

November 2024

NEW SWIMMING POOL + ALTERATIONS + ADDITIONS
LOT 375 · DP 752017 · 6 JOALAH RD · DUFFYS FOREST



STATEMENT OF ENVIRONMENTAL EFFECTS

1.0 INTRODUCTION

This Statement accompanies the Development Application for 6 Joalah Rd, Duffys Forest, formally identified as Lot 375 · DP 752017. The land is located within the RU4 - Primary Production Small Lots Zone under Warringah Local Environmental Plan (WLEP) 2011.

This document has been prepared with due consideration given to the following:

- The Environmental Planning and Assessment Act, 1979
- The Environmental Planning and Assessment Regulation 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- Warringah Local Environmental Plan 2011 (WLEP 2011)
- Warringah Development Control Plan (WDCP 2011)

2.0 OBJECTIVES

The essential design brief is a new swimming pool to activate and enhance available outdoor Living space; to improve indoor/outdoor connection and internal circulation; minor reconfiguration of the existing internal layout; and minor changes to external cladding and windows. This application proposes no increase to existing floor areas.

3.0 SUITABILITY OF THE LAND

The site is located within an established, serviced residential area. It is not prone to flooding, acid sulphate soil or coastal hazards, soil erosion or mine subsidence. It is identified on Council maps as bushfire-prone and a Bushfire Hazard Assessment Report and Bushfire Risk Assessment Certificate accompanies this application. The required construction level is BAL-29. It is also mapped as a Landslide Risk Land – Area B Flanking Slopes 5 to 25 and a preliminary assessment of site conditions carried out by Witt Consulting also accompanies this application. Initial assessment determined a geotechnical report is not required.

The existing building is a ca. 2002 2-storey brick veneer residence with aluminium windows and a metal roof approved by DA2001/013. The house is generous, comprising open plan Living/ Dining/ Kitchen with separate Lounge, Cinema, and Rumpus (teen retreat); Master suite includes Ensuite, walk-in robe and Parents' retreat, with adjacent Study; 4x other Bedrooms including Guest (2x with ensuites). There are 2x shared bathrooms plus a powder room; Laundry is at lower level adjacent Gym. Refer Existing Floor Plans (dwg A0.04).

Original Development Approval DA2001/013 was granted 25.07.2001 for a new dwelling and swimming pool, amended by MOD2001/0131/1 & 2. The two-storey dwelling was erected in 2002/03. The pool was not built. There has been no additional building work carried out by the current Owners since.

The site area is approximately 2.13 ha with a road frontage of 81.71m along the Northern side of Joalah Road. The east side boundary (262m) adjoins residential property #8 Joalah Rd. The west side boundary adjoins residential property #4 Joalah Rd/ The rear boundary fronts Booralie Rd. There is no access via the rear of the property.

A creek and designated Riparian zone transects the property just north of the centre. The proposed swimming pool and pergola are situated minimum 74m from the creek, and therefore 34m outside the Riparian zone. The proposed works do not pose any adverse effects to the waterway, and appropriate sediment control measures have been proposed.

The proposed works are entirely within previously developed areas. The site is contained within the Duffys Forest Ecological Community, classified as an Endangered Ecological Community (EEC) under the NSW BC Act 2016. The whole site is mapped as Wildlife corridor + Native vegetation. The proposal does not result in clearing native vegetation or cause other biodiversity impacts in areas identified as Duffys Forest Ecological Community. A BOSET report is included with this application. Refer to Part 2.6.4 below to address DCP Part E The Natural Environment.



Aerial view of the subject site (Source: SixMaps)

4.0 DESCRIPTION OF THE PROPOSAL

The design brief is for a new swimming pool and rear outdoor entertainment areas; with minor alterations to the existing 2 storey residence, including new feature stair to better connect the upper level Living with the new lower level outdoor areas and pool. The proposed changes intend to improve indoor/outdoor connection and internal circulation; and minor external changes to cladding and some windows and doors to better present the street frontage. There is no change to the existing floor area. The proposed external works are entirely within existing developed areas. Refer to dwgs A1.01+02 and A2.01.

