

## STATEMENT OF ENVIRONMENTAL EFFECTS

Removal, replacement and minor extension of part of existing retaining wall and boundary fencing

13 Kuyora Place  
North Narrabeen



Prepared by  
Natalie Richter Planning Pty Ltd  
On behalf of The Owners of Lot 14 DP 240799

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## Executive Summary

This statement has been prepared in support of the removal, replacement and extension of a retaining wall at No. 13 Kuyora Place, North Narrabeen. The wall is located on Lot 14 DP 240799 and adjoins Lot 15 in DP 240799 (No. 12).

The existing retaining wall is located along the western and northern boundaries of the site, forming the boundary between No. 13 Kuyora Place and No. 12 Kuyora Place (west) and part of the rear adjoining property to the north (No. 19 Irrawong Road). The existing retaining wall has deteriorated in certain sections, hence requiring the replacement.

The owners of No.'s 12 and 13 Kuyora Place have prepared this application jointly and provided owners consent to the lodgment of application and carrying out of the proposed works.

The site is zoned R2: Low Density Residential within the *Pittwater Local Environmental Plan 2014 ('the PLEP')*.

The proposal is permissible as the retaining wall sections are ancillary to the existing residential occupation of both properties, particularly No. 13 Kuyora Place.

The proposal represents an overall improvement to the site as it will replace the current structure which is in a state of disrepair. The proposal will formalise the slope/garden/property boundaries while maintaining the existing residential character of the streetscape.

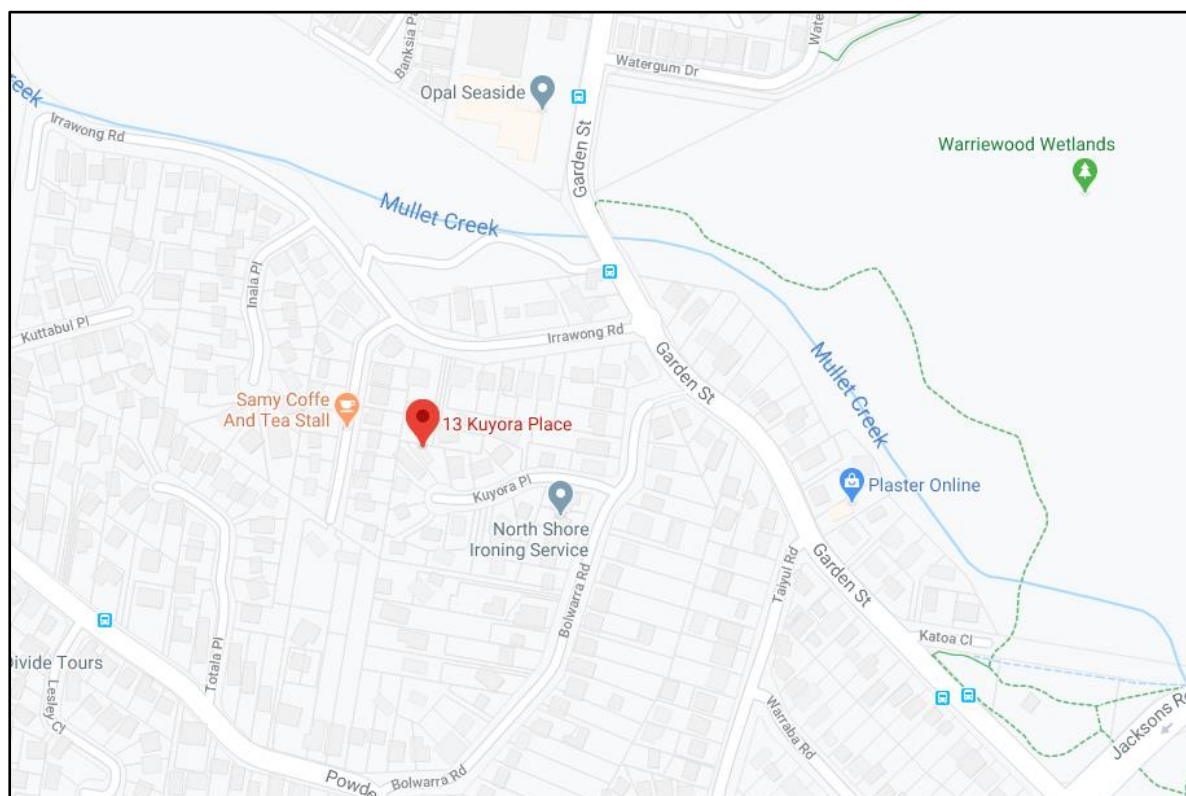
## 1. Description of the site and surrounding area

