

Statement of Environmental Effects



2 Arrabri Place, Warriewood NSW 2101

Reference: NP052024

Date: May 2024

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Introduction

This Statement of Environmental Effects (SEE) has been prepared to accompany the development application (DA) for a Swimming Pool and Associated Safety Barriers at 2 Arrabri Place, Warriewood NSW 2101. The aim of this SEE is to assist Council with the assessment of the DA by outlining the following matters:

- The site background and context;
- Details of the proposed development;
- The environmental impacts of the proposed development, and how these have been identified;
- How environmental impacts have been mitigated or minimised;
- Council development controls;
- Any other relevant matters as set out in the relevant legislation.

Applicant

Development Assist Consultants have been authorised to lodge this Development Application to Council with the consent of the landowners – Jason and Sharon Becker.

Site Details

Property Address	2 Arrabri Place, Warriewood NSW 2101
Lot/Section/Deposit Plan	41/-/DP228171
Zone	C4 – Environmental Living
Property Size	724.73m ² Approx.
Property Constraints	Acid Sulfate Soils (Class 5)
Consent Authority	Northern Beaches Council

The site is located at 2 Arrabri Place, Warriewood NSW 2101. There is an existing rendered and sheet roof dwelling currently situated on the site. The site is of an irregular shape and the development area features mostly level topography. No existing native vegetation would be impacted by the proposed development.

The site is surrounded by other residential accommodation and is a predominantly dwelling houses and ancillary structures, and a reserve to the west.

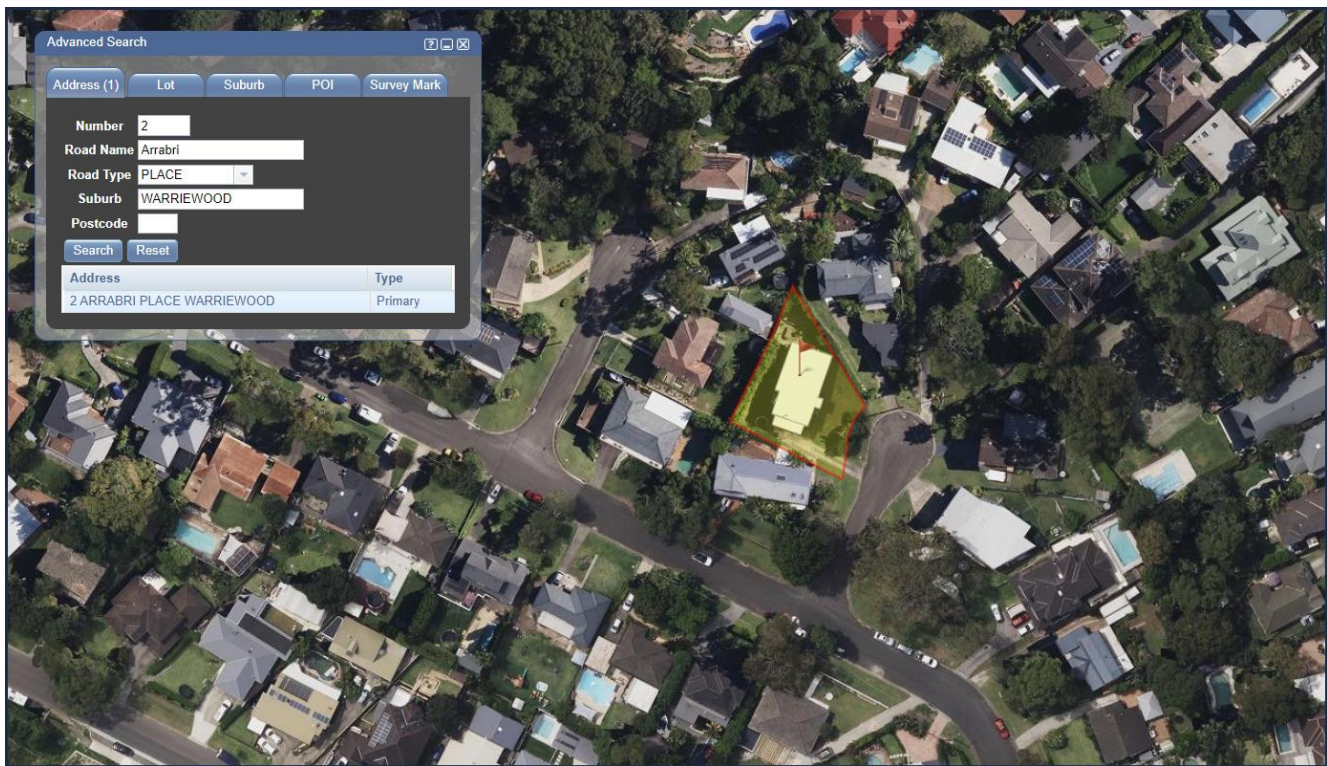


Figure 1: Site Location (Six Maps, May 2024)

Past and Current Use

The site is currently being used for residential accommodation, in the way of a dwelling house. No further information was available on Council's DA Tracker at the time this document was prepared.

