



**Development Application
Statement of Environmental Effects**

35 Kenneth Road, Manly Vale NSW 2093

*Removal of two (2) trees and proposed construction of a
vehicular crossing and concrete driveway*

submitted to
Northern Beaches Council

June, 2022

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1 Introduction

This report has been prepared by ES Planning in support of a development application (DA) to **Error! Reference source not found.** Council with regards to the land at 35 Kenneth Road, Manly Vale NSW 2093. Pursuant to Warringah Local Environmental Plan (WLEP) 2011, the site is currently zoned R2, and the proposed use is permissible with consent.

The DA seeks to approve the proposed removal of two (2) trees and proposed construction of a vehicular crossing and concrete driveway. The proposal intends to remain compatible with the established building forms in the immediate locality. It endeavours to comply with all the requirements of Warringah LEP 2011 and Development Control Plan (DCP 2011).

Good design goes far beyond the application of numerical standards. Systematic analysis of the subject site, its relationship with adjoining developments and considerations of any natural and man-made constraints are essential starting points.

Design and layout of the development proposed aims to maintain the objective of the current development control plan.

This report describes the site, surrounding properties, proposed development, provides background information and justifies the proposed development.

All works carried out on site are to comply with all the requirements of the National Construction Code (NCC), relevant Australian Standards and Northern Beaches Council's planning instruments and regulations.

This report should be read in conjunction with the architectural plans attached with the submission prepared by ES Design.

Any environmental concerns not covered directly in this document, or which arise during construction will be handled in an appropriate fashion, so as to minimise environmental concerns.

2 Site Analysis

2.1 Site Location and Context

The subject site is located to the south of Kenneth Road, in between Marinella Street and Chandos Street and is legally identified as Lots 5,6,7,8 DP976580 – 35 Kenneth Road, Manly Vale NSW 2093 (see Figure 1 & 2). The locality is a residential area where the surrounding development consists of a mixture of low-density residential developments.

