

## **Statement of Environmental Effects**

demolition of existing structures and  
construction of a two storey dwelling and  
swimming pool

**44 Campbell Parade, Manly Vale**

Client

Project No.

Document Type

Document Author

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Statement of Environmental Effects

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## EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared to support an application for demolition of existing structures and construction of a two storey dwelling and swimming pool at 44 Campbell Parade, Manly Vale.

The objective of the development proposal is to deliver a compact multi-generational residence that responds to site constraints and takes advantage of bushland outlook in a manner encouraged by the zone objectives and planning controls.

Key aspects of the proposal which include demolition of the existing dwelling, minor tree removal, and construction of a two-storey dwelling with integrated garage, and swimming pool. Ancillary landscaping and drainage works are also proposed.

Our assessment finds that the development proposal is entirely consistent with relevant environmental planning instruments and closely aligns with the objectives and controls contained within relevant planning guidelines, with minor and justifiable variations to front and rear setback controls.

We have provided commentary on core assessment matters including impact on neighbour amenity and suitability of the proposed building form and arrangement. This report sets out the merits of the proposal in relation to these assessment matters.

Based on our evaluation of the proposal against relevant planning instruments and our detailed consideration of the environmental impacts, we conclude that the proposal is worthy of approval.

# 1. INTRODUCTION

This Statement of Environmental Effects has been prepared to support an application for demolition of existing structures and construction of a two storey dwelling and swimming pool at 44 Campbell Parade, Manly Vale.

The objective of the development proposal is to deliver a compact multi-generational residence that responds to site constraints and takes advantage of bushland outlook in a manner encouraged by the zone objectives and planning controls.

Key aspects of the proposal which include demolition of the existing dwelling, minor tree removal, and construction of a two-storey dwelling with integrated garage, and swimming pool. Ancillary landscaping and drainage works are also proposed.

The purpose of this document is to evaluate the proposal against relevant planning instruments and to provide a planning assessment of its environmental impacts, as required by section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

## 2. SITE AND CONTEXT

This section describes the characteristics of the land and evaluates the constraints and opportunities presented by the site which have informed and influenced the proposal. Here we also describe the characteristics of the locality which have been considered in developing the proposal.

### 2.1. SITE DESCRIPTION

The site is located at 44 Campbell Parade, Manly Vale and the land is legally described as Lot 2 in DP 27009. An aerial photograph with the site in yellow outline is provided at Figure 1.

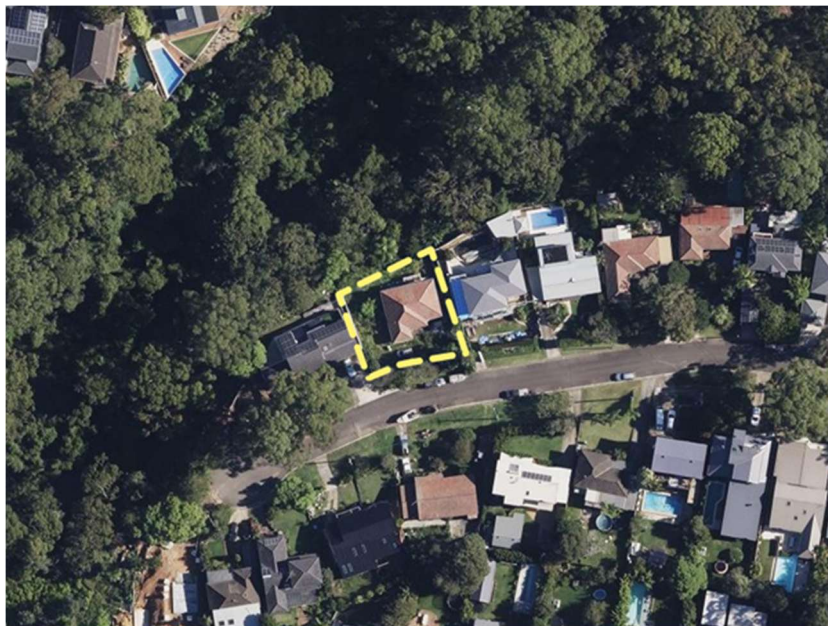


Figure 1 | Aerial image  
(Source: NSW Govt.)

#### 2.1.1. Site Characteristics

The site is an irregularly shaped lot with a ~24m frontage to Campbell Parade and an average site depth of ~24m. The site area is 556sqm. The land falls from Campbell Parade to the rear boundary.

A Survey Plan illustrating site dimensions and contours is included at **Appendix A**.

The site contains a single-storey residence with a small rear balcony and a concrete terrace in the rear yard. The street-facing wall of the residence is ~4.9m from the front property boundary. There is no formalised parking area on site.

Vegetation at the site consists of a handful of trees and shrubs in the front setback zone. There are no substantial trees or noteworthy vegetation within the rear yard or on adjoining residential land near property boundaries.

Stormwater runoff appears to be collected and discharged to the reserve downslope of the property.

Site images are supplied at Figures 2 to 5.



Figure 2 | Site from Campbell Street



Figure 3 | View of front of dwelling



Figure 4 | Rear of dwelling



Figure 5 | Rear courtyard & balcony

## 2.1.2. Site Constraints

### Bushfire

The site is mapped as “bushfire prone land”. A Bushfire Risk Assessment Report is supplied with the application. Standard conditions concerning construction requirements and implementation of an asset protection zone (APZ) are anticipated to ensure compliance with the NSW RFS publication *Planning for Bushfire Protection 2019* (PBP).

### Landslip risk

The site is mapped as “Area B – Flanking Slopes 5 to 25 degrees” on the Landslip Risk Map. A geotechnical consultant has evaluated site conditions and has prepared a Geotechnical Report which sets out recommendations for site works and footing design.

This report and supporting documentation explain how the proposal responds to site constraints.

