



31 BENNETT STREET (LOT 1) CURL CURL

**STATEMENT OF ENVIRONMENTAL EFFECTS
FOR
A SWIMMING POOL**



Report prepared for
Icon Homes
April 2024

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1. Introduction

- 1.1** This is a statement of environmental effects for the construction on an inground swimming pool on the site of an approved new dwelling, at approved lot 1, 31 Bennett Street, Curl Curl.
- 1.2** The report describes how the application addresses and satisfies the objectives and standards of relevant State Environmental Planning Policies, the Warringah Local Environmental Plan 2011, the Warringah Development Control Plan and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3** This statement of environmental effects has been prepared with reference to the following:
- Site visit
 - Site Survey prepared by Donovan Associates
 - DA Plans prepared by Accurate Design & Drafting
 - Flood Impact Assessment prepared by Michal Korecky
- 1.4** The proposed development is compliant with the objectives of all Council controls, considerate of neighbouring residents and results in improved amenity for the residents of the site.

2. The site and its locality

- 2.1** The subject site is located on the northern side of Bennett Street, on the corner of its entrance to Harbord Bowling and Recreation Club. The site is Lot 1 DP 1272873 and is known as 31 Bennett Street, Curl Curl. The site benefits from three previous development consents:
1. DA2018/1668 – Subdivision of one lot into two and demolition works (Approved on 12 March 2019)
 2. DA2019/0442 – Demolition works and subdivision of land from 1 lot into 2 lots (Approved 13 September 2019).
 3. DA 2022/0689 – Construction of a dwelling house on proposed lot 1 (Approved on 15 November 2022 – with deferred commencement relating to the registration of the lots)
- 2.2** The site is Lot 1, and is the southern most of the three new battle axe lots with common access off Bennett Street. Lot 1 has a southern boundary of 19.2 metres, a northern boundary of 24.985 metres, a western boundary of 21.48 metres and the eastern boundary including the driveway of 58.075m, southern battle-axe entry of 5.615 metres and western battleaxe driveway boundary of 36.575metres. The total lot area is 743.2m²with an area of 450m² (excluding the handle and right of way), and is generally flat.
- 2.3** The site is currently vacant with a DA approved, two-storey house to be constructed.
- 2.4** The property is surrounded by detached residential dwellings to the south and west, Harbord Bowling and Recreation Club to the east and Weldon Oval to the north. It is located in close proximity to shops and public transport services on Pittwater Road and Harbord Road to the west. Curl Curl beach is also close by, to the east.

The map displays the Harbord Bowling and Recreation Club, marked with a green pin. It is situated near Greendale Creek and Weldon Oval. Other points of interest include Curl Curl parkrun, Freshwater Senior Campus, John Fisher Netball Courts, Manly W Netball A, Stirgess Reserve (John Fisher Park), and PICO in Curly. The map also shows several streets: Bennett St, Brighton St, and Oliver St.