The proposed works comprise the following:

External works:

- Addition of Swimming pool and surrounds, with new Cabanas and terrace areas.
- New gable end to existing rear verandah hipped roof
- Aesthetic changes to front of house, including window and cladding upgrade, replacement of gutters and re-painting.
- Refer to elevations on dwg A2.01

Ground floor:

- Relocate/ reconfigure stair
- Removal of existing powder room at Entry for new stone wall feature
- New Kitchen layout
- Reconfigure existin Ensuite and Walk-in-robe
- Relocated Powder room and shower

Lower Ground floor:

- Extend feature stone wall down to this level (adjacent stair)
- New Games room in existing "Gym" with Bar, auxiliary to new outdoor entertainment areas
- Includes minor structural work (relocation of existing steel posts)

RLs to AHD were identified from datum with a Survey Report (REF No. 11962A) by CMS Surveyors (up)-dated 05 September 2024.

There are no adverse impacts to existing views, solar access, amenity or private space, on adjacent properties, or the public domain as a result of this proposal.

5.0 STATUTORY CONTROLS – State Planning Controls

5.1 Environmental Planning and Assessment Act 1979

The EP&A Act is the overarching governing statute for all development in NSW. The proposed development is Local Development, pursuant to Part 4.

5.2 Biodiversity Conservation Act 2016

The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

<https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/overview-of-biodiversity-reform>

The Biodiversity Values (BV) Map identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing. The map forms part of the [Biodiversity Offsets Scheme Threshold](#) which is one of the triggers for determining whether the Biodiversity Offset Scheme (BOS) applies to a clearing or development proposal. The map is prepared by the Department of Planning, Industry and Environment (the Department) under Part 7 of the *Biodiversity Conservation Act 2016 (BC Act)*.

<https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/entry-requirements/biodiversity-values-map>

The BOS Map is relevant for local developments. The development footprint located on the Biodiversity Values Map does not exceed the BOS threshold and a Biodiversity Development Assessment Report is not required. The BMAT report is attached to this application.

Compliance with relevant LEP/DCP biodiversity objectives are addressed below in 6.2.4 Part E The Natural Environment

5.3 SEPP 55 - Remediation of Land

Under the provisions of State Environmental Planning Policy No. 55 – Remediation of land, the consent authority must consider potential land contamination issues, and remediation suitable to the proposed development.

The site and surrounding development have historically been used for residential purposes. The proposal will continue this current use.

5.4 State Environmental Planning Policy (Sustainable Buildings) 2022

The proposal complies with water, thermal, and energy standards mandated by BASIX. A BASIX Certificate has been prepared for the proposed development, and the BASIX commitments have been integrated into the architectural plans.

6.0 STATUTORY CONTROLS – Local Planning Controls

6.1 Warringah Local Environmental Plan 2011

The proposal is consistent with the aims and objectives of this Plan, particularly with the management, development and conservation of natural and man-made resources; and the social and economic wellbeing of the community objectives.

The site is zoned RU4 - Primary Production Small Lots and the proposal meets the relevant objectives :

- *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. **Dwelling houses** are permitted within the Zone.

The following relevant clauses that apply to the proposed development have been considered:

4.1	Minimum Lot Size	2 ha	Not applicable and no subdivision is sought
4.3	Maximum Building Height	8.5 m	No change to building height is proposed.
4.4	Max. Floor Space ratio	N/A	Not mapped as subject to a maximum FSR.
5.10	Heritage Conservation	N/A	There is no heritage item on the site or within close proximity
6.1	Acid Sulfate Soils	N/A	Not mapped as Acid Sulphate Soil.
6.2	Earthworks		
6.4	Development on sloping land	Area B - Flanking Slopes 5 to 25	A preliminary landslip risk report has been prepared by Witt Consulting P/L and included with this application. It was assessed that the proposed slope modifications do not impose any significant risk of landslide failure; and that no further assessment of landslide risk is required.

