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STATEMENT OF MODIFICATION

SECTION 4.55 (2) **Modifications - Other**

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 May 2019

We seek to modify the approved Development Application DA 148/2014 under the provisions of Section 4.55 (2) of the Environmental Planning and Assessment Act, 1979. Modified Plans and Geotechnical accompany this application.

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.

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



Image 1 –Courtesy of Northern Beaches Council

2.0 Locality and Planning

The site is located within Manly Council. The proposed modifications have been prepared in accordance with Manly Local Environmental Plan (LEP) 2013 and Manly Development Control Plan (DCP) 2013.

3.0 Proposed Modifications

The proposed modifications are all external and located in the rear of the site.

A summary of the proposed works include the following:

- To remove existing boat shed and timber logs and replace with new sea wall
- Section of existing retaining wall removed and replaced with storage shed
- Approved stairs removed and replaced with timber ramp
- Construct a new inclinator on the western side of the site and alter parts of the retaining wall to suit.



Image 2 showing existing boat shed to be removed and new sea wall

4.0 Planning Controls

The subject site is zoned Residential Density Area D9. The proposed development is permissible within the zone, with consent from the consent authority.

The site is zoned as follows:

Residential Open Space and Landscape Area OS4
Geotechnical Landslip Hazard Areas G1
Not on Bush Fire Prone Land
Site does not contain endangered species
Foreshore Scenic Protection Area

5.0 Impact of the Modification

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

Minimum subdivision lot size	- Not applicable
Height of buildings	- Not applicable
Floor Space Ratio	- Not applicable
Acid Sulfate Soils	- The site is Class 5 land. The proposal will not lower the water table to below 1 metre and therefore not likely to impact upon Acid Sulphate Soils.

Landslide Risk

The property is identified as Geotechnical Landslip Hazard Areas G1. A revised Geotech Report has been provided. The report considers the modifications to be minor and do not alter the recommendations or the risk assessment in the original report.

Foreshore Scenic Protection Area

The rear of the site is located within the Foreshore Building Line. The development within the foreshore area is for landscaping and access down to the jetty. The modifications are minor with small adjustments to approved walls and decks. The removal of stairs will improve the foreshore creating a more landscaped site. The new storage shed will be recessed into the existing terraces with only the front access doors visible.

6.0 Manly Development Control Plan 2013

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

Part 3 – General Principles of Developments

3.1 Streetscape

The modifications are located in the rear of the site and will have no impact on the streetscape.

3.2 Heritage Considerations

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

3.3 Landscaping

3.3.1 Landscape Design

The modifications will improve the landscaping of the site especially when viewed to and from Middle Harbour. A large section of stairs have been removed which reduces the bulk of the built structures. Landscaping will become more dominate when viewed from Middle Harbour.

3.3.2 Preservation of Trees or Bushland

No trees are required to be removed as part of the modifications.

The extended walls will be sandstone clad and modified timber decking is sympathetic to the natural environment and consistent with the character of the foreshore area and surrounding properties.

3.4 Amenity

The modifications will not result in any loss of sunlight, privacy or views to neighbours.

The new inclinator will provide the owners and visitors with safe access to different levels throughout the site.

The existing boat shed must be removed due to the old jetty being conditioned to be removed with construction of the new jetty. The location of the new shed is behind the new jetty for convenient storage of boating equipment.

The modification will not affect sunlight or overshadowing being close to existing ground levels and located in the lower rear back yard.

As per previous approval, the modifications will not cause any obstruction to any existing views on neighbouring properties.

3.5 Sustainability

3.5.1 Solar Access

The modification will not affect solar access.

3.5.2 Energy Sources and Systems

N/A

3.5.3 Ventilation

N/A

3.5.4 Energy Efficient Appliances

The noise level from the inclinator will not exceed 5D(b)A above background noise.

3.5.5 Landscaping

Locally occurring native plants species have been used for the majority of increased plantings to ensure low water requirements.