## 2.1.3. Site Opportunities

### Aspect

The site has a northern aspect with a pleasant outlook toward the adjoining bushland reserve. The proposal seeks to take advantage of this outlook and northern aspect by orienting living room windows and the principal private open space to the north.

This report and supporting documentation explain how the proposal is designed to leverage site opportunities.

## **2.2. LOCALITY DESCRIPTION**

The site is situated within Northern Beaches Local Government Area in the suburb of Manly Vale.

### **2.2.1. Land Use**

Land use in the immediate locality is characterised by low density residential development consisting primarily of free-standing dwellings. Manly Creek meanders through the public reserve adjoining the site to the north.

The Manly Value local centre is ~750m to the south-east.

### **2.2.2. Building Form**

Building scale in the immediate locality is characterised by single to two-storey dwelling houses.

Front and rear setbacks are variable though generally allow for meaningful landscaping. Consequently, the streetscape has a pleasant garden / landscape character.

Architectural styles are varied. Older housing stock generally consists of face-brick external walls and pitched, tile-clad roofs. The external materials adopted for contemporary housing stock includes rendered masonry or weatherboard-clad walls and metal-clad roofs.

### **2.2.3. Adjacent Development**

Adjacent development is described as follows:

- **46 Campbell Parade**

The site adjoining to the west has a similarly shallow lot depth. The site contains a two-storey dwelling with integrated double bay garage.

According to survey information, the dwelling is ~3.5m from its rear boundary and ~1-2m from the eastern side boundary. There are no windows on the eastern elevation of the dwelling opposing the subject site.

We understand the principal private open space consists of a ground level terrace on the northern side of the dwelling and a lawn area at the western corner of the site.

Photographs of the property are supplied at Figure 6 and 7.

- **42 Campbell Parade**

The site adjoining to the east has a slightly more conventional lot configuration. The site is oriented to Campbell Parade and contains a two-storey dwelling with an integrated carport.

The front edge of the carport is ~450mm from the western side boundary. The external wall of the dwelling is ~1.3-1.7m from the western side boundary. Survey information shows a window opening at ground level on the western elevation. That window was shuttered during our site inspection.

We understand the principal private open space consists of a paved terrace on the northern side of the dwelling and a pool and detached cabana in the rear yard.

Photographs of the property are supplied at Figure 8 and 9.

The building arrangement and orientation responds to the siting and location of neighbouring development and is sited and designed to minimise adverse impact on neighbour amenity.



Figure 6 | No. 46 Campbell Pde



Figure 7 | No. 46 Campbell Pde (side elevation)



Figure 8 | No. 42 Campbell Pde (side elevation)

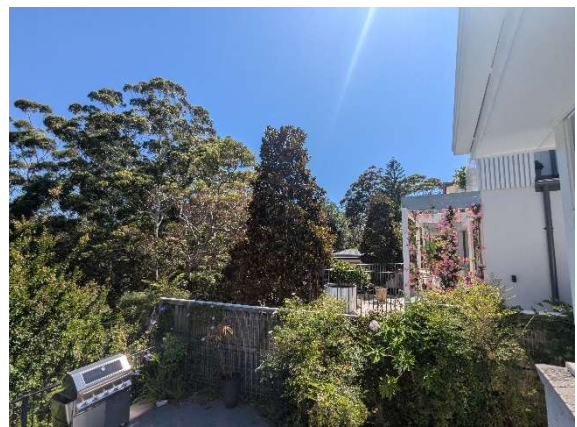


Figure 9 | No. 42 Campbell Pde (rear terrace)

## **3. PROPOSED DEVELOPMENT**

This section provides a description of the proposal and should be read in conjunction with accompanying architectural plans. Here we endeavour to explain how the proposal has been designed to work with site constraints and optimise site opportunities.

### **3.1. USE**

#### **3.1.1. Dwelling house**

The application proposes the construction of compact multi-generational “dwelling house” to accommodate the client and her son and his partner.

A home that is designed to allow cohabitation is particularly important in this case as the client is of retirement age and her son and his partner both suffer from a chronic illness – this family unit depends on each other for regular care and support.

The internal program is arranged such that the client and her son and partner can live in the same dwelling with a sense of privacy and separation. The client will occupy the western end of the floorplate while her son and his partner will occupy the eastern end.

Importantly, there will be a single kitchen which will be shared by all occupants of the dwelling.

Because all occupants will utilise a single kitchen and share outdoor spaces, the proposal cannot be construed as anything other than a “dwelling house” because the spaces are not reasonably capable of being adapted such that they can be occupied or used as a separate domicile.

### **3.2. SITE PREPARATION**

#### **3.2.1. Demolition**

The application proposes the demolition of the existing dwelling and associated structures.

Demolition plan @ Sheet A202 of the Architectural Plans.

#### **3.2.2. Tree Removal**

The application proposes the removal of two trees at the south-west corner of the site to facilitate the construction of the driveway, and a group of mixed exotic shrubs within the road reserve adjacent to the site boundary.

An Arboricultural Impact Assessment Report is supplied at **Appendix D**.

#### **3.2.3. Land Modification**

The application proposes modest land modification, primarily within the building footprint.

### **3.3. BUILDING WORKS**

#### **3.3.1. Dwelling**

The application proposes the construction of a multi-generational two-storey dwelling.

##### Ground floor

The ground level contains the common primary living space and kitchen area, a secondary living space / rumpus, bathrooms, and storage. The rear terrace extends from the living spaces.

##### First floor

The first floor contains sleeping quarters and bathrooms. A lift will facilitate access to the western end of the upper level.

A green roof is proposed over the ground level and terrace roof at the perimeter of the upper level.

#### **3.3.2. Garage**

The application proposes a single bay garage situated at the western end of the ground level floorplate. Vehicular access is from Campbell Parade. The existing layback is retained.

