
STATEMENT OF ENVIRONMENTAL EFFECTS



Replacing the existing retaining wall with a new one.

Applicant:

Robert Weld Moore

78 Mccarrs Creek Road

Church point NSW 2105

Site Address:

Lot 2 DP 2505001

78 Mccarrs Creek Road

Church point NSW 2105

INTRODUCTION

This Statement of Environmental Effects is submitted to The Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for the replacement of the existing retaining wall with a new one.

The site is generally rectangular in shape, with a frontage to Mccarrs Creek Road of approx. 16m and a total land area of about 911sqm. The lot is currently containing a three-story dwelling and the retaining wall located in the front boundary.



Figure 1



Figure 2

The site has a significant fall to the Rear and a retaining wall proposed in the circled location. As it can be seen in the figure 3, the retaining wall is not in a stable situation and is going to collapse soon. Proposal is seeking approval for replacement of the existing retaining wall with a new one



Figure 3

ENVIRONMENTAL EFFECTS

The following sections address the matters for consideration as listed in Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

This Statement of Environmental Effects addresses the following relevant Environmental Planning Instruments:

- Pittwater Local Environmental Plan 2014
- Pittwater 21 Development Control Plan

4.15 EVALUATION

Environmental Planning and Assessment Act 1979

Objects of Act

The objects of this Act 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.*

(1) Matters for Consideration – general:

(a)(i) Relevant environmental planning instruments

Applicable State Environmental Planning Policy's

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The aims of this Chapter are—

- (a) to protect the biodiversity values of trees and other vegetation in nonrural 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.*

Response: The development does not propose the removal of any significant trees on the site.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.*

Response: The site is not fronting or adjacent to a classified road, rail corridor or within the vicinity of a telecommunications structure requiring consideration under the SEPP.

State Environmental Planning Policy (Sustainable Buildings) 2022

The aims of this Policy are as follows—

- (a) to encourage the design and delivery of sustainable buildings,*
- (b) to ensure consistent assessment of the sustainability of buildings,*
- (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,*
- (d) to monitor the embodied emissions of materials used in construction of buildings,*
- (e) to minimise the consumption of energy,*
- (f) to reduce greenhouse gas emissions,*
- (g) to minimise the consumption of mains-supplied potable water,*
- (h) to ensure good thermal performance of buildings.*

Response: A BASIX Certificate is not Applicable to the Subject Application.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land:

- (1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.*
- (2) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—*
 - (a) by specifying when consent is required, and when it is not required, for a remediation work, and*
 - (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
 - (c) by requiring that a remediation work meet certain standards and notification requirements.*

Response: As the land has been continually used for residential purposes, the likelihood of contamination is low. In this regard, it is considered that the site is suitable for the proposed use and that no further investigation is warranted.

The subject site is mapped as **Geotechnical Risk (Landslide Hazards)**.

7.7 Geotechnical hazards

- (1) The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards—
 - (a) matches the underlying geotechnical conditions of the land, and*
 - (b) is restricted on unsuitable land, and*
 - (c) does not endanger life or property.**
- (2) This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the [Geotechnical Hazard Map](#).*
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks—
 - (a) site layout, including access,*
 - (b) the development’s design and construction methods,*
 - (c) the amount of cut and fill that will be required for the development,*
 - (d) waste water management, stormwater and drainage across the land,*
 - (e) the geotechnical constraints of the site,*
 - (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.**
- (4) Development consent must not be granted to development on land to which this clause applies unless—
 - (a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*
 - (b) the consent authority is satisfied that—
 - (i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or*
 - (ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or*
 - (iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.***

Advice from a Geotechnical consultant has been sought who has no objections to the proposal subject to the conditions provided within the report.

Rural Fires Act 1997

The Rural Fires Act 1997 aims to protect the community from injury or death, property from damage and to protect infrastructure and environmental, economic, cultural, agricultural and community assets from damage, arising from fires.

Clause 100B of the RF Act requires applicants to obtain a bush fire safety authority (BFSa) for subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose. If a proposal requires a BFSa it is considered integrated development under Clause 4.46 of the EPA Act.

Section 4.14 of the EPA Act requires that a council does not approve any development on bush fire prone land unless the development application complies with Planning for Bush Fire Protection 2019. All developments on land that is designated as bush fire prone has a legal obligation to consider bush fire and meet the requirements of Planning for Bush Fire Protection 2019.

Response: The subject site is mapped as bushfire prone land (vegetation buffer). The proposal is not for subdivision or a special fire protection purpose and therefore is not integrated development and does not require a BFSa from RFS.

The site is however bush fire prone land, and therefore the proposal must comply with Planning for Bush Fire Protection 2019.

Pittwater Local Environmental Plan 2014

The LEP is divided into several Parts and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

The subject site is zoned C4 Environmental Living pursuant to Clause 2.1 of Pittwater Local Environmental Plan 2014.

Clause 2.3 Zone objectives and land use table The objectives of the C4 Zone are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

- **7.2 Earthworks**

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

(2) Development consent is required for earthworks unless—

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,

(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site or heritage conservation area.

Response: The proposed retaining wall is a replacement for the existing structure, with no additional cut or fill planned. The purpose of this application is to reinforce the existing retaining wall and ensure safety of residents and passengers.

(a)(ii) Relevant draft environmental planning instruments

There are no draft environmental planning instruments that would prevent the subject development from proceeding.

Pittwater 21 Development Control Plan

Excavation and landfill on any site that includes the following:

- *Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation;*
- *Any excavation greater than 1.5 metres deep below the existing surface;*
- *Any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property;*
- *Any landfill greater than 1.0 metres in height; and/or*
- *Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils,*

must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural Engineer with the detail design for the Construction Certificate.

Response: The proposed retaining wall is intended to replace the existing structure without introducing any additional cut or fill. This application aims to strengthen the current retaining wall to enhance the safety of residents and pedestrians. A Geotechnical consultant has reviewed the proposal and raised no objections, provided the conditions outlined in their report are adhered to.

CONCLUSION

The proposed retaining wall is permissible under the Pittwater Local Environmental Plan 2014, subject to obtaining development consent. This indicates that the project aligns with the zoning and land-use regulations set out in the plan. Additionally, the proposal meets the objectives outlined in the relevant Development Control Plan (DCP), which provides specific guidelines to ensure developments are designed to be safe, functional, and in harmony with the local character.

Furthermore, the proposal has been assessed for its potential environmental impacts and is not anticipated to adversely affect the surrounding natural or built environment. This means that the design and construction of the retaining wall are unlikely to disrupt the ecological balance, damage nearby structures, or negatively affect the visual and functional qualities of the area. Overall, the proposal demonstrates compliance with regulatory requirements and supports the sustainable and responsible development of the site.