

Statement of Environmental Effects

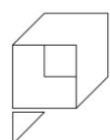
Remedial Works

93 West Esplanade, Manly




Prepared by Paro Consulting for SP 100464

April 2025



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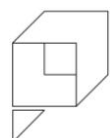
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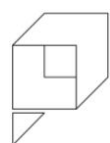
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1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by Paro Consulting on behalf of SP 8518 and submitted to Northern Beaches Council, in support of a Development Application (DA) at 93 West Esplanade, Manly (the site). The DA seeks approval for remedial building work including reconstruction of a bay window footing of unit 1 of an existing residential flat building.

This report describes the site and locality, background, describes the proposal and identifies the statutory planning framework and key planning considerations, section 4.15 assessment and provides a conclusion. The application is recommended for approval given the following reasons:

- The proposed development is consistent with the aims and objectives of the Manly Local Environmental Plan 2013 (Manly LEP) and Manly Development Control Plan 2013 (Manly DCP);
- The proposal includes remedial works which improves the structural integrity of the building;
- There will be no adverse environmental impacts to the surrounding built form or natural environment; and
- The proposed development is suitable for the site and is in the public interest.

2. Site Analysis

2.1 Site Location

The site is located at 93 West Esplanade, Manly and lawfully described as Lot 1 of SP8518 that is located within the Northern Beaches Local Government Area. Refer to Figure 1 for an aerial image of the site.



Figure 1. Map of the site (source: NSW Planning Portal)



2.2 Site Description

The subject site is generally rectangular in shape with a splayed frontage and situated on the northern side of West Esplanade.

The site is occupied by an existing three storey residential flat building including eight apartments with carparking area and a total site area of 617.3m² based on the site survey. The site has pedestrian access and vehicular access from West Esplanade.

The following photographs depict the site and the area of works.



Figure 2. Streetview of the Site (April 2025)

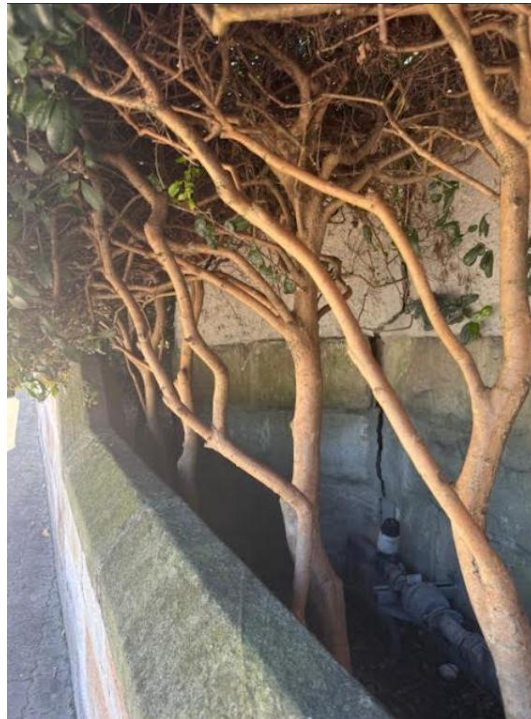


Figure 3 & 4. Photo of the bay window, vegetation and lower wall (April 2025)



3. Background

A search of Council's DA tracker rendered no recent relevant applications in relation to the subject proposal.

4. The Proposal

It is proposed to replace the subsided footing supporting the sandstone wall around the base of the southern bay window of Unit 1.

It is proposed to remove and replace the existing hedge located in close proximity to the bay window in order to facilitate the work herein.

It is proposed to install needles beneath the existing timber framing by removing two sandstone blocks from beneath the bay window. This will also include the careful removal of the sandstone footing, clean the mortar from the sandstone and store on site for reinstatement of the footing construction.

The proposal includes relaying the sandstone blocks to the underside of the existing wall of the bay window. Further, in order to facilitate the footing replacement works, allow to partially remove and re-build the sandstone boundary wall.