#### **3.3.3. Materials**

The proposed external materials consist of a light-coloured painted brick and grey rendered masonry walls, and metal clad roof. These materials and colours have been selected because they are compatible with local context.

A schedule of materials and finishes is supplied @ Sheet A501 of the Architectural Plans.

### **3.4. ANCILLARY WORKS**

#### **3.4.1. Landscaping**

Proposed landscaping consists of lawn and areas of native shrubs and groundcovers where compatible with the requirement to manage the site as an Asset Protection Zone. A green roof system is proposed at the perimeter of the upper level.

A Landscape Plan is included @ Sheet A503 of the Architectural Plans.

#### **3.4.2. Stormwater Management**

Stormwater runoff will be directed to a 3,000-litre rainwater tank for reuse within the dwelling. Rainwater tank overflow and surface water will discharge to a level spreader in the rear yard.

A Stormwater Management Plan is supplied at **Appendix C**.

## **3.5. OPERATION**

### **3.5.1. Waste Management**

Waste bins will be stored in the western property passage where they will not be visible from the street, will not create a nuisance for neighbours, and can conveniently be moved to the kerb for collection.

## 4. COMPLIANCE SUMMARY

This section provides an evaluation of the proposal against relevant planning instruments as required by section 4.15(1) of the EP&A Act.

### 4.1. ENVIRONMENTAL PLANNING INSTRUMENTS

#### 4.1.1. State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 of *State Environmental Planning Policy (Sustainable Buildings) 2022* (SB SEPP) applies to BASIX development including development that involves the construction of a BASIX building.

A BASIX certificate accompanies the development application.

#### 4.1.2. State Environmental Planning Policy (Resilience and Hazards) 2021

##### Remediation of land

Chapter 4 of the R&H SEPP states that a consent authority must not consent to the development of land unless it has considered whether the land is contaminated and, if contaminated, can be made suitable for the proposed use.

The land has not previously been used for a purpose referred to in Table 1 of the DPE publication *Contaminated Land Planning Guidelines*. No evidence of contamination was observed during our site visit. The site is unlikely to contain contaminants that would preclude ongoing residential use.

No further consideration under the R&H SEPP is required.

#### 4.1.3. Warringah Local Environmental Plan 2011

Warringah Local Environmental Plan 2011 (WLEP) applies to the site.

The site is within Zone R2 Low Density Residential. Dwellings are permissible with consent.

The proposal aligns closely with relevant objectives for development in Zone R2 as outlined in Table 1.

Table 1 | Zone R2 objectives

Objective	Comment
• To provide for the housing needs of the community within a low density residential environment.	The application proposes a free-standing dwelling.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.	n/a

Objective	Comment
<ul style="list-style-type: none"> <li>To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.</li> </ul>	<p>The application proposes landscaping to the extent that landscaping is permitted on bushfire prone land.</p> <p>The proposed dwelling will have a pleasant “landscape setting”.</p>

An extract of the Zoning Map with the site in yellow outline is provided at Figure 9.

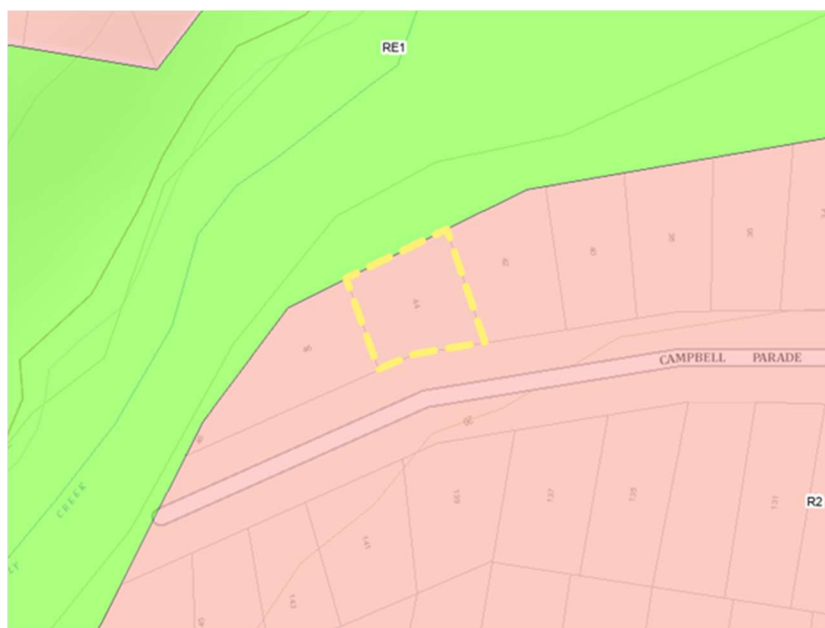


Figure 10 | Zoning Map  
(Source: NSW Govt.)

The proposal is entirely consistent with development standards and provisions of WLEP.

A compliance summary is provided at Table 1.

Table 2 | WLEP compliance summary

Clause	Standard	Comment	Compliance
2.7 Demolition requires consent	The demolition of a building or work may be carried out only with development consent.	Demolition works are proposed.	-
4.3 Height of buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	<p>The maximum permitted building height is 8.5m as indicated on the <i>Height of Buildings Map</i>.</p> <p>Sections @ Sheet A401 of the Architectural Plans demonstrate that the building is below the 8.5m height plane.</p>	Yes
6.2 Earthworks	(3) Before granting development consent for earthworks, the consent	The application proposes modest land modification,	Yes

