

14 April 2021

Attention: Council Officer
Northern Beaches Council
Dee Why Customer Service Centre
Civic Centre, 725 Pittwater Road
Dee Why NSW 2099

Statement of Environmental Effects for Development Application

30 Beatrice Street, Clontarf NSW 2093

Lot 1 DP 345209

Development Application:

Amending DA to CDC Approval Number: CDC/0141472-A

Proposed new swimming pool and basement alterations

Applicant	Mr George Elias C/O Building Design and Drafting Services
Land	30 Beatrice Street, Clontarf NSW 2093 Lot 1 DP 345209
Date	26 March 2021

1. Introduction

The owner of the site and the applicant, Mr George Elias has obtained a Complying Development Certificate (CDC) for the Demolition of the existing dwelling house (CDC_DEMO20/1340) and construction of a new two storey dwelling (CDC/0141472-A). A pre-lodgement meeting on the 29th October 2020, Application Number PLM2020/0246 was undertaken, and Council comments "In the instances of your proposal, based on the specific request made, a DA for the proposed works can be lodged" and "It will constitute an amending DA". As Council supported the Pre-Lodgement proposal, and provided positive comments, the applicant seeks to lodge a Development Application for the proposed **new swimming pool and basement alterations** as an amending DA to the CDC Approval No. CDC/0141472-A.

As required by the Environmental planning and Assessment (EP&A) Regulations 2000, this statement of Environmental Effects for a **new proposed swimming pool and basement alterations** which has been prepared to facilitate the assessment of the relevant issues in accordance with the Manly Local Environmental Plan 2013 and the Manly Development Control Plan 2013.

1.1 Engagement

The applicant has engaged Building Design and Drafting Services Pty Ltd (BDDS) to prepare and submit a Development Application (DA) including this Statement of Environmental Effects (SEE) to Northern Beaches Council (Council).

1.2 Proposal

CDC Approval No. CDC/0141472-A for a new two-storey dwelling with basement level garage was issued on 14 April 2021 by Buildcert Services Pty Ltd. As the proposed **swimming pool and basement alterations** (consisting of lift, stair, plant room and storage) were not permissible under CDC, an amending DA has been prepared to seek development approval for those proposed additional works to the CDC.

The proposed **swimming pool** is to be located on the Ground Floor level, in lieu of a portion of CDC approved front terrace. The swimming pool and spa is secluded within the perimeter of the dwelling house structure and privacy screens and located in an area which minimises impact to surrounding properties.

It is noted that the excavation for basement subfloor area has been approved under CDC. The CDC approved basement subfloor area includes new retaining walls, associated drainage voids and lift shaft structure in the basement level.

The amending DA proposal includes new slab to the sub-floor area which will create a usable basement area, for the main purposes of provided internal access from the basement level garage to the upper floors of the house. The basement area will include existing lift access within the dwelling to be extended down to the basement level, relocation of internal stair 2, plant room for mechanical and electrical equipment and general storage space. The proposed **basement alterations** will be wholly contained within the approved CDC sub-floor area and not be visible externally.

The proposed **swimming pool and basement alterations** included in this development application has been shown as blue in the architectural drawings, and CDC approved works to be removed/alterd shown in red dashed lines.

A quick-glance comparison between the CDC approved drawings and DA drawings have been included to provide a visual summary of the two proposals.



Figure 1: Indicative 3D image of CDC approved dwelling house with proposed swimming pool