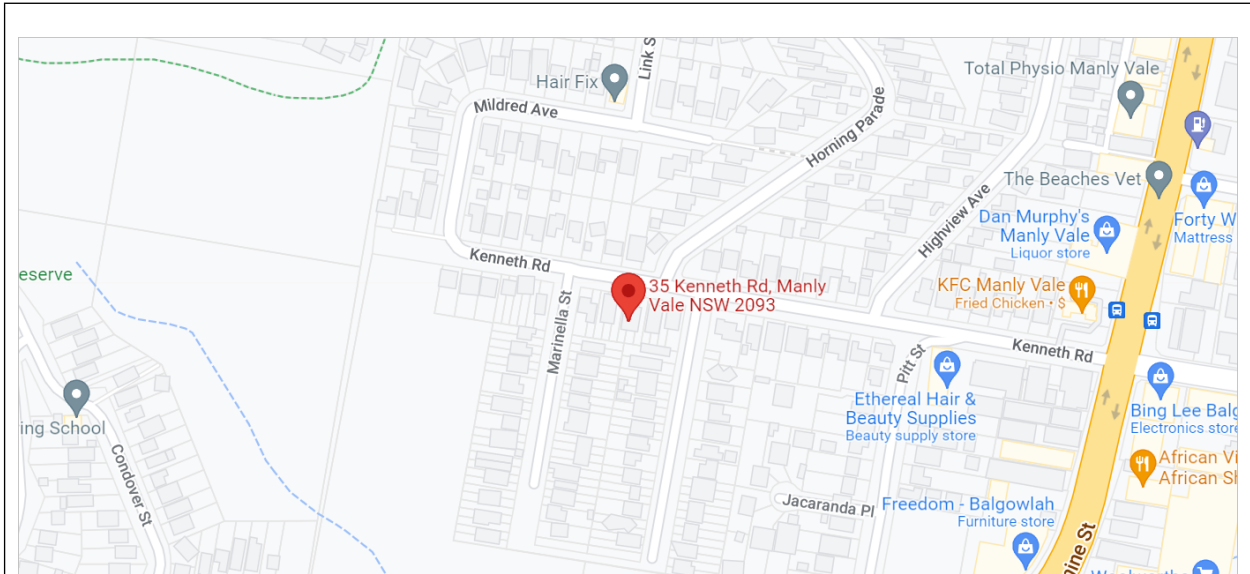


Figure 1. Location Map – No. 35 Kenneth Road, Manly Vale NSW 2093

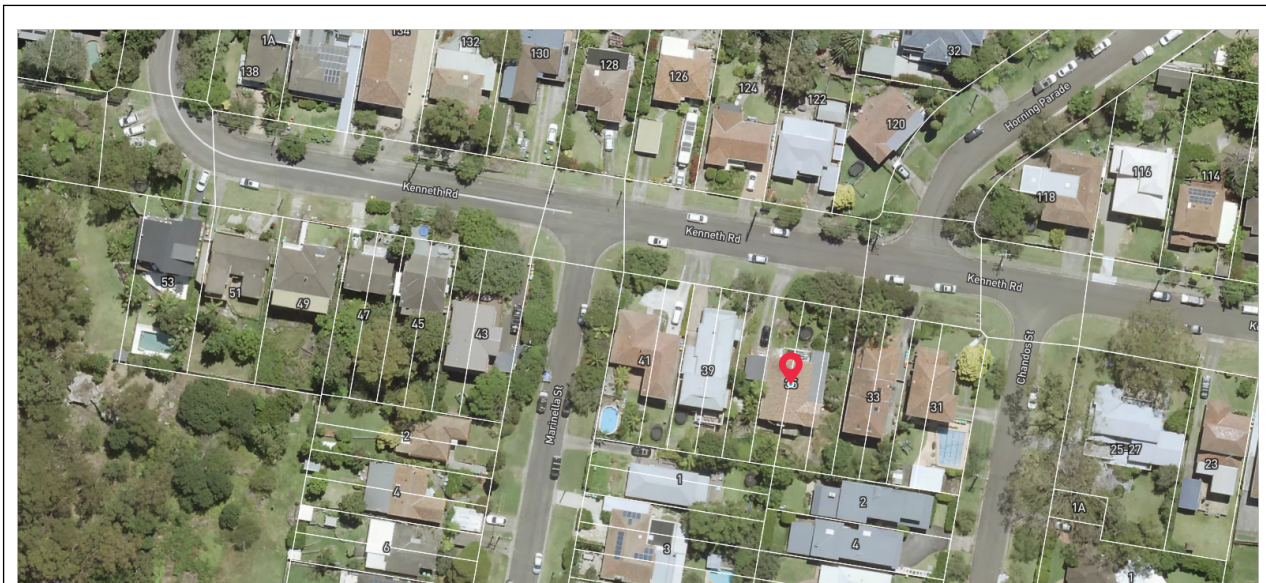


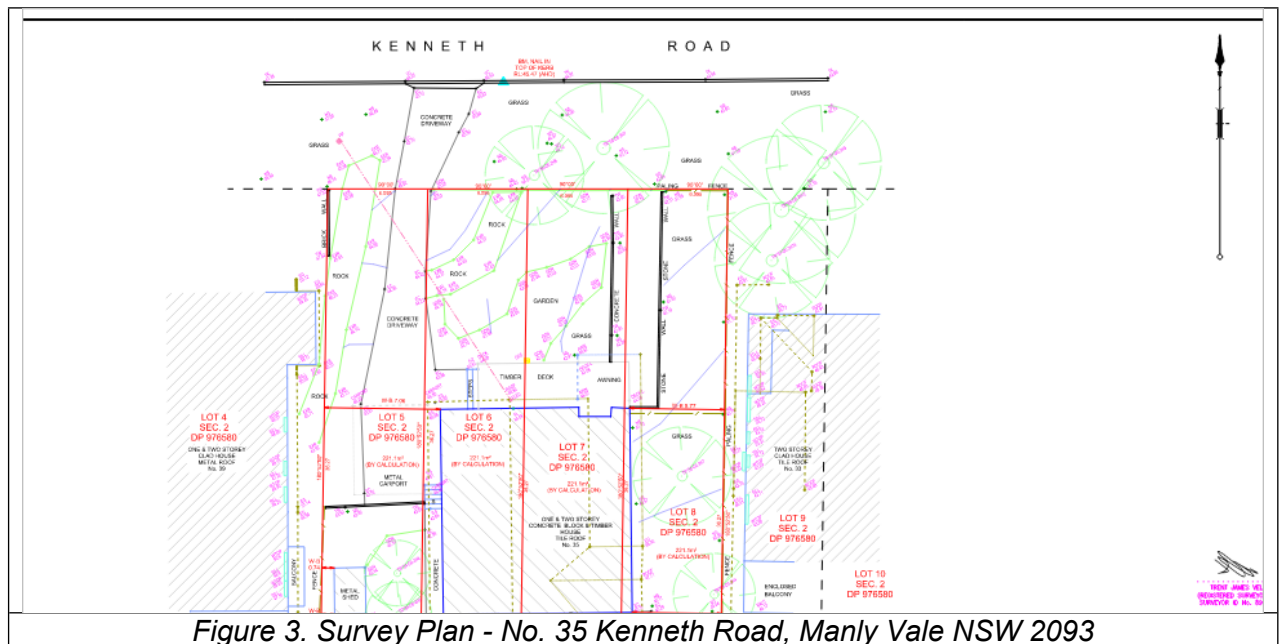
Figure 2. Satellite Photo - No. 35 Kenneth Road, Manly Vale NSW 2093