6.2 Warringah Development Control Plan 2011

The following parts that apply to the proposed development have been considered :

- A Site Analysis Plan has been provided in the Architectural package. Refer to drawing A0-02.
- A Basix Certificate has been provided for the proposed Alterations and Additions, refer attached.
- A Colours + Materials Schedule (dwg A2.02) has been provided with this submission, noting the current wall colours are subdued, and new works will be consistent with the existing building. Proposed materials are compatible with the local bushland setting and do not detract from the scenic qualities or streetscape.

6.2.1 Part B Built Form Controls

B1 Wall Heights	Walls are not to exceed 7.2 metres from ground level or with exceptions to max 8.5 m.	Complies - There is no change to the existing building height.
B5 Side Boundary Setbacks	10m	Complies – the swimming pool and patio addition maintain the minimum setback of 10m from side boundaries, with no increase to the existing side setbacks of 27.5m (east) and 14.4m (west). The 10m side boundary setbacks remain landscaped and free of any above or below ground structures, car parking or site facilities.
B7 Front Boundary Setbacks	20m	Complies – the proposed work to the front of the dwelling is cosmetic only and maintains the existing front setback of 23.4m. The front setback remains landscaped and free of structures, car parking and site facilities other than the driveway, letter box, garbage storage area and fences.

B9 Rear Boundary Setbacks	10m	Complies - The proposed swimming pool and patio area to the rear of the dwelling are a setback >187m. The rear minimum setback area remains landscaped and free of any above or below ground structures
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The following controls are not coloured on relevant DCP maps and are therefore not applicable:

- B2 Number of Storeys
- B3 Side Boundary Envelope
- B4 Site Coverage
- B6 Merit Assessment of Side Boundary Setbacks
- B8 Merit assessment of front boundary setbacks
- B10 Merit assessment of rear boundary setbacks
- B11 Foreshore Building Setback
- B12 National Parks Setback
- B13 Coastal Cliffs setback
- B14 Main Roads Setback

6.2.2 Part C Siting Factors

C2 Traffic, Access and Safety

There are no proposed changes to the existing vehicle access and crossing

C3 Parking Facilities

The existing dwelling provides adequate parking in accordance with Appendix 1. Existing parking is accessed via the side of the property and is located within the dwelling footprint. No changes are proposed to the existing carparking facilities.

C4 Stormwater

A Stormwater plan (dwg A0.03) is submitted with this application. Minimal changes to the roof result in no increase to the existing roof area. The existing rainwater collection and stormwater disposal system is modified only by the introduction of a new 10kL rainwater tank.

C7 Excavation and Landfill

Excavation for the swimming pool is proposed, with a cut of approx.. 90m³; the fill to be utilised to create a level terraced area and garden beds and planter boxes around the pool; with the remainder to be disbursed over the existing embankment, to level out existing uneven spots. A cut-and-fill diagram is included on dwg A0-03.

The excavation area is minimal and well away from neighbouring properties.

A geological report prepared by Witt Consulting accompanies the application with recommendations for the proposed work to be constructed to ensure geological stability.

C8 Demolition and Construction

A Construction Management/ Erosion and Sediment Control Plan plan (dwg A0,03) is submitted with this application. Measures are proposed to ensure excavation works do not create siltation or pollution of waterways and drainage lines; or degrade or destroy the natural environment.

Fill from the excavated area will be contained and reused onsite in garden beds adjoining the pool and patio area.

A Site Management plan is also included on dwg A0.03 to ensure there is no unreasonable impact on the surrounding amenity, pedestrian or road safety, or the natural environment.

C9 Waste Management

A Waste Management plan is also submitted. The Waste Management Plan complies with the appropriate sections of the Waste Management Guidelines.

6.2.3 Part D Design

D1 Landscaped Open Space and Bushland Setting

The required minimum area of landscaped open space is 30%. The proposed site is 2.13 ha, the majority of which is bushland. The proposed deck and pergola area is minimal (120m² approx.) The landscaped open space remains >80%.

D2 Private Open Space

The proposal well exceeds the required minimum 35m² Private Open Space with minimum dimensions of 3 metres. The proposed pergola, pool and associated landscaping are connected to a living room and are well-positioned for privacy and solar access enhancing the existing P.O.S. (>150m²).