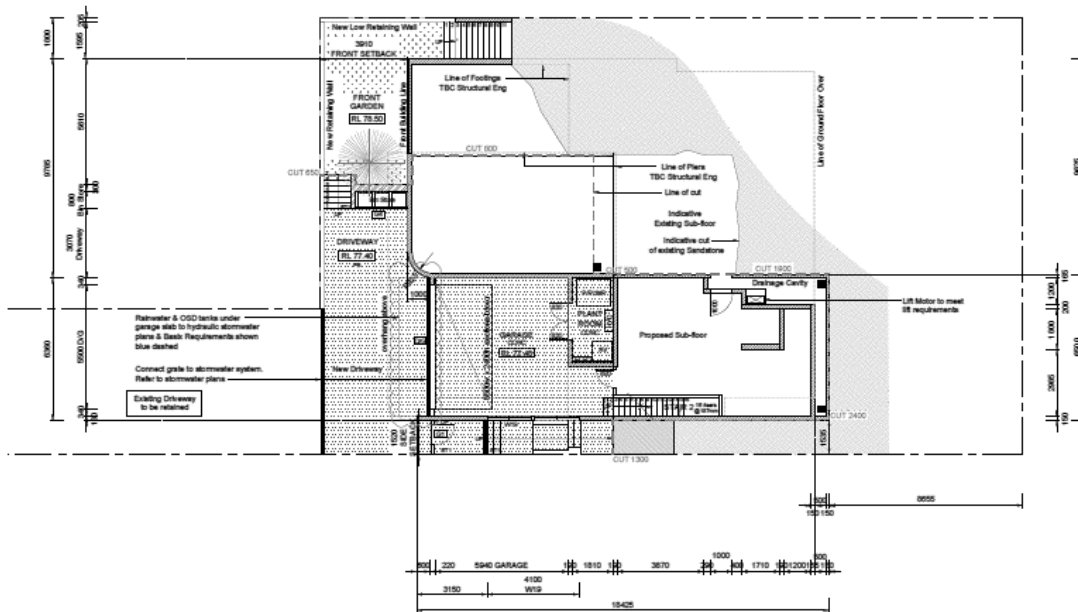


Figure 2: CDC Approved Basement Floor Plan (Not to Scale)

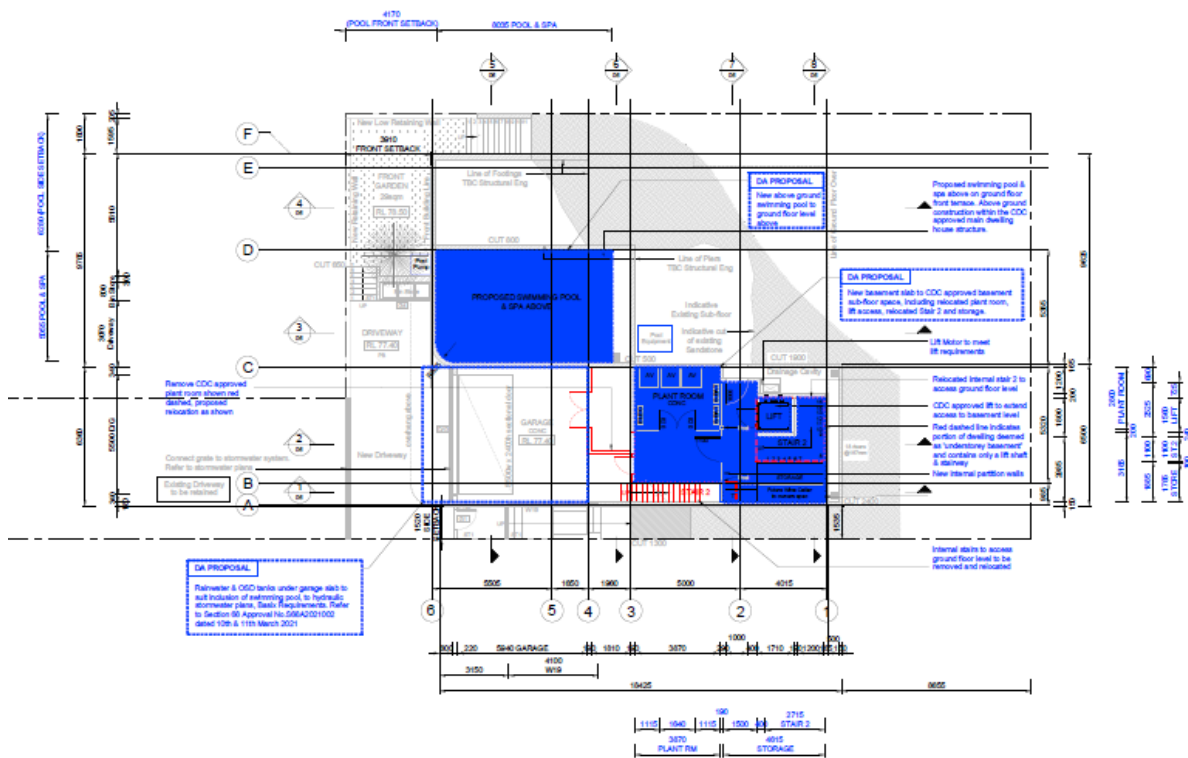


Figure 3: Proposed DA Basement Floor Plan (Not to Scale)