3.6 Accessibility

The proposed inclinator will provide an improved level of access from the house to various levels of the site. It will provide easy access to the new jetty for elderly and less mobile family and guests.

3.7 Stormwater Management

No change is proposed to the approved.

All new retaining walls will be constructed to engineer's details and connected into the existing SW system. The decks are open slate construction over pervious land below. Therefore the modifications will not cause any additional stormwater runoff.

3.8 Waste Management

No change is proposed to the approved development.

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.

3.9 Mechanical Plant Equipment

No change is proposed to the approved development.

3.10 Safety and Security

No change is proposed to the approved development.

Part 4 – Development Controls

4.1 Residential Development Controls

N/A

4.1.2 Height of Buildings

N/A

4.1.3 Floor Space Ratio

N/A

4.1.4 Setbacks

Front – N/A

Side – Deck to be minimum 1.7m from western side boundary. Proposed storage shed is to be minimum of 3.5m from the eastern side boundary.

4.1.5 Open Space and Landscaping

No change is proposed to the approved Open Space and Landscaping below.

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)	
Minimum Landscape Area	40% of open space (234.2m ²)	
Proposed Open Space	62% (603m ²)	COMPLIES
Proposed Landscape Area	4% (21m ²)	NON COMPLIANCE

4.1.6 Parking

N/A.

4.1.7 First Floor and Roof Additions

N/A.

4.1.8 Development on sloping sites

It is considered the proposed design modifications responds to the steeply sloping site. Decks have been used to reduce cut and fill and stairs have been removed. The terraces have been kept to a minimum width to reduce the size of the walls.

The inclinator will only involve excavation for the concrete support piers. Excessive excavation has been avoided by designing the structure to be close to existing ground levels.

4.1.9 Swimming Pools and Spas.

No change.

4.1.10 Fencing

N/A

4.4.5 Earthworks

The proposed modifications to approved walls maintain the natural ground level within 900mm of the side boundary. The modification will require minimal excavation for the 5.3m² storage shed.

Part 5 – Special Character Areas and Sites

5.4.1 Foreshore Scenic Protection Area

The property rests within a Foreshore Scenic Protection area. The modifications do not include any changes to the existing dwelling.

The following has been considered with the modified 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 improve the visual quality of the foreshore. A large section of stairs have been removed which reduces the bulk of the built structures. Landscaping will become more dominate when viewed from Middle Harbour.
- the modified retaining walls will be non reflective sandstone cladding which colour and texture blend with the natural environment and is in keeping with surrounding properties.
- the new storage boat shed will extend approximately 5.2m² back into the site which is minimal with only the doors visible. These will be timber to blend in with the natural environment.

7.0 Summary

The modifications have been designed to improve the amenity of the existing site. It will provide a safe access way through the property and allow easy access to the new jetty via an inclinator for elderly and less mobile family and guests.

The result will be an improvement to the site when viewed from Middle Harbour. The unsympathetic timber log retaining walls will be replaced by new sandstone clad masonry walls which will contribute to a more natural bushland character. The removal of the approved stairs will reduces the bulk of the

built structures. Landscaping will become more dominate when viewed from Middle Harbour. The height and size of walls have been designed to better suit the topography of the site.

Given the nature of the proposed modifications and the existing approval for the site, it is considered the modifications sought will have no significant impact on the adjoining properties and foreshore.

As detailed above, the characteristics of the modifications are essentially the same as the development for which the development consent was originally granted. The reasons for this include:

- The proposal retains a residential use development on the site
- Building setbacks have not been altered by this proposal
- There is no change to the landscape area calculations
- Approved walls have been slightly extended due to removal of stairs

In consideration of the above, it is concluded that the proposal is substantially the same development that was approved by council initially, and as such satisfies the '*substantially the same development test*' under Section 4.55(2) of the Environmental Planning & Assessment Act, 1979.

The modifications are consistent with the objectives of Manly LEP 2013 and Manly DCP 2013. We trust that Council will view this application favourably.