D3 Noise

Pool equipment shall be located within an enclosure and is as far as practicable from shared boundaries. The proposal will not otherwise generate additional noise

D6 Access to Sunlight

The proposed development does not overshadow any public open space. The P.O.S. well exceeds the minimum of 3 hours of sunlight between 9am and 3pm on June 21. There is no impact to the solar access of adjoining properties.

D7 Views

The proposed work does not impact any sharing of views.

D8 Privacy

There are no overlooking issues. Adjoining dwellings are >20m away. Vegetation along the boundaries screens the existing dwelling and the proposed pergola and pool area from the street and neighbouring properties.

D9 Building Bulk

No changes are proposed to the building height and scale, other than a minor change to the roof form of the rear terrace. Due to the native vegetation surrounding the property, much of the proposed work is not visible from the public domain, and would appear to be unchanged from the existing.

D10 Building Colours and Materials

A Colours + Materials Schedule is provided on dwg A2.02. The colours and materials used for the pool and pergola, include natural timber and stone. External alterations to the front of the building also include natural timber and stone and enhance the existing external façade and the natural environment.

D11 Roofs

No changes are proposed to the existing roof, other than the minor change to the roof of rear terrace (new gable end to replace the existing hip).

D12 Glare and Reflection

The proposed pool, pergolas, and terraces will not result in glare or reflection. Materials for paving and new cladding will be non-reflective, generally natural timbers and stone. It is proposed to lighten the existing bagged and painted walls marginally (they are already light), being a band at high level (and under the eaves or balcony overhangs), above a dark brick base.

D13 Front Fences and Front Walls

It is proposed to clad the existing brick and rendered entrance walls with stone; with a timber post-and

rail style fence (approx. 1.2m high on the front and side boundaries. This will not stand out amongst the well-vegetated street frontage

D14 Site Facilities

A new bin enclosure is proposed, and not visible from the street. Adequate clothes-drying areas are to be retained; the mailbox will remain in the front entry wall.

D15 Side and Rear Fences

Side fences will be a timber post-and-rail style fence (approx. 1.2m high), as above. The rear boundary to Booralie Road is not fenced.

D16 Swimming Pools and Spa Pools

The proposed pool is located at the rear of the dwelling. The swimming pool is appropriately set back from any trees and is outside of the Tree Protection Zones as defined by (AS4970 2009), taking into account the Structural Root Zone. The proposed swimming pool and associated construction work pose no adverse impact on existing trees.

D17 Tennis Courts

Not applicable to this proposal.

D18 Accessibility and Adaptability

Not applicable to this proposal; however there is ample potential for adaptability as the plan including circulation space and wet areas is very generous, Living and sleeping facilities can be located on a single level, and provision for a lift could be made should the requirement arise.

D19 Site Consolidation in the R3 and IN1 Zone

Not applicable to this proposal.

D20 Safety and Security

No changes are proposed to the existing street-facing doors and windows which provide passive surveillance of the driveway and main entrance.

D21 Provision and Location of Utility Services

The existing house is serviced with adequate provisions for water, electricity, and telephone; and no upgrade to the existing onsite wastewater treatment system is required by the proposal. Only minor internal alterations and additions are proposed with no modifications to the existing visibility of utilities from the streetscape.

D22 Conservation of Energy and Water

The minor impact on water consumption of the proposed swimming pool is offset by the addition of a 10kL rainwater tank; to meet BASIX commitments.

Proposed landscaping has no impact on water consumption; existing lawn areas are decreased and waterwise native plants are introduced.

There is no additional impact on solar access to the existing photovoltaic system, or that of adjoining properties

The proposal complies with Council's Water Management Policy.

D23 Signs

Not applicable to this proposal.

6.2.4 Part E The Natural Environment

E1 Preservation of Trees or Bushland Vegetation

No trees or vegetation are proposed to be removed as part of this development proposal. The proposed works are contained within previously developed areas.