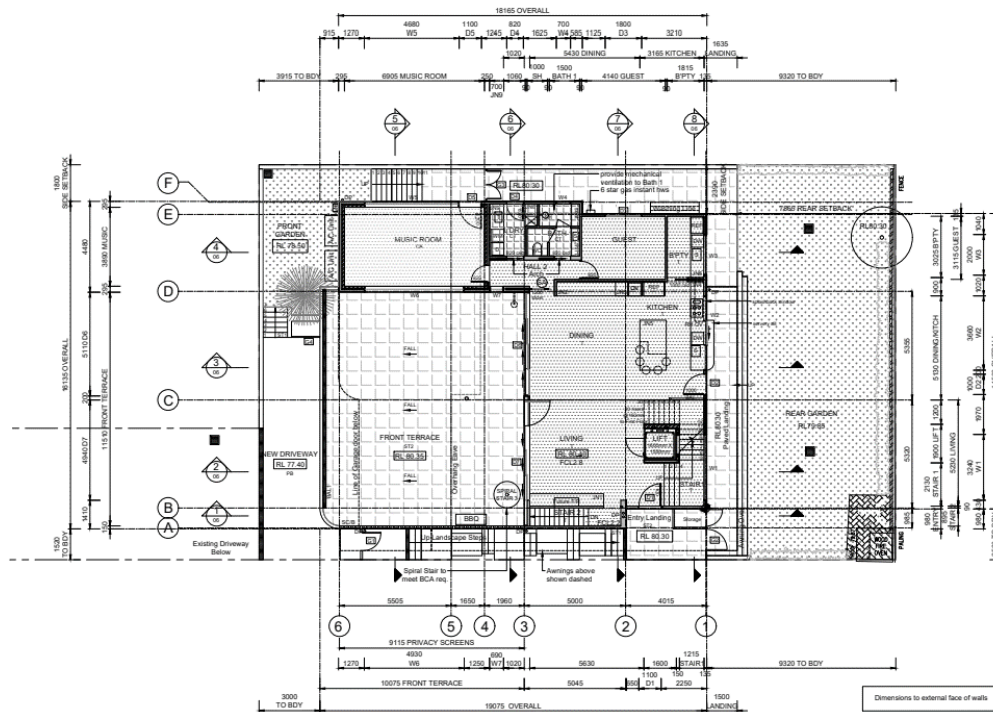


Figure 4: CDC Approved Ground Floor Plan (Not to Scale)

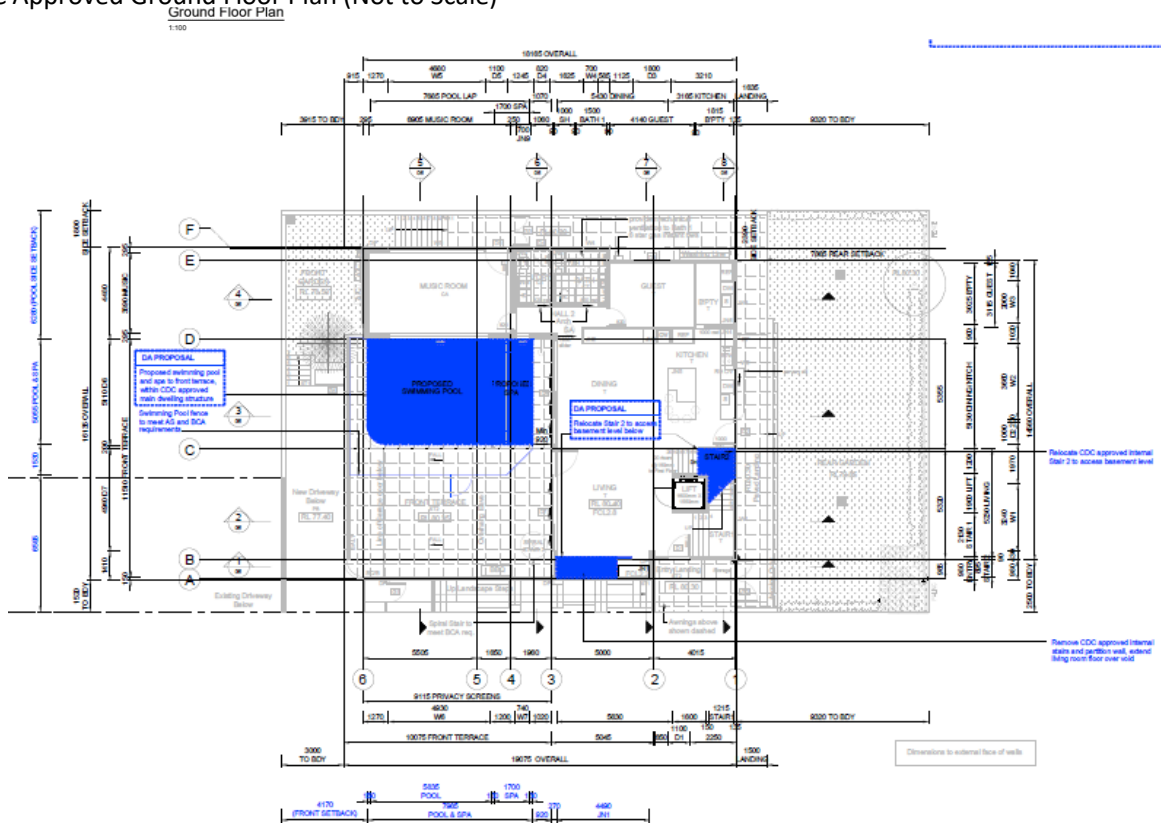


Figure 5: Proposed Ground Floor Plan (Not to Scale)

