

## Contact

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<b>1</b>	<b>Introduction</b>	<b>2</b>
<b>2</b>	<b>Statutory Requirement Summary</b>	<b>5</b>
<b>3</b>	<b>Planning Controls Assessment</b>	<b>8</b>

## **1.1 INTRODUCTION**

This detailed Statement of Environmental Effects (SEE) has been prepared with respect to constructed garden access steps at 151 Darley Road Manly, DP 1109497, ("The Site").

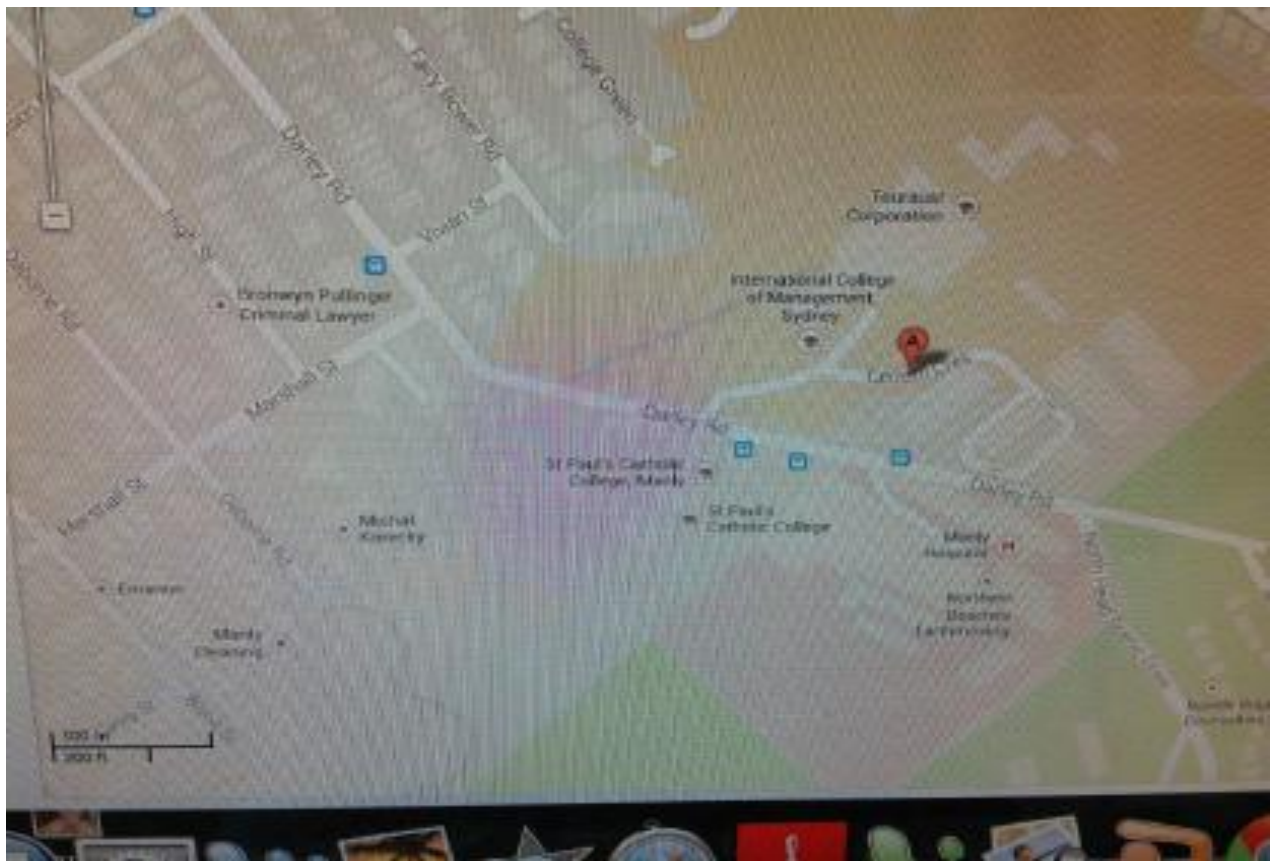
The site is situated within the Manly Shire Council Local Government Area (LGA) and is described in Land Zoning Map sheet LZN\_006; SP1 Educational Establishment. It is unclear if development consent is required for the construction of garden access steps. (see planning control assessment)

This Statement of Environmental Effects (SEE) clearly demonstrate that the steps are consistent with the provisions of the applicable State and Regional Environmental Planning Policies and Manly Shire Council Local Environment Plan, 2013, (MLEP 2013). and related specifications.