The proposal includes painting the interior of the bay window within Unit 1 to match existing.

Refer to architectural drawings prepared by Arcanary Architects.



5. Environmental Planning Assessment

5.1 Section 1.3 of EP&A Act 1979 - Objectives

The Environmental Planning and Assessment Act 1979 (the EP&A Act 1979) is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the EP&A Act 1979 are as follows:

“(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(d) to promote the delivery and maintenance of affordable housing,

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

(g) to promote good design and amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment”.

For the reasons set out below, it is considered that the proposal satisfies the above stated objectives of the EP& Act 1979:

- The proposal will result in the orderly and economic use and development of land and enable remedial works to the building.
- The proposal would also be consistent with the objectives of the zone, relevant EPIs and development standards.
- There will be no unreasonable adverse impacts on the environment or neighbouring properties as a result of the proposal.
- The character and nature of the proposal is consistent with the existing and emerging surrounding character.

5.2 Section 4.15 of EP&A Act 1979 – Evaluation

Section 4.15(1) of the EP&A Act 1979 specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the EP&A Act 1979 are addressed in the Table below.



Table 1. EP&A Act 1979 - Section 4.15 (1) Assessment

Clause	Assessment
<i>1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application: (a) the provisions of:</i>	
<i>i) any environmental planning instrument</i>	An assessment has been provided against SEPP (Resilience and Hazards) 2021, SEPP (Sustainable Buildings) 2022, SEPP (Biodiversity and Conservation) 2022 and the Manly LEP 2013 and in part 5 of the SEE.
<i>ii) any draft environmental planning instrument that is or had been placed on public exhibition and details of which have been notified to the consent authority, and</i>	Not applicable as no draft environmental planning instruments are applicable to the assessment of this proposal.
<i>iii) any development control plan</i>	The proposal has been considered against the provisions of the Northern Beaches DCP in part 5 of the SEE.
<i>(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and</i>	The DA is not subject to a planning agreement.
<i>iv) any matters prescribed by the regulations that applied to the land to which the development relates</i>	This report considers the environmental consequences of the development as required under Part 3 Division 1 of the Environmental Planning & Assessment Regulation 2021. There are no prescribed matters, which hinder the development. The proposal is in accordance with the relevant State Environmental Planning Policies.
<i>v) any coastal zone management plan (with the meaning of the Coastal Protection Act 1979)</i>	There are no coastal zone management plans relevant to the application.
<i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The proposal will not result in any adverse amenity impacts upon any adjoining properties, will have a suitable streetscape presentation, and protect the landscape setting of the site. The proposal will not result in any adverse social or economic impacts on the locality.
<i>(c) the suitability of the site for the development,</i>	The land is appropriately zoned to permit the development and the development meets the objectives of the zone and the Manly LEP 2013.



<i>(d) any submissions made in accordance with this Act or the regulations,</i>	It is envisaged that any submissions made in relation to the proposal will be appropriately assessed by Council.
<i>(e) the public interest.</i>	The public interest would be served by approval of this development. It is considered that the development is consistent with Council's policies and does not result in any unreasonable impacts. Under the circumstances of the case, it is considered that the development is acceptable and should be supported.

5.3 Provisions of Any State Environmental Planning Instrument

An assessment is provided in the section of the SEE against the relevant state environmental planning instruments, which apply to the site in considered within Section 4.15(1) of the EP&A Act 1979.

5.3.1 SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

Chapter 2 – Coastal Management of the SEPP (Resilience and Hazards) 2021 (former SEPP (Coastal Management) 2018) gives effect to the objectives of the Coastal Management Act 2016 from a land use planning perspective, by specifying how development proposals are to be assessed if they fall within the Coastal Zone. The subject site is located wholly outside of the Coastal Environment Area (Section 2.10) and the Coastal Use Area (Section 2.11). On this basis, no further consideration is required under Chapter 2 of the Resilience and Hazards SEPP 2021.

