

STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSED NEW HORSE ARENA, CUT AND FILL TO SITE, PARTIAL
REFURBISHMENT OF ACCESS DRIVEWAY, REFURBISHMENT OF
EXISTING FRONT FENCE AND LANDSCAPING**

LOCATED AT

15 MYOORA ROAD, TERREY HILLS

FOR

MR & MRS FONSECA

**Prepared
June 2020**

TABLE OF CONTENTS

1.0	Introduction	3
2.0	Property Description.....	3
3.0	Site Description	4
4.0	The Surrounding Environment.....	5
5.0	Proposed Development	6
6.0	Zoning and Development Controls	7
6.1	Warringah Local Environmental Plan 2011	7
6.2	Warringah Development Control Plan	9
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979 ..	19
7.1	The provisions of any environmental planning instrument	19
7.2	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	19
7.3	Any development control plan.....	19
7.4	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.....	19
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	19
7.6	The likely impacts of the development, including environmental impacts on both the natural and built environments, and the social and economic impacts within the locality.	19
7.7	The suitability of the site for the development.....	20
7.8	Submissions made in accordance with this Act or the regulations	20
7.9	The public interest.....	20
8.0	Conclusion	20

1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared by Cadence & Co Design Pty Ltd, Project No. FON, Drawings No. DA00 – DA06, dated 6 May 2020, detailing the proposed new horse arena, paddocks, replacement of layback and crossing, refurbishment of existing front fence and landscaping at **15 Myoora Rd, Terrey Hills**.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

Development Application No. 2018/676 for alterations and additions to a dwelling house, the construction of a swimming pool, tennis court, horse arena, horse stables, driveway, front fence and other ancillary works was approved on 16 October 2018.

The proposed horse arena is to be provided in a similar location to the approved arena, with additional fill provided as detailed in Sheets No's DA02 – DA04 in the current plans prepared by Cadence & Co. Design.

2.0 Property Description

The subject allotment is described as **15 Myoora Rd Terrey Hills**, being Lot 64 within Deposited Plan 752017 and is zoned RU4 Primary Production Small Lots within the provisions of the Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item, nor is not located within a conservation area.

The site has been identified on the Landslip Risk Map as being within Area A and B. Accordingly, a Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J2717, dated 12 June 2020.

The site is identified as Bushfire Prone Land. Accordingly, a Bushfire Report has been prepared by Building Code & Bushfire Hazard Solutions Pty Limited, Reference No. 180349C, dated 4 June 2020.

No other hazards have been identified.

3.0 Site Description

The property is located on the north-western side of Myoora Road, with a frontage to Myoora Road of 33.685m. The northern and southern side boundaries measure 266.615m and 261.405m respectively, and the angled rear boundary has a total length of 99.365m. The front portion of the site falls to the north, and the rear portion of the site falls to the north-east. The site has a total area of 1.739ha.

The site is currently developed with two detached brick dwellings, together with a carport, swimming pool, equestrian arena and stables.

The details of the site are as indicated on the survey plan prepared by Base Surveying, Reference No. 17-86, Sheet No. 1 – 4, dated 29 August 2017, which accompanies the DA submission.



Fig 1: Location of Subject Site
(Source: Google Maps)

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of single and two storey residential dwellings and a range of commercial uses on larger, non-urban lots. The varying age of development in the area has resulted in a mix of materials and finishes, with the development in the area generally presenting a varied scale and form, with no consistent setback to the public domain.