Clause	Standard	Comment	Compliance
	<p>authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>primarily within the building footprint.</p> <p>The proposed aligns with the provisions of (3) as follows:</p> <p>(a) It is improbable that the proposal will have a detrimental effect on soil stability or drainage patterns.</p> <p>(b) Earthworks will <i>optimise</i> future use of the land because it allows for the construction of a new dwelling.</p> <p>(c) Excavated material will be utilised on site as fill <i>if</i> the quality of the material is deemed fit for purpose.</p> <p>(d) Given the minor nature of proposed excavations, it is improbable that the works will impact the amenity of adjoining properties.</p> <p>(e) Excavated material will be utilised on site as fill or appropriately disposed of at a licenced facility.</p> <p>(f) It is unlikely that site excavations will disturb “relics”.</p> <p>(g) Sediment and erosion controls will be implemented to ensure sediment laden stormwater does not migrate from the site and</p>	

Clause	Standard	Comment	Compliance
		impact the catchment.	
6.4 Development on sloping land	(2) This clause applies to land shown as Area A, Area B, Area C, Area D and Area E on the Landslip Risk Map.	The site is identified as “Area B” on the Landslip Risk Map.	-
	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and (c) the development will not impact on or affect the existing subsurface flow conditions.	The application proposes modest land modification, primarily within the building footprint. A Geotechnical Investigation Report is supplied at <b>Appendix D</b> . That report determines that, based on site factors and the nature of the development, a detailed landslip assessment is not required. The council can be satisfied that: (a) The application has been assessed for landslide risk. (b) Stormwater will be appropriately managed so as not to contribute to land slip hazard. (c) Given excavations are minor, the development is unlikely to adversely affect subsurface flow conditions.	Yes

## 4.2. PROPOSED INSTRUMENTS

There are no proposed planning instruments that are relevant to the site or the proposed development.

## 4.3. DEVELOPMENT CONTROL PLANS

### 4.3.1. Warringah Development Control Plan 2011

Warringah Development Control Plan 2011 (WDCP) applies to the site.

The proposal performs particularly well when assessed against the planning objectives set out in WDCP.

A compliance summary is provided at Table 2.

Table 3 | WDCP compliance summary

Clause	Control	Comment	Compliance
Part B Built form controls			
B1 Wall heights	1. Walls are not to exceed 7.2 metres from ground level (existing) to the underside of the ceiling on the uppermost floor of the building (excluding habitable areas wholly located within a roof space).	<p>The ceiling level is 950mm below the top of the parapet.</p> <p>The <u>maximum</u> wall height on the eastern side of the building is ~6.4m.</p> <p>The <u>maximum</u> wall height on the western side of the building is ~7.2m (because of the irregular and abrupt change in terrain at the north-west corner of the floorplate).</p>	Yes
B2 Number of storeys	1. Buildings on land shown coloured on the DCP Map Number of Storeys must comply with the maximum number of storeys identified on the DCP Map Number of Storeys.	The site is not identified on the <i>Number of Storeys Map</i> .	n/a
B3 Side boundary envelope	1. Buildings on land shown coloured on the DCP Map Side Boundary Envelopes must be sited within a building envelope determined by projecting planes at 45 degrees from a height above ground level (existing) at the side boundaries of 4 metres.	<p>The site is shown on the <i>Side Boundary Envelope Map</i>.</p> <p>The envelope plane is included on the section @ Sheet 401 of the Architectural Plans and indicates compliance.</p>	Yes
B4 Site coverage	1. Development on land shown coloured on the DCP Map Site Coverage shall not exceed the maximum site coverage shown on the map.	The site is not identified on the <i>Site Coverage Map</i> .	n/a
B5 Side boundary setbacks	1. Development on land shown coloured on the DCP Map Side Boundary Setbacks is to maintain a minimum setback from	The <i>Side Boundary Setback Map</i> indicates 0.9m setback from side boundaries is required.	Yes

Clause	Control	Comment	Compliance
	side boundaries as shown on the map.	The proposed dwelling is at least 900mm from side boundaries.	
	2. Side boundary setback areas are to be landscaped and free of any above or below ground structures, car parking or site facilities other than driveways and fences.	The surface treatment of side passage areas will be gravel. Standard ancillary elements, such as a water tank and a/c unit will be positioned in the side passages, which is reasonable.	-
B7 Front boundary setback	1. Development is to maintain a minimum setback to road frontages.	The <i>Front Boundary Setback Map</i> indicates a 6.5m setback from the front property boundary is required. Elements of the building encroach the front setback zone. A detailed justification for the <u>minor</u> front setback breach is provided at Part 5.1 of this report.	On merit
B9 Rear boundary setback	1. Development is to maintain a minimum setback to rear boundaries.	The <i>Rear Boundary Setback Map</i> indicates a rear setback of 6m. The proposed dwelling, measured to the external wall, is setback <u>more</u> than 6m from the rear boundary. A part of the rear terrace area and awning occurs within the rear setback zone. The pool is within the rear setback zone as <u>permitted</u> by the controls. A justification for the <u>minor</u> rear setback breach is provided at Part 5.1 of this report.	Yes
	2. The rear setback area is to be landscaped and free of any above or below ground structures.	The pool is within the rear setback zone as <u>permitted</u> by the controls. The balance of the rear setback zone beyond the	Yes

Clause	Control	Comment	Compliance
		terrace space is landscaped.	
Part C Siting Factors			
C2 Traffic, access and safety	2. Vehicle access is to be obtained from minor streets and lanes where available and practical.	Vehicular access is to be retained and is from Campbell Parade. There is no alternative.	-
C3 Parking facilities	<p>1. The following design principles shall be met:</p> <ul style="list-style-type: none"> <li>• Garage doors and carports are to be integrated into the house design and to not dominate the façade. Parking is to be located within buildings or on site.</li> <li>• Parking is to be located so that views of the street from front windows are not obscured; and</li> <li>• Where garages and carports face the street, ensure that the garage or carport opening does not exceed 6 metres or 50% of the building width, whichever is the lesser.</li> </ul>	<p>The proposal incorporates a garage.</p> <p>The garage is integrated with the design of the house, will not obscure sightlines between habitable rooms and the street, and has a ~3m wide opening.</p>	Yes
	<p>4. Carparking is to be provided in accordance with Appendix 1 which details the rate of car parking for various land uses.</p> <p>Dwelling house = 2 spaces</p>	A single bay garage is proposed with space to park a second vehicle on the driveway.	Yes
C4 Stormwater	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	A Stormwater Concept is supplied at <b>Appendix C</b> .	Yes
C7 Excavation and Landfill	1. All landfill must be clean and not contain any materials that are contaminated and must comply with the relevant legislation.	Standard condition of consent anticipated.	-

