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# STATEMENT OF ENVIRONMENTAL EFFECTS

## ALTERATIONS AND ADDITIONS

114 Whale Beach Road, Whale Beach 2107  
Lot 82 DP 10782

Prepared by Amanda Elboz  
Space Landscape Designs Pty Ltd  
27<sup>th</sup> August 2020

### 1.0 Site Description and Location

The site is known as 114 Whale Beach Road, Whale Beach NSW 2107 or Lot 82, D.P. 10782.

The site is located on the high side of Whale Beach Road with a northerly aspect and site area of 1362m<sup>2</sup>.

The site has a steep verge with access via a concrete driveway that is a Right of Carriageway to the adjacent site at 116 Whale Beach Road.

There is an existing part three storey house on the site with a swimming pool. Alterations and additions to the existing dwelling was approved in 2009 DA N0391/09.

The front of the site enjoys views of the ocean.



Image 1 – Site location courtesy of Google Maps

### 2.0 Locality and Planning

The site is located within Northern Beaches Council. The proposed development has been prepared in accordance with Pittwater Local Environmental Plan 2014 and Pittwater Development Control Plan (DCP) 2014. Consideration has also been given to State Environmental Planning Policy (Coastal Management) 2018.

### 3.0 Proposed Works

The proposal seeks approval to replace an existing stone retaining wall that is in poor condition. A portion of the wall has partially collapsed with the roots of an *Angophora floribunda* exposed. As the bank is very steep, another retaining wall is proposed to create a tiered garden and keep the height of the lower wall as low as possible. As part of these works it is proposed to slightly widened the concrete driveway to enable better access into the driveway from Whale Beach Road.

The proposed works are all external, located at the front of the site. The proposed work are as follows:

- Demolition of existing stone retaining wall
- Construction of new concrete block retaining walls with a section of the wall located on council verge due to the topography of the site.
- Widen a section of existing driveway
- Removal of 4 trees

#### **4.0 Statutory Planning Controls**

The proposal is permitted with consent from council. The site is zoned as follows:

Acid Sulfate Soils Map – Class 5  
Land Zoning E4 – Environmental Living  
Biodiversity Map  
Geotechnical Hazard Map

#### 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.

#### **State Environmental Planning Policy (Coastal Management) 2018**

The site is subject to SEPP Coastal Management (2018) an assessment of relevant clauses is as follows:

##### **13 Development on land within the coastal environment area**

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - (b) *coastal environmental values and natural coastal processes,*
  - (c) *the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
  - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
  - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (f) *Aboriginal cultural heritage, practices and places,*
  - (g) *the use of the surf zone.*

##### Comments

The proposed retaining wall is replacing an existing wall. Although the wall has been lengthened, it is required to ensure the bank is stabilised. The proposal is unlikely to cause any adverse impacts to the ecological environment, coastal environmental values and natural coastal processes, water quality, marine vegetation, native vegetation and fauna and their habitats. The site does not contain any Aboriginal cultural heritage and the development will not have any impact on the surf zone due to distance from the water.

##### **14 Development on land within the coastal use area**

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—*
- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following—*
    - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
    - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
    - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
    - (iv) *Aboriginal cultural heritage, practices and places,*

- (v) *cultural and built environment heritage, and*
- (b) *is satisfied that—*
  - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
  - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development*

#### Comments

The site does not have access to or along the foreshore. The retaining walls will not cause any overshadowing due to the location on the site. It is consistent with the surrounding coastal and built environment which is low-density residential dwellings that have similar retaining walls. The walls are of appropriate bulk, size and scale to suit the topography of the site.

#### **15 Development in coastal zone generally—development not to increase risk of coastal hazards**

*Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

#### Comments

The land is not identified as being affected by any coastal hazards and is not likely to cause increased risk of coastal hazards on any other land.

Therefore it is considered the application complies with the requirement of the SEPP (Coastal Management) 2018.

#### **Pittwater LEP 2014**

##### Land Use:

The site is zoned E4 - Environmental Living. The development is consistent with the relevant objectives of the zone on the basis that:

- The proposed works will have no adverse impacts on the ecological, scientific or aesthetic values of the locality.
- The new works does not change the existing topographical features of the site. The lower retaining wall replaces an existing wall with a new upper wall to create a more level garden space to plant and prevent erosion and landslip. The walls will be designed to engineers details to ensure no landslip occurs.

4.3 Height of Buildings – Requirement 8.5m – N/A

4.4 Floor Space Ratio – N/A

##### 5.10 Heritage conservation

The site does not contain a heritage item nor in a heritage conservation area.

##### 7.1 Acid sulfate soils

The site is zoned Class 5. No proposed works will lower the water table.

#### 7.6 Biodiversity Protection

The development requires the removal of 4 trees. One tree is dead with the other three trees being identified by the Arborist Report as being lower value category Z retention value. One of the trees has visible roots with the others being required to be removed due to construction of the new walls.

#### 7.7 Geotechnical hazards

A Geotechnical Report accompanies this application and supports the proposed works. The Geotechnical reports states 'for safety reasons and to ensure the ongoing durability of the proposed retaining wall for the driveway, the tree is to be removed..'

