

Statement of Environmental Effects

20 Spring Cove Avenue, Manly

Site description

The site is known as 20 Spring Cove Avenue, Manly described as Lot 15 DP 1189590. The site has an area of 682.20m² and the street frontage faces south. The site adjoins residential lots to the north, east and west and is adjacent to Sydney Harbour National Park, a C1 National Parks and Nature Reserve further to the east.



Image 1. Aerial view of the development site. Image source Sixmaps.

The proposal

It is proposed to:

- Renovate the existing stone wall to improve drainage issues on site.
- Construct a concrete swimming pool.
- Install associated landscaping works.

Site analysis

20 Spring Cove Avenue, Manly has a detached single dwelling residence. The dwelling is a two-storey composite-wood clad building with a Colourbond roof and has the benefit of a double garage. The site is elevated above the street by a stone retaining wall that cuts into the slope to provide driveway access at street level.

The site has a south-west facing aspect with an overall fall from northeast to southwest of 2.79m. On the western boundary the site falls 4.65m from north to south.

The subject site is considerably lower than the adjoining northern properties and is located at the base of a steep embankment. The property is frequently inundated due to the overland flow of water accumulating at the rear lawn terrace as seen in Images 3 and 4 below.

Previous and present uses

The present and previous known uses of the site have been, and are for, a single residential dwelling. The adjoining allotments are also used for residential development and National Park. As a result, it is felt that the site is unlikely 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:

- *State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP R&H)*
- *Sydney Harbour Catchment Regional Environmental Plan 2005 (SREP)*
- *Sydney Harbour Foreshore Area Development Control Plan 2005 (DCP)*
- *Manly Local Environmental Plan 2013 (MLEP 2013)*
- *Manly Development Control Plan 2013 (MDCP 2013)*

The relevant sections of each are addressed on the following pages.



Image 2. Proposed swimming pool location to rear of image with existing stone wall to be renovated in the foreground.



Image 3. Proposed swimming pool location looking east.



Image 4. Showing onsite drainage issues and water inundation at base of existing wall.

State Environmental Planning Policy (Resilience and Hazards) 2021 **(SEPP R&P 2021) controls**

Chapter 2 Coastal management

Part 2.2 Development controls for coastal management areas

Division 1 Coastal wetlands and littoral rainforests area

2.8 Development on land in proximity to coastal wetlands or littoral rainforest

The subject site is within the *Proximity Area for Littoral Rainforest* as shown on the Coastal Wetlands and Littoral Rainforests Area Map. It is unlikely that the proposed development will have a negative impact on the *biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*



Image 5. Street view – East of the development site showing existing mature landscape and embankment to rear of site. Image source: Innwood

Sydney Harbour Catchment Regional Environmental Plan 2005 (REP) controls

20 Spring Cove Avenue, Manly is found within the Foreshore Area on the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Foreshores and Waterways Area Map. It is felt that the proposed development has been designed to maintain the objectives of the REP. The proposed development will protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour. No works have been proposed that will inhibit access to and from the waterway nor along the foreshore.

Part 3 Foreshores and waterways area

17 Zoning objectives

The site falls within the catchment of a waterway zoned as *W2 Environment Protection*. The proposed works associated with this Development Application will not have any adverse impact on the natural and cultural values of waters in this zone or adjoining foreshores.

As outlined above, the proposal meets all relevant objectives and controls of the REP.

The proposed works associated with this Development Application will not have any adverse impact on any remnant natural features. It is felt that the proposed works will harmonise with the existing landscape.

Part 4 Strategic foreshore sites

The subject site is contained within *St Patrick's Estate* shown as Site 4 on the Strategic Sites Foreshore Map. Given the scale of the proposed development and the location at the rear of the site, it is felt that there will be no adverse impact on St Patrick's Estate.

Part 5 Heritage protection

The subject site is in proximity of Heritage Item Number 23 which is known as *Site and remains of harbour side pool and steps, Stuart Street, Manly*. It is felt that the proposed works will not have an adverse impact on the heritage fabric of the Item given the distance away from it and the fact that the proposed development is consistent with the existing development on the site.

Part 6 Wetland protection

The site is within the vicinity of the area shown as *Critical habitat Area A* on the Little Penguin Critical Habitat Map. It is considered that the proposed development will have a neutral or beneficial effect on the quality of the water entering the waterways.

