

## Statement of Environmental Effects

### 30 Herbert Avenue, Newport

#### Site description

The site is known as 30 Herbert Avenue, Newport described as Lot 1, in D.P. 214956. The site has an area of 1,350m<sup>2</sup> and has a frontage to Herbert Avenue to the south. The site adjoins residential lots to the north, east and west.

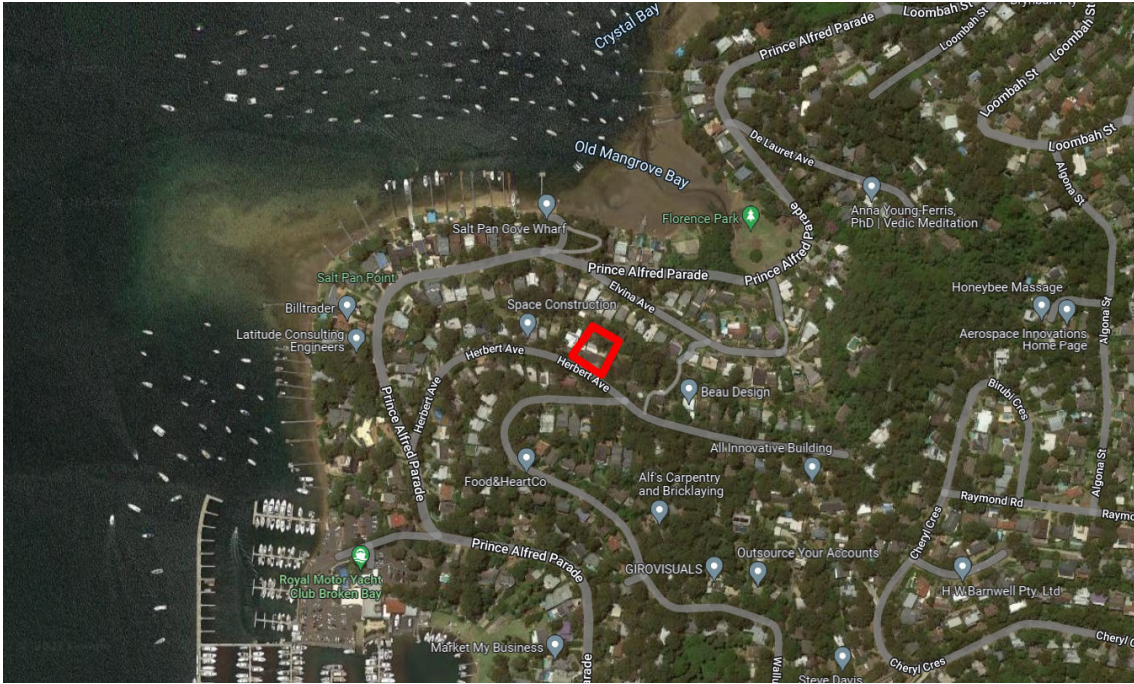


Image 1. Aerial view of the development site. Image courtesy of Google Maps.

#### The proposal

It is proposed to:

- Replace existing stairs, retaining walls and paving.
- Remove one protected tree and two exempt trees.
- Construct replacement tiles, stairs and retaining walls.
- Construct a covered deck area.
- Construct a boardwalk.
- Install planting including replacement trees.



Image 2. Existing tiles and pavers to be replaced seen beyond the swimming pool. The protected tree to be removed can be seen to the left of the image.



Image 3. Section of slumped tiling to be replaced.





Image 4. Existing stairs and retaining walls to be replaced.



Image 5. Existing retaining walls to be replaced.





Image 6. Location of the proposed level turf area. The protected tree to be removed can be seen to the left of the image and an exempt tree to be removed can be seen on the right of the image.



Image 7. Location of the proposed level turf area.





Image 8. Location of the proposed level turf area. Exempt vegetation to be removed in the background.



Image 9. Swimming pool shell to be screened and retaining wall to be constructed to facilitate the level turf area.

## **Site analysis**

30 Herbert Avenue, Newport is a steeply terraced block with a 16.43 metre fall over the length of the block from the southern corner to the northern corner. The dwelling house is a one and two-storey clad and rendered residence with a tile roof. The garage is accessed via a concrete driveway from Herbert Avenue.