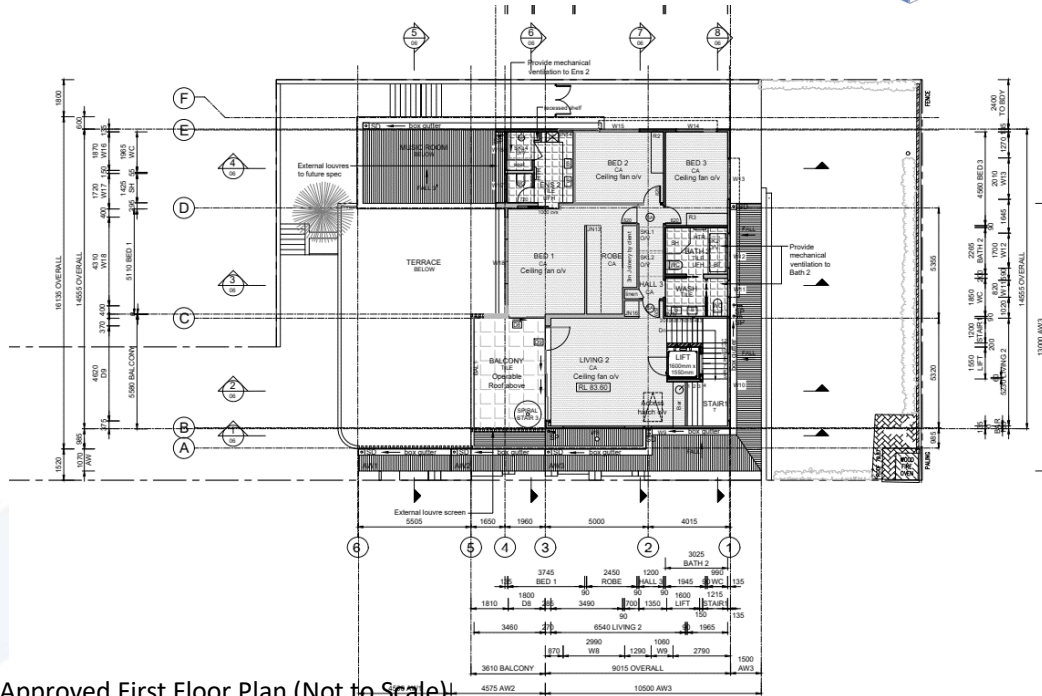


Figure 6: CDC Approved First Floor Plan (Not to Scale)