Chapter 3 – Hazardous and offensive development

The provisions of Chapter 3 Hazardous and offensive development of the SEPP (Resilience and Hazards) 2021 have been considered in the assessment of the development application. The proposal relates to remedial building work that includes cut and fill earthworks on the subject site. All fill material used in the excavated areas is obtained from the site and as such the works are not considered potentially hazardous or offensive development.

Chapter 4 – Remediation of Land

The provisions of Chapter 4 Remediation of Land of the SEPP (Resilience and Hazards) 2021 have been considered in the assessment of the development application. The proposal relates to minor excavation to replace an existing building footing of an existing residential apartment building located within an area that has a long residential history. Further, no historical uses that are associated with land contamination have been identified at the site. Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under the SEPP.

5.3.2 SEPP (Sustainable Buildings) 2023

The proposed remedial work is not BASIX affected development and as such a BASIX Certificate is not required.

5.3.3 SEPP (Housing) 2021

Chapter 4 Design of residential apartment development

Chapter 4 is not applicable to the development as the remedial works do not alter the existing apartment layout.



5.3.4 SEPP (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in Non-Rural Areas (former Vegetation SEPP 2017)

The aims of Chapter 2 – Vegetation In Non-Rural Areas (former Vegetation SEPP 2017), are:

- “(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation”.*

The proposal does not involve the removal of a declared prescribed tree all works are located outside the TPZ of trees located on adjoining sites. The proposal includes the replacement of an existing hedge are therefore considered acceptable with regards to Chapter 2 Vegetation in non-rural areas of the SEPP (Biodiversity and Conservation) 2021.

5.4 Manly LEP 2013

The Manly Local Environmental Plan 2013 (Manly LEP 2013) is the primary planning instrument applicable to the subject site. The following table provides applicable clauses from the Manly LEP 2013.

Table 2. Manly LEP 2013 – Compliance Table

Clause	Assessment	Comply
Part 1 Preliminary		
1.2 Aims of the plan	The proposal does not contravene the aims of the plan.	Yes
Part 2 Permitted or prohibited development		
R1 General Residential Zoning Objectives <ul style="list-style-type: none"> <i>To provide for the housing needs of the community within a medium density residential environment</i> <i>To provide a variety of housing types within a medium density residential environment</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents</i> <i>To encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment</i> <i>To encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination</i> 	The existing residential use is maintained and the height and scale of the building is not altered by the proposal. The development remains consistent with the desired future character of the locality. The proposal does not contravene the objectives of the zone.	Yes
Part 4 Principal Development Standards		
4.1 Minimum Lot Size - 250m ²	There is no change the existing lot size.	N/A



Clause	Assessment	Comply
4.3 Height of Buildings - 11m	The proposed works relate to a subterranean footing which will not results in works above a height of 11m.	Yes
4.4 Floor Space Ratio - 0:75:1	The proposed remedial works do not alter the approved FSR.	No change
4.6 Exceptions to development standards	Not Applicable	N/A
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	The site is not identified as a heritage item or within a heritage conservation area and there are not heritage items within vicinity to the site.	Yes
5.21 Flood Planning	The site is not identified as being flood affected.	N/A
Part 6 Additional local provisions		
6.1 Acid Sulfate Soils Class 5	The subject site is within a Class 5 area as specified in the Acid Sulfate Soils Map. The depth of excavation does not trigger the requirement of any acid sulfate soil testing.	Yes
6.2 Earthworks Part 6.2(1) requires Council to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The proposal include the minor earthworks that includes excavation along the southern boundary that will be infilled once remedial works are complete. The extent of minor excavation is considered acceptable and consistent with Clause 6.2.	Yes
6.4 Limited Development on the Foreshore Area	The site is not located in the foreshore area	N/A
6.9 Foreshore scenic protection area - Yes	The land is located in a foreshore scenic protection area. The proposed remedial works will not detrimentally impact the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore or result in any loss of views from a public place to the foreshore.	Yes

5.5 Northern Beaches DCP 2015

An assessment of the proposal is provided in the table below against the relevant provisions of the Northern Beaches Development Control Plan 2015 (Woollahra DCP).



