

Space Landscape Designs Pty Ltd

ABN 60 799 663 674 ACN 139 316 251

info@spacedesigns.com.au

spacedesigns.com.au

P 02 9905 7870

F 02 9905 7657

Suite 138, 117 Old Pittwater Rd
Brookvale NSW 2100

PO Box 4178
North Curl Curl NSW 2099

REVISED STATEMENT OF MODIFICATION

To Development Application 148/2014

No. 4 LAURA STREET, SEAFORTH NSW 2092

Prepared on behalf of Marcelle Carr

Prepared by Amanda Elboz
Space Landscape Designs Pty Ltd

6th August 2020

We seek to modify the approved Development Application DA 148/2014 under the provisions of Section 4.55 (1A) of the Environmental Planning and Assessment Act, 1979.

Additional information is provided below to be submitted with the application in consideration of 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. It has also been assessed against requirements of the Manly LEP and DCP.

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 timber 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 modification was approved in 2019.

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.

2.0 Proposed Modifications

The proposed modifications are all external and located in the rear of the site within the harbour Foreshores Area.

A summary of the proposed modifications include the following:

- a. Relocate approved stairs from the western side of the foreshore to the eastern side to ensure the sandstone floaters at the water front are not disturbed as per condition ANS18
- b. Approved sea-wall lowered by 400mm and timber ramp lowered to a level deck
- c. Alter layout of approved retaining walls and storage shed to suit levels

3.0 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 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 modified retaining walls, relocated stairs and lowered sea wall is to be constructed to engineers specifications so it will be able to withstand current and projected coastal hazards. A Geotechnical Report accompanies this modification which confirms the proposed changes do not cause an increase in risk of coastal hazards.

There will be no adverse impacts on the land or other land subject to the incorporation of standard erosion and sedimentation controls.

4.0 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 modifications are minimal and consistent with the approved plans. The relocation of stairs is due to ensuring the sandstone floaters are not disturbed as per condition ANS18. The lowering of the sea wall and timber deck are an improvement to the current approved walls as it ensures the structures do not dominate the natural scenic qualities of the foreshore. It also provides a level access path from the inclinators.

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 modifications 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 by the proposed modified works.

- (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

The proposed modifications works will not have any unreasonable impacts to the visual amenity of the harbour.

- (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

The changes proposed are minimal and consistent with the approved DA. 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

The relocation of the stairs will improve the scenic quality as it allows the continuation of natural landscape and vegetation along the western side of the site. The proposed stairs will be curved being less obtrusive.

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 modification will not have any adverse impacts on views to or from public places or Sydney Harbour.

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. There is currently no public access.

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

Comment

The modified sea wall, stairs and retaining walls are to be constructed to engineers specifications and will not pose a threat to public safety.

- (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

No beach or adjacent beach will be effected. The modified 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 modified development:

CI 4.3 Height of buildings

Standard 8.5m	Proposed N/A
-------------------------	------------------------

CI 4.4 Floor Space Ratio

Standard 0.4:1	Proposed N/A
--------------------------	------------------------

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 modifications will not have any adverse impacts on views to or from public places or Sydney Harbour.

Similarly, the modification 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 modification will further protect the rocky foreshore habitat. Relocation of the stairs moves them to the eastern side boundary away from the rocky outcrop and small native fig and Pittosporum. 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 proposed modification will not have any unreasonable impacts to the visual amenity of the harbour or foreshore. It will not increase overshadowing or any loss of views.

CI 6.10 Limited development on the foreshore

The modified works are consistent with the approved works with altered layout of walls and relocation of stairs. The proposed modification will not have any unreasonable impacts to the visual amenity of the harbour or foreshore. There is no public access from the foreshore area.

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

3.2 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 modified works will not have any adverse impacts on views to or from public places or Sydney Harbour.

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 minor changes to the approved planting plan due to relocation of walls. No species have changed and planting has overall increased due to relocation of stairs.

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.

3.4.2 Privacy and Security

The modified works will not cause any additional impacts on privacy. The site currently has access stairs located on the eastern boundary. The modified stairs have a minimum setback of 750mm so is an improvement to the current layout.

3.4.2.3 Acoustical Privacy

The modified works will not cause any increase in noise.

3.4.3 Maintenance of Views

The modified works will not cause any loss of view. The sea wall height and timber decking has been lowered which is an improvement to the current approval.

3.7 Stormwater Management

No change.

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.

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

N/A

4.1.3 Floor Space Ratio – 0.4:1

N/A.

4.1.4 Setbacks

4.1.4.1 Street Front Setbacks

N/A

4.1.4.2 Side setbacks and secondary street frontages

The proposed location of stairs will be a minimum of 750mm from the side boundary at the top landing. The stairs will follow the existing ground level maintaining solar access and privacy impacts to the adjoining site.

The existing stairs are located on the eastern boundary therefore the modification will be a visual improvement to the current site.

4.1.4.5 Foreshore Building Lines and Foreshore Area

The modified works are consistent with the original approval for works located past the foreshore building line.

4.1.5 Open Space and Landscaping

The modified works does not alter the approved Open Space and Landscaping area.

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.

PART 5

5.4 Environmentally Sensitive Lands

5.4.1 Foreshore Scenic Protection Area

The property rests within a Foreshore Scenic Protection area. The modified works are consistent and similar to the previously approved DA. The scenic quality of the site will be improved due to the following changes:

- The lower sea wall will reduce the visual bulk of the wall
- The timber ramp will be replaced with a level, lower timber deck reducing the built form
- The relocation of the stairs ensures the sandstone floaters and native vegetation is preserved. It will also provide a continuation of natural landscape and vegetation along the western side of the site.
- The modified stairs are curved and provide direct access.
- The storage shed is slightly smaller and less visual
- The modification will not cause a loss of view from a public place to the foreshore
- The modification will improve the landscape setting and 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.

5.0 Conclusion

The modifications will not result in any 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 relocation of the stairs ensures the sandstone floaters and native vegetation is preserved.

The result will be an improvement to the site when viewed from Middle Harbour. The relocation and angle of the curved stairs will reduce the built form of the approved larger external stairs which will improve the landscape setting and visual quality of the foreshore.

The modifications are deemed to be consistent with the objectives of Manly LEP 2013 and Manly DCP 2013, relevant EPI's and the Environmental Planning and Assessment Act 1979.

We trust that Council will view this modification favourably.

SITE PHOTOS



Existing rock and vegetation to be preserved by relocation of stairs



Existing stairs located on the eastern foreshore boundary