Sydney Harbour Foreshore Area Development Control Plan (DCP) controls

20 Spring Cove Avenue, Manly is noted to be within proximity of Open Forest Type B, Mixed Rocky Intertidal and Sand and Seagrass bed Ecological communities and is shown as Landscape Character Type 1 on the Sydney Regional Environmental Plan Foreshores and Waterways Area Map 14.

3. Landscape assessment

Much of the existing landscape is to be retained maintaining the existing character of the site. The proposed planting is a mix of locally native species with no environmental weeds proposed. The proposed works associated with this Development Application will not break or contribute to the loss of the visual continuity of the landform, nor will they interrupt the visual dominance of the tree canopy on the slopes or along the skyline. No cliff lines, rock outcrops or ledges are to be impacted or obscured. Material colours matching the natural elements of the area have been selected for the proposed works.

5. Design guidelines for land-based developments

As noted above in *17 Zoning objectives*, no works have been proposed that will have any adverse impact on any remnant natural features. It is also felt that the proposed works will harmonise with the existing landscape.

As outlined above, the proposal meets all relevant objectives and controls of the DCP.

Manly Local Environmental Plan controls

The planning maps contained in MLEP 2013 show the site is zoned C4 - Environmental Living and sits within St Patrick's Estate (I131), a heritage listed area of State significance.

Part 5 Miscellaneous provisions

5.10 Heritage conservation

As noted above, 20 Spring Cove Avenue, Manly sits within St Patrick's Estate (I131), a heritage listed area of State significance. The proposal does not seek to demolish or alter any *heritage items, aboriginal objects, building, work, relic or tree within the heritage conservation area*.

A Heritage Impact Statement has not been prepared for this proposal as it is felt that the proposal will have negligible impact on the heritage conservation area and any heritage items within due to the location of the proposal behind the building.

5.11 Bushfire hazard reduction

The subject site is identified on the Northern Beaches Bushfire Prone Land Map and is noted as Vegetation Buffer. A Bushfire Hazard Assessment accompanies this Development Application.

Part 6 Additional local provisions

6.2 Earthworks

Earthworks have been proposed as part of this Development Application. There will be no disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development as a result of the excavation. There will be no adverse effect of the development on the existing and likely amenity of adjoining properties.

6.4 Stormwater management

The intent of the design is to renovate the existing retaining wall to minimise existing overland flow issues that are flooding the site. The drainage works are intended to improve the current drainage patterns and soil stability by incorporating additional sub-surface drainage connected to the existing stormwater system on site.

It is felt that the proposed development will have minimal impact upon urban stormwater, despite an increase in impervious area (38.33m²). It is worth noting that 18.87m² of this impervious area is taken up by the swimming pool water. The pool overflow will be connected to Sydney Water's sewer in accordance with AS/NZS 3500, reducing the impact on the stormwater system.

6.5 Terrestrial biodiversity

The land on which the subject site sits is identified as "Biodiversity" on the Terrestrial Biodiversity Map. It is felt that the development has no impact on terrestrial biodiversity as there is no native vegetation being removed as part of this Development Application.

Additional planting has been proposed with endemic plant species selected from the Coastal Escarpment Littoral Rainforest and the Coastal Sandstone Foreshores Forest identified in the Native Vegetation of the Sydney Metropolitan Area Vegetation Community Profiles.

6.9 Foreshore Scenic Protection Area

The subject site is shown as "Foreshore Scenic Protection Area" on the Foreshore Scenic Protection Area Map. As the works on site are confined to the rear of the house and sit behind the existing building footprint, it is felt that there will not be *any detrimental impact to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore.*

6.19 Development in St Patrick's Estate

The subject site sits within the "View Cone" on land identified as "Precinct 10" on the Key Sites Map. The development will not involve erection of any buildings and all works will be set at existing ground levels, as such, it is unlikely that the development will have adverse impact on the *heritage significance, including the archaeological, natural and cultural heritage values, of St Patrick's Estate.*

The nature of the development will have no impact on the view to and from the Archbishop's Residence and Spring Cove.

Manly Development Control Plan controls

The subject site falls under C4 - Environmental Living. The relevant development controls are outlined below.

Part 3 General principles of development

3.2 Heritage considerations

As noted above in 5.10 *Heritage conservation*, 20 Spring Cove Avenue, Manly sits within St Patrick's Estate (I131), a heritage listed area of State significance. The proposal does not seek to demolish or alter any **heritage items, aboriginal objects, building, work, relic, or tree within the heritage conservation area.**

A Heritage Impact Statement has not been prepared for this proposal as it is felt that the proposal will have no adverse impact on the heritage conservation area or any heritage items within.