## **Previous and present uses**

The present and previous known uses of the site have been, and are for, a residential dwelling. The adjoining allotments are also used for residential development. As a result, it is felt that the site would not be likely to be contaminated in any way from its known use nor would there be any need to test the site to confirm this belief.

## **Development standards & design guidelines**

The statutory and strategic planning controls that guide this proposal are:

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

The pertinent sections have been addressed below.

## **Pittwater Local Environmental Plan 2014 controls**

The planning maps contained in PLEP 2014 show the site zoned as C4 Environmental Living with a maximum permissible building height of 8.5 metres. The site is zoned Acid Sulfate Soils Class 5, Biodiversity and Geotechnical Hazard H1.

## **Part 4 Principal development standards**

### **4.3 Height of buildings**

The proposed covered seating deck has a maximum height above existing ground levels of 4.54 metres meeting the control of 8.5 metres with positive compliance.

## **Part 7 Additional local provisions**

### **7.1 Acid sulfate soils**

30 Herbert Avenue, Newport is shown on the Acid Sulfate Soils Map as Class 5 for Acid Sulfate Soils. Development consent is required only for works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. The proposed works are not likely to lower the watertable. As such development consent is not required in relation to Acid Sulfate Soils.

### **7.2 Earthworks**

Earthworks have been proposed as part of this Development Application. There will be no disruption of, or detrimental effect on, drainage patterns and soil stability in the locality of the development as a result of the excavation. The soil to be excavated will be reused for fill on site as required, with any additional spoil to be

disposed of at an establishment licenced to do so. Any imported fill soil is to meet the relevant standards. There will be no adverse effect of the development on the existing and likely amenity of adjoining properties.

## **7.6 Biodiversity**

30 Herbert Avenue, Newport is shown on the Biodiversity Map and is also located within the Pittwater Spotted Gum Forest threatened ecological plant community. One tree (*Eucalyptus punctata*) found within the Pittwater Spotted Gum Forest threatened ecological plant community, is proposed to be removed as part of this Development Application. An additional two exempt trees are proposed to be removed. Refer to the **Seven Part Test** and Arboricultural Impact Assessment for details.

Seven replacement trees from the Pittwater Spotted Gum Forest threatened ecological plant community and sixteen locally native trees have been proposed as part of the landscape works.

## **7.7 Geotechnical hazards**

The subject site is zoned H1 on the Geotechnical Hazard Map. A Geotechnical Assessment accompanies this Development Application.

## **Pittwater 21 Development Control Plan 2014 controls**

### **Section B General controls**

#### **B3 Hazard controls**

##### **B3.1 Landslip hazard**

As noted above, 30 Herbert Avenue, Newport is zoned H1 on the Geotechnical Hazard Map. A Geotechnical Assessment accompanies this Development Application.

#### **B4 Controls relating to the natural environment**

##### **B4.7 Pittwater Spotted Gum Forest - Endangered Ecological Community**

As noted above, the subject site is located within the Pittwater Spotted Gum Forest threatened ecological plant community. One tree (*Eucalyptus punctata*) found within the Pittwater Spotted Gum Forest threatened ecological plant community, is proposed to be removed as part of this Development Application. Refer to the **Seven Part Test** and Arboricultural Impact Assessment for details.

Seven replacement trees from the Pittwater Spotted Gum Forest threatened ecological plant community and sixteen locally native trees have been proposed as part of the landscape works. It is felt that the replacement tree planting will ensure there is no significant onsite loss of canopy cover or a net loss in native canopy trees.

It is felt that the additional proposed planting will dramatically increase the Pittwater Spotted Gum Forest threatened ecological plant community on the site. It is also felt that the proposed planting will enhance habitat and wildlife corridors for locally native species, threatened species and endangered populations.

The control stipulates that at least "80% of any new planting incorporates native vegetation (as per species found on the site or listed in Pittwater Spotted Gum Endangered Ecological Community)". Sheet L-04 *Planting Plan* as prepared by Serenescapes Landscape Designs has a numerical breakdown of proposed planting. They are shown again below.