2.2 Site Description

Each Lot 5,6,7,8 has a street frontage of 6.095 each. A combined total of street frontage for No.35 Kenneth Road is 24.38m. The maximum depth for the site is 36.27m. The site is rectangular in shape and each lot has a land area of 221.1 sqm. The combined area of No.35 Kenneth Road is 884.4 sqm

2.3 Landform and Topography

The site has a fall of approximately 5m from the north-west corner at Kenneth Road towards the south-west corner at the rear.



2.4 Existing Development

The subject site currently has a single storey dwelling house. The proposal aims maintain the residential use of the site. Refer to Figure 4 for a photo of the existing dwelling house.



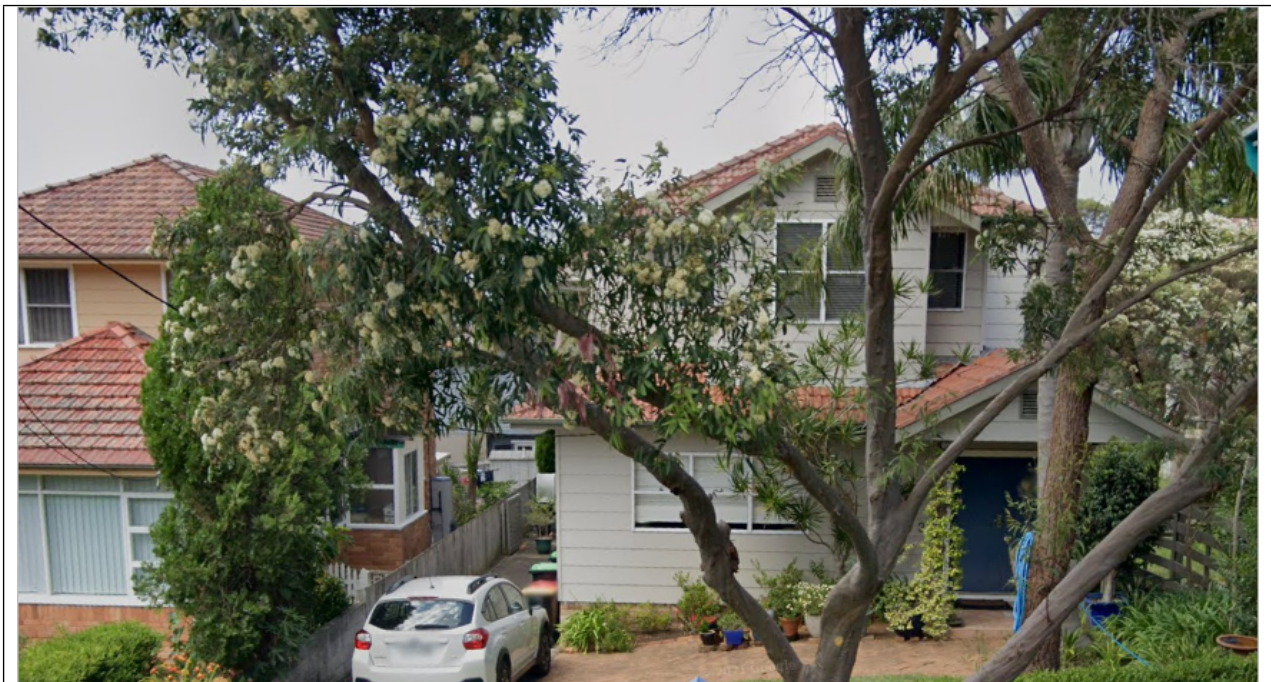
Figure 4. Elevation of existing dwelling house as seen from Kenneth Road

3 Surrounding Development

The site is in an existing residential streetscape with generally medium/large sized allotments. Allotments consist of both single storey and two storey houses and vary between materials, height, fences, and front landscaping. Number 39 and 33 Kenneth Road are both two storey, cottage style dwellings with timber construction and pitched roofs. Refer to Figures 5&6 for photos of surrounding development



*Figure 3. Front elevation of existing neighbouring dwelling west of subject site.
No.39 Kenneth Road, Manly Vale NSW 2093*



*Figure 4. Front elevation of existing neighbouring dwelling east of subject site.
No.33 Kenneth Road, Manly Vale NSW 2093*

4 Proposal

The proposal comprises of the following:

- Removal of two (2) trees
- Proposed vehicular crossing and concrete driveway to Lot 8 and 7

5 Assessment Under Relevant Planning Controls

5.1 Warringah Local Environmental Plan 2011

Warringah LEP 2011 seeks to manage sustainable growth and provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas. Below illustrates the relevant clauses that apply to the subject site.