E2 Prescribed Vegetation

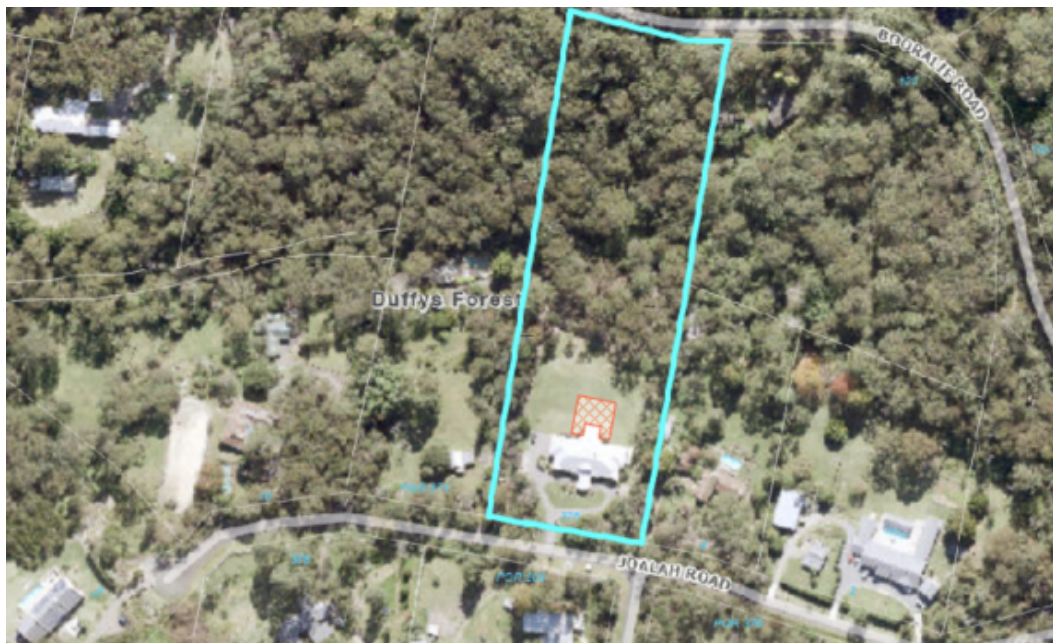
The whole site is mapped as Wildlife corridor + Native vegetation; however the proposed development is situated on previously disturbed land and there is no impact on vegetation, including remnant canopy trees, understorey vegetation, and ground cover species.


E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High Conservation Habitat

The site is not identified on the Threatened and High Conservation Habitat on the DCP Map.

E4 Wildlife Corridors

No modification of native vegetation is proposed. The proposed pool and spa are situated on existing cleared land.



 Proposed pool and pergola location

E5 Native Vegetation

No native vegetation has been modified in the last five years and the proposed works do not require any native vegetation to be modified.

E6 Retaining unique environmental features

The proposed works are situated on previously developed land, comprising of lawn. There is no impact on any distinctive environmental features on the site or adjoining land.

E7 Development on land adjoining public open space

Not applicable. The site is not coloured on DCP Map Land Adjoining Public Open Space.

E8 Waterways and Riparian Lands

The proposed development is located outside the area identified as riparian land and is over 40m from the riparian zone. A sediment control plan is provided with this application (dwg A0.03) which documents measures that will be undertaken to ensure there is no adverse change or impact on the riparian land condition.



 Proposed works  Existing building  Warringah DCP 2011-Waterways and Riparian Lands

E9 Coastline Hazard

Not application to this proposal.

E10 Landslip Risk

The proposed land is identified as Landslip Risk Area B. A Geotechnical Preliminary Assessment has been prepared by Witt Consulting P/L, in accordance with the Checklist for Council's assessment of site conditions. This preliminary assessment has determined that a geotechnical report is not required. Therefore a hydrological assessment of stormwater discharge and subsurface flow conditions is not required.

The report concludes that the proposed slope modifications do not impose any significant risk of landslide failure; and makes recommendations for foundations.

E11 Flood Prone Land

Not applicable to this proposal.

13.0 CONCLUSION

The proposal is permissible under, and consistent with, the planning provisions applying to the site and complies/ meets with both the objectives and controls of the Development Control Plans relevant to this form of development and the site.

Council's support is therefore respectfully sought for the proposal as set out in the accompanying Development Application.

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DIRECTOR

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