

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**3 LALCHERE STREET, CURL CURL**

**CONSTRUCTION OF SWIMMING POOL AND CARPORT  
ANCILLARY TO AN EXISTING DWELLING**

**PREPARED ON BEHALF OF  
Mr & Mrs Frize**

**May 2025**

## **TABLE OF CONTENTS**

<b>1.</b>	<b>INTRODUCTION</b>	<b>3</b>
<b>2.</b>	<b>SITE DESCRIPTION AND LOCALITY</b>	<b>4</b>
<b>3.</b>	<b>THE DEVELOPMENT PROPOSAL</b>	<b>7</b>
<b>4.</b>	<b>ZONING &amp; DEVELOPMENT CONTROLS</b>	<b>8</b>
<b>5.</b>	<b>EP&amp;A ACT – SECTION 4.15</b>	<b>20</b>
<b>6.</b>	<b>CONCLUSION</b>	<b>21</b>

## 1. INTRODUCTION

This application seeks approval for the construction of a swimming pool and carport ancillary to an existing dwelling upon land at Lot 12 in DP 25959 which is known as **No. 3 Lalchere Street, Curl Curl**.

In preparation of this development application consideration has been given to the following:

- Environmental Planning & Assessment Act, 1979.
- Warringah Local Environmental Plan 2011.
- Warringah Development Control Plan 2011.

The following details and documents have been relied upon in the preparation of this document:

- Survey Plan prepared by CMS Surveyors Pty Ltd, Ref No. 11252A and dated 20/06/24.
- Architectural Plans prepared by R & R Building Design, Project No. # 240715/DA, Issue 1 and dated 06/03/2025.
- Waste Management Plan.

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. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15 of the Environmental Planning and Assessment Act 1979. As a result of that 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.

## 2. SITE DESCRIPTION AND LOCALITY

The subject site is identified as Lot 12 in DP 25959 which is known as 3 Lalchere Street, Curl Curl. The site is a rectangular shaped allotment located at the eastern side of Lalchere Street. The sites western boundary has a frontage of 30.48m to Lalchere Street and has a maximum depth of 21.335m. The site has an area of 650.1m<sup>2</sup>. The locality is depicted in the following map:



**Site Location Map**

The site is currently occupied by single storey dwelling located centrally on site. There is an existing vehicular crossing and gravel drive located towards the northwest portion of the site. This provides at grade parking for one car parking space forward of the dwelling. There is no other parking on site. An existing fence and dense vegetative hedge exists along the street frontage, which obscures the majority of the property from the public domain.

Separate Development Consent (DA2024/1401) was issued on 12/11/2024 for the demolition of the existing pool and a two storey addition to the existing dwelling. The works the subject of that consent have not yet commenced.

The site is relatively level with a slight cross fall from the southern side boundary towards the north. There a number of palm trees and shrubs on site. The proposal requires the removal of three palm trees adjacent to the dwelling entry, all of which are exempt species. Another shrub, with a height not exceeding 5m is to be removed. This shrub is also 'exempt'.

The site is depicted in the following photographs:



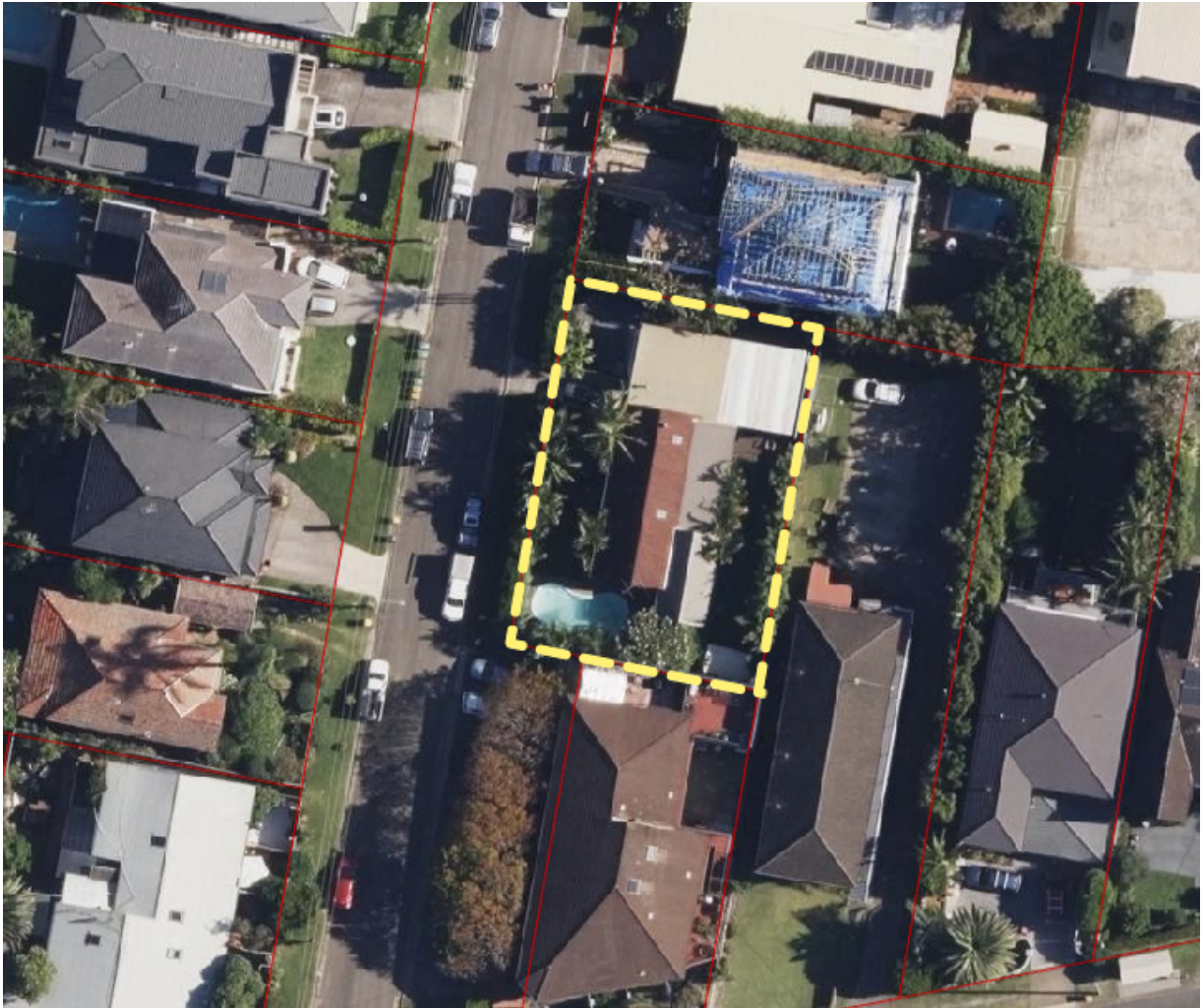
**View of Site from Lalchere Street**



**View of Existing at Grade Parking and Dwelling Entry**

The existing surrounding development comprises a mix of one and two storey dwellings on varied sized allotments. The sites southern side boundary adjoins No. 35 Adams Street which is two storey shop top housing development, comprising commercial premises on the ground floor and residences above. This development is provided with a nil setback to the common boundary of the subject site.

The subject site and existing surrounding development are depicted in the following aerial photograph:



**Aerial Photograph of Locality**



### 3. THE DEVELOPMENT PROPOSAL

This proposal seeks approval for the construction of a new carport and swimming pool ancillary to the existing dwelling.

#### Demolition

The proposal incorporates demolition of the following structures:

- Spa structure towards the front northwest corner of the site.
- At grade parking area and associated driveway.
- Synthetic lawn and garden edging within the front setback.
- Entry deck.

#### Carport

The proposal provides for a new carport to replace the existing at grade parking area. The carport is located within the front setback with a nominal setback to the street frontage. The carport is to be constructed of lightweight cladding with flat roof to provide on site parking for two cars.

The addition provides for a rumpus, store and WC on the ground level with three bedrooms, bathroom and ensuite to the upper level.

#### Swimming Pool

The proposal provides for a new swimming pool within the front boundary setback. The pool will be located at ground level. A new rendered masonry wall will be constructed along the western and southern elevations of the pool. The wall will have a height of 1.8m to match existing.

#### Entry

A new entry path is proposed comprising stepping stones and path from the carport.

#### Stormwater

All collected stormwater will discharge to the existing stormwater system which discharges to the street gutter.

The proposal will result in the following numerical indices:

<b>Site Area:</b>	650.1m <sup>2</sup>
<b>Existing Landscaped Area</b>	226.82m <sup>2</sup> or 34.89%
<b>Approved Landscaped Area:</b>	264.44m <sup>2</sup> or 40.83%
<b>Proposed Landscaped Area:</b>	227.63m <sup>2</sup> or 35.01%

#### **4. ZONING & DEVELOPMENT CONTROLS**

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Northern Beaches Council.