3.3 Landscaping

The subject site currently supports a mature landscape that is to be maintained post-development. No trees or significant vegetation are to be removed to facilitate the implementation of the proposed swimming pool. Additional planting has been proposed with endemic plant species selected from the Coastal Escarpment Littoral Rainforest and the Coastal Sandstone Foreshores Forest identified in the Native Vegetation of the Sydney Metropolitan Area Vegetation Community Profiles.

3.7 Stormwater management

As noted above in 6.4 *Stormwater Management* the proposed works will not increase the burden on Council's infrastructure, despite an increase in impervious area (38.33m²). It is worth noting that 18.87m² of this impervious area is taken up by the swimming pool water. The pool overflow will be connected to Sydney Water's sewer in accordance with AS/NZS 3500. Reducing the impact on the stormwater system.

3.8 Waste Management

As noted above, a Waste Management Plan accompanies this Development Application. Refer to *Site Plan / Site Analysis / Sedimentation Control Plan* as prepared by Harrison's Landscaping for details of waste sorting and storage locations during the construction phase.

3.9 Mechanical plant equipment

Noise levels associated with the swimming pool pumping unit shall not exceed the background noise by more than 5dBA above ambient background noise within habitable rooms of adjoining properties. The proposed swimming pool equipment will be located within a soundproof enclosure and located centrally within the property with a setback of 7.5m from the western boundary.

Part 4 Development controls and development types

4.1 Residential development controls

4.1.5 Open space and landscaping

4.1.5.1 Minimum residential total open space requirements

20 Spring Cove Avenue, Manly falls within Residential Development Control Area OS3 requiring a minimum open space of 55 percent of the site area with 35 percent of this open space to be landscaped area.

L-01 Site Plan, Site Analysis & Erosion and Sedimentation Control Plan prepared by Harrison's Landscaping details the open space figures. They are repeated below.

Site Area:	682.20m ²	
Open Space required:	375.21m ²	55%
Open Space existing:	450.60m ²	66.05%
Open Space proposed:	450.60m ²	66.05%
Above ground open space max.:	112.65m ²	25% of 450.60m ²
Above ground open space:	53.04m ²	11.77%
Pool component of open space max.:	135.18m ²	30%
Pool component of open space:	17.94m ²	0.04%
Landscape Area required:	131.32m ²	35% of 375.21m ²
Landscape Area existing:	332.67m ²	73.83%
Landscape Area proposed:	323.50m ²	71.79%

As can be seen above, the proposal meets the open space requirement with positive compliance.

4.1.5.2 Landscaped area

As illustrated above the control for landscaped area has been met with positive compliance.

The subject site currently supports a mature landscape including 5 x large canopy trees including *Melaleuca quinquenervia* trees meeting the minimum native tree requirement of 3 trees from Schedule 4, Part B with positive compliance.

4.1.9 Swimming pools, spas and water features

4.1.9.1 Height above ground

The control states that the maximum height for a pool above natural ground level is 1m. The proposed development meets this control with positive compliance with a proposed maximum elevation of 80mm above natural ground levels.

4.1.9.2 Location and setbacks

The proposed swimming pool is located at the rear of the property behind the existing dwelling meeting the front setback requirements with positive compliance.

It is noted that there is a non-compliance with the required rear boundary setback as the pool concourse is located within 1m from the boundary. It is felt that this non-compliance should be deemed acceptable for the following reasons:

- The area where the pool will be located is currently not a useable space due to the inundation caused by overland flow from adjoining properties. It is felt that the pool and associated works will improve the on-site drainage issue and create an area of useable open space with increased amenity to benefit the owners.
- The pool has been designed to maintain visual privacy to the neighbouring properties. As noted above the pool is set close to existing ground levels. It is felt that the existing topography will ensure no adverse impact on the visual privacy of the adjoining properties
- It is felt that there will be no impact on aural privacy to neighbouring properties as the pool equipment will be housed in soundproof enclosure and located centrally on site as noted in *clause 3.9 above*.
- Due to limited space, a narrow pool has been designed at a scale that is appropriate to the site, yet also large enough to provide adequate room for recreation.

4.1.9.3 Proportion of total open space

As noted above in 4.1.5.1 *Minimum residential total open space requirements* the proposed swimming pool and associated walkways comprise 17.94m² (0.04%) of total open space meeting the control with positive compliance.

4.1.10 Fencing

New fencing including, boundary fencing, has been proposed around the swimming pool. The fencing has been designed to be compliant with the Australian Standard AS1926.1-2012.