The subject site is developed with an existing 2 storey detached residential dwelling, driveway and garden areas and a swimming pool at the rear. The existing retaining wall/fence is located predominantly along the western boundary of the site and part of the northern boundary (refer to the site survey and photographs).

The site slopes from the street (RL 12.59m AHD) to the northern-western corner of the site (RL11.16m AHD) – a fall of 1.43m.

The site adjoins other residential dwellings and the existing character of the locality is low density residential with houses set within landscaping and being well separated from each other in terms of space and privacy.

The site is not mapped as containing any particular constraints such as bushfire, flooding, landslide risk, biodiversity, acid sulfate soils or scenic quality. The site is not listed as affected by heritage and trees/significant landscaping are not proposed to be removed.



**Figure 1: Site Location Map (Source: googlemaps)**





Figure 2: Aerial photo of the subject site (Source: googlemaps)



Figure 3: View of boundary fence and front section of subject retaining wall

## 2. Description of the proposal

The proposal involves the removal, replacement and minor extension of the existing retaining wall located along the western (side) and part of the northern (rear) boundaries of No. 13 Kuyora Place, North Narrabeen. The existing wall and fence along the western side boundary are visible in the Figure 3 (photograph) above.

The retaining wall and fence are currently failing. The works are proposed to maintain the existing boundary, to realign the new wall accurately along the boundaries, replace the timber wall with one that is certified by an engineer - therefore improved and structurally sound. The new fencing is similar and has to be replaced above the new retaining wall. The fencing is generally 'like for like'. That is, timber paling fence (1.8m high).

Along part of the northern boundary the new retaining wall is 'returned' along the boundary with height to the top of the wall adapted to match the level of the remainder of the northern boundary wall and fence.

The existing shed located on the western side of the house, is to be removed as it is located within the footprint of the new retaining wall.

The scope of works are as follows:

- Remove the existing shed on the west side of the house.
- Remove of the majority of the existing retaining wall and dividing timber fence above the wall along the western boundary – between No.'s 12 & 13 Kuyora Place.
- Retain the existing concrete block retaining wall along the western side boundary – 4.5m long located towards the front of the site.
- Remove part of the existing rear boundary fence and existing retaining wall (northern boundary with No. 19 Irrawong Road).
- Construct a new core-filled block retaining wall, as per Engineer's Concept Plan, with new timber fence above.

The new wall is:

- Western boundary: 21.8m long x 1.4m wide; varying in height from 780mm at front of site to 2m at the rear (following the topographical slope and supporting the existing level changes at the subject boundaries).
- Northern/rear boundary: 5.3m long; height 2m at corner of site down to matching the existing rear boundary wall height along the remainder of the northern boundary.

Note: the site slopes from the street (RL 12.59m AHD) to the northern-western corner of the site (RL11.16m AHD) – a fall of 1.43m.

The Engineering Plans, submitted with the DA, have been prepared by Taylor Consulting, dated 15<sup>th</sup> May 2020.

### 3. Planning Controls

#### Statutory Controls

The relevant Statutory Planning Controls include: -

- Environmental Planning and Assessment Act, 1979 (Section 4.15)
- SEPP 55 (Remediation of Land) and Draft SEPP
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy (Coastal Management) 2018
- Pittwater Local Environmental Plan 2014 (PLEP 2014)

#### Non-statutory Controls

- The applicable local planning policy relevant to the proposal is the Pittwater 21 Development Control Plan.