This Statement of Environmental Effects Report is structured as follows:

- The site and surrounds are described in **Section 1.2**.
- Site photographs are provided in **Section 1.3**.
- Statutory requirements are set out in **Section 2**.
- The Planning Controls Assessment in **Section 3**.

The site location is shown below:



## 1.2 SITE DESCRIPTION

“The Site” is situated on the Eastern side of constructed units “The Coast” at No 2 Cerretti Crescent Manly. “The Site” consists of open space, native gardens and natural bushland.

The surrounding neighbourhood consists of:

- Two storey apartment dwellings of approximately seven years of age.
- A college for training in the hospitality industry
- Saint Patricks Cathedral.
- Open space of parkland, native grassland and native bush.

### 1.3 PHOTOGRAPHS

Photographs of the site and the surrounding area are provided below.



Steps are located at far right units.





Saint Patricks Cathedral can be seen approximately 150m to the north.

## **2. STATUTORY REQUIREMENTS SUMMARY**

Key statutory requirements relevant to the constructed steps are summarised below:

### **2.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (NSW)**

The relevant state planning legislation is the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation, 2000*. The EP&A Act instituted a system of environmental planning and assessment in New South Wales and is administered by the NSW Department of Planning (DOP).

The EP&A Act is supplemented by a suite of Environmental Planning Instruments (EPIs), namely Local Environmental Plans (LEPs), Regional Environmental Plans (REPs) and State Environmental Planning Policies (SEPPs). The EPIs made under the EP&A Act relevant to the proposed development are discussed below.

## **2.2 LOCAL ENVIRONMENT PLAN**

The overarching planning instrument is the Manly Shire Local Environment Plan (MANLEP2013). The MANLEP2013 provides policy direction on land use, development and resource management to guide the planning of the Manly Shire towards the desired community vision.

The MANLEP2013 provides the detailed legal planning framework for development including land use zones (and land use permissibility) along with a range of controls such as height, floor space ratio, landscaping area and various environmental controls.

The aims of the MANLEP2013 are:

- “(1) This Plan aims to make local environmental planning provisions for land in Manly in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*
- (2) The particular aims of this Plan are as follows:*
- (a) in relation to all land in Manly:*
    - (i) to promote a high standard of urban design that responds to the existing or desired future character of areas, and*
    - (ii) to foster economic, environmental and social welfare so that Manly continues to develop as an accessible, sustainable, prosperous, and safe place to live, work or visit, and*
    - (iii) to ensure full and efficient use of existing social and physical infrastructure and the future provision of services and facilities to meet any increase in demand, and*
    - (iv) to ensure all development appropriately responds to environmental constraints and does not adversely affect the character, amenity or heritage of Manly or its existing permanent residential population,*
  - (b) in relation to residential development:*
    - (i) to provide and maintain a diverse range of housing opportunities and choices that encourages affordable housing to cater for an ageing population, changing demographics and all socio-economic groups, and*
    - (ii) to ensure high quality landscaped areas in the residential environment, and*
    - (iii) to encourage higher density residential development to be located close to major transport nodes, services and employment opportunities, and*
    - (iv) to maintain active retail, business and other non-residential uses at street level while allowing for shop top housing in centres and offices at upper floors in local centres,*
  - (c) in relation to business and the economy:*