Total plants proposed:	689 (100%)
Native plants - Pittwater Spotted Gum Forest:	179 (25.98%)
Native Plants - Northern Beaches Council	
Native Plant Species Guide - Pittwater Ward:	148 (21.48%)
Native plants - Shale Slopes:	149 (41.36%)
Other native plant or cultivar:	136 (19.74%)
Total locally native plants:	476(69.09%)
Total native plants:	612 (88.82%)
Exotic plants:	77 (11.18%)

As illustrated above, the proposed planting is a variation on the control. However, it is felt that the variation should be deemed acceptable for the following reasons:

- The existing landscape to be replaced by the proposed planting is managed turf which offers very limited biodiversity and habitat. The proposed planting will provide a vast improvement to both biodiversity and habitat opportunities.
- It is also felt that the installation of this planting will also enhance the wildlife corridor in the locality.
- Given the quantity of plant material specified, it is felt that the inclusion of 69.09% locally native plant material is a genuine attempt at compliance with the control, while providing a diverse and appealing landscape outcome.
- With an additional 19.74% native plant material or their cultivars, many of which are locally occurring within Pittwater, the total native plant material is 88.82% which is in excess of the control.

#### **B4.22 Preservation of trees and bushland vegetation**

As noted above in 7.6 B4.7 *Pittwater Spotted Gum Forest - Endangered Ecological Community*, one tree (*Eucalyptus punctata*) found within the Pittwater Spotted Gum Forest threatened ecological plant community, is proposed to be removed as part of this Development Application. Seven replacement trees from the Pittwater Spotted Gum Forest threatened ecological plant community and sixteen locally native trees have been proposed as part of the landscape works. It is felt that this replacement planting in conjunction with the additional plant material proposed will ensure no adverse impact on the "urban forest of the Northern Beaches".

#### **B5 Water management**

##### **B5.15 Stormwater**

It is felt that there will be limited impact on stormwater processes resulting from the works associated with this Development Application. The proposal increases the impervious areas by 107.54m<sup>2</sup> or 0.8% of the total site area. Of this increase, 54.57m<sup>2</sup>



or 50.45% of the increase is the boardwalk which will allow rainwater to pass between the deck boards and enter the soil profile.

## **B8 Site works management**

### **B8.1 Construction and demolition - excavation and landfill**

As noted above, 30 Herbert Avenue, Newport is zoned H1 on the Geotechnical Hazard Map. A Geotechnical Assessment accompanies this Development Application.

### **B8.3 Construction and demolition - waste minimisation**

Waste materials generated through demolition, excavation and construction works will be minimised by reuse onsite, recycling, or disposal at an appropriate waste facility. A Waste Management Plan accompanies this Development Application.

## **Section C Development type controls**

### **C1 Design criteria for residential development**

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

The plant species found on the subject site are a mix of native and exotic trees, shrubs and ground covers. As noted above in 7.6 *Biodiversity*, one tree (*Eucalyptus punctata*) found within the Pittwater Spotted Gum Forest threatened ecological plant community, is proposed to be removed as part of this Development Application. An additional two exempt trees are proposed to be removed. Refer to the [Seven Part Test](#) and Arboricultural Impact Assessment for details.

Seven replacement trees from the Pittwater Spotted Gum Forest threatened ecological plant community and sixteen locally native trees have been proposed as part of the landscape works. It is felt that this replacement planting in conjunction with the additional plant material proposed will ensure that there is no adverse impact on the "urban forest of the Northern Beaches".

The control requires at least two canopy trees in the front yard and one canopy tree in the rear yard to be provided on site. The subject site does not have any trees within the front yard. It is acknowledged that this is a variation on the control, however, it is felt that this should be deemed acceptable due to the limited space within the front yard given the configuration of the dwelling house and driveway. There are also four existing canopy trees within the rear of the site and an additional 30 canopy trees proposed.

#### **C.1.3 View sharing**

As noted above, the proposed covered seating deck has a maximum height above existing ground levels of 4.54 metres. Given the site's topography it is felt that this structure will have no adverse impact on the views of adjoining properties.

#### **C1.6 Acoustic privacy**

Additional areas for passive and active recreation have been created as part of this Development Application. However, given the generous setbacks provided, it is felt

that any additional noise generated from the ongoing use of the works associated with this Development Application will not have an adverse impact on adjoining properties.