### 4. Consideration

A summary of the compliance of the proposal with the relevant planning controls is provided below:

#### Environmental Planning and Assessment Act, 1979 – Section 4.15

This statement contains an assessment of the proposed development in line with the following pertinent heads of consideration of Section 4.15:

##### 4.15 Evaluation

###### **(1) Matters for consideration—general**

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

###### *(a) the provisions of:*

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

The proposed retaining wall will be of a *similar height and alignment of the existing structure*. The core-filled block retaining wall is considered a 'like for like' replacement. The higher elements of the structure are located to the rear of the site and not visible from the street.



These sections replace a similar structure and would not add to any impact. The proposal does not require any additional landform alteration.

The first 4.5m of wall (within proximity of the front of the house – noted on the Site Plan) is existing and maintained. Therefore, it is considered that there will be minimal streetscape change.

Kuyora Place is a cul-de-sac with less than 20 low density residential properties. It is a very low trafficked, quiet residential street. Figure 3 above shows that the existing and proposed location of the replacement retaining wall and fence.

The proposal is considered to support and improve the existing properties, with minimal alteration from the existing character, minimal environmental impact and minimal change to the existing residential character.

The proposal is considered to be in the public interest as it will remove a potential hazard (a run-down structure) as well as formalising the boundaries between the western neighbour No. 13 Kuyora Place and the northern neighbour.

### **SEPP 55 (Remediation of Land) and Draft SEPP**

The subject site has a long history of residential occupation. It is unlikely that either the subject site or the adjoining neighbours' sites contain any contamination. Further investigation is not warranted given that the site has not been used for any other purpose other than residential development and the minor scope of the development. The replacement of the wall and fence within the same already altered/retained area.

### **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The proposal does not involve the clearing of native vegetation. The proposal involves the replacement and extension of an existing structure along the established boundary lines. Minimal change to the site's domestic landscaping is required or proposed. The proposal is not considered to impact unreasonably on any existing biodiversity, trees or vegetation on the site and is considered supportable within the context of the SEPP and environmental provisions.

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

The aims of the Coastal Management SEPP including: managing development in the coastal zone and protecting the environmental assets of the coast, establishing a framework for land use planning to guide decision-making in the coastal zone and mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the *Coastal Management Act 2016*.

The SEPP allocates importance in evaluation of development in relation to social, economic and environmental interests and classifies involved coastal land into distinct coastal management areas, to facilitate effective management and to provide overarching coastal management and protections across different local government areas.

The site is not mapped as being a vulnerable area and the proposed replacement of the retaining wall and has been designed to be as existing, to support the properties and minimise impact on the site in terms of additional hard surfaces. Additional water management and on-site water retention measures have been included (additional drainage, planting and water tanks) to ensure protection of hydrology and the environment.



Given the low impact nature of the application, the minimal disturbance to the topography and natural environment and given that minimal visual change or scale is proposed, the proposal is not considered to create any adverse or additional coastal risk in relation to environmental of visual aspects and is consistent with the provisions of the SEPP.

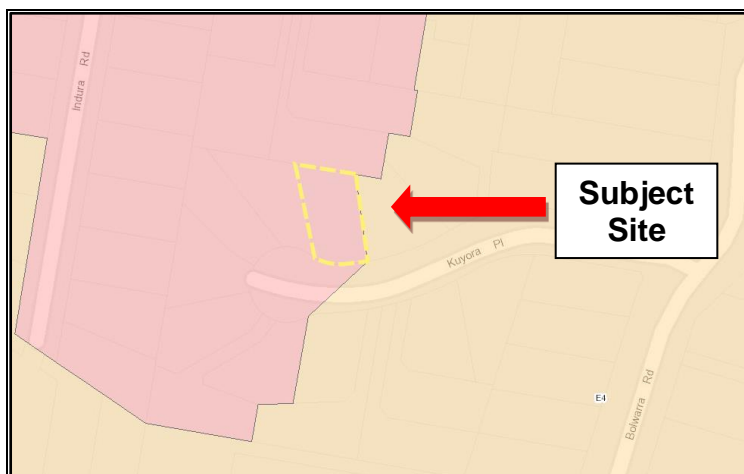
### **Pittwater Local Environmental Plan (PLEP) 2014**