- (i) *to encourage, provide and consolidate business opportunities for a range of uses in appropriate locations that support local employment, community services and economic growth in business centres and light industry zones, and*
- (ii) *to recognise that tourism is a major industry and employer in Manly and to encourage its growth and continuing viability while protecting the needs of the local community,*
- (d) *in relation to transport, infrastructure and amenities:*
  - (i) *to reduce private car dependency, increase the viability of various public transport modes, minimise conflict between pedestrians and vehicular movement systems and encourage walking and cycling while concentrating intensive land uses and trip generating activities in locations most accessible to public transport and centres, and*
  - (ii) *to provide for a range of recreational and community service opportunities to meet the needs of residents and visitors to Manly and promote the efficient and equitable provisions of public services, infrastructure and amenities,*
- (e) *in relation to heritage—to identify, protect, sustain, manage and conserve all heritage, including archaeological relics, sites and resources, places of Aboriginal heritage significance, heritage items (and their curtilages), heritage conservation areas and the cultural (natural and built) environmental heritage of Manly,*
- (f) *in relation to the natural environment:*
  - (i) *to conserve and enhance terrestrial, aquatic and riparian habitats, biodiversity, wildlife habitat corridors, remnant indigenous vegetation, geodiversity and natural watercourses, and*
  - (ii) *to promote energy conservation, water cycle management (incorporating water conservation, water reuse, catchment management, stormwater pollution control and flood risk management) and water sensitive urban design, and*
  - (iii) *to protect, enhance and manage environmentally sensitive land with special aesthetic, ecological, scientific, cultural or conservation values for the benefit of present and future generations, and*
  - (iv) *to protect existing landforms and natural drainage systems and minimise the risk to the community in areas subject to environmental hazards, particularly flooding, bush fires, acid sulfate soils, sea level rise, tsunami and landslip, and*
  - (v) *to provide a framework that facilitates and encourages measures to assist the adaptation of the local environment to mitigate the impacts of climate change, and*
  - (vi) *to give priority to retaining bushland for its own intrinsic value and as a recreational, educational and scientific resource,*
- (g) *in relation to Manly's unique harbour, coastal lagoon and ocean beach setting:*
  - (i) *to preserve and enhance the amenity of public places and areas visible from navigable water around Manly, and*
  - (ii) *to retain open space, make more foreshore land available for public access and protect, restore and enhance riparian land along watercourses and foreshore bushland."*

The steps are built to a high standard using quality materials. They promote safety by giving alternative building access in the event of an emergency. These steps do not detract from the existing amenity and are painted green and brown so that they will blend in with the existing

garden. Neighbouring properties cannot see the steps from their properties. There have been no objections from neighbours following a letterbox dropped note.

## **2.3 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

Current version for 22 February 2014 to date (accessed 12 April 2014 at 11:16)

[Part 2](#) » [Division 1](#) » [Subdivision 6](#) » [Clause 2.11](#)

### **2.11 Specified development**

*“The construction or installation of a balcony, deck, patio, pergola, terrace or verandah (whether free standing or attached to the ground floor level of a building, or roofed or unroofed) is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item or on land in a foreshore area.”*

## **3. PLANNING CONTROLS ASSESSMENT**

This following Section outlines the planning controls that are relevant to the constructed steps.

