



**4A KIRRA ROAD
ALLAMBIE HEIGHTS NSW 2100**

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



Report prepared for
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June 2021

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1. Introduction

- 1.1** This is a statement of environmental effects for the construction of a new in-ground swimming pool at 4a Kirra Road, Allambie Heights.
- 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
 - Survey
 - DA Plans prepared by Structa Consulting Engineers
 - Cost Summary Report prepared by Vega Pools
 - Waste Management Plan prepared by Vega Pools
- 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. It is an appropriate development worthy of Council consent.

2. The site and its locality

- 2.1** The subject site is located at 4A Kirra Road in Allambie Heights, on the western side of Kirra Road, approximately 85 metres north of its intersection with Allambie Road. It is legally described as Lot 3 DP 866959.
- 2.2** It is a battle axe lot, with boundaries of 23.105 metres (north), 23.74 metres (west), 42.13 metres (south) and 21.64 metres and 4.08 metres (east). The access handle from Kirra Road is approx. 18 metres long by 4 metres wide.
- 2.3** The site has an area of 777.3m² and is currently occupied by a 2 storey brick dwelling with a tile roof. There is a large rock shelf which occupies the majority of the rear yard.
- 2.4** The property is surrounded by detached residential dwellings in all directions. It is located in close proximity to shops and services at the Warringah Mall, on Condamine Street and Pittwater Road to the east.