##### **4.1 Planning for Bushfire Protection 2006**

The subject site is not identified as bushfire prone land on Council's Bushfire Prone Land Map and therefore the provisions of Planning for Bushfire Protection 2006 do not apply.

##### **4.2 State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 2 (Coastal Management) of the SEPP aims to manage development in the coastal zone and protect the environmental assets. The subject site is identified as 'coastal environment area' on the Coastal Management Map and therefore the provisions of this SEPP apply. The following Clauses are relevant to the proposed development:

##### **Clause 2.10 Coastal Environment Area**

This clause provides:

- (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.*



*Comment:* The site is well separated from the foreshore and the proposal does not affect the integrity or resilience of the biophysical, hydrological or ecological environment. There is no impact on fauna or flora of the headlands or rock platforms. The proposal does not impact on existing public open space or access to the beach or the foreshore. There is no further information required in this regard.

**Clause 2.12 Development in Coastal Zone Generally – Development not to increase risk of coastal hazards**

The proposal is well setback from the foreshore and public open space. No further information is required in this regard.

There are no other provisions of the SEPP that apply to the proposed development.

## **4.2 Warringah Local Environmental 2011**

The Warringah Local Environmental Plan 2011 (LEP 2011) came into effect on Friday 9 December 2011.



**Extract of Zoning Map**

The site is zoned R2 Low Density Residential. Development for the construction of alterations and additions to the existing dwelling is permissible in this zone with the consent of Council. The following Development Standards specified in the LEP are relevant to the proposed development:

Clause	Development Standard	Proposal	Compliance
4.3 Height	8.5m	Approx 3.0m	Yes

The following provisions are also relevant:

#### Clause 6.4 Development on Sloping Land

The site is classified as Area A on Council's Landslip Map. No further information is required in this regard.

There are no other provisions of the Warringah Local Environmental Plan 2011 that apply to the proposed development.

#### 4.4 Warringah Development Control Plan 2011

The Warringah Development Control Plan (DCP) has been prepared by Council and was due to come into effect upon the gazettal of the LEP 2011. The new DCP contains detailed planning controls that support LEP 2011.

The following table provides a summary of the relevant controls of the DCP:

Clause	Requirement	Compliance
B1 – Wall heights	7.2m	Yes Single storey open carport.
B3 - Side Boundary Envelope	Building envelope 45 degrees from 5m. Eaves up to 675mm are an allowable encroachment	Yes
B5 - Side Boundary setbacks	Minimum: 0.9m	Yes Carport and pool well setback to the side boundaries.
B7 – Front Boundary Setbacks	Minimum 6.5m  Secondary frontage 3.5m	See discussion at end of table.  Not Applicable

<b>Clause</b>	<b>Requirement</b>	<b>Compliance</b>
B9- Rear Boundary Setbacks & B10 Merit Assessment of Rear Setbacks	6.0m	Yes The proposed works do not encroach the required rear setback.
B11 – Foreshore Building Setback	Not applicable	Not Applicable
B12 – National Parks Setback	Not applicable	Not Applicable
B13 – Coastal Cliffs Setback	Not applicable	Not Applicable
B14 – Main Roads Setback	Not applicable	Not Applicable
B15 – Minimum Floor to Ceiling Height	Not applicable	Not Applicable
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Yes New crossing proposed, existing crossing will be deleted.
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Yes The proposal provides for a carport within the front setback. The non-compliance with the front boundary setback is discussed at the end of the table. The carport is lightweight with a flat roof. There is option for locating the carport behind the front wall of the existing dwelling.
C4 - Stormwater	To be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor	Yes All collected stormwater will discharge to the street gutter.

Clause	Requirement	Compliance
	Developments & Minor Works Specification.	
C5 – Erosion and Sedimentation	Soil and Water Management required	Not Applicable
C6 - Building over or adjacent to Constructed Council Drainage Easements	Not Applicable	Not Applicable
C7 - Excavation and Landfill	Site stability to be maintained	Yes Minimal excavation/fill required for footings and pool.
C8 – Demolition and Construction	Waste management plan required	Yes Waste Management Plan submitted.
C9 – Waste Management	Waste storage area to be provided	Yes Existing waste storage areas retained. There is sufficient area behind the front building line for storage of waste containers.
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	The proposal provides for a landscaped area of 227.63m <sup>2</sup> or 35.01%. Whilst not strictly complying with the numerical requirements of this clause, it is an improvement to the existing circumstances of the site. The site currently provides for a landscaped area of 226.82m <sup>2</sup> and the proposal will not reduce the area of existing landscaping. The reconfiguration of the site provides for improved parking on site which is crucial for this street.