Clause	Control	Comment	Compliance
	2. Excavation and landfill works must not result in any adverse impact on adjoining land.	Excavation works are generally contained within the building footprint and will have a nominal depth.  It is improbable that the works will have an adverse impact on adjoining land.	Yes
	3. Excavated and landfill areas shall be constructed to ensure the geological stability of the work.	Land modification will be conducted in line with the recommendations set out in the Geotechnical Investigation Report supplied with the application.	Yes
	4. Excavation and landfill shall not create siltation or pollution of waterways and drainage lines, or degrade or destroy the natural environment.	Sediment and erosion controls will prevent sediment laden runoff leaving the site and entering downstream waterways and drainage infrastructure.	Yes
	5. Rehabilitation and revegetation techniques shall be applied to the fill.	Disturbed areas will be rehabilitated in line with the landscape concept included @ Sheet A503 of the Architectural Plans.	Yes
C8 Demolition and construction	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	A waste management plan is supplied with the application.	Yes
C9 Waste management	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	A waste management plan is supplied with the application.	Yes

#### Part D Design

Clause	Control	Comment	Compliance
D1 Landscaped open space and bushland setting	1. The required minimum area of landscaped open space is shown on DCP <i>Landscaped Open Space and Bushland Setting Map</i> .	<p>The <i>Landscaped Open Space and Bushland Setting Map</i> indicates that 40% of the site is to be provided as landscaped area.</p> <p>The site area is 556sqm meaning ~222sqm of the site is required to be landscaped.</p> <p>Calculable landscaped area (i.e. excluding landscaped areas with a dimension of less than 2m) is 224.3sqm and therefore compliant.</p> <p>We note that there is additional non-calculable landscaped area (i.e. areas with a dimension of less than 2m) + a landscaped roof which supplement which are also areas that will be landscaped.</p> <p>A calculation plan is at Sheet A503 of the Architectural Plans.</p>	Yes
D2 Private open space	1. Residential development is to include private open space for each dwelling.	Sufficient POS areas are provided.	Yes
	2. The minimum area and dimensions of private open space are as follows: Dwelling houses with 3 or more bedrooms = A total of 60m <sup>2</sup> with minimum dimensions of 5 metres	<p>The POS is situated on the northern side of the residence and consists of a terrace, pool, and lower lawn.</p> <p>These spaces have a cumulative area of ~180sqm.</p>	Yes
	3. Private open space is to be directly accessible from a living area of a dwelling and be capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.	The POS is directly accessible from a living area.	Yes

Clause	Control	Comment	Compliance
	4. Private open space is to be located and designed to ensure privacy of the occupants of adjacent buildings and occupants of the proposed development.	The POS areas have no adverse privacy impact for neighbours.	Yes
	5. Private open space shall not be located in the primary front building setback.	The principal POS is situated in the rear yard.	Yes
	6. Private open space is to be located to maximise solar access.	The private open space has northern orientation and will enjoy good solar exposure.	Yes
D3 Noise	1. Noise from combined operation of all mechanical plant and equipment must not generate noise levels that exceed the ambient background noise by more than 5dB(A) when measured in accordance with the NSW Industrial Noise Policy at the receiving boundary of residential and other noise sensitive land uses.	Acoustic impact is not anticipated to be an issue in this scenario.	-
	4. Where possible, locate noise sensitive rooms such as bedrooms and private open space away from noise sources. For example, locate kitchens or service areas closer to busy road frontages and bedrooms away from road frontages.	The proposed internal arrangement of rooms ensures limited noise transmission between spaces.	Yes
	5. Where possible, locate noise sources away from the bedroom areas of adjoining dwellings/properties to minimise impact.	Room arrangement and window configuration will mitigate adverse noise impacts on noise sensitive rooms of neighbouring dwellings.	Yes
D6 Access to sunlight	1. Development should avoid unreasonable overshadowing any public open space.	The proposal will not cast shadow over public land.	Yes

Clause	Control	Comment	Compliance
	2. At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.	<p>The shadow diagrams have been prepared for 9am, midday, and 3pm on the winter solstice and demonstrate the shadow cast by existing and proposed development.</p> <p><u>Site</u></p> <p>The controls require 60sqm of POS meaning at least 30sqm of POS must receive 3 hours solar access on the winter solstice to comply with the access to sunlight control. The shadow diagrams indicate that substantially more than 30sqm of POS areas will enjoy direct solar access on the winter solstice.</p> <p><u>Neighbours</u></p> <p><b>42 Campbell Pde</b></p> <p>The site to the east @ 42 Campbell Parade contains a free-standing dwelling. The principal POS consists of a terrace and pool area w/ cabana and is situated on the northern side of the dwelling.</p> <p>The POS will not be shaded by the proposal.</p> <p><b>46 Campbell Pde</b></p> <p>The site to the west @ 46 Campbell Parade contains a free-standing dwelling. The principal POS consists of a ground level terrace on the northern side of the dwelling and a lawn area at the western corner of the site.</p> <p>These POS areas will not be shaded by the proposal.</p>	Yes
D7 Views	1. Development shall provide for the reasonable sharing of views.	Based on the available information including survey details, inferred sightlines, and site	Yes