4.4.5 Earthworks (excavation and filling)

4.4.5.1 General

Earthworks have been proposed as part of this Development Application. There is a non-compliance of the setback requirement as works to the existing ground level are proposed within 0.9m of the boundary.

It is felt that this non-compliance should be deemed acceptable for the following reasons:

- There are no natural features within the proposed area, including vegetation and prominent rock outcrops.
- As noted above, in 4.1.9.2 *Location and setbacks*, due to limited space at the rear of the site excavation within the 900mm setback will be required to facilitate construction of a narrow pool at a scale that is appropriate to the site, yet also large enough to provide adequate room for recreation.
- A Sedimentation Control Plan accompanies this Development Application. Refer to L-01 *Site Plan, Site Analysis & Erosion and Sedimentation Control Plan* prepared by Harrison's Landscaping for details.

4.4.5.2 Excavation

Excavation is proposed as part of this Development Application. The maximum depth of excavation (excluding the pool water area) will be 580mm meeting the control with positive compliance.

Part 5 Special character areas and sites

Part 5.3 St Patrick's Estate, Manly

5.3.3 Indigenous wildlife habitat within the estate

As noted above in 6.5 *Terrestrial biodiversity* the subject site is contained within the MLEP 2013 Terrestrial Biodiversity Map. The installation of pool safe fencing will exclude long-nosed bandicoots from the swimming pool area in accordance with the control.

It is acknowledged that the proposed stone wall renovation in the subject site will exceed the 200mm height limit height for bandicoot access stated in the control. It is felt that this non-compliance should be deemed acceptable for the following reasons:

- The existing wall is already more than 200mm high, as such, the proposed increase in height should not interfere with the existing bandicoot access to this portion of the site.
- The increase in wall height is intended to improve the current site inundation issues by reducing additional overland flow into the site, creating a useable space that will enhance amenity to the property and provide for active recreation and benefit to the owner.

5.3.4 Natural Drainage System

As noted above in *clause 6.4 Stormwater management* the design intent is to improve the existing drainage conditions. The site sits within an urban environment where the natural drainage system has been modified previously. It is felt that with the proposed drainage improvements on site, it is unlikely that the development will have negative impacts upon the surrounding natural drainage system.

5.3.5 Heritage Landscape

As noted above in 5.10 *Heritage conservation*, 20 Spring Cove Avenue, Manly sits within St Patrick's Estate (I131), a heritage area of State significance. The proposal does not seek to demolish or alter any *heritage items, aboriginal objects, building, work, relic or tree within the heritage conservation area*.

A Heritage Impact Statement has not been prepared for this proposal as it is felt that the proposal will have negligible impact on the heritage conservation area and any heritage items within.

5.3.8 Details of “View Cone” and Centreline of Axial Pathway on the LEP Key Sites Map

As noted above in *clause 6.19 Development in St Patrick’s Estate* the subject site sits within the “View Cone” on land identified as “Precinct 10” on the Key Sites Map. The development will not involve erection of any buildings and all works will be set at existing ground levels, as such, it is felt that the development will not have any adverse impact on *the heritage significance, including the archaeological, natural and cultural heritage values, of St Patrick’s Estate. The nature of the development will have no impact on the view to and from the Archbishop’s Residence and Spring Cove.*

5.4 Environmentally sensitive lands

5.4.1 Foreshore Scenic Protection Area

As noted in *clause 6.9 Foreshore Scenic Protection Area* above the subject site is shown as “Foreshore Scenic Protection Area” on the Foreshore Scenic Protection Area Map. As the works on site are confined to the rear of the house and sit behind the existing building footprint, it is felt that the development will not have a *detrimental impact to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore.*

5.4.2 Threatened Species and Critical Habitat Lands

The subject site is contained within *Schedule 1 - Map D – Assessment of Significance Area*. Through discussion with Council’s Biodiversity Officer, it was agreed that an Assessment of Significance Report (‘7 Part Test’) would not be necessary as it is unlikely the proposed development will have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, or any adverse impact on the habitat elements providing connectivity on the land.

Conclusion

It is acknowledged that there are non-compliances in the Development Application including encroachment on the pool and excavation setbacks noted in *clause 4.4.5 Earthworks (excavation and filling)* and excavation in proximity to the boundary *4.1.9.2 Location and setbacks.*

However, it is felt that the proposed development has been designed in accordance with the spirit of Council’s planning documents and that the improvements to the drainage issues on site, coupled with provision of an area for active recreation will increase the value of the property and amenity of the site for the owners and their family.

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