Figure 1. Aerial Image of the subject site

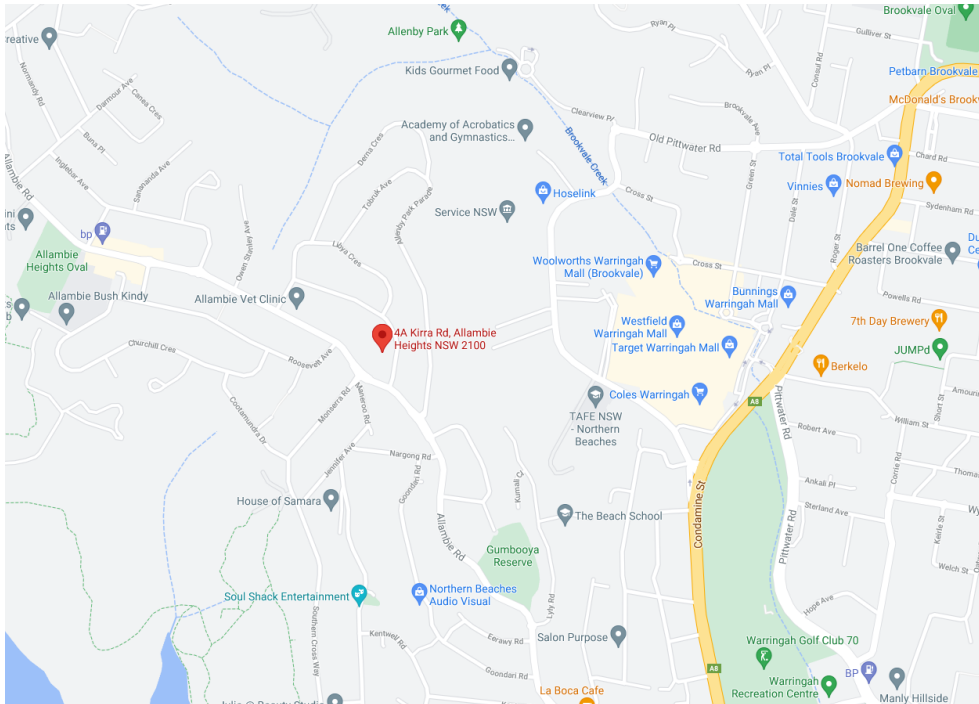


Figure 2. The site within the locality

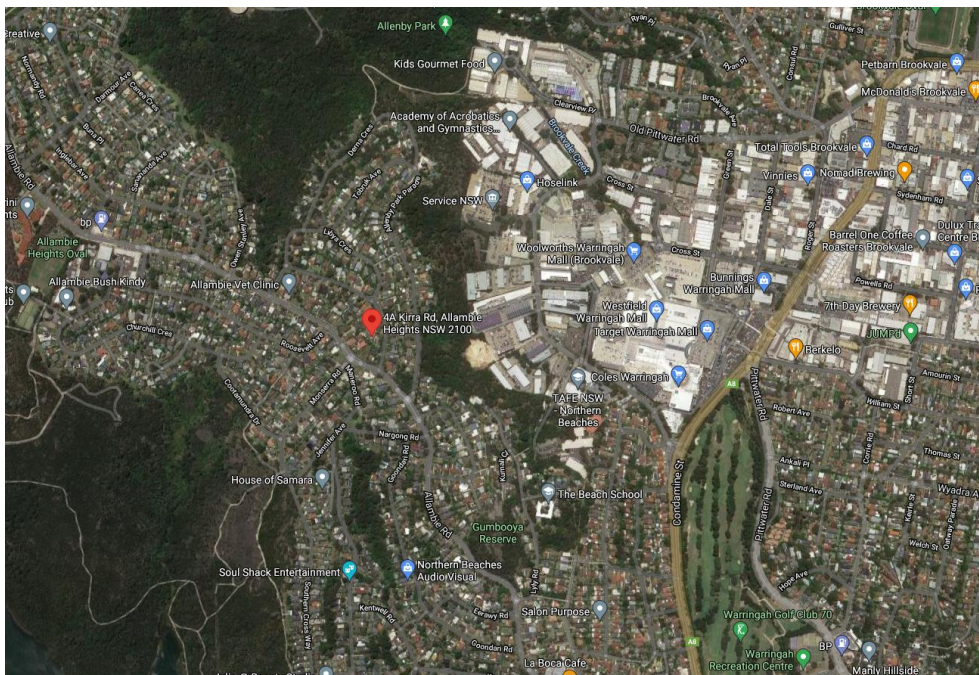


Figure 3. Aerial Image of the site within the locality

3. Site Photos



Figure 4: The subject site, looking west from Kirra Road.



Figure 5: The existing dwelling, looking north west.



Figure 6: The rock shelf in the rear yard, looking north east.



Figure 7: The patio and dwelling, looking north west from the front yard.



Figure 8: The adjoining dwelling to the east (4 Kirra Road).



Figure 9: The patio and front yard, looking north towards the driveway (location of the proposed swimming pool).

4. Background

A Pre-lodgement meeting was held with Council on 19 March 2021 (PLM2021/0063). In accordance with the advice from this meeting the following additional information and comments are provided:

Issues Raised

<i>Issue Raised</i>	<i>Council Response</i>	<i>Comment</i>
DCP 2011		
<i>B7 – Front Boundary Setbacks</i>	<p><i>Permitted 6.5m Proposed 1.5m to 2.1m</i></p> <p><i>The site is noted as accommodating a significant rock shelf at the rear which prevents development within the rear yard area. Therefore, the only available and viable location to accommodate the proposed swimming pool is within the ‘front’ setback area.</i></p> <p><i>The selected area is not subject to the “front building setback” provisions of the WDCP as the boundaries adjacent are “side boundaries”, not a front boundary, owing to the fact the site is an internal lot (does not have road frontage to the main body of the lot, only with access handle).</i></p> <p><i>Given the above constraint, there is no objection raised to the locating of the swimming pool in the proposed location.</i></p>	<p>It is acknowledged that the rear yard is not a suitable location for the proposed swimming pool, due to the large rock shelf.</p> <p>The side setback control applicable to the site is 0.9 metres and the pool proposes a compliant minimum side setback of 1.8 metres.</p>
<i>D16 – Swimming pools and spa pools</i>	<p><i>Clause D16 requires:</i></p> <p><i>a) Pools are not to be located in the front building setback.</i></p> <p><i>b) Where there are 2 frontages, swimming pools and spas are not to be situated in the primary street frontage.</i></p>	