Clause	Control	Comment	Compliance
		inspection photographs, we conclude that the proposal provides for reasonable sharing of views.	
D8 Privacy	1. Building layout should be designed to optimise privacy for occupants of the development and occupants of adjoining properties.	The building layout preserves resident privacy by orienting window openings towards the rear yard or street.	Yes
	2. Orientate living areas, habitable rooms and windows to private open space areas or to the street to limit overlooking.	All habitable room windows are oriented towards to the rear yard or street.	Yes
	3. The effective location of doors, windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscured glass.	As above.	-
	4. The windows of one dwelling are to be located so they do not provide direct or close views (i.e. from less than 9 metres away) into the windows of other dwellings.	As above.	-
D9 Building bulk	1. Side and rear setbacks are to be progressively increased as wall height increases.	The upper level walls are set back from the external walls of the ground level	Yes
	2. Large areas of continuous wall planes are to be avoided by varying building setbacks and using appropriate techniques to provide visual relief.	All building elevations are suitably articulated thereby moderating perceived scale of the building.	Yes
	4. Building height and scale needs to relate to topography and site conditions.	The proposal complies with building height and wall height controls and is of an appropriate scale.	Yes
	5. Orientate development to address the street.	The dwelling addresses the street.	Yes

Clause	Control	Comment	Compliance
	6. Use colour, materials and surface treatment to reduce building bulk.	Integrated planting, projecting architectural features, and materiality work in combination to moderate perceived bulk.  A schedule of materials and colours is supplied @ Sheet A501 of the Architectural Plans.	Yes
	7. Landscape plantings are to be provided to reduce the visual bulk of new building and works.	Integrated planting at the upper-level supplements proposed ground level planting and will function to ameliorate building bulk.	Yes
	8. Articulate walls to reduce building mass.	All building elevations are suitably articulated thereby moderating perceived scale of the building.	Yes
D10 Building colours and materials	1. In highly visible areas, the visual impact of new development (including any structures required to retain land) is to be minimized through the use of appropriate colours and materials and landscaping.	Integrated planting, projecting architectural features, and materiality work in combination to moderate perceived bulk.  A schedule of materials and colours is supplied @ Sheet A501 of the Architectural Plans.	Yes
	2. The colours and materials of development on sites adjoining, or in close proximity to, bushland areas, waterways or the beach must blend into the natural landscape.	The proposed external materials consist of a light-coloured painted brick and grey rendered masonry, and will ensure the building is compatible with natural landscape.	Yes
	3. The colours and materials used for alterations and additions to an existing structure shall complement the existing external building façade.	The proposal is for a new dwelling.	n/a
D11 Roofs	1. Lift overruns, plant and other mechanical equipment are not to detract from the appearance of roofs.	Not proposed.	Yes

Clause	Control	Comment	Compliance
	2. Roofs should complement the roof pitch and forms of the existing buildings in the streetscape.	A low-pitched roof concealed behind a parapet wall is proposed. The roof form is compatible with forms evident in the streetscape.	Yes
	3. Articulate the roof with elements such as dormers, gables, balconies, verandahs and pergolas.	The roof form is concealed. Articulation of the roof form serves no purpose.	n/a
	4. Roofs shall incorporate eaves for shading.	Eaves are proposed.	Yes
	5. Roofing materials should not cause excessive glare and reflection.	The roof will be concealed behind a parapet wall and will not give rise to glare issues.	Yes
D14 Site facilities	1. Site facilities including garbage and recycling enclosures, mail boxes and clothes drying facilities are to be adequate and convenient for users and services and are to have minimal visual impact from public places.	Site facilities are conveniently located and are discretely positioned within the site to avoid adverse visual impacts.	Yes
D16 Swimming Pools and Spa Pools	1. Pools are not to be located in the front building setback.	Pool is in the rear yard.	Yes
	2. Where there are 2 frontages, swimming pools and spas are not to be situated in the primary street frontage.	There is one street frontage.	n/a
	3. Swimming pools and spas are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.	The swimming pool does not give rise to tree removal.	Yes
D20 Safety and Security	1. Buildings are to overlook streets as well as public and communal places to allow casual surveillance.	The dwelling has openings oriented towards the street.	Yes

Clause	Control	Comment	Compliance
	3. There is to be adequate lighting of entrances and pedestrian areas.	Lighting to be detailed at CC stage.	-
	5. Entrances to buildings are to be from public streets wherever possible.	Point of entry visible from the street.	Yes
Part E The natural environment			
E7 Development on land adjoining public open space	This control applies to all land shown on DCP Map Land Adjoining Public Open Space.	The site is on the Land Adjoining Public Open Space Map.	-
	1. Development on land adjoining public open space is to complement the landscape character and public use and enjoyment of the adjoining parks, bushland reserves and other public open spaces.	The building will not diminish access to or public use or enjoyment of the adjoining reserve.	Yes
	2. Public access to public open space is to be maximised.	The proposal does not impinge on access to public land.	Yes
	3. Buildings are to be located to provide an outlook to public open space, without appearing to privatise that space.	The terrace and north-facing windows are oriented to the reserve.	Yes
	4. Development is to provide a visual transition between open space, bushland reserves or other public spaces and buildings, including avoiding abutting public open space with back fences.	The principal POS area abuts the reserve area in a manner encouraged by this control.	Yes
	5. Development is to protect views to and from public open space.	The building will not impinge on views to or from the reserve.	Yes
	6. Development is to provide buffers for bushfire protection on private land, not on public land.	The site will be maintained as an inner protection area APZ.	Yes