For all site calculations and compliance with Warringah LEP 2011 and DCP 2011, please refer to the 'Compliance Tables' below.

5.1.1 Land Zoning

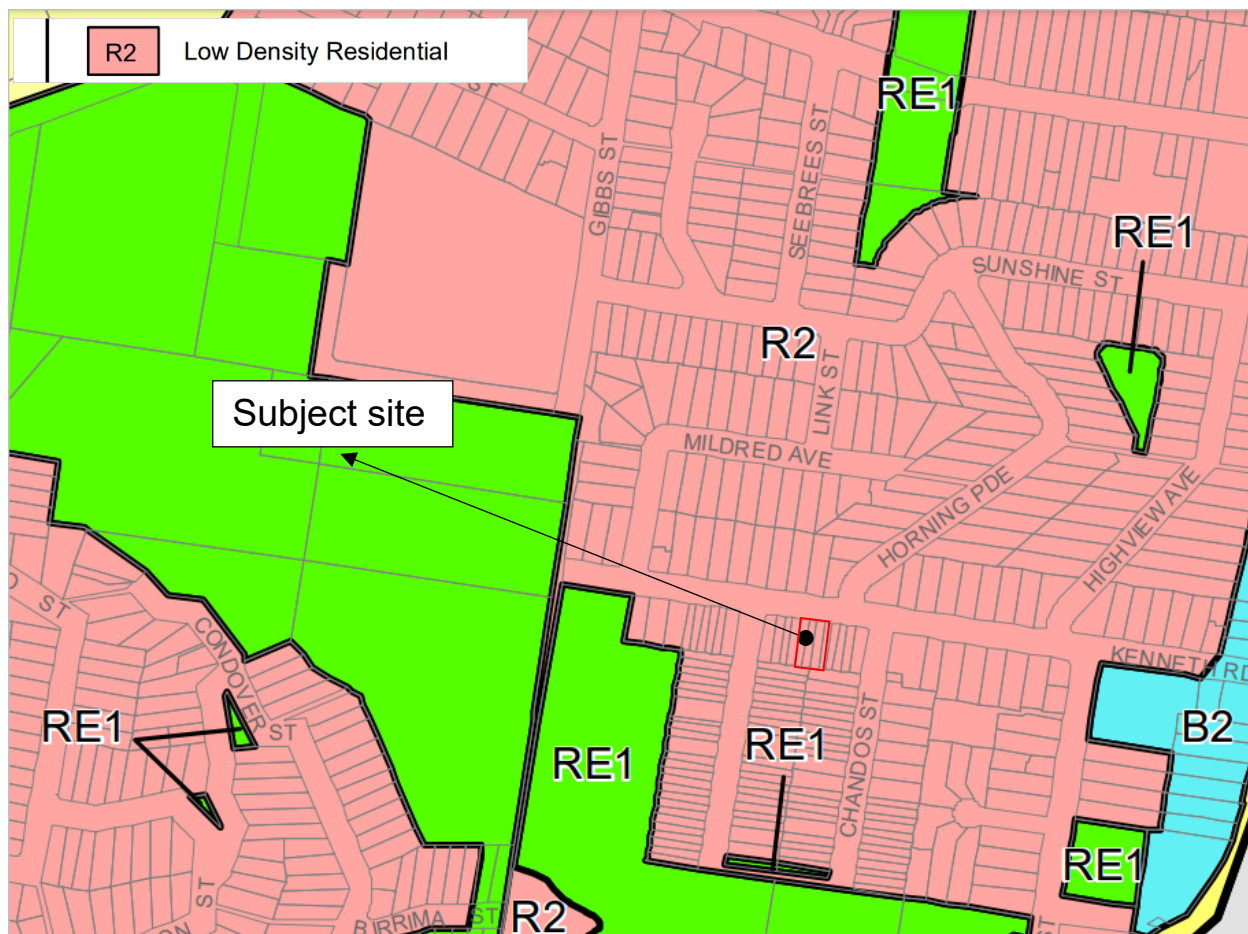


Figure 5: Zoning Map

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

2 Permitted without consent

Home-based childcare; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3

Assessment:

The site is located in R2 low density residential zone. The proposal is a low-impact development designed for access to the site. The driveway mass and scale is compatible with the surrounding developments and there is no adverse impacts regarding traffic. The proposed development is sited in an appropriate location which does not damage the bushland character of the locality.