Clause	Requirement	Compliance
		The proposal provides for well placed areas available for landscaping. All collected stormwater will be discharged to the existing street gutter and there will be no additional runoff to the adjoining properties.
D2 - Private Open Space	Dwelling houses with three or more bedrooms Min 60m <sup>2</sup> with min dimension 5m	Yes The proposal retains sufficient area in the rear yard for private open space. There is additional private open space within the front yard which is bounded by the existing fencing. The proposal complies with this clause.
D3 - Noise	Mechanical noise is to be attenuated to maintain adjoin unit amenity. Compliance with NSW Industrial Noise Policy Requirements	Not Applicable
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun and ensure appropriate ventilation/natural cooling. Compliance with SEPP (BASIX) requirements.	Yes The dwelling will continue to achieve good solar access. Given the scope of works being a non-habitable carport and pool with a capacity of less than 40KL, a BASIX Certificate is not required.
D6 – Access to sunlight	The controls require that sunlight to at least 50% of the private open space of both the subject and adjoining properties' private open space	Yes The carport is single storey and well setback to the side boundaries. The proposal will not result in any additional overshadowing.

Clause	Requirement	Compliance
	receives not less than three hours sunlight between 9am – 3pm on 21 June winter solstice.	
D7 - Views	View sharing to be maintained	<p>Yes</p> <p>The subject and surrounding properties do not currently enjoy any significant views. The proposal complies with this clause.</p>
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	<p>Yes</p> <p>The proposed additions have been designed to maintain privacy to the adjoining properties.</p> <p>The carport is a non-habitable structure that is well setback from all boundaries of the site. This component will not reduce privacy to the adjoining properties.</p> <p>Similarly, the pool is provided with ample setback to the northern side boundary (8.0m) which ensures appropriate separation.</p> <p>The proposal complies with this clause.</p>



Clause	Requirement	Compliance
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby properties & not to visually dominate the street.	Yes The carport is a lightweight structure which does not result in unreasonable bulk or scale. The carport is provided with substantial setback to the side boundaries and ensures landscaped areas within the front setback.
D10 – Building Colours and materials	External finishes and colours sympathetic to the natural and built environment	Yes External finishes selected to complement the natural environment.
D11 - Roofs	The LEP requires that roofs should not dominate the local skyline.	Yes The proposed carport provides for a flat roof form to minimise bulk and complement the locality.
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimized.	Yes The proposal will not result in unreasonable glare or reflection.
D13 - Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street.	The proposal provides fencing around the pool on the front boundary to match the height of the existing fence.

Clause	Requirement	Compliance
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.	Yes There is ample area on site for storage and site facilities.
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991.	Yes
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.	The proposal provides for a swimming pool within the front setback.  It is noted that the existing development on site provides for an inground pool towards the southwest corner and a spa towards the northwest corner. This application provides for a small plunge style pool. The pool is well setback to the side boundaries. The pool is located at ground level and will not be visible from the public domain. A masonry wall will extend along the front boundary consistent with the existing solid fencing along the front boundary. The pool will not result in any unreasonable impacts and should be supported in this location.
D17 – Tennis Courts	N/A	Not Applicable

<b>Clause</b>	<b>Requirement</b>	<b>Compliance</b>
D18 - Accessibility	Safe and secure access for persons with a disability to be provided where required.	Not Applicable
D19 – Site Consolidation in the R3 and IN1 Zone	Not Applicable	Not Applicable
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	Yes The existing dwelling will continue to provide good views of Lalchere Street and the dwelling approach.
D21 – Provision and Location of Utility Services	Utility services to be provided.	Yes Existing facilities on site.
D22 – Conservation of Energy and Water	To comply with the provisions of BASIX	Not Applicable
D23 - Signs	Not Applicable	Not Applicable
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented.	The proposal requires the removal of three trees immediately located within 3m of the existing dwelling and one tree which does not exceed 5m in height. As such all of the trees to be removed are exempt. An Arborist Report is NOT required.
E2 – Prescribed Vegetation	Not identified on map	Not Applicable
E3 – Threatened species, populations, ecological communities	Not identified on map	Not Applicable
E4 – Wildlife Corridors	Not identified on map	Not Applicable
E5 – Native Vegetation	Not identified on map	Not Applicable