### **C1.13 Pollution control**

There is no air, water or land pollution expected from the ongoing use of the works associated with this Development Application.

## **Section D Locality specific controls**

### **D10 Newport locality**

#### **D10.8 Side and rear building line**

The control states that built structures are required to have a minimum side setback of at least 2.5 metres to one side boundary and at least 1 metre to the other side boundary.

It is acknowledged that the proposed tiled sitting area on the southern side of the dwelling house has a side setback of 1.635 which is a variation on the control. It is felt that this should be deemed acceptable given the fact that the seating area is considerably lower than the adjoining property. It is therefore felt that there would be little adverse impact arising from the tiled sitting areas reduced setback.

The proposed seating deck complies with the control with a minimum side setback of 14.92 metres. It also complies with the rear boundary setback control of 6.5 metres with a proposed setback of 7.435 metres.

The proposed boardwalk complies with the side setback control with a minimum setback of 4.415 metres. It is acknowledged that the proposed boardwalk does not comply with the rear boundary setback requirement of 6.5 metres with a minimum setback of 1.83 metres. It is felt that this non-compliance should be deemed acceptable as the boardwalk is for maintenance and pedestrian access rather than for entertaining. It is therefore felt that there would be little adverse impact arising from the boardwalks reduced setback. The boardwalk is also close to existing ground levels ensuring no adverse impact due to overlooking.

#### **D10.13 Landscaped area – Environmentally sensitive land**

30 Herbert Avenue, Newport is found within land zoned C4 Environmental Living. The calculations for landscaped area including a diagrammatic representation are found on drawing *L-01 Site Plan / Site Analysis / Sedimentation Control Plan* as prepared by SerenesCAPES Landscape Designs. They are shown again below.

Site Area	1,350.00m <sup>2</sup>
Required Landscape Area	810m <sup>2</sup> (60%)
Existing Landscape Area	836.18m <sup>2</sup> (61.94%)
Proposed Landscape Area	728.64m <sup>2</sup> (53.97%)
Impervious area allowance	81.00m <sup>2</sup> (6%)
Total Landscape Areas:	809.64m <sup>2</sup> (59.97%)



It is acknowledged that the works associated with this Development Application are a variation on the control. However, it is felt that this variation should be deemed acceptable for the following reasons.

- The variation is very minor at 0.36 metres or 0.03% of the total site area.
- The proposed development will not cause unreasonable bulk and scale of the built form given the structures setbacks, proximity to existing ground levels and the substantial landscaping that has been proposed.
- The proposed development will not reduce the amenity or solar access to any neighbouring properties.
- It is felt that the extensive landscaping proposed will enhance the native vegetation and habitat of the site. It will also enhance the rural and bushland character of the locality.
- As noted above in *B5.15 Stormwater*, it is felt that there will be minimal adverse impact on stormwater processes resulting from the works associated with this Development Application.

#### **D10.16 Construction, retaining walls, terracing and undercroft areas**

Existing retaining walls and stairs are proposed to be replaced as part of this Development Application. The existing retaining walls are not structurally sound. The rear of the site is very steep which limits usability and make maintenance very difficult.

The proposed retaining walls are not able to be seen from a public place. However, they are to have a sandstone finish in accordance with the control. The upper retaining walls and stairs have been designed to follow the existing ground levels as closely as possible. It is acknowledged that the retaining walls that facilitate the level turf area will require cut and fill. The final level of the turf area has been set to minimise the amount of material being required to be removed and brought into the site. The maximum cut is 1.47 metres and the maximum fill is 1.93 metres. The level turf area has been centrally located on the site to minimise any adverse impacts due to overlooking.

#### **Conclusion**

It is felt that the proposed development will increase amenity of the site for the owners through the provision of additional areas for active and passive recreation.

The development has been designed to enhance the character of the site and increase the value of the property whilst being mindful of potential impacts upon adjoining properties.

It is acknowledged that there is non-compliance on some planning controls. However, it is felt that the proposed development has been designed in accordance with the spirit of Council's planning documents.

Prepared by Ben Farrar TLA Member Serenescapes Landscape Designs. 24/05/2022