	<p><i>c) Swimming pools and spas are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.</i></p> <p><i>Please refer to comments provided under Clause B7 above with respect to the locating of the swimming pool within the front setback area.</i></p> <p><i>The objectives of Clause D16 aim to:</i></p> <ul style="list-style-type: none"> <i>• Ensure swimming pools and spas are located to preserve the natural environment, streetscape and residential amenity.</i> <i>• Encourage innovative design solutions to improve the urban environment.</i> <p><i>With respect to the protection of neighbouring amenity, the locating of the pool will introduce a new noise source to the rear yard of the neighbouring property at No. 4 Kirra Road. Careful consideration is to be given to the locating of pool pump equipment away from the property boundary and within an acoustically sealed facility.</i></p> <p><i>It is also recommended that screen planting be included between the pool and the property boundary as this will</i></p>	<p>Noted. Refer to comments above regarding the front setback.</p> <p>Compliant.</p> <p>The location of the pool and pump has been selected for both practical reasons (as construction in the rear yard is not possible) and with neighbour amenity in mind.</p> <p>The location of the proposed pool is adjacent to the existing pool in the side yard of 4 Kirra Road. In addition, the proposed pool pump will be located in the south east corner of the front yard, in an approved sound proof enclosure. This location is adjacent to the existing pool pump equipment already present in the rear yard of 4 Kirra Road, ensuring consistent land uses are appropriately located to avoid negative impacts upon neighbouring properties.</p> <p>As illustrated in Figures 8 & 9 above, the existing brush fencing and significant landscaping ensures that</p>
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	<p><i>assist in dampening noise transfer.</i></p> <p><i>In addition to noise, concern is raised with the potential to overlook the rear yard of No. 4 Kirra Road if the pool coping is elevated above the current ground level. The pool coping and ground levels surrounding the pool should remain as per the existing ground levels to ensure that overlooking is not possible.</i></p> <p><i>As recommended above, screen planting will also assist in mitigating the perception by the neighbour of being overlooked and is therefore highly encouraged.</i></p>	<p>privacy is maintained between properties.</p> <p>The proposed pool is not elevated and remains consistent with the existing natural ground level.</p>
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5. Proposed Development

The proposed development is for the construction of a new swimming pool on the subject site.

The proposal remains consistent with development in the locality and ensures privacy and amenity is maintained for both the neighbours and the subject site. The development will be made up as follows:

Swimming Pool

- A new 6 metre by 4 metre fiberglass swimming pool with a maximum depth of 1.5 metres and a volume of 27,000 litres.
- Approved glass pool fencing and gate,
- Pool pump equipment located in an approved sound-proof enclosure.

6. Statutory Framework

6.1 State Environmental Planning Policies

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Development applications for a swimming pool, with a capacity of 40,000 litres or more, require a BASIX Certificate. The proposed swimming pool has a capacity of 27,000 litres, as such, a BASIX Certificate is not required.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The development remains consistent with the provisions of the SEPP as it does not propose to remove any trees.

State Environmental Planning Policy No. 55 – 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.

6.2 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 2013. The proposed development is for a swimming pool, which is a use ancillary to a dwelling house and dwelling houses are permissible with development consent in the R2 zone.



Figure 10: Extract from Warringah LEP 2011 Zoning Map

Minimum Lot Size

The site is mapped with a minimum lot size of 600m². The subject site comprises an area of 777.3m² and no subdivision is proposed.

Height of Buildings

The LEP restricts the height of any development on the subject site to 8.5 metres. No change is proposed to the existing, compliant dwelling height.

Heritage Conservation

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

Acid Sulfate Soils

The site is not located in an area nominated as Acid Sulfate soils.

Earthworks

Earthworks are proposed to a maximum depth of 1.5 metres, to excavate the proposed swimming pool.

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.

Development on Sloping Land

The site is located in the area nominated the LEP maps as Area A – Slope < 5. As such the consent authority must be satisfied that:

- (a) the application for development has been assessed for the risk associated with landslides in relation to both property and life, and*
- (b) the development will not cause significant detrimental impacts because of stormwater discharge from the development site, and*
- (c) the development will not impact on or affect the existing subsurface flow conditions.*

As the site is located in a low risk area and the proposed works are minor, it is considered a Geotechnical Report is not required for this application.

The overflow from the proposed swimming pool will be connected to the existing drainage infrastructure on the site, which drains to Kirra Road.

6.3 Warringah Development Control Plan

The relevant sections of the DCP are addressed below.

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 General Controls

Wall Heights

A maximum wall height of 7.2 metres is permitted by the DCP. No changes are proposed to the existing approved dwelling.

Side Building Envelope

The site requires a side boundary envelope of 4m/45°. No changes are proposed to the existing approved dwelling.

Side Boundary Setbacks

Side setbacks of 900mm are permitted on the subject site. The new swimming pool proposes a compliant minimum side setback of 1.8 metres (east).

Front Setback

A front setback of 6.5 metres to the primary road frontage is required on the site. As the site is a battle-axe lot, the front setback control is easily achieved by the approx. 18 metre long driveway.

Rear Setback

The DCP requires a rear setback of 6 metres on the subject site. The proposed pool is located in the front portion of the site, compliant with the rear setback control.