#### **Zoning:**

The site is zoned R2 Low Density Residential in the PLEP 2014. The objectives of the zone include the following:

- *To provide for the housing needs of the community within a low-density residential environment.*

The proposal, being a retaining wall, is ancillary and incidental to the residential use of the site. Its replacement and extension will allow for the continued use of the site as low-density residential developing while have negligible impact on the existing streetscape.



**Figure 3: Zoning Extract from Pittwater Local Environmental Plan (PLEP) 2014**

#### **Permissibility:**

In the R2 Low Density Residential zone dwelling houses are permissible with the consent of Council. The retaining wall is ancillary and incidental to the existing dwelling house on the subject site.

Note: the neighbouring site are also zoned R2 Low Density Residential.

#### **LEP Objectives and Clauses:**

The proposal, being the replacement and extension of the existing retaining wall and boundary fence is an essential part of the residential safety and amenity of the subject site, the enjoyment of the 2 properties within the low-density environment. Given the minor scope of development, it is not considered to impact on the character of the streetscape. The new wall and fencing is substantially the same size as the existing structure, with a similar/unobtrusive design, and is considered to be compatible with the existing materials/site presentation and other retaining and fencing structures in the locality.

The proposal will support the low-density residential character, is not considered to result in adverse environmental impacts (rather benefits by stabilising the land and boundaries). As

such, it is considered to be consistent with the objectives of the PLEP 2014 and the low-density residential zone.

The proposal does not involve any works to the existing dwelling. The small shed on the western side of the house is to be removed. However, this does not alter the residential occupation of the site. No assessment is made as to compliance with height, FSR or other LEP development standards relevant to the dwelling house as this is not changed.

The proposal is considered consistent with the General Provisions within Part 7 of the LEP. Clause 7.2 requires consent for certain earthworks. Any earthworks to facilitate the construction of the new wall are minor in this case and part of this. The proposal is consistent.

### Pittwater 21 Development Control Plan (DCP)

Pittwater 21 DCP is the relevant non-statutory local planning policy that provides guidance to the development within the Pittwater LGA section of the amalgamated Northern Beaches LGA.

Table 1 below address the relevant DCP provisions relating the proposal. It is does not review all the provisions relating the dwelling houses given that no alterations are proposed to the existing house.

**Table 1: Pittwater 21 DCP Assessment**

Section B General Controls	Complies	Comments
<b>B3 Hazards</b>		
Bushfire, landslip, flooding, coastline, contamination, flooding, climate change.	Y	The site is not mapped as being affected by hazards and the proposed retaining wall is consistent with these controls.
<b>B4 and 5 Natural Environment and Water</b>		
Vegetation, wildlife, bushland,	Y	No change to the existing situation with the replacement wall/fence. The proposal is not considered to raise issue in terms of environmental considerations/drainage. Drainage would be as existing/and can be conditioned according to current Council requirements. No impact is proposed on the existing drainage easement which is to remain unencumbered.
<b>B5 Water Management</b>		
Stormwater Management – Onsite Stormwater	No change.	The proposed works do not seek to alter to the existing stormwater drainage for the site or neighbouring sites.
<b>B8 Site Works and Management</b>		
Sedimentation, waste management, excavation and earthworks	Y	The proposal is consistent with controls. The proposal is appropriate