(Lot 1) 31 Bennett Street, Curl Curl



Figure 3. Aerial Image of the site within the locality

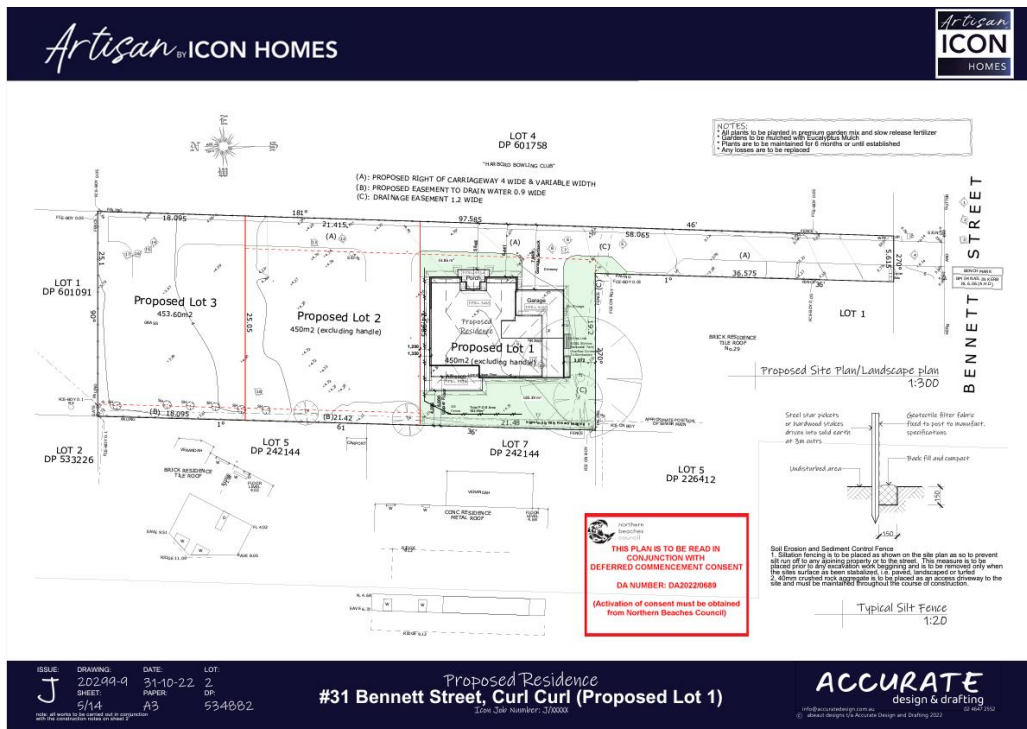


Figure 4. Approved Site Plan DA 2022/0689



Figure 6. Lot 1 viewed from northern end of shared driveway



Figure 7. Driveway access from Bennet Street to Lots 1, 2 and 3

4. Statutory Framework

4.1 State Environmental Planning Policies

State Environmental Planning Policy (Sustainable Buildings) 2022

Schedule 1 of SEPP (Sustainable Buildings) 2022 sets out the standards for thermal performance and energy requirements for BASIX development in NSW. The proposal is not BASIX development (as defined by the EPA Regulation 2021 as the volume of the pool is only 4800 litres.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The development involves no tree removal and remains consistent with the provisions of the SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.

4.2 Warringah Local Environmental Plan 2011

The relevant clauses of the Warringah Local Environmental Plan 2011 are addressed below.

Zoning

The site is zoned R2 Low Density Residential, pursuant to the provisions of the Warringah Local Environmental Plan 2011. The proposed development is for alterations and additions to a dwelling house and dwelling houses are permitted with development consent in the R2 zone.



Figure 9. Extract from Warringah LEP 2011 Zoning Map

Demolition

The site is vacant and no demolition is proposed.

Minimum Lot Size

The site is mapped with a minimum lot size of 450m². The subject site has an area of 450m² excluding the Right of way and battleaxe handle and no subdivision is proposed.

Height of Buildings

The LEP restricts the height of any development on the subject site to 8.5 metres.
The proposed pool is inground.

Floor Space Ratio

The site is not identified on the floor space ratio map.

Heritage Conservation

The site is not a heritage item, is not located within a heritage conservation area and is not located in proximity to any heritage items.

Flood Planning

The subject site is identified on the Northern Beaches Council flood hazard map and a supporting report accompanies the application.

Acid Sulfate Soils

The site is located in an area nominated as Acid Sulfate soils on the Warringah Acid Sulfate Soils Map Class 5.

Earthworks

Minimal earthworks are proposed to prepare the site for construction. Standard erosion and sediment control measures will be implemented to ensure best practice procedures are followed and all works will be undertaken in accordance with engineering details.

4.3 Warringah Development Control Plan 2011

The relevant sections of the Warringah DCP 2011 are addressed below.

Part A Introduction

Objectives

The proposed development is entirely consistent with the ecologically sustainable, environmental, social and economic objectives as specified in the DCP. The proposal is appropriate to the site and the locality and has been designed with fulfilment of these objectives as essential criteria.

Part B Built Form Controls

Wall Heights

N/A

Side Boundary Envelope

N/A

Side Boundary Setbacks

Side setbacks of 0.9 metres are permitted on the subject site.

The proposed pool has a compliant setbacks to the 2.666 metres to water's edge and 1.8 metres to the coping on the western setback.

The proposed pool has a compliant setbacks to the 4.772 metres to the water's edge and 3.86 metres to the coping on the southern setback.

Front Boundary Setback

N/A

Rear Boundary Setback

The DCP requires a minimum rear setback of 6 metres. An exception for swimming pools for up to 50% of the setback is permitted by the DCP and the site would achieve this, with the northern boundary considered the rear boundary. However, an interpretation of the western boundary would also allow compliance.