5.1.2 Bushfire

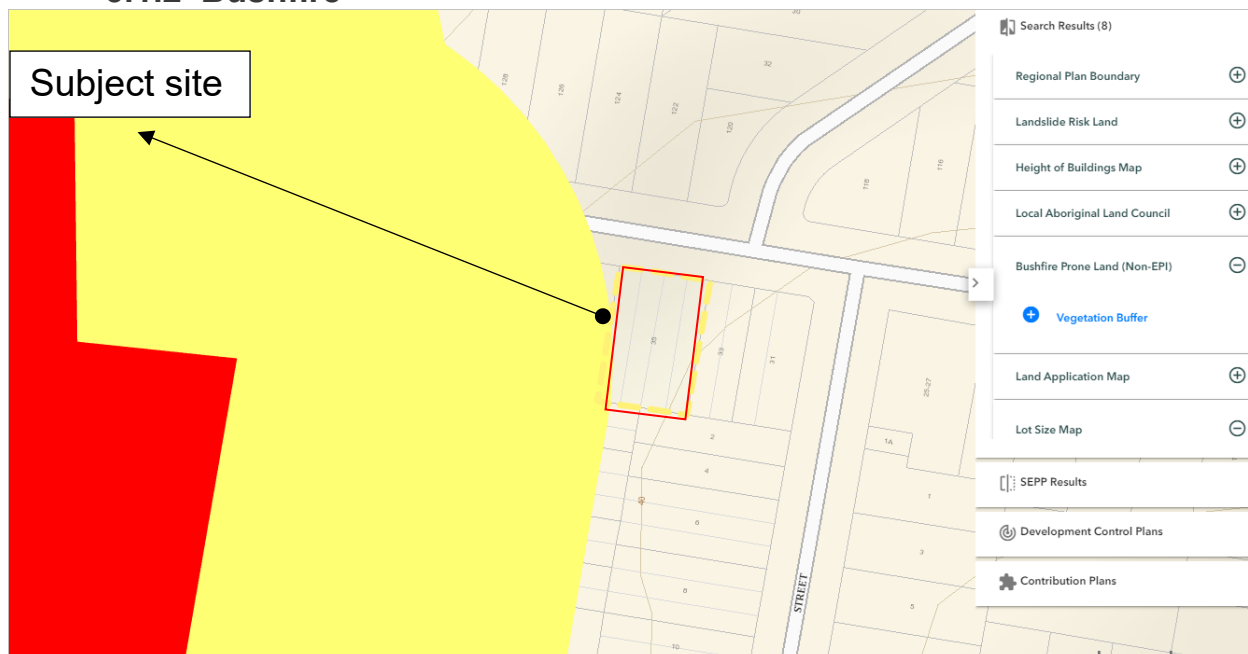


Figure 8: Bushfire Prone Land Map

5.11 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.