### **3.1 ZONING**

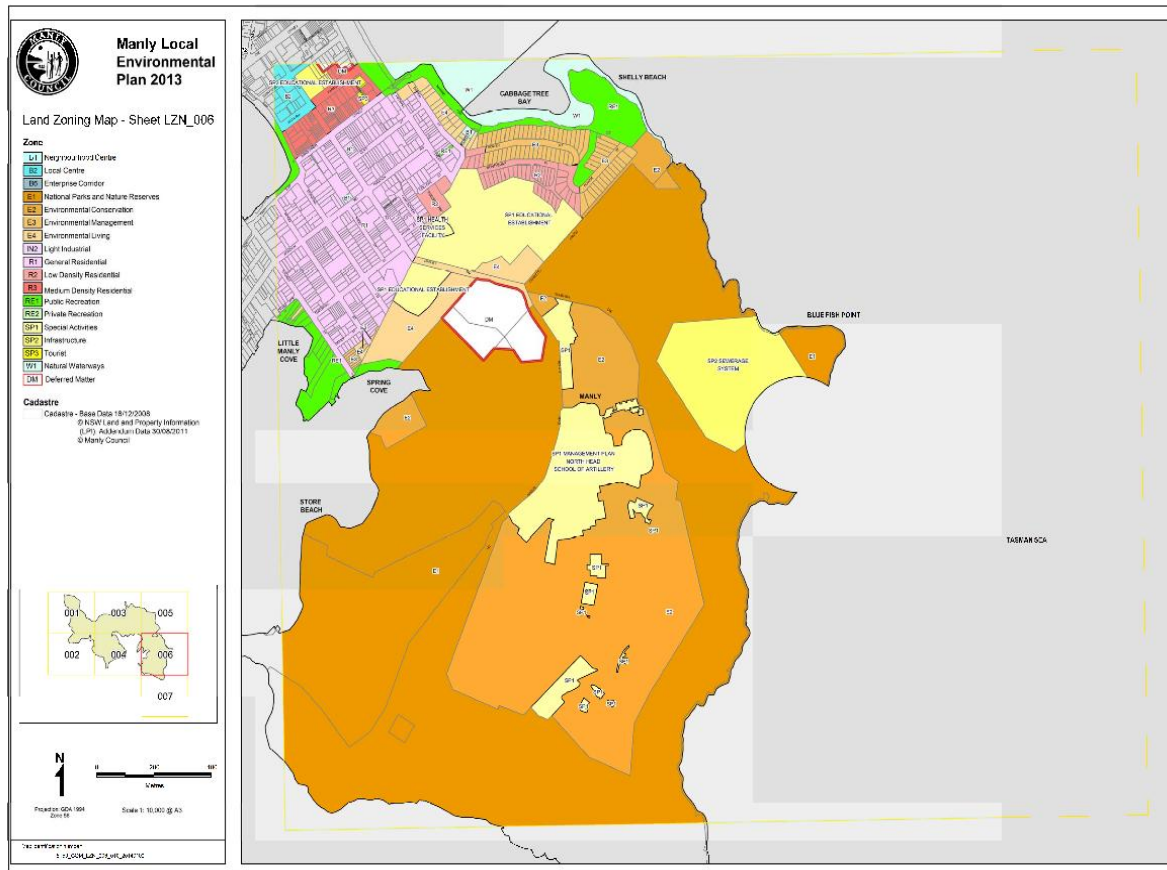
**The Site is Zoned SP1 Special Activities- Educational Establishment.**

Under the previous LEP that is, prior to 19 April, 2013 the Zoning was described as "**5(s) Special Uses – Seminary (Heritage) Zone**".

#### **Objectives of Special Activities Zone**

- *To provide for special land uses that are not provided for in other zones.*
- *To provide for sites with special natural characteristics that are not provided for in other zones.*
- *To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.*





- To conserve, enhance and restore elements of built and natural heritage items of State and local significance and permit development that is compatible with the preservation, restoration and maintenance of items of environmental heritage within the zone.
- To protect vistas to and from heritage items of local and State significance and preserve and protect the setting, consistent with the pre-eminence of principal heritage buildings when viewed from within the setting, and surrounding areas and vantage points.

## 2 Permitted without consent

*Nil*

## 3 Permitted with consent

*The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose*

## 4 Prohibited

*Any development not specified in item 2 or 3*

On the basis of this Zoning, it is assumed that the constructed steps do not qualify as part of a terrace which would normally be exempt under the state Environmental Planning policy (Exempt and Complying Development Codes ) 2008.

#### Principal development standards

**3.2** (Part 4 of the MANLEP 2013) This critical part of the legislation, is irrelevant to this structure.

#### Part 4. Principal development standards.

4.1 Minimum subdivision lot size [Not applicable \(N/A\)](#)

4.1AA Minimum subdivision lot size for community title schemes [N/A](#)

4.2 Rural subdivision [N/A](#)

4.3 Height of buildings [N/A](#)

4.3 A Special height provisions [N/A](#)

4.4 Floor space ratio [N/A](#)

4.5 Calculation of floor space ratio and site area [N/A](#)

Note: There is no definition for a step, stair or ramp in the dictionary section of the MANLEP2013.

### **3.3 (Part 6.5 ) Terrestrial biodiversity**

- (1) The objective of this clause is to maintain terrestrial biodiversity by:
  - (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.
- (2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:
  - (a) whether the development is likely to have:
    - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
    - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
  - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
  - (iv) any adverse impact on the habitat elements providing connectivity on the land, and

- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) 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 any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—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.

This is an important and relevant aspect of the MANLEP 2013.

The Site has a local population of the Long Nosed Bandicoot, *Perameles Nasuta*. The constructed steps are not enclosed, and therefore allow a thoroughfare between native vegetation that has been specifically planted to provide habitat for this animal. The steps are also a natural barrier to predators and provide shelter from the elements.

