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# STATEMENT OF ENVIRONMENTAL EFFECTS

For Alterations and Additions

9 Horning Parade  
Manly Vale NSW 2093

Prepared on behalf of J. Daven

By A. Elboz *Director*  
Space Landscape Designs Pty Ltd

30<sup>th</sup> November 2022

## 1.0 Site Description

This Statement of Environmental Effects has been prepared in accordance with the relevant policy and legislation as set out by Northern Beaches Council. Consideration has been given to Warringah Council Local Environment Plan 2011, Warringah Council Development Control Plan 2011 and applicable State Environmental Planning Policies.

The subject site is known as 9 Horning Parade, Manly Vale, NSW 2093; described as Lot 115, D.P.11320. The site located on the low side of the road with an easterly aspect and a site area of 499.6m<sup>2</sup>. The site is irregular shaped with an 11.81m street frontage.

The subject site is surrounded by detached low density residential developments with the rear of the site adjacent to a public reserve which is heavily vegetated.

The subject site contains a part-three storey rendered brick dwelling with a garage, rear deck and swimming pool.



Image 1 - Site location courtesy of Northern Beaches Council

### **3.0 The Proposal**

The proposal seeks approval for the following external alterations and additions:

- Demolition of existing swimming pool
- Construction of new swimming pool and spa
- Demolition existing timber and stone retaining wall
- Construction of new concrete block retaining wall
- Demolition existing rear timber step and pathway

### **4.0 Planning Considerations**

Relevant pieces of legislation applicable to this development is as follows:

#### **SEPP No.55 – Remediation of Land**

The site has an established history of residential zoning and use and has not been zoned for industrial, agricultural or defence purposes at any time. Therefore there is no evidence to suggest the land is likely to be contaminated and render it unsuitable for continued residential use.

#### **Warringah LEP 2011**

##### **Zoning**

The site is zoned R2 Low Density Residential and the proposed works are permissible and consistent with the aims and objectives of the LEP.

##### **Permissibility**

The development does not propose a change in the type of building, therefore the approved residential development is permissible within the low density residential zoning.

##### **Floor Space**

The proposal does not alter the existing floor space as all proposed works are external.

##### **Height**

The standard height of buildings permitted is 8.5m. The development does not propose a change in the building height of the existing dwelling.

##### **Heritage**

The property is not identified as a heritage item, is not located near a heritage item and the site is not in a Conservation Area.

##### **Hazard**

The site is zoned Landslip Risk Map – Area B.

A Geotechnical Report has been provided which confirms the site is suitable and no further investigations are required.

##### **Bushfire**

The subject site is not located on Bushfire Prone Land.

##### **Acid Sulfate Soils**

The site is Class 5 Acid Sulfate Soil and no excavation will lower the water table. The present and previous use of the site is residential. The site is located adjoining other residential sites. Although no testing has been done it can be assumed the site is not contaminated.

##### **Earthworks**

The proposed works will not have any detrimental impact on surrounding land. New retaining walls are to replace existing walls in similar location.

## Development on Sloping Land

Not applicable.

## Warringah Development Control Plan 2011 (WDCP 2011)

Built form controls as applied to proposed works

Built Form Controls	Requirement	Proposed	Comments	Complies
B1 Wall Heights	7.2m	N/A		
B2 Number of storeys	8.5m	N/A		
B3 Side boundary Envelope	4m	N/A		
B5 Side Boundary Setbacks	0.9m	Retaining walls 1m setback		Yes
B7 Front Boundary Setbacks	6.5m to primary street frontage	N/A		
B9 Rear Boundary Setback	Maximum 50% of 6m rear setback	64.1%	See below	No

### Comment:

There is a shortfall of rear boundary setback of 14.1%. Council may consider a variation where it is demonstrated that the objectives of the clause can be achieved. Therefore merit consideration is sought as demonstrated below.