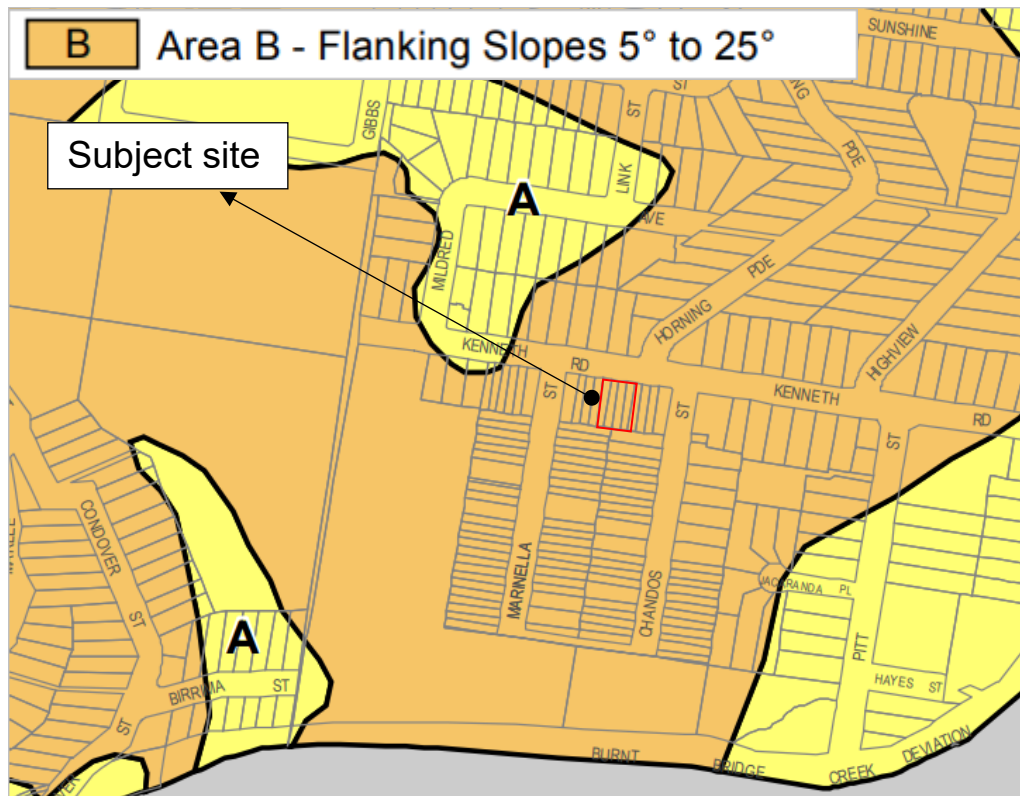
Note—

The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.

Assessment

Only a minimal part of the subject site is categorised as vegetation buffer. The proposed driveway works are unlikely to be impacted by any bushfire risk.

5.1.3 Landslide Risk Land



6.4 Development on sloping land

- (1) *The objectives of this clause are as follows—*
 - (a) *to avoid significant adverse impacts on development and on properties in the vicinity of development sites resulting from landslides originating either on or near sloping land,*
 - (b) *to ensure the impacts of storm water runoff from development on or near sloping land are minimised so as to not adversely affect the stability of the subject and surrounding land,*
 - (c) *to ensure subsurface flows are not adversely affected by development so as to not impact on the stability of existing or adjoining 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.*
- (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.*

Assessment

A Geotechnical Assessment: Landslide Risk Assessment Report was prepared by CEC Geotechnical Engineers. The report found that there is no signs of landslip instability or movement (pg 3). The site has been assessed as “**Low to Very Low**” risk (p4.). Refer to the Geotechnical Assessment for more information.

5.2 Warringah Development Control Plan 2011

TABLE 1: WDCP 2011 – PART C SITTING FACTORS

Item	Requirements	Compliance / comments
C1 SUBDIVISION		
Access	Driveways, accessways, etc, to allotments should have a gradient not exceeding 1:4 and allow for transitions at a minimum length of 1.5m and at a grade no steeper than 1:10.	Complies, Refer to the architectural plans for more information.
	Driveways in excess of 200 metres will not be allowed for residential development.	N/A .
	Driveways that are 30m or more in length require a passing bay to be provided every 30m. To provide a passing bay, Driveways shall be widened to 5.0m for a distance of at least 10m.	N/A

TABLE 3: WDCP 2011 – PART E THE NATURAL ENVIRONEMENT

Item	Requirements	Compliance / comments
E10 LANDSLIP RISK	<ol style="list-style-type: none"> The applicant must demonstrate that: <ul style="list-style-type: none"> The proposed development is justified in terms of geotechnical stability; and The proposed development will be carried out in accordance with good engineering practice 	Complies, Refer to Geotechnical Assessment: Landslide Risk Assessment Report by CEC Geotechnical engineers, where engineering advice has been provided
	<ol style="list-style-type: none"> Development must not cause detrimental impacts because of stormwater discharge from the land. 	Complies, Refer to Geotechnical Assessment: Landslide Risk Assessment Report by CEC Geotechnical engineers, where no

