

No changes are proposed to the height of the existing building.

4.1.2.2 Number of Storeys

N/A

4.1.2.3 Roof Height

The proposed roof will be flat and 2.9m high.

4.1.3 Floor Space Ratio – 0.4:1

N/A.

4.1.4 Setbacks

The existing streetscape is maintained.

4.1.4.1 Street Front Setbacks

No change to existing street front setback

4.1.4.2 Side setbacks and secondary street frontages

The control requires development to be setback at least one third of the adjacent external wall of the proposed building.

The covered entertaining area does not contain any enclosed walls and approval is sought based on merit.

The proposal demonstrates that an exception to the requirements of this clause is warranted as it satisfies the objectives of this clause.

Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.

Comment

The proposed covered entertaining area will not be visible from the streetscape.

Objective 2) To ensure and enhance local amenity by:

- *Providing privacy*
- *Providing equitable access to light, sunshine and air movement: and*
- *Facilitating view sharing and maintaining adequate space between building to limit impacts on views and vistas from private and public spaces.*
- *Defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- *Facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection*

Comment

The proposed covered entertaining area will not adversely affect the neighbouring property as the neighbours have existing high privacy screening along the western 1st floor elevation. There is also an existing solid boundary wall which provides privacy between the 2 sites at the ground level. The majority of the roof will be an opening shutting louvered system which allows light and air movement. A shadow diagram has been submitted as part of this application which shows the development will not alter the current overshadowing on adjoining lots.

There will be no impact on the street scape or traffic conditions.

Objective 3) To promote flexibility in the siting of buildings

Comment

No change to the existing dwelling.

The proposal is to replace an existing pitched shade structure with a new flat opening/closing roof. This is an existing entertaining area and therefore the siting of the structure is appropriate.

Objective 4) To enhance and maintain natural features by:

- *Accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*

- *Ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space Lands and National Parks; and*
- *Ensuring the provisions of State Environmental Planning Policy No. 19 – Urban Bushland are satisfied*

Comment

There are no proposed changes to natural features or open space. The existing paved area will be reduced as a new garden is proposed under the new stairs.

Objective 5) To assist in appropriate bush fire protection zones.

Comment

Not applicable.

4.1.4.5 Foreshore Building Lines and Foreshore Area

The proposed works do not encroach beyond the foreshore building line.

4.1.5 Open Space and Landscaping

The site is area OS4 and requires Minimum of 60% open space. Of this 40% is Landscape Area.

Site Area	976.2m ²	
Minimum Open Space	60% of site (585.7m ²)	
Existing Open Space	52% (562.5m ²)	NON COMPLIANCE
Proposed Open Space	52% (562.7m ²)	NON COMPLIANCE
Minimum Landscape Area	40% of open space (234.2m ²)	
Existing Landscape Area	17% (98.1m ²)	NON COMPLIANCE
Proposed Landscape Area	18% (104m ²)	NON COMPLIANCE

The site currently does not comply with Open Space or Landscape Area requirements. The proposal is for works to an existing paved area.

A variation to this standard is therefore sought for Open Space and Landscape Area requirements given that the proposal results in no change to the existing Open Spaces.

Due to the re configuration of the stairs a new garden bed has been added. This will result in an additional 5.9m² of landscape area.

It is felt the objectives have been met due to the following:

- No important landscape features or vegetation haven been removed
- Soft landscaping has been improved with the proposal
- The existing amenity has been maintained
- Stormwater run off will not be increased
- The proposal will not cause a spread of weeds or degrade public open space
- The proposal will not effect wildlife habitat or any wildlife corridors.

4.1.8 Development on sloping sites

The property is identified as Landslide Risk Land. A Geotechnical Report has been submitted as part of this proposal.

4.1.9 Swimming Pools, Spas and Water Features

N/A.

PART 5

5.4 Environmentally Sensitive Lands

5.4.1 Foreshore Scenic Protection Area

The property rests within a Foreshore Scenic Protection area. The proposed changes are located on the eastern side balcony approximately in the middle of the site. The works will not be visible from the foreshore given the topography of the site and setback from the foreshore. The following has been considered with the proposed works;

- there will be neither loss of amenity nor overshadowing of the foreshore from the works.
- there will be no loss of view from a public place to the foreshore
- the proposal will not decrease the visual quality of the foreshore.

Threatened Species

The land is not known to contain any threatened species nor is it situated as an area of habitat for the little penguin or long nosed bandicoot.

7.0 Summary

The proposal has been designed to improve the amenity of the existing site. There will be no additional loss of privacy between neighbours.

The proposed development demonstrates substantial compliance with the objectives of Council's Development Control Plan with the exception of Open Space and Landscape Area. The new works are to an existing paved area which does not alter the existing site Open Space calculations or increase stormwater runoff.

We trust that Council will view this application favourably.

SITE PHOTOS



Neighbours
privacy
screening
on western
boundary

Existing
pergola to be
removed

Existing
stairs to be
removed

Image 2 – Looking north east showing existing neighbours privacy screen, existing stairs and pergola to be removed



Existing
brick
boundary
wall

Existing
pergola to be
removed

Image 3 – Looking south east showing existing brick boundary wall and pergola to be removed



Existing stairs
to be removed

Proposed
storage area

Image 4 –Looking north west showing proposed storage area and existing stairs to be removed