		<p>in terms of planning and environmental considerations and will improve the site presentation and safety.</p> <p>The proposal will improve sediment and erosion by stabilising the land and replacing a rundown structure. The new retaining wall is design by and to be certified by an engineer.</p> <p>Minimal earthworks are involved with the replacement of an existing structure – generally ‘like for like’.</p> <p>Conditions can be included to deal with specific council site work requirements during construction phase.</p> <p>WMP provided – minimal change to existing. Minimal waste will be generated by the proposed minor replacement/development.</p>
<b>Section C Residential Development Controls</b>		
<b>C1.1 Landscaping</b>	Y	<p>The proposal requires no substantial change to the existing domestic landscaping on the subject site or adjoining sites.</p> <p>On the basis that the development does not impact on any planting in and around the site, a landscape plan or additional planting, as required in the DCP provisions, is not considered necessary for this scope.</p> <p>The front garden of the existing dwelling is well established. The western neighbour has a driveway adjoining the side boundary (where the retaining wall is located). Therefore, no landscaping on the neighbouring property is considered to be adversely impacted.</p> <p>The replacement and upgrade of the boundary wall and fence will benefit of the owners of No.’s 12 and 13. The neighbours have worked together on this application for mutual improvement, safety and benefit.</p>

<b>C1.3 View Sharing</b>	Y	The proposal is generally a replacement of like for like. There is no impact on any views to or from the site as a result of the proposed replacement wall/fencing.
<b>C1.4 Solar Access</b>	Y	<p>As above. The proposal will not impact on any private open space or habitable area of any neighbour, over and above any existing impact from the existing wall and fence.</p> <p>The driveway along the eastern boundary of the neighbouring site provides an increased setback/spatial separation between the wall and the side of the house, thereby reducing any overshadowing issues from the overall height of the wall and fence. The benefits of the replacement are considered to outweigh scale aspects.</p>
<b>C1.5 Visible Privacy</b>	Y	No change is involved to the current privacy across the side or rear boundaries.
<b>C1.7 Private Open Space</b>	Y	No change to the current situation. Existing POS to remain retained and private.
<b>Section D Locality Specific Development Controls</b>		
<b>D11 North Narrabeen Locality</b>		
<p><b>D11.14 Construction, Retaining walls, terracing and undercroft areas</b></p> <p><i>Control applies to land in the North Narrabeen Locality zoned R2 Low Density Residential.</i></p> <p><i>Lightweight construction and pier and beam footings should be used in environmentally sensitive areas</i></p> <p><i>Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials. Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.</i></p>	Y	<p>The site is located within North Narrabeen Locality and is zoned R2 Low Density Residential.</p> <p>The new retaining wall has been designed and is to be certified by an engineer. The construction type is based on the structural integrity required for this wall, at this location.</p> <p>The new wall and fence are located on the boundary line alignment, as the existing structure and will only be partially be visible from the public street.</p> <p>While the proposed retaining wall is not made of sandstone, it is made of core-filled blocks which are appropriately simple, unobtrusive and not considered to have any adverse or unreasonable visual impact on the streetscape.</p>



## 5. Conclusion

The proposal comprises the replacement of the existing retaining wall and fence with a new concrete wall and new fencing above. It is ancillary and incidental to the dwelling house located on the land zoned R2 Low Density Residential under PLEP 2014.

The proposed is considered an overall improvement to the site as it removes a wall and fencing which requires repair, results in minimal change (replacement and extension of an existing structure) and does not alter the character of the existing streetscape.

The proposal is considered consistent with local planning policies and relevant development controls contained in PLEP 2014 and Pittwater 21 DCP.

Given the merits described within this statement, the benefits of the proposal and the absence of adverse environmental impacts, the application is submitted to Council for assessment and approval.

## Appendix 1: Photographs



Front view of No. 13 Kuyora Place



Existing timber retaining wall and fence on the property



Existing timber retaining wall, from the street along the boundary of No.'s 12 and 13



Existing streetscape showing wall types in the area having regard for the slope



Existing section of retaining wall at the eastern side – not proposed to change