First Floor Plan
1:100

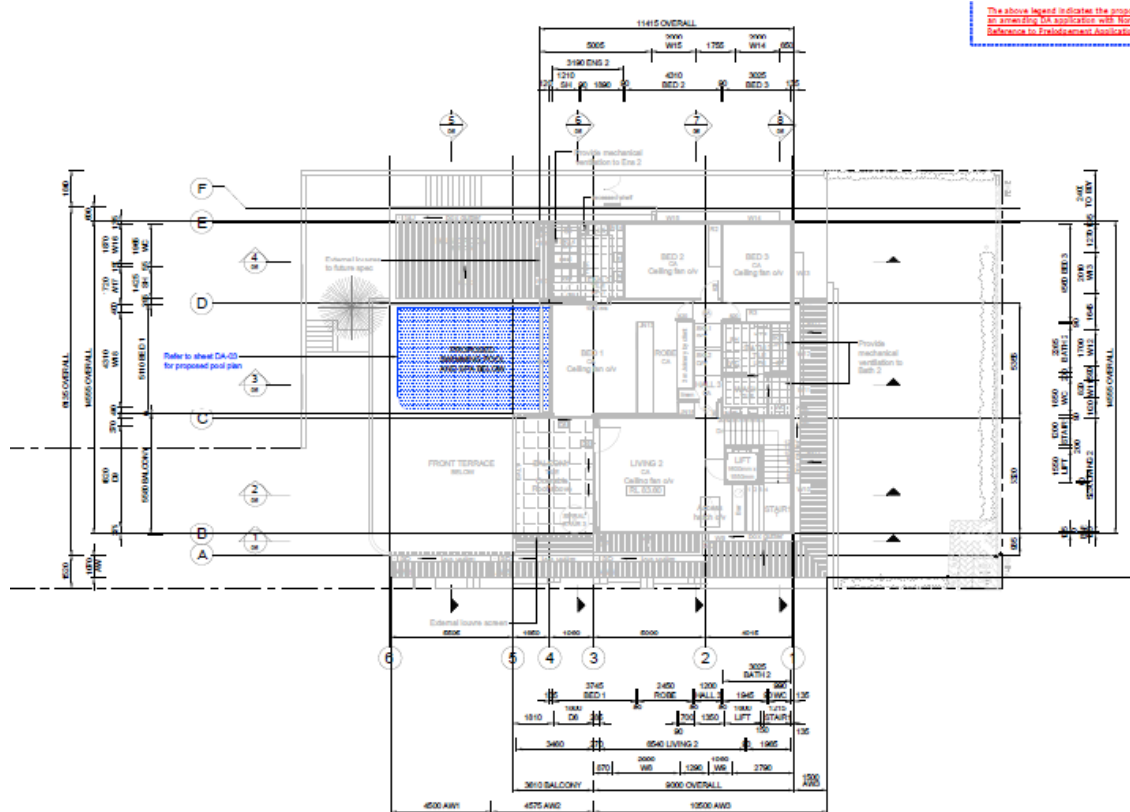


Figure 7: Proposed First Floor Plan (Not to Scale)

2. Site and Context

2.1 Site Address and legal description

The site is located at 30 Beatrice Street, Clontarf and is legally described as Lot 1 DP 345209.

2.2 Site Location and Context

The site is located within the Local Government Area (LGA) of Northern Beaches Council (Manly Ward). The allotment is a battle-axe block with an access laneway from Beatrice Street. The Access laneway is approximately 44.3m in length, and the site sits behind an existing two-storey dwelling at No.32 Beatrice Street, between two two-storey dwellings on either side, No. 34A and No. 28 Beatrice Street which are both battle-axe properties. Behind the site is a pedestrian accessway which leads to a school.



Figure 8: Site Context, Aerial Photograph

Source: Northern Beaches Council Mapping Website

2.2.1 Site Classifications

The site has been identified by Northern Beaches Council as Foreshore Scenic Protection Area Zone R2 Low Density Residential, Acid Sulfate Soils – Class 5, Geotechnical Risk (Landslip) and Contaminated Lands.

2.2.2 Site Photographs



Figure 9 : View towards driveway entrance leading to No.30 Beatrice Street, from the street.



Figure 10 : View towards the water from No.30 Beatrice St.



Figure 11 : View of rear shed wall of No.32 Beatrice Street (located in front of site)

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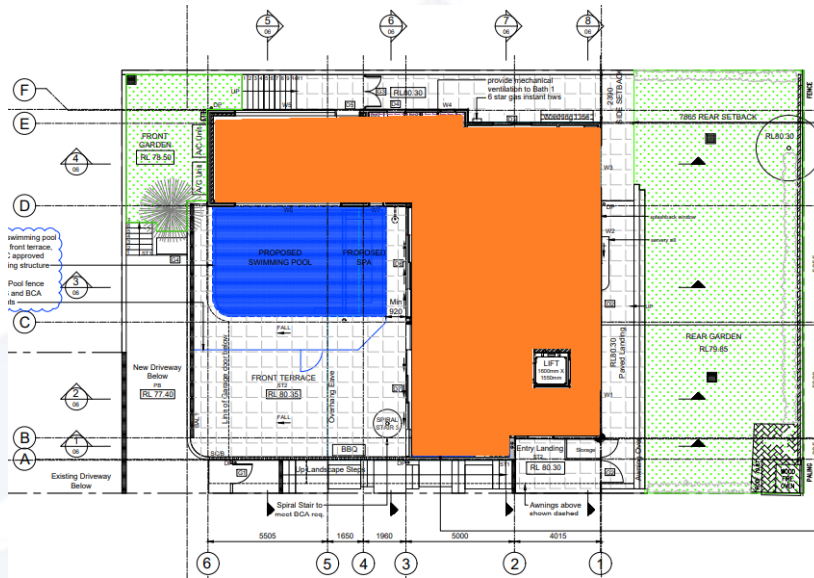