Clause	Requirement	Compliance
E6 - Retaining unique environmental features	Unique or distinctive features within a site to be retained	Not Applicable
E7 – Development on land adjoining public open space	N/A – not identified on map	Not Applicable
E8 – Waterways and Riparian Lands	Not identified on map	Not Applicable
E9 – Coastline Hazard	Not identified on map	Not Applicable
E10 – Landslip Risk	Identified on map Area A.	Yes No further information is required.
E11 – Flood Prone Land	Not Applicable	Not Applicable

## B7 Front Boundary Setback

This clause requires a front setback of 6.0m to the Lalchere Street frontage. The proposal results in a non-compliance with respect of the carport and pool.

The stated objectives of this clause are:

- *To create a sense of openness.*
- *To maintain the visual continuity and pattern of buildings and landscape elements.*
- *To protect and enhance the visual quality of streetscapes and public spaces.*
- *To achieve reasonable view sharing.*

It is considered that the setback as proposed is justified and achieves the objectives of this clause for the following reasons:

- Development on site is restricted by the location of the existing dwelling and associated structures. Separate approval (DA2024/1401) has been granted for an addition to the southern side of the existing dwelling.
- There is no option to providing parking behind the front building line, given the location of the existing dwelling and approved additions.
- The carport seeks to formalise secure parking on site. There is currently a single informal at grade parking space on site.
- On street parking is limited and in high demand. Lalchere Street is of minimal width (approximately 6.0m). As a result, parking on both sides of the street significantly restricts vehicles travelling along Lalchere Street.

- Demand for parking on street is high. The site is immediately adjacent to shop top housing development, with overflow parking from this development relying on street parking in Lalchere Street. Further the northern end of Lalchere Street provides access to Adam Street reserve which is utilised for community sport. Parking from these events also relies on Lalchere Street.
- The proposed carport provides for a single width vehicular crossing (replacing the existing vehicular crossing) thereby retaining existing street parking and also providing an additional space on site. The proposal will assist in relieving the high demand for street parking.
- The carport is a lightweight structure with a flat roof and will not result in unreasonable bulk scale. It is noted that the front boundary of the site is currently bounded by a 2.0m high solid fence.
- The proposed pool is located at ground level and replaces a spa and an inground pool, both of which encroach the front setback. The pool will not be visible from the public domain and will not have any impact on the streetscape. Providing for a pool in the rear yard would be overlooked by the adjoining residential flat buildings and therefore not a suitable location. The rear yard is also constrained by a sewer prohibiting locating a pool in the rear yard.
- The proposal provides for landscaped areas within the front setback.

There are no other provisions of the DCP that apply to the proposed development.

## **5. EP & A ACT - SECTION 4.15**

### **The Provisions of any Environmental Planning Instruments**

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. The site is zoned R2 Low Density Residential under the provisions of the LEP. Construction of a carport and swimming pool ancillary to the existing dwelling is permissible with the consent of Council in this zone. It is considered that the provisions of this document have been satisfactorily addressed within this report and that the proposal complies with the relevant provisions.

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

### **The Likely Impacts of the Development**

It is considered that the development will provide for the construction of a carport and swimming pool ancillary to an existing dwelling without any detrimental impact on the environment, social and economic status of the locality. The proposal does not require the removal of any significant vegetation and there is no detrimental impact on the adjoining properties.

### **The Suitability of the Site for the Development**

The subject site is zoned R2 Low Density Residential and the construction of a carport and swimming pool ancillary to an existing dwelling in this zone are permissible with the consent of Council. The resultant development is of a bulk and scale that is consistent with the existing surrounding development.

For these reasons it is considered that the site is suitable for the proposed development.

### **The Public Interest**

It is considered that the proposal is in the public interest in that it will provide for carport ancillary to an existing dwelling that will assist in reducing the demand for on street parking and that is compatible with development in this locality without impacting the amenity of the adjoining properties or the public domain.



## 6. CONCLUSION

This application seeks approval for the construction a carport and swimming pool ancillary to an existing dwelling. As demonstrated in this report the proposal is consistent with the aims and objectives of the Warringah Local Environmental Plan 2011. The proposed development does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

It is therefore considered that the proposed construction of a carport and swimming pool ancillary to an existing dwelling at **No. 3 Lalchere Street, Curl Curl** is worthy of the consent of Council.

Natalie Nolan  
Grad Dip (Urban & Regional Planning) Ba App Sci (Env Health)  
**Nolan Planning Consultants**  
May 2025