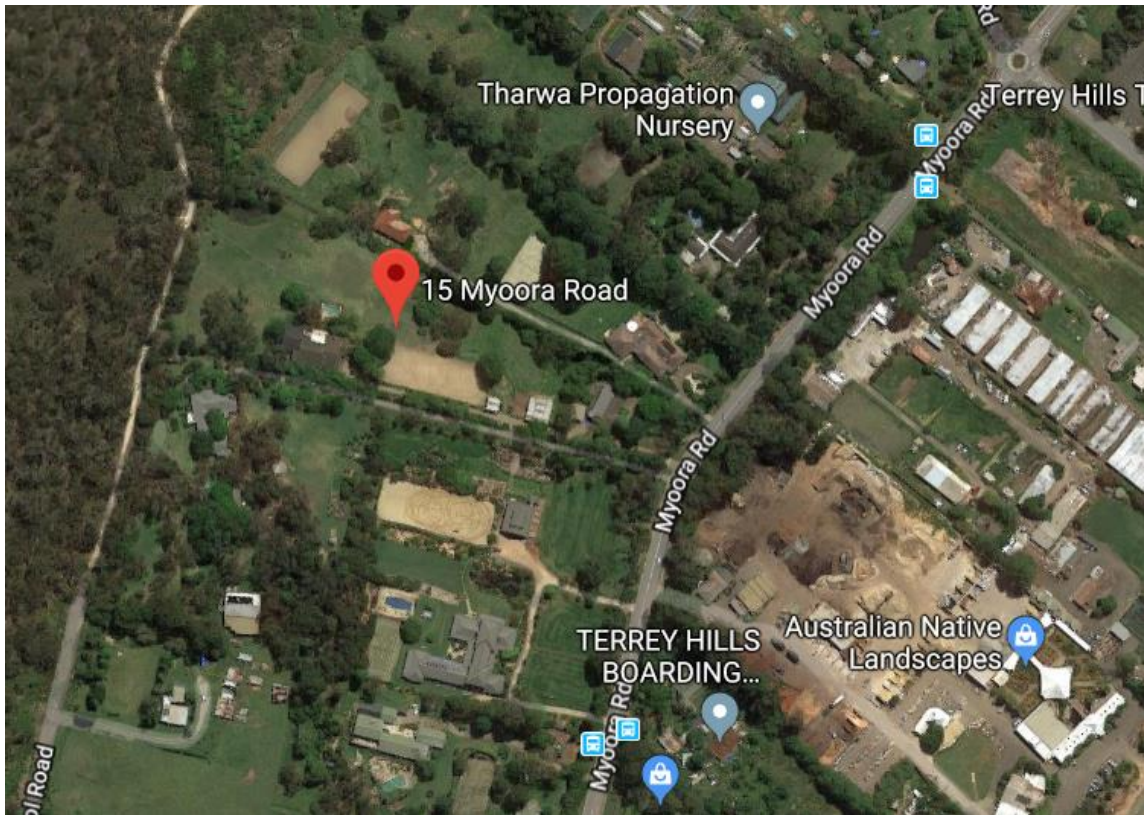


Fig 2: Aerial view of locality
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks approval for the proposed new horse arena, paddocks, replacement of layback and crossing, refurbishment of existing front fence and landscaping.

The proposed works comprise:

- New horse arena and paddocks including cut and fill
- Replacement of existing layback, crossover and portion of existing driveway
- Refurbishment of existing front fence
- Landscape plantings along northern side boundaries

The proposal seeks to remove a number of trees to accommodate the proposed development. The proposal is accompanied by an Arboricultural Impact Assessment Report prepared by Urban Arbor, Reference No. 200604-15 Myoora Road-AIA, dated 4 June 2020, to address the proposed tree removal and protection measures.

Notwithstanding the proposed tree removal, a substantial number of trees will be retained throughout the site. Furthermore, additional landscape plantings will be provided along the northern side boundary as detailed in Sheet No. DA02 prepared by Cadence & Co Design.

The development indices for the site are:

Site Area	17,390m ²
Required Landscaped Area	70% or 12,173m ²
Proposed Landscaped Area	72.3% or 12,576m ² (remains unchanged)
Maximum Site Coverage	20% or 3,478m ²
Proposed Site Coverage	13.1% or 2,263m ² (remains unchanged)

6.0 Zoning and Development Controls

6.1 Warringah Local Environmental Plan 2011

The land is zoned RU4 Primary Production Small Lots under the provisions of the WLEP 2011.



Fig 3: Extract of Warringah Council Local Environmental Plan 2011

The proposed development and the continued use of the land for residential purposes is consistent with the zone objectives, which are noted as:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To minimise the impact of development on long distance views of the area and on views to and from adjacent national parks and bushland.*
- *To maintain and enhance the natural landscape including landform and vegetation.*
- *To ensure low intensity of land use other than land uses that are primary industry enterprises.*
- *To maintain the rural and scenic character of the land.*

It is considered that the proposed new horse arena, paddocks, replacement of layback and crossing, refurbishment of existing front fence and landscaping will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other rural-residential development in the vicinity and therefore complements the locality. The proposal provides for construction of ancillary structures which are residential in scale and form, and by being located well clear of the side boundaries of the site, will not result in any significant impacts to the adjoining premises.
- The siting of the new works is compatible with the existing surrounding development.
- The proposal does not have any impact on long distance views.

Clause 4.3 – Height of Buildings

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The building height limit for development in this portion of Terrey Hills is 8.5m. The proposed fencing is up to 1.8m in height and complies with the height control.

Clause 6.2 – Earthworks

The Clause seeks to achieve the following objectives:

- *to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
- *to allow earthworks of a minor nature without requiring separate development consent.*

The proposal is accompanied by a Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J2717, dated 12 June 2020, which addresses the provisions of this clause.