### 5.0 Pittwater 21 DCP 2014

The land is located within the Palm Beach Locality. The desired future character of the locality is to maintain as a low-density residential area in a landscape setting, integrated with the landform and landscape.

#### **General Controls**

##### **B1 Heritage Controls**

The site does not contain a heritage item or is within a heritage conservation area.

The site has an existing dwelling and cleared lands. It is not known for being a potential Aboriginal place or containing any Aboriginal object.

##### **B2 Density Controls**

N/A

##### **B3 Hazard Controls**

###### **B3.1 Landslip Hazard**

A Geotechnical Report is attached as part of this application. It supports the new walls to replace the existing walls and removal of the trees.

###### **B3.6 Contaminated Land**

The land is residential with an existing dwelling. The land is not known to be contaminated and has not been used in the past for a purpose that might cause contamination.

#### **B4 Controls Relating to the Natural Environment**

##### **B4.22 Preservation of Trees and Bushland**

The development will require the removal of 4 trees.

To minimise soil erosion, the retaining wall is required to stop any land slip onto Whale Beach Road. The tree removal and new retaining walls are required to manage the risk of the steep site.

The tree removal is supported by the Arborist and Geotechnical engineer.

#### **B5 Water Management**

##### **B5.8 Stormwater Management – Water Quality – Low Density Residential**

There is a minimal increase of 9.2m<sup>2</sup> in impervious area. Therefore this control is not applicable. Basix –A Basix Certificate is not required as external work.

### **B6 Access and Parking**

No change to existing parking.

Due to the difficult angle and steepness of the driveway, it is proposed to slightly widen the existing driveway to help a car manoeuvre more easily into the driveway from Whale Beach Road.

### **B8 – Site Works Management**

#### **B8 Construction and Demolition – Excavation and Landfill**

A Geotechnical Investigation Report has been carried out for the proposed development. There is minimal excavation required to extend the existing driveway and for new footings of the proposed retaining walls. A small amount of fill will be required behind the retaining walls to create a less steep embankment and minimise further erosion.

#### **B8.2 Construction and Demolition – Erosion and Sediment Management**

Sediment and Erosion Control notes and diagram is noted on the Site Plan/Site Analysis DA-100.

### **C1 - Design Criteria for Residential Development**

#### **C1.1 Landscaping**

A Landscape Plan accompanies this application. There is no changes proposed to the existing rear garden. New planting will only occur behind the proposed retaining walls. Planting will be all native species. No large canopy trees are proposed within the new gardens due to the limited width of the beds and steepness of terrain.

#### **C1.3 View Sharing**

No views will be obstructed by the proposal due to the topography of the site and location of the retaining walls.

#### **C1.5 Visual Privacy**

The proposal will not impact the privacy of any adjacent properties.

#### **C1.6 Acoustic Privacy**

There will be no effect on acoustic privacy by the proposed works.

#### **C1.7 Private Open Space**

N/A

### **D12 - Palm Beach Locality**

#### **D12.1 Character as viewed from a public place**

The proposed retaining walls will be visible on Whale Beach Road due to part being located on the council verge. The new walls will be engineered to ensure further erosion and landslip does not occur onto the road. The lower wall will be clad in stone to blend in with the natural environment and enhance the existing streetscape. It is compatible with other existing retaining walls located on the street verge along Whale Beach Road. (Refer to Image 2)

#### **D12.3 Building Colours and Materials**

The retaining wall will be clad in stone to blend with the natural surroundings. The upper wall will be clad in corten steel which will weather and compliment the bushland landscape.

#### **D12.5 Front Building Line**

The proposed extension of driveway and retaining walls are permitted forward of the building line.

#### **D12.6 Side and Rear Building Line**

The proposed retaining walls are permitted within the side building line. No works are proposed near the rear building line.

#### **D12.8 Building Envelope**

N/A

#### **D12.10 Landscape Area - Environmentally Sensitive Land**

There is a minimal change to the existing Landscape Area.

Total Landscape Area to be 60% of the site

Site Area	1362m <sup>2</sup>	
Required Landscape Area	817.2m <sup>2</sup>	(60%)
Proposed Landscape Area	829.4m <sup>2</sup>	(60.8%) complies
Plus impervious allowance	81.72m <sup>2</sup>	(6%)
Total Landscape Area	911.1m <sup>2</sup>	(66.8%)

#### **D12.13 Construction, Retaining walls, terracing and undercroft areas**

The proposed retaining wall visible from a public will be clad in stone which is councils preferred material.

### **6.0 Conclusion**

The proposal has been designed to improve the safety and amenity of the existing site. The failing stone wall will be replaced with engineered walls that will prevent future landslip and erosion of the embankment. New native planting will soften the walls and improve the existing streetscape.

The proposed development complies with all relevant controls and we trust the proposal is supported by council.



SITE PHOTOS



*Image 2 Existing stone retaining walls located on council verge and alongside driveways on Whale Beach Road*



*Image 3 Showing existing failing stone wall to be replaced and tree to be removed*





*Image 4 Showing existing failing stone wall and tree with exposed roots*