The objectives of the clause are:

- *To ensure opportunities for deep soil landscape areas are maintained.*

The rear of the site consists of rocky outcrops and shallow soil and would not be able to support deep soil for the successful growth of trees. Therefore the development will not reduce deep soil opportunities in the rear of the site.

- *To create a sense of openness in rear yards.*

As the structure within the rear setback is a pool and will be level with the lawn, it will maintain a sense of openness.

- *To preserve the amenity of adjacent land, particularly relating to privacy between buildings.*

Adjacent to the rear of the site is a steep drop into the reserve. The reserve is heavily vegetated. Therefore as there is no rear neighbour, there will be no adverse effects to privacy between buildings.

- *To maintain the existing visual continuity and pattern of buildings, rear gardens and landscape elements.*

There is no change to the existing dwelling so there will be no impact on the visual continuity and pattern of buildings. The angle of the rear boundary and topography puts a constraint on the site. There will be no unreasonable amenity impacts associated with the development.

- To provide opportunities to maintain privacy between dwellings.

The proposal will not reduce privacy between dwellings. Adjacent to the rear of the site is a steep drop into the reserve. The reserve is heavily vegetated.

Therefore it is considered the proposed development achieves the required objectives and outcomes of the rear boundary setback and is worth of support on merit.

B11 Foreshore Building Setback		N/A		
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### Part C Siting Factors

Siting Factors	Requirement	Proposed	Comments	Complies
C1 Subdivision		N/A		
C2 Traffic, Access & Safety		N/A		
C3 Parking facilities	2 spaces	N/A		
C4 Stormwater		The proposed development will have minimal effect on stormwater having increased impervious area by only 15.2m <sup>2</sup> .		Yes
C6 Building over or adjacent to council easements		N/A		
C7 Excavation and Landfill		Excavation will be appropriate given the context and constraints of the site.	A Geotechnical Report has been carried out and no further investigation is required.	Yes
C8 Demolition and Construction		Refer to plan DA-02.	Site waste and material storage location shown on DA-01.	Yes
C9 Waste Management		Existing council collection maintained	Waste Management Plan submitted.	Yes



## Part D - Design

Design	Requirement	Proposed	Comments	Complies
D1 Landscape Open Space	40% of 499.6m <sup>2</sup> = 199.8m <sup>2</sup>	182.9m <sup>2</sup> or 36.6%	See below	No

### Comment:

There is a shortfall of Landscape Open Space of 3.4%. Council may consider a variation where it is demonstrated that the objectives of the clause can be achieved.

The existing site does not comply with Landscape Open Space measured at 39.6%. Merit consideration is sought for Landscape Open Space due to the existing non-compliance and the proposal improving the site and achieving the required objectives and outcomes as demonstrated below.

The objectives of the clause are:

- *To enable planting to maintain and enhance the streetscape.*

There is no new works proposed to the front of the site. Therefore the existing streetscape character will be maintained.

- *To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife.*

No trees or indigenous vegetation is to be removed as part of the proposal.

- *To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the building.*

The proposed pool will have no impact on the scale or bulk of the existing dwelling. There is existing established landscaping with additional planting proposed with a variety of plants at different heights.

- *To enhance privacy between buildings.*

The variation will not give rise to privacy impacts between buildings.

- *To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants*

The proposed swimming pool, spa and level lawn will provide a more useable outdoor area accessed from the existing dwelling.

- *To provide space for service functions, including clothes drying.*

The site has an existing dwelling and established spaces for service functions.

- *To facilitate water management, including on-site detention and infiltration of stormwater*

The proposed works are minimal and on-site detention is not required.

Therefore it is considered the proposed development achieves the required objectives and outcomes of landscape open space and is worth of support on merit.