		detrimental impacts of the development are believed to occur
	3. Development must not cause detrimental impact on the existing subsurface flow conditions including those of other properties.	Complies, Refer to Geotechnical Assessment: Landslide Risk Assessment Report by CEC Geotechnical engineers, where no detrimental impacts of the development are believed to occur
	4. To address Requirements 1 to 3	Noted
ii) For land identified as being in Area B or Area D:	<p>A preliminary assessment of site conditions prepared in accordance with the Checklist for Council's assessment of site conditions (see Notes) must be carried out for development. The preliminary assessment must be prepared by a suitably qualified geotechnical engineer/ engineering geologist and must be submitted with the development application.</p> <p>If the preliminary assessment determines that a geotechnical report is required a report must be prepared by a suitably qualified geotechnical engineer / engineering geologist and must be submitted with the development application.</p> <p>Also, if the preliminary assessment determines that a geotechnical report is required a hydrological assessment of stormwater discharge and subsurface flow conditions, prepared by a suitably qualified geotechnical/ hydrological engineer, must be submitted with the development application.</p>	Complies, Refer to Geotechnical Assessment: Landslide Risk Assessment Report by CEC Geotechnical engineers for preliminary site investigation processes.
Exceptions	1. No preliminary assessment of site conditions will be required in Areas B and D and no geotechnical and hydrological reports will be required in Areas C and E if the proposed development does not involve any site, building or structural works.	N/A Land is in Area B and involves structural works – proposed vehicular crossing and concrete driveway
	2. Council may determine that no geotechnical report is required for development situated in Areas C or E where this can be demonstrated by a preliminary assessment of site conditions, prepared by a suitably qualified geotechnical engineer / engineering geologist, in accordance with the Checklist for Council's Assessment of site conditions (see Notes).	N/A Land is in Area B
	3. Council may determine that no hydrological assessment is required for development situated in Areas C or E where this can be demonstrated by a preliminary assessment of site conditions, prepared by a suitably qualified geotechnical engineer/ engineering geologist, in accordance with the Checklist for Council's Assessment of site conditions (see Notes).	N/A Land is in Area B

Note

Landslip Risk Classes A to E, described in the following table, correlate to Areas A to E on the Warrigah LEP 2011 – Landslip Risk Map.

Noted

LANDSLIP RISK CLASS			
Landslip Risk Class	Topographic Position	Slope Angle (degrees)	Geology
A	Plateau areas, ridge crests, major spur slopes, footslope areas; and beach, foredune and alluvial flats.	< 5	At higher elevations, generally shallow residual soils developed on Hawkesbury Sandstone. Hawkesbury Sandstone exposed in occasional outcrops and in near vertical road cuts. Some areas of fill. At lower elevations, unconsolidated marine and alluvial sands often overlying deep marine sediments.
B	Flanking slopes.	5 to 25	Colluvial and residual soils, possibly deeper than in Class A, developed on Hawkesbury Sandstone. Minor detached sandstone blocks, occasional exposures of sandstone in cliffs and road cuts. Occasional fill areas associated with playing fields, roads and some developments.
C	Steeper slopes, generally near coastal areas and adjacent to creeks and major gullies.	> 25	Colluvial soils and bouldery talus, with detached blocks of sandstone on steep escarpment areas, developed on Hawkesbury Sandstone. Near vertical cliffs to approximately 50m high at Dee Why Head.
D	Flanking slopes (Collaroy Plateau area)	5 to 15	Colluvial and residual soils (possibly deeper than in Class A) developed on Narrabeen Group or Hawkesbury Sandstone. Minor detached sandstone blocks, occasional exposures of sandstone in cliffs and road cuts. Occasional fill areas associated with playing fields, roads and some developments.
E	Steeper slopes (Collaroy Plateau area)	> 15	Colluvial & residual soils & bouldery talus, with detached blocks of sandstone on steeper escarpment areas, developed on Narrabeen Group or Hawkesbury Sandstone. Near vertical cliffs up to about 20m high.

SUGGESTED CHECKLIST FOR COUNCIL'S ASSESSMENT OF SITE CONDITIONS

Noted

1.0	LANDSLIP RISK CLASS (circle Landslip Risk Class in which site is located)
A	A Geotechnical report not normally required.
B	B Preliminary assessment of site conditions required to determine whether a geotechnical report is required.
C	C Geotechnical report required.
D	D Preliminary assessment of site conditions required to determine whether a geotechnical report required.
E	E Geotechnical report required.

2.0	SITE LOCATION
Street no. & Name, Position in street (above or below), Site dimensions (block shape & size);	

3.0	PROPOSED DEVELOPMENT:
General description, including maximum excavation depths, maximum fill depths, and proximity to existing structures;	

4.0	EXISTING SITE DESCRIPTION:
eg. Topography, slope angles (in degrees), exposures of rock and soil, existing site development, evidence of possible slope instability.	