Clause	Control	Comment	Compliance
	7. If the adjoining parks, bushland reserves or public open space contain bushland, development is not to threaten the protection or preservation of the bushland.	The works proposed have no direct impact on vegetation within the reserve.	Yes
	8. Development should be designed to maximise opportunities for casual surveillance of the public open space.	The terrace and north-facing windows are oriented to the reserve.	Yes
	9. Development is to utilise landscaping or existing landscape elements to screen development.	<p>There is limited opportunity to utilise landscaping to “screen the development” because the site must be maintained as an APZ.</p> <p>Nonetheless, the proposal, which is modestly scaled, will not visually overwhelm or dominate the reserve.</p>	Yes
E10 Landslip risk	For land identified as being in Area A: Council may decide that a preliminary assessment of site conditions is required. If Council so decides, a preliminary assessment of site conditions must be prepared, in accordance with the Checklist for Council's assessment of site conditions by a suitably qualified geotechnical engineer/ engineering geologist. The preliminary assessment must be submitted to Council before the granting of any development consent.	<p>The site is identified as “Area B” on the Landslip Risk Map.</p> <p>The application proposes modest land modification, primarily within the building footprint.</p> <p>A Geotechnical Investigation Report is supplied at <b>Appendix D</b>.</p> <p>That report determines that, based on site factors and the nature of the development, a detailed landslip assessment is not required.</p> <p>The council can be satisfied that:</p> <ul style="list-style-type: none"> <li>(a) The application has been assessed for landslide risk.</li> <li>(b) Stormwater will be appropriately managed so as not to contribute to land slip hazard.</li> </ul>	Yes

Clause	Control	Comment	Compliance
		(c) Given excavations are minor, the development is unlikely to adversely affect subsurface flow conditions.	

#### 4.4. PLANNING AGREEMENTS

There are no planning agreements associated with this site.

#### 4.5. THE REGULATIONS

Section 92 of the *Environmental Planning and Assessment Regulation 2000* prescribes additional matters that the consent authority must consider in determining a development application. Each matter for consideration and its relevance to the proposal is noted in Table 3.

Table 4 | Additional matters for consideration (Regs)

Clause	Matter	Relevance
92(1)(b)	In the case of a development application for the demolition of a building, the provisions of <i>AS 2601 The demolition of structures</i> .	Demolition works will be carried out as per the provisions of AS 2601.
92(1)(c)	In the case of a development application for development on land subject to a subdivision order, the provisions of that subdivision order.	The site is not subject to a subdivision order.
92(1)(d)	In the case of certain development on land within 200km of Siding Spring Observatory, the <i>Dark Sky Planning Guideline</i> .	The site is not within 200km of the Siding Spring Observatory.
92(1)(e)	In the case of a development application for a manor house or multi dwelling housing (terraces), the <i>Medium Density Design Guide for Development Applications</i> .	The development application does not propose a manor house or multi dwelling housing (terraces).
92(1)(f)	In the case of a development application for residential development within the Penrith City Centre, the <i>Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in Penrith City Centre</i> .	The site is not within the Penrith City Centre.



## 5. PLANNING ASSESSMENT

This section provides a planning assessment of the likely impacts of the proposed development, considers the suitability of the site and evaluates whether the development is in the public interest, as required by section 4.15(1) of the EP&A Act.

### 5.1. IMPACTS ON THE NATURAL AND BUILT ENVIRONMENT

The proposed development responds to site configuration / conditions and will contribute positively to streetscape character. The dwelling is designed to optimise occupant amenity and to minimise adverse impacts on neighbour amenity.

Below we outline aspects of the proposal that relate to impacts on the built and natural environment.

#### 5.1.1. Front & rear setback

Part B7 and B9 of WDCP set out front and rear setback controls, respectively. The required setbacks according to applicable maps are as follows:

- Front = 6.5m
- Rear = 6m

The site configuration is unconventional because it is generally wider than it is deep and the average site depth is just ~24m. It is therefore difficult to deliver a functional building floorplate that strictly complies with all setback controls.

The street-facing wall of the existing dwelling has a front setback of ~4.8m. The minimum front setback of the proposed dwelling, measured to the external wall, is ~5.9m. The outside edge of the proposed veranda is offset an equivalent distance as the existing dwelling.

The rear setback of the dwelling measured to the external wall is greater than 6m. A narrow portion of the terrace will occur in the rear setback zone. The pool also occurs within the rear setback zone, as permitted by the controls.

An extract of the ground floor plan @ Sheet A210 is supplied at Figure 10. The blue line indicates the front and rear setback lines. The yellow line represents the position of the existing dwelling.



Objective	Comment
	<p>The footprints of dwellings on neighbouring properties at nos. 42 &amp; 46 have been plotted on the ground floor plan at Sheet A210 of the Architectural Plans. The street-facing wall of the proposed dwelling correlates with those of neighbouring dwellings, thereby preserving the established setback “pattern”.</p> <p>The proposal aligns with this objective despite minor front setback breach.</p>
<ul style="list-style-type: none"> <li>• To protect and enhance the visual quality of streetscapes and public spaces.</li> </ul>	<p>The proposal is to demolish aging housing stock and replace with a building which has been architecturally designed and will make a positive contribution to the built form environment of Campbell Parade.</p> <p>The street-facing elevation incorporates architectural features such as the colonnade style veranda, the deep eaves, well-proportioned windows, and green roof, that will, in our opinion, enhance the visual quality of the streetscape.</p> <p>The proposal aligns with this objective despite minor front setback breach.</p>
<ul style="list-style-type: none"> <li>• To achieve reasonable view sharing.</li> </ul>	<p>The proposed minor incursion into the front setback zone will have no impact public or private views through the property.</p>
B9 Rear setback objectives	
<ul style="list-style-type: none"> <li>• To ensure opportunities for deep soil landscape areas are maintained.</li> </ul>	<p>A substantial portion of the rear setback zone is retained as deep soil landscaped area.</p> <p>We note that controls permit up to 50% of the rear setback zone to be occupied by ancillary structures such as a swimming pool or outbuilding.</p> <p>Additionally, the proposal achieves the required landscaped area. The proposed landscaping at the green roof will supplement at grade landscaping.</p> <p>The proposal aligns with this objective despite minor rear setback breach.</p>
<ul style="list-style-type: none"> <li>• To create a sense of openness in rear yards.</li> </ul>	<p>The existing dwelling occurs within the rear setback zone as indicated at Figure 10. The proposed dwelling is situated <u>outside</u> of the rear setback zone. A narrow corridor of the proposed terrace will encroach the rear setback zone.</p> <p>Therefore, the proposal will arguably optimise the “sense of openness” in the rear yard.</p>