Clause 6.4 – Development on sloping land

The site has been identified on the Landslip Risk Map as being within Area A and B. The proposal is accompanied by a Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J2717, dated 12 June 2020, which concludes the following:

The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.

Accordingly, the proposal is considered to satisfy the provisions of this clause.

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

6.2 Warringah Development Control Plan

The relevant numerical and performance based controls under WDCP are discussed below:

Part B - Built Form Controls			
Standard	Required	Proposed	Compliance
B1 – Wall heights	Max 7.2m	No new buildings proposed. Wall height of existing structures remains unchanged.	N/A
B2 – Number of storeys	No requirement identified on map		N/A
B3 – Side Boundary Envelope and Side Setback	No requirement identified on map		N/A
B4 – Site Coverage	20% \geq 3478m ²	No change to existing site coverage.	Yes
B5 – Side Boundary setbacks – other land in RU4	Land zoned RU4 – 7.5m	No new structures proposed.	N/A
B7 – Front Boundary Setbacks – all zones	Land zoned RU4 – 20m	No new structures proposed.	N/A
B8 – Merit assessment of front boundary setbacks	N/A	N/A	N/A
B9 – Rear Boundary Setbacks	Min 7.5m rear setback	No new structures proposed.	N/A
B10 – Merit Assessment of rear boundary setbacks	No requirement identified on map		N/A
B11 – Foreshore Building Setback	No requirement identified on map		N/A
B12 – National Parks Setback	No requirement identified on map		N/A
B13 – Coastal Cliffs Setback	No requirement identified on map		N/A
B14 – Main Roads Setback	No requirement identified on map		N/A
B15 – Minimum Floor to Ceiling Height	No requirement identified on map		N/A

Part C – Siting Factors			
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Existing vehicular crossing to be improved and maintains compliance with Council's Vehicle Crossing Policy	N/A
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	No change to existing parking arrangements	Yes
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	The proposal is accompanied by a Stormwater Drainage plan prepared by NB Consulting Engineers, Job No. 180249-1, dated May 2020 which details the proposed stormwater arrangements for the site.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	Erosion and sediment control measures to be provided as required.	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	N/A	N/A	N/A
C7 – Excavation and Landfill	Site stability to be maintained	The site has been identified on the Landslip Risk Map as being within Area A and B. The proposal is accompanied by a Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J2717, dated 12 June 2020, which satisfies the provisions of this clause.	Yes

		In addition, the works will be carried out in keeping with the advice of a qualified Structural Engineer.	
C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed.	Yes
C9 – Waste Management – Residential accommodation	Waste storage area to be provided	Bin storage available.	Yes
Part D – Design			
D1 – Landscaped Open Space and Bushland	Min landscaped area 70%	<p>The proposal will not see any change to the existing soft landscaped area.</p> <p>The new works have been designed to achieve the Objectives of the controls, which are noted as:</p> <p>Objectives</p> <ul style="list-style-type: none"> • To enable planting to maintain and enhance the streetscape. • To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife. • 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. • To enhance privacy between buildings. 	Yes

		<ul style="list-style-type: none"> • To accommodate appropriate outdoor recreational opportunities that meets the needs of the occupants. • To provide space for service functions, including clothes drying. • To facilitate water management, including on-site detention and infiltration of stormwater. <p>The proposal will retain sufficient area for the private open space and recreational requirements of the owners, whilst maintaining good areas of deep soil planting within the setback areas.</p>	
D2 – Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	The existing private open space is to be maintained and is directly accessible from the dwelling. The majority of the private open space is orientated towards the north adjacent to the dwelling and benefits from good solar access.	Yes
D3 – Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	No new mechanical equipment to be provided.	Yes
D4 – Electromagnetic Radiation	N/A to proposed development		N/A

D5 – Orientation and Energy Efficiency	N/A	N/A	N/A
D6 – Access to sunlight	This control requires that sunlight to at least 50% of private open space to adjoining properties is not to be reduced to less than 3 hours between 9am and 3pm on the winter solstice.	The proposed works are modest and will therefore not result in overshadowing to neighbouring properties. Accordingly, the proposal is considered to be in keeping with the provisions of this clause.	Yes
D7 – Views	View sharing to be maintained	The controls require that development should enable the reasonable sharing of views. The proposal will have a significant impact on any existing views currently enjoyed by surrounding properties. The site and surrounding properties enjoy a district outlook.	Yes
D8 – Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties	The works will not unreasonably reduce privacy for the neighbouring properties.	Yes
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	The existing surrounding development comprises a mix of one and two level dwellings and a range of commercial uses. The proposal provides for minor ancillary works which will maintain the general scale and retain a height and	Yes