Figure 13: Ground Floor GFA (Orange) – 161 SQM

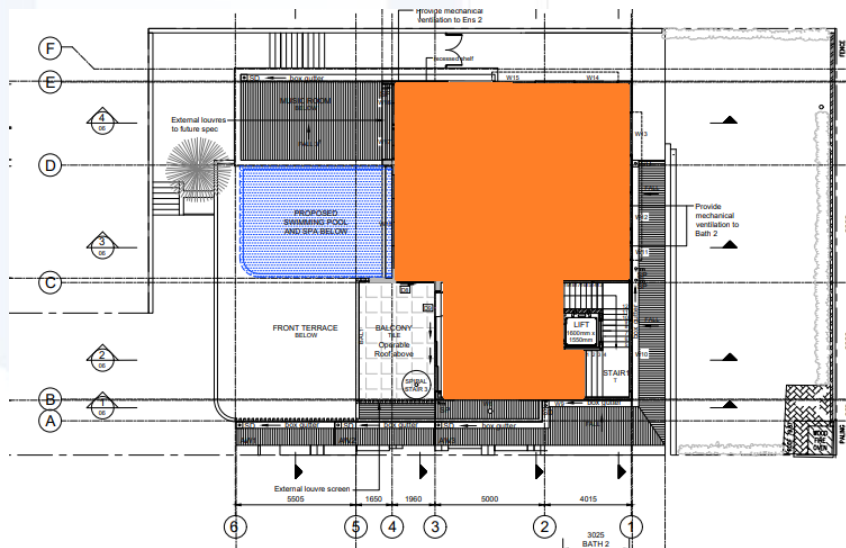


Figure 14: First Floor GFA (Orange) – 128 SQM (no change)

In accordance with the definition of GFA as per the Manly LEP:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes—
- (d) any area for **common vertical circulation, such as lifts and stairs**, and
- (e) any **basement—**
 - (i) **storage**, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) **plant rooms**, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) **car parking to meet any requirements of the consent authority** (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

The proposed basement works of lift, stair, plant room and basement storage as per the Manly LEP description clause (d) and (e) does not count towards GFA. The proposed swimming pool is located outside external walls, does not count towards gross floor area.

The GFA calculated on each floor has been shown in orange and comes to a total of **324 SQM = 0.36:1**

This proposal will meet the FSR requirements – COMPLIANT

3.2.3 Foreshore Scenic Protection

This property has been identified in the Foreshore Scenic Protection Zone to protect visual aesthetic amenity and views both to and from Sydney Harbour. It is noted that the property, being a rear battle-axe property, located approximately 400m away from the foreshore line, is not easily visible from the water. The two adjacent neighbouring properties have existing ridge heights of RL87.81 and RL86.89, our proposed ridge line of the property is RL87.10 is in keeping with these existing ridge heights. The shape of the house steps back from the front building line, reducing bulk, and the proposed swimming pool and internal basement does not cause any affect to the external aesthetic within the Foreshore Scenic Protection Zone. As there is no dwelling house located behind the subject property, there is no adverse impact to views towards the harbour as a result of the new dwelling.

3.3 Manly Development Control Plan 2013 – Residential Controls

3.3.1 Density

3.3.1.1 Residential Density and Dwelling Size

The site has been identified as Zone D7 with a minimum residential density of 750 sqm of site area required per dwelling. As per items 4.1.1.1 (b) battle-axe lots are to exclude the area of the access handle from the site area. The lot size as per the survey is 897.8 sqm, the access handle is approximately 129 sqm. Therefore the site area for the calculation for residential density control for this battle axe lot is 768.8 sqm. **The proposal of swimming pool and basement alterations to one new dwelling on the site is compliant with this clause.**

3.3.1.2 Number of Storeys

The CDC approved residential dwelling house consists of a two-storey main dwelling with a basement level garage below. An internal lift is approved to provide access between the ground floor and first floor of the dwelling, however cannot provide internal access to the basement garage level as this would constitute a third storey component, which is not permissible under CDC requirements. This DA proposes to convert the CDC approved sub-floor space to provide internal access from the basement garage to the upper floors of the main dwelling. The following diagrammatic section shows indicates the location of the vertical circulation core and how the proposed basement provides access between the garage and the upper floors of the dwelling.