Objective	Comment
	<p>The offending element (i.e. the terrace) is an unenclosed space, meaning it is visually “permeable” and does not contribute substantially to the perceived volume of the proposal.</p> <p>The proposal aligns with this objective despite minor rear setback breach.</p>
<p>• To preserve the amenity of adjacent land, particularly relating to privacy between buildings.</p>	<p><u>Solar access</u></p> <p>Shadow diagrams @ Sheet A502 of the Architectural Plans demonstrate that the north-facing windows and principal private open space areas of the dwelling on neighbouring sites will not be shaded by the proposal.</p> <p>The minor rear setback breach does not give rise to any adverse shadow impact.</p> <p><u>Privacy</u></p> <p>The terrace is oriented to the rear yard to optimise outlook to the adjoining public reserve. There is a flanking wall on the eastern side of the terrace to preclude cross-viewing or overlooking of the neighbour’s private open space.</p> <p>The minor rear setback breach does not give rise to any adverse privacy impact.</p>
<p>• To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.</p>	<p>The proposal is to demolish the existing dwelling which occurs <u>within</u> the rear setback zone. The proposed dwelling is sited to <u>comply</u> with the rear setback control, other than the minor terrace encroachment, so improves alignment with rear setback controls.</p> <p>Relevantly, the dwellings at nos. 42 &amp; 46 have similar rear setback incursions. The rear wall of the dwelling at no. 46 is offset just ~3.5m from the rear boundary.</p> <p>The proposal does not undermine or disrupt the “pattern” of rear building setbacks in the street block.</p>
<p>• To provide opportunities to maintain privacy between dwellings.</p>	<p><u>Privacy</u></p> <p>The terrace is oriented to the rear yard to optimise outlook to the adjoining public reserve. There is a flanking wall on the eastern side of the terrace to preclude cross-viewing or overlooking of the neighbour’s private open space.</p> <p>The minor rear setback breach does not give rise to any adverse privacy impact.</p>

The setback breaches are MINOR, are not dissimilar to the setback arrangement of the existing dwelling, and are largely a function of the shallow site depth. In our opinion, the proposed setbacks are compatible with the pattern of building setbacks in the street block.

The discussion set out above demonstrates that the proposal satisfies the objectives of the setback controls. A variation is justified.

## **5.2. SOCIAL IMPACTS**

The proposal will have positive social impacts from the perspective of the occupants of the proposed dwelling who will enjoy internal and external spaces with excellent functionality and amenity. There will be short term disturbance associated with site works however mitigation measures such as prescribed hours of work will minimise impact.

Social impacts are largely positive and adverse social impacts are short term.

## **5.3. ECONOMIC IMPACTS**

The proposal will have short term economic impact through job creation associated with demolition and construction works. The proposed development will contemporise housing stock in Manly Vale and there will be resultant uplift in property value and economic benefit for the landowner.

Economic impacts associated with the proposal are positive.

## **5.4. SITE SUITABILITY**

The proposed dwelling is permitted within Zone R2 and is compatible with surrounding land use. The development improves housing stock in a manner encouraged by applicable zone objectives and planning controls.

The development is sited and designed to minimise adverse impact on neighbour amenity and to take advantage of site opportunities such as bushland outlook. The proposal is found to be compatible with bushfire hazard.

The site is suitable for the proposed development.

## **5.5. PUBLIC INTEREST**

The development will deliver contemporary housing stock in a manner encouraged by the applicable zone objectives. The development responds to site conditions, minimises impacts on neighbour amenity, and responds to bushfire hazard. The proposal will make a positive contribution to the Campbell Parade streetscape.

The proposal aligns with the public interest.

## 6. CONCLUSION

This Statement of Environmental Effects has been prepared to support an application for the demolition of existing structures and construction of a two storey dwelling and swimming pool at 44 Campbell Parade, Manly Vale.

The objective of the development proposal is to deliver a compact multi-generational residence that responds to site constraints and takes advantage of bushland outlook in a manner encouraged by the zone objectives and planning controls.

Our report describes the key aspects of the proposal which include demolition of the existing dwelling, minor tree removal, and construction of a two-storey dwelling with integrated garage, and swimming pool. Ancillary landscaping and drainage works are also proposed.

Our evaluation of the proposal against the relevant planning instruments has found that the proposal is broadly consistent with instrument objectives, development standards, provisions, and controls, with justifiable and minor variations to front and rear setback controls.

We have assessed the environmental impacts of the proposal and have determined that there are no significant adverse impacts. We have assessed impact on neighbour amenity and have evaluated the suitability of the proposed building form and arrangement and consider that development is site responsive, and no further design modification is warranted.

Our report explains that the site is suitable for the development as it is zoned for residential purposes and is compatible with surrounding land use. We establish that the development is in the public interest given the absence of adverse impact and improvement to housing stock.

We conclude that the proposal is worthy of approval.



## **APPENDIX A | SURVEY**



## **APPENDIX B | ARCHITECTURAL PLANS**



## **APPENDIX C | STORMWATER CONCEPT**



## **APPENDIX D | ARBORIST REPORT**



## **APPENDIX E | GEOTECHNICAL REPORT**



## **APPENDIX F | BUSHFIRE REPORT**



## **APPENDIX G | WASTE MANAGEMENT PLAN**