		scale which compares favourably with other developments in the area.	
D10 – Building Colours and materials	The DCP requires colours and materials of new or altered buildings and structures to be sympathetic to surrounding environment.	The new works will be provided with recessive colours and finishes to respect the surrounding locality.	Yes
D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	No change to existing roof form.	N/A
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	The external finishes and colours will be selected to reflect the surrounding residential locality. No significant glare impacts will result from proposed new works.	Yes
D13 – Front Fences and Front Walls		The proposal provides for the refurbishment of the front fence which comprises a timber gate, brickwork columns and powdercoated aluminium fencing up to 1.8m in height.	Yes
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities	New letterbox to be provided with minimal visual impact on streetscape.	Yes
D15 – Side and Rear Fences	N/A	N/A	N/A
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where	No change to existing swimming pool.	N/A

	site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.		
D17 – Tennis Courts	<p>Tennis courts are to be located behind the front building setback. Where there are 2 frontages, the location of the tennis court is not to be in the primary street frontage.</p> <p>The height and location of court fencing is to enable:</p> <p>a) Sharing of views from surrounding residences; and</p> <p>b) Provision of sunlight to surrounding properties.</p> <p>5. Fencing material is to be a dark colour.</p> <p>6. Fences are to be setback a minimum of 1.5 metres from front, side and rear boundaries.</p>	A Development Application No. 2018/676 for alterations and additions to a dwelling house, the construction of a swimming pool, tennis court, horse arena, horse stables, driveway, front fence and other ancillary works was approved on 16 October 2018.	Yes
D18 – Accessibility	N/A	N/A	N/A
D19 – Site Consolidation in the R3 and IN1 Zone	N/A	N/A	N/A
D20 – Safety and Security	<p>Buildings to enhance the security of the community.</p> <p>Buildings are to provide for casual surveillance of the street.</p>	The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the dwelling's entry point is maintained.	Yes
D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of	Compliance with SEPP		N/A

Energy and Water	BASIX		
D23 – Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views vehicles, pedestrians or potentially hazardous road features or traffic control devices.	No signage proposed	Yes
Part E – The Natural Environment			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	<p>The proposal seeks to remove a number of trees to accommodate the proposed development. The proposal is accompanied by an Arboricultural Impact Assessment Report prepared by Urban Arbor, Reference No. 200604-15 Myoora road-AIA, dated 4 June 2020, to address the proposed tree removal and protection measures.</p> <p>Subject to compliance with the recommendations contained within this report, the proposal is deemed acceptable in keeping with the provisions of this clause.</p> <p>New plantings are to be provided throughout the site as detailed in the submitted Landscape Plan prepared by</p>	Yes

		Cadence & Co Design.	
E2 – Prescribed Vegetation			N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A
E6 – Retaining unique environmental features	Not identified on map	No significant features within site	Yes
E7 – Development on land adjoining public open space	Not identified on map		N/A
E8 – Waterways and Riparian Lands	Not identified on map		N/A
E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area A and B.	<p>The proposal is accompanied by a Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J2717, dated 12 June 2020, which concludes the following:</p> <p><i>The proposed development is suitable for the site. No geotechnical hazards will be created by the completion of the proposed development provided it is carried out in accordance with the requirements of this report and good engineering and building practice.</i></p> <p>Accordingly, the proposal is considered</p>	Yes

		to satisfy the provisions of this clause.	
E11 – Flood Prone Land	Not identified on map		N/A

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 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

There are no draft instruments applying to the land.

7.3 Any development control plan

The development has been designed to comply with the requirements of the WLEP 2011 & the controls of the Warringah Development Control Plan.

It is considered that the proposed design respects the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 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

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of the development, including environmental impacts on both the natural and built environments, and the social and economic impacts within the locality.

It is considered that the proposal, which seeks consent for the proposed new horse arena, paddocks, replacement of layback and crossing, refurbishment of existing front fence and landscaping, which will not unreasonably impact upon the amenity of adjoining properties. The proposal is considered to complement the existing rural/residential character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's LEP and DCP.

7.7 The suitability of the site for the development

The subject land is currently zoned RU4 Primary Production Small Lots under the Warringah Local Environmental Plan 2011 and is considered suitable for the proposed development.

7.8 Submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

7.9 The public interest

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

8.0 Conclusion

The proposal provides for the proposed new horse arena, cut and fill to site, partial refurbishment of access driveway, refurbishment of existing front fence and landscaping, which will not have any detrimental impact on the adjoining properties or the locality.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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