Part C Siting Factors

Traffic Access and safety

No changes are proposed to the existing driveway from Kirra Road.

Parking

No changes are proposed to the existing onsite car parking.

Stormwater

The overflow from the proposed swimming pool will be connected to the existing drainage infrastructure on the site, which drains to Kirra Road.

Excavation and Landfill

Earthworks are proposed to a maximum depth of 1.5 metres, to excavate the proposed swimming pool.

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.

Demolition and Construction

No demolition works are proposed.

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 existing dwelling has appropriate waste storage areas, with waste to be collected by Councils 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 310.92m² for the site area of 777.3m². The development proposes a compliant landscaped area of 385m² or 50%.

Private open space

The DCP requires a minimum 60m² private open space (with minimum dimensions of 5 metres). A compliant area of private open space is retained in the front and rear yards for the enjoyment of residents.

Noise

The development will not result in noise levels inappropriate to the residential area. The location of the pool and pool pump has been selected for both practical reasons (as construction in the rear yard is not possible due to the rock shelf) and with neighbour amenity in mind.

The location of the proposed pool is adjacent to the existing pool in the side yard of 4 Kirra Road.

The proposed pool pump will be located in the south east corner of the front yard, in an approved sound proof enclosure. This location is adjacent to the existing pool pump equipment already present in the rear yard of 4 Kirra Road, ensuring consistent land uses are appropriately located to avoid negative impacts upon neighbouring properties.

The site is not located in close proximity to a noise generating activity.

Access to sunlight

The proposed swimming pool will not alter existing access to sunlight.

Views

A site visit has been undertaken and it is considered the development will not result in any view loss impacts.

Privacy

Privacy will be retained for neighbours with ample setbacks and no direct overlooking into any key living areas.

The site is visually separated from the neighbouring properties by existing brush fencing and significant landscaping ensuring that privacy is maintained. The proposed pool is not elevated and remains consistent with the existing natural ground level.

Building Bulk

No changes are proposed to the existing approved dwelling.

Building Colours and Materials

The proposed building materials include a fibreglass pool with concrete surrounds and glass pool fencing, which are consistent with the residential surrounds and a modern finish.

Roofs

No changes are proposed to the existing approved dwelling.

Glare & Reflection

Materials have been chosen to ensure no glare or reflection issues.

Side and Rear Fences

No changes are proposed to the existing boundary fencing. New glass pool fencing is proposed to ensure compliance with safety standards.

Site Facilities

No changes are proposed to the existing site facilities.

Swimming Pools

As described above, the proposed swimming pool location, represents the only practical location, due to the rock shelf in the rear yard. The proposed location is adjacent to the existing pool in the side yard of 4 Kirra Road and the proposed pool pump will be located in the south east corner of the front yard, in an approved sound proof enclosure.

Existing brush fencing and significant landscaping ensures that privacy will be maintained between properties. The proposed pool is not elevated and remains consistent with the existing natural ground level.

Safety and Security

An ability to view the dwelling is retained allowing for casual surveillance which is to the benefit of the safety and security.

Conservation of Energy and Water

The proposed swimming pool is consistent with Councils Water Management Policy.

Part E The Natural Environment

Preservation of Trees or Bushland Vegetation

The development does not propose to remove any trees.

Retaining unique Environmental Features

The subject site contains a large rock shelf in the rear yard. The location of the proposed swimming pool has been selected to ensure that there will be no impact on the rock shelf.

Wildlife Corridors

There will be no impact on any valued wildlife as a result of the proposed development.

Native Vegetation

The site is not identified on the DCP Native Vegetation Map.

Waterways and Riparian Lands

There will be no impact on waterways or riparian lands in the locality.

Landslip Risk

The site is located in the area nominated in the LEP maps as Area A Slope < 5. As the site is located in a low risk area and the proposed works are minor, it is considered a Geotechnical Report is not required for this application.

7. 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:

7.1 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.

7.2 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

The natural hazard of landslide risk has been assessed and can be effectively mitigated to allow the development to proceed.

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.

7.3 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 swimming pool.

7.4 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.

7.5 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.

8. Conclusions

- 8.1** The proposed development, for the construction of a new swimming pool at 4A Kirra Road, Allambie Heights, is appropriate considering all State and Council controls.
- 8.2** 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.
- 8.3** Considering all the issues, the development is considered worthy of Council's consent.