D2 Private Open Space	60m <sup>2</sup>	60m <sup>2</sup>		Yes
D3 Noise	To ensure noise emission does not diminish the amenity of the area.		The pool filter will be enclosed in a soundproof structure.	Yes

D4 Electromagnetic Radiation		N/A		
D6 Access to sunlight		N/A		
D7 Views		No views will be obstructed	No impact	Yes
D8 Privacy	Visual and acoustic privacy	The proposal will not reduce privacy due to pool close to ground level.		Yes
D9 Building Bulk	Minimise visual impact.	N/A		
D10 Building Colours and Materials	Ensure colours and materials are sympathetic to the surrounding natural and built environment.	The coping and internal tiles will be sympathetic to the surrounding natural and built environment.		Yes
D11 Roofs	Designed to improve the urban environment	N/A		
D12 Glare & Reflection		N/A		
D13 Front Fences and Front Walls	Fencing is to complement the existing streetscape character, including articulation and allow for casual surveillance.	N/A		
D14 Site Facilities		N/A	Existing dwelling	
D15 Side and Rear Fences	Maximum 1.8m		The pool will be enclosed with a pool safe barrier	Yes
D16 Swimming Pools and Spa Pools	Pools and spas are not to be in the front setback	The pool is located in the rear of the site.		Yes
D17 – D21		N/A		
D22 Conservation of Energy and Water		BASIX is not required as pool volume less than 40,000L		Yes

#### DCP Part E – The Natural Environment

Planning Control	Comments
E1 Private Property Tree Management	No trees are proposed to be removed.
E2 Prescribed Vegetation	The site is not located on Threatened & High Conservation Habitat. The proposal does not involve the removal of native vegetation.
E3 Threatened Species, populations and ecological communities	There are no threatened species existing upon the site.
E4 Wildlife Corridors	The site is not located within a Wildlife Corridor
E5 Native Vegetation	There will be no effect on native vegetation.
E6 Retaining unique environmental features	N/A.
E7 Development on land adjoining public open space	The transition between the pool and open space will be enhanced with planting. Due to the steep drop at the rear and heavily vegetated area, there is limited public access.
E8 Waterways and Riparian Lands	N/A.
E9 Coastal hazard	N/A.
E10 Landslip Risk	The site is zoned Land Slip Risk Map-Area B A Preliminary Geotechnical Assessment has been provided Report and recommends no further Geotechnical assessment is required for the proposed development.
E11 Flood Prone Land	N/A.

#### 5.0 Matters for Consideration under section 79C of the Environmental Planning and Assessment Act 1979.

##### 4.1 The Likely Impacts of the Development

The proposed development will not have a detrimental social or economic impact in the locality given the character of the proposal.

##### 4.2 The Public Interest

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties. It is therefore considered to be within the public interest.

#### 6.0 Summary

The proposal has been designed to complement the existing dwelling and improve the amenity of the site for the owners. It has been designed as an upgrade to the existing site.

To comply with the rear building setback, it would not result in any appreciable benefit other than complying with the numerical control of the DCP. Visual privacy and amenity to the adjoining property will not be diminished by the proposed works.

The location of new retaining walls at the rear will allow a more useable private open space adjacent to the existing dwelling. The retaining walls will be more stable and allow for a more useable open area of level turf for the owners to enjoy.



The existing site does not comply with Landscape Open Space and the proposal will only result in a further reduction of 15m<sup>2</sup>. The proposed works will not be visible from the streetscape or neighbouring dwellings. The proposal will not increase the bulk or scale of the existing dwelling.

The proposal does not result in any unreasonable impacts on surrounding, adjoining or nearby properties. It is considered the development and the merit consideration of the development, satisfies the appropriate controls and meets the desired outcomes of Council's planning controls.

It is felt that the development has responded to the characteristics of the site and will not reduce the visual quality of the streetscape.

We trust Council will view this application favourably and support the proposal.

## **SITE PHOTOS**



*Image 1 – Rear of subject site showing existing pool to be removed and location of new pool*





*Image 3 – Rear of dwelling showing existing step and side decked path to be removed and replaced with turf*