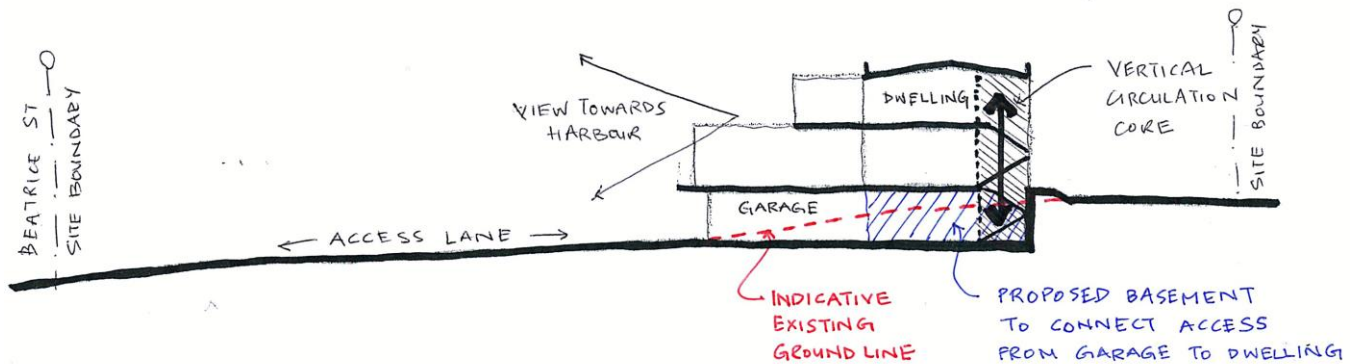


Figure 15: Diagrammatic Section of Dwelling

As per the Manly DCP Section 4.1.2.2 Number of Storeys which states:

- a) Buildings must not exceed 2 storeys – COMPLIANT based on clause c) below
- b) N/A
- c) Variation to the maximum storeys may be considered - COMPLIANT as per the reasons below:
 - i) Physical Site Constraints (refer to figure above) –
 - a. The subject site being a battle-axe lot is compact in buildable site area (768.8qsm) and the front of the CDC approved dwelling faces the harbour (views). The 1:10 gradient presents a slope to the site where the proposed **basement** can be located within the CDC approved sub-floor area which is predominately below ground. As the water views are towards the front of the site, the location of the internal vertical circulation core (lift and stairs) is best placed towards the rear of the dwelling, not to impede the views. In order to provide internal access from the garage to the dwelling, via the vertical circulation core, the CDC approved sub-floor area is proposed to become a basement for the main purposes of providing access. The proposed basement will fully comply with other numeric height controls and development standards - COMPLIANT;
 - ii) As an additional understorey where the storey satisfies the meaning of basements in the LEP *“basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the level of the storey immediately above is less than 1 metre above ground level (existing)”* – can be considered. The location of the proposed basement lift and internal stair 2 is located within this understorey - COMPLIANT

Futhermore the definition of a storey in the Manly LEP is “storey means a space within a building that is situated between one floor level and the floor level next above, or if there is not floor above, the ceiling or roof above, but does not include – a) a space that contains only a lift shaft, stairway or meter room, or b) a mezzanine, or c) an attic”. The majority of proposed basement consists of items listed in a) lift shaft, stairway and meter room and therefore is not classified as a storey in that section. The remaining proposed spaces of the basement provide additional storage and circulation amenity without causing any change to the CDC approved building envelope.

We believe the proposed infill of the CDC approved sub-floor to include lift, stair, storage and plant room will not cause any adverse impact to surrounding properties as it cannot be seen. Therefore we urge Council to consider this on a merit based assessment as an acceptable variation to the standards.

3.3.2 Floor Space Ratio (FSR)

Refer to section 3.2.2 for calculations.

3.3.3 Setbacks (front, side and rear) and Building Separation

3.3.3.1 Street Front setbacks

The property is a battle-axe lot with two adjacent battle-axe properties on either side boundary. The swimming pool has a proposed front setback of 4.2m which meets the requirements set in 4.1.9 Swimming pools, spas and water features. The swimming pool is elevated more than 1m above existing natural ground level, and consideration is sought as our proposal does not detract from the amenity or character of the neighbourhood as it cannot be seen from the street; and is a minimum distance from any side boundary and front boundary equivalent to the height of the swimming pool above existing ground level being $(2.1\text{m height above ground level}) \times 2.1 = 4.2\text{m}$. COMPLIANT

The proposed swimming pool is located on the Front Terrace, within the existing structure of the main dwelling and does not cause any external changes viewed from the exterior of the house. The proposed pool is in lieu of area allocated to the open space front terrace and therefore does not create additional numeric area to these calculations. It is considered that this location for the swimming pool does not impact the views from the adjacent properties towards the water or across the site and does not affect the privacy of the property in front of our battle-axe lot as there is a rear garden shed and non-private open space in the immediate vicinity of their rear boundary line.