5.0	RECOMMENDATIONS
Based on the above items, and the attached flowchart that indicates the principal factor(s) considered in the assessment, it is recommended that: Geotechnical assessment is required. Geotechnical assessment is not required. Other comments:	
6.0	DATE OF ASSESSMENT;
7.0	ASSESSMENT BY;

TABLE 3: WDCP 2011 – APPENDIX 8 REMOVAL OF TREE TESTS

Item	Requirements	Compliance / comments
6. Proposed Driveway Crossings, Private Structures or Works Affecting	<p>Permission for the removal of a tree may be granted where the tree would prevent the installation and function of a proposed Driveway crossing, street awning, street balcony, or other private structure. It needs to be demonstrated that:</p> <ul style="list-style-type: none"> the removal of the tree would maximise public benefit, that there is no reasonable alternative to removing the tree, and the Council is satisfied that the proposal would not have any adverse heritage, pedestrian, streetscape or traffic impacts. 	<p>Complies,</p> <p>Refer to Arborist report prepared by Horticultural Management</p>

Public Land Test		Services for more information
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6 Justification of Non-Compliances

N/A

7 Additional Assessment of the Proposal

Location

The proposal is considered to be in an appropriate location as the existing use of the site will remain the same. The development is permissible in the zone with consent. A detailed assessment of the location is detailed above.

Amenity

The proposed removal of two (2) trees and proposed construction of a vehicular crossing and concrete driveway will have minimal impacts on the existing and future amenity of the locality.

Design of the Premises

N/A

Access

The existing site is accessible from Kenneth Road and this access will remain, with an improvement to the amenity of the site.

Privacy and Shadowing

There are no privacy and shadowing concerns for this proposal.

Noise

No noise or odour pollution beyond standard residential acceptable levels is foreseen to be produced from the proposal.

General

The proposed vehicular crossing and concrete driveway have been designed to the specification of Council.

Acid Sulfate Soils

The subject site is not located within an acid soils area

Flooding

The subject site is not located within a flood prone area.

Bushfire

A small part of the subject site is zoned as vegetation buffer. The proposed vehicular crossing and concrete driveway are not going create an adverse impact to the site.

Tree Removal

No trees are proposed to be removed as part of this application.

Heritage

The subject site is not a heritage item, nor is it located within a heritage conservation area or located within the direct vicinity of a heritage item.

8 Section 4.15 Considerations

General

In considering this development application, Council must consider the relevant planning criteria in Section 4.15 of the Environmental Planning and Assessment Act, 1979.

Statutory and Policy Compliance – s4.15(1)(a)

The proposal has been assessed in relation to all relevant SEPP's and LEP's above in the Statement of Environmental Effects.

The SEPP's which is relevant to the proposal are:

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4, Clause 4.6 of State Environmental Planning Policy Resilience and Hazards 2021 states:

- (1) (1) A consent authority must not consent to the carrying out of any development on land unless—*
 - (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) The land concerned is—*
 - (a) land that is within an investigation area,*
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*

- (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
- (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The site is considered acceptable for the proposed development. Given that the site has historically been used for residential and the proposal is not a contaminating use, the site is considered to be consistent with State Environmental Planning Policy Resilience and Hazards 2021.

The LEP which is relevant to the proposal is:

Error! Reference source not found. Local Environmental Plan 2011

The proposal is considered to satisfy the above relevant Local Environmental Planning Instrument as the development is within zoning regulations. It remains consistent with the relevant objectives of the LEP as it promotes the orderly and economic development of the LGA in a manner consistent with the need to protect the environment and does not adversely affect the identity of the area.

Natural Environment Impacts – s4.15(1)(b)

The works proposed will not affect the natural environment. Waste will be managed and collected effectively. Furthermore, there is no endangered flora or fauna on the site that might be affected.

Throughout the period of construction, all measures will be taken to ensure that any noise, dust and vibration will be kept to a minimum.

Social and Economic Impacts – s4.15(1)(b)

The proposal is unlikely to have any social or economic impacts on the surrounding area.

Built Environment Impacts – s4.15(1)(b)

The proposed height been designed to have minimal impacts on the surrounding built environment.

Suitability of the Site for the Development – s4.15(1)(c)

The site is well located in terms of suitability, as the proposal is situated in a residential zone.

9 Conclusion

This report has addressed the requirement and relevant provisions of the Council's **Error! Reference source not found..**

The assessment illustrates that proposed removal of two (2) trees and proposed construction of a vehicular crossing and concrete driveway will have no adverse effects on the surrounding community development. The site will be upgraded and will improve the amenity of the local community. The works will be consistent with the residential appearance of the surrounding dwellings and will be beneficial to the current appearance of the subject property.

If you require additional information or clarification, please do not hesitate to contact the undersigned on 0449 500 500 or via email at planning@es.com.au

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