Part C Siting Factors

Traffic Access and Safety

N/A

Parking Facilities

N/A

Stormwater

An approved Stormwater Management Plan has been provided as part of the DA2022/0689.

Excavation and Landfill

Earthworks are proposed to prepare the site for construction. Erosion and sediment control measures will be implemented to ensure best practice procedures are followed and all works will be undertaken in accordance with engineering details.

Demolition and Construction

All construction works will be undertaken as required by Council controls and compliant with any relevant conditions of consent.

Waste Management

Appropriate waste management will be undertaken during the excavation and construction process. All waste materials will be recycled where possible which is detailed in the accompanying Waste Management Plan.

The approved dwelling has compliant bin storage areas, with waste to be collected by Council's regular service.

Part D Design

Landscaping and Open space and bush land setting

The DCP requires 40% landscaping on the site, which is equivalent to 180m² for the site area of 450m².

The development existing approved Dwelling (DA2022/0689) has an approved landscaped area of 214.2m² or 47.6%.

The proposed development will result in a minimal reduction to the landscaped area to 229.91m² to allow for the pool surrounds. It is noted that the pool water surface area is included in the landscaped area. The development remains compliant.

Private open space

The site retains ample private open space.

Noise

The development will not result in noise levels inappropriate to the residential area. The site is not located in close proximity to a noise generating activity.

Access to sunlight

No change results due to the installation of the new pool.

Views

A site visit has been undertaken and there will be no impact on any views.

Privacy

Privacy will be retained for neighbours with appropriate side and rear setbacks and no increased overlooking to any key living areas.

Building Bulk

No change results due to the installation of the new pool.

Site Facilities

Approved site facilities including bin storage area, mailbox and clothes drying facility are unaffected by the proposed pool.

Fences

Compliant pool fencing is proposed.

Safety and Security

An ability to view the street frontage is retained which is to the benefit of safety and security of residents.

Conservation of Energy and Water

The small plunge pool does not require a BASIX and ample green space is retained on the site.

Part E The Natural Environment

Preservation of Trees or Bushland Vegetation

The development proposes tree removal, as illustrated on the attached drawings and in the Arborist Report.

Wildlife Corridors

The site is not mapped to contain wildlife corridors.

Retaining unique Environmental Features

There are no significant environmental features on the site.

Waterways and Riparian Lands

The site is not mapped to contain waterways or riparian land.

Landslip Risk

The site is located in the area nominated the LEP maps as Area A and geotechnical report is no required for the minimal works.

5. Section 4.15 Considerations

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines to help identify the issues to be considered have been prepared by the former Department of Urban Affairs and Planning. The relevant issues are:

5.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complimentary and compatible with adjoining development. The proposal achieves the aims of the Warringah LEP and DCP.

The development is permissible in the zone.

5.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Context and Setting

What is the relationship to the region and local context in terms of:

- the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement.

What are the potential impacts on adjacent properties in terms of:

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposed development has been designed to complement the site and its surrounds. The proposal is appropriate and will have negligible impact on adjacent properties.

Access, transport and traffic

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

No conflict or issues will arise as a result of the proposed development.

Public domain

There will be no impact.

Utilities

There will be no impact on the site, which is already serviced.

Flora and fauna

There will be no impact.

Waste

There will be no impact.

Natural hazards

There are no natural hazards that affect the site.

Economic impact in the locality

There will be no impact, other than the possibility of a small amount of employment during construction.

Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed development is highly appropriate to the site with regard to all of the above factors. The proposal fits well within the context of the surrounds and is an appropriate scale.

How would the development affect the health and safety of the occupants in terms of:

- *lighting, ventilation and insulation?*
- *building fire risk – prevention and suppression/*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

The proposed development will comply with the provisions of the Building Code of Australia and all relevant Council controls.

Construction

What would be the impacts of construction activities in terms of:

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

5.3 The suitability of the site for the development

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints.

Are the site attributes conducive to development?

The site is appropriate for the proposed development.

5.4 Any submissions received in accordance with this Act or the regulations

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

5.5 The public interest

It is considered that the proposal is in the public interest as it allows for appropriate use of the residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

6. Conclusions

- 6.1** The proposed development, for a swimming pool at (lot 1) 31 Bennett Street, Curl Curl is appropriate considering all State and Council controls.
- 6.2** When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 6.3** Considering all the issues, the development is considered worthy of Council's consent.