Table 2. Manly DCP 2015 – Compliance Table

Design Criteria	Assessment	Comply
Part 3		
3 General Principles of Development		
3.1 Streetscape and Townscapes	The proposal does not alter the visual presentation of the building to the streetscape or townscape.	Yes
3.2 Heritage Considerations	The site is not heritage listed or in a conservation area.	N/A
3.3 Landscaping	No change to landscaping.	Yes
3.4 Amenity (Views, Overshadowing, Privacy, Noise/Vibration, Odours/Fumes)	No impact upon amenity given no change to the proposed built form.	Yes
3.5 Sustainability (Energy Efficiency, Thermal Performance, Water Sensitive Design)	SEPP (Sustainable Buildings) not applicable.	Yes
3.6 Accessibility	No change to accessible.	Yes
3.7 Stormwater Management	No change to the existing stormwater follows or	Yes
3.8 Waste Management	A waste management plan has been prepared and included with the DA.	Yes
Part 4		
4 Development Controls and Development Types	The proposed reconstruction of the bay window footing does not alter the built form or landscaped area at the site.	No change.
4.1 Residential Development Controls		
4.4.5 Earthworks (Excavation and Filling) <u>4.4.5.1 General</u> a) Earthworks must be limited to that part of the site required to accommodate the building and its immediate surrounds to protect significant natural features of the site including vegetation and prominent rock outcrops. b) Natural and undisturbed ground level must be maintained within 0.9m of side and rear boundaries. c) On steeply sloping sites, pier and suspended slab or an equivalent non-invasive form of construction technique must be used to minimise earthworks and vegetation loss and retain natural features. d) Excavation under the canopy of any tree (including those on neighbouring properties) will only be permitted providing its long-term survival and stability is not	It is proposed to replace the subsided footing supporting the sandstone wall around the base of the southern bay window of Unit 1 and results in minor excavation. The extent and location of excavation is considered to be acceptable.	Yes



<p>jeopardised. Such Excavation must be supported by an Arborist report.</p> <p>e) Approved sediment, siltation and stormwater control devices must be in place (and maintained) prior to and during the carrying out of any earthworks and other works on the site.</p> <p><u>4.4.5.2 Excavation</u></p> <p>a) Excavation is generally limited to 1m below natural ground level with the exception of basement parking areas (which will be contained within the footprint of the building) and swimming pools;</p> <p>b) A dilapidation survey report and geotechnical assessment may be required for Excavation works exceeding 1m. Dilapidation survey reports are to include photographic survey of the physical condition of adjoining properties, both internally and externally, including walls ceilings, roof, structural members and other such items. Such records are to provide proper record in relation to the proposed development to particularly assist in any dispute over damage to adjoining proposed arising from the works. It is in the interests of applicants and adjoining landowners for it to be as full and as detailed as necessary commensurate with the nature of the proposed development.</p>		
Part 5		
5 Special Character Areas and Sites	The site is not located in a special character area or site.	N/A

6. Conclusion

The proposed reconstruction of the bay window footing of unit 1 of an existing residential flat building at 93 West Esplanade, Manly has been assessed in accordance with Section 1.3 and 4.15 of the EP&A Act 1979. The proposal is considered to uphold the objectives of the EP&A Act 1979 and consistent with the relevant state environmental planning instruments, the Manly LEP 2013, the Northern Beaches DCP, results in an acceptable environmental impact, suitable for the site and in the public interest.

The proposed remedial works will increase the safety and longevity of the building and considered satisfactory from an environmental planning perspective and warrants the support of Council