3.3.3.2 Side setbacks

The swimming pool has proposed side setbacks of 6.2m to the Northern side boundary and 8.1m to the Southern side boundary. These meet the requirements of 4.1.9 Swimming pools, spas and water features which require a minimum of 2.1m setback from side boundaries. COMPLIANT

3.3.4 Open Space and Landscaping

3.3.4.1 Minimum Residential Total Open Space Requirements

Our site has been identified as OS4 requiring:

- Total open space as per Clause 4.1.5.1, Figure 34 – the proposed swimming pool is located in lieu of the front terrace, therefore the total open space calculations remain unchanged.
- Total Open Space required (60% x 897.8sqm) = 538.7 sqm min.
 - o Landscape Area - 316 sqm (58% of required open space)
 - o Above Ground – 137sqm
 - Front Terrace (60sqm)
 - Swimming pool and concourse (58sqm)
 - Balcony (19sqm)
 - o Open Space paving - 48sqm
 - o **Total = 501 sqm (55%)**

Despite the minor technical non-compliance in the amount of Open Space at 55% of site area, the proposal will result in no effective loss of total open space, from that approved in the CDC. The minimum Landscape Area of 40% is met and compliant. Therefore, we urge Council's support on a merit based assessment.

3.3.5 Swimming Pools, Spas and Water Features

3.3.5.1 Height above ground

The proposed location of the swimming pool allows is elevated more than 1m above the natural ground level, to allow continuity of the ground floor level living areas and recreational areas of the dwelling house.

The highest point above existing ground level is measured at 2.1m (Western side of proposed pool). As the ground slopes upward to the East, the lower point above existing ground level is measured at 1.8m (Eastern side of proposed pool).

As the property is a battle-axe block, the location of the proposed pool would not detract from the amenity or character of the neighbourhood (subclause 4.1.9.1 a)i)) and to meet subclause ii) it is a minimum distance from the side boundaries as per the following measurements – Northern side boundary 6.2m and Southern side boundary 8.1m, where the minimum distance would be 2.1m. Therefore we believe this clause is compliant based on Merit.

3.3.5.2 Location and Setbacks

The pool is located in a secluded area of the site and has ample privacy from all surrounding neighbours, and does not detract from the amenity or character of the neighbourhood. The pool is a minimum distance away from any side boundary and front boundary at least 4.2m which is at least twice the height of the swimming pools elevation above existing ground level.

3.3.5.3 Proportion of Total Open Space

The Swimming pool & concourse must not comprise more than 30% of the total open space:

Swimming pool & Concourse 58sqm is 11% of total open space of 538sqm required - **COMPLIANT**

3.3.5.4 Other Matters

- a) The swimming pool and spa is connected to the sewerage system as per the hydraulic plan
- b) Majority of Pumps and filters are located in the proposed subfloor space. However, some equipment such as gas fitted heat pump will need to be located externally and be acoustically enclosed as required to minimize noise impacts. The location on the Front Garden is suitably located away from neighbouring properties and will cause minimal disruption.
- c) The spa and pool are located on a concrete deck which will be designed in accordance with structural engineers drawings and details
- d) A separate rain water tank will be installed to recharge the pool, refer to BASIX Certificate and hydraulics.
- e) A pool blanket will be installed

3.3.6 Development on Sloping Sites

As per Part 4.1.8 Development on Sloping Sites the property has been identified as Area G2 and G4. It is noted that the main excavation and structural envelop for the development has been approved under the CDC to create a sub-floor space. This DA seeks approval to construct a new concrete slab to that sub-floor space, to make the basement useable as circulation, storage and plant room spaces. As per Council Checklist for Preliminary Assessment of Site Conditions (Landslip) at Schedule 11, it has been determined that a Site Stability Report should be submitted for the proposed works. Please refer to the Geotechnical Assessment by White Geotechnical Group dated 12th April 2021 for details.

3.3.7 Mechanical Plant Equipment

The proposed Plant room relocated to the basement shown blue on the architectural Basement Floor Plan, provides the required space for necessary plant equipment for the house. This area does not result in any additional excavation to the CDC approved structure and is in a non-habitable location, minimising noise impacts. Air-Conditioning Units and Swimming Pool heat pump with gas heater must be located externally for adequate ventilation, and are to be located on the Front Garden Area. This location is away from the neighbouring properties on both sides, and away from the rear boundary of the battle-axe property in the front. Therefore will cause minimal noise disruption to neighbouring properties.

4. Conclusion

The DA proposal has been designed to not only satisfy the brief and aesthetic requirements of the applicant but also to meet the items prescribed by the planning controls adopted by Northern Beaches Council.

There are no proposed changes to the CDC approved main dwelling envelope and the proposed pool and basement meet the requirements outlined in the DCP. The internal basement proposal is located wholly within the CDC approved sub-floor space and causes not impact to the external building envelope. Accordingly, the development is of minor environmental impact and has no adverse impact to the surrounding neighbours.

Based on compliance and merit demonstrated in this proposal, Council is therefore encouraged to support this Development Application.