Approvals Sought

The application seeks development consent for a Swimming Pool and Associated Safety Barriers. The approval is sought through Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Consultation

The proposal has been reviewed against the applicable planning controls, which include the Pittwater Local Environmental Plan 2014 (LEP) and the Pittwater 21 Development Control Plan (DCP). No further consultation with staff has been undertaken at the time this document was prepared.

Proposed Development

The proposal includes the following Development:

Swimming Pool:

The installation of an inground fibreglass swimming pool and associated safety barriers.

The safety barrier as identified on the submitted plans, will have an effective height of not less than 1200mm, and where a boundary barrier forms part of the pool barrier, it shall have a height of not less than 1800mm (measured on the inside) ensuring compliance with Australian Standard AS-1926.1-2012.

Summary:

It is considered that the development strongly aligns with the aims and objectives as listed in Council's DCP. Namely, it is considered to inspire innovative design within the subject zone, while ensuring the development does not have adverse impacts on existing amenity.

A further analysis of the proposed development against Council's controls can be found in the Development Control Plan heading below.

Planning Controls

The following planning controls have been considered in relation to proposed development, and are addressed within this SEE to support the proposal.

Environmental Planning & Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the relevant legislation under which approval for the proposed development is sought. This SEE has been prepared in accordance with the matters of consideration under *section 4.15 Evaluation* of the EP&A Act, as outlined in within this document.

Integrated Development

Integrated Development is development that, in order for it to be carried out, requires development consent and one or more approvals from a NSW State Government Agency. Integrated Development links development consent for matters under Part 4 of the Environmental Planning & Assessment Act 1979 with any associated approval, licence, consent, permission, or permit required under other legislation.

The aim of Integrated Development is to promote a unified, whole of government approach to the assessment of development in New South Wales.

Act	Provision	Approval	Comment
Fisheries Management Act 1994 (NSW Fisheries)	s144	Aquaculture permit.	Not Applicable
	s201	Permit to carry out dredging or reclamation work.	Not Applicable
	s205	Permit to cut, remove, damage, or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease.	Not Applicable
	s219	Permit to: <ul style="list-style-type: none"> a) Set a net, netting or other material, or b) Construct or alter a dam, floodgate, causeway, or weir, or c) Otherwise create an obstruction across or within a bay, inlet, river or creek, or across or around a flat. 	Not Applicable
Heritage Act 1977 (NSW Office of Environment & Heritage)	s58	Approval in respect of the doing or carrying out of an act or matter referred to in s57(1).	Not Applicable
National Parks & Wildlife Act 1974 (NSW Office of Environment & Heritage)	s90	Grant of an Aboriginal heritage impact permit.	Not Applicable
Protection of the Environment Operations Act 1997 (Environment Protection Authority)	ss 43(a), 47 and 55	Environment protection licence to authorise carrying out of schedule development works at any premises.	Not Applicable
	ss 43(b), 48 and 55	Environment protection licence to authorise carrying out of schedule activities at any premises (excluding any activity described as a	Not Applicable

		“waste activity” but including any activity described as a “waste facility”.	
	ss 43(d), 55 and 122	Environment protection licence to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	Not Applicable
Roads Act 1993 (Roads & Maritime Services)	s138	<p>Consent to:</p> <ul style="list-style-type: none"> a) Erect a structure or carry out a work in, or over a public road, or b) Dig up or disturb the surface of a public road, or c) Remove or interfere with a structure, work or tree on a public road, or d) Pump water into a public road from any land adjoining the road, or e) Connect a road (whether public or private) to a classified road <p>Development is NOT Integrated Development under s138 if in order for the development to be carried out, it requires the development consent of Council and the approval under s138 of the same Council. i.e. works on roads under the care and control of Council including classified roads. Development is ONLY Integrated Development for works on or impacting on motorways i.e., M7 & M5.</p>	Not Applicable
Rural Fires Act 1997 (NSW Rural Fire Service)	s100B	Authorisation under Section 100B in respect of bushfire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes.	
Water Management Act 2000 (Department of Primary Industries – Water)	ss 89, 90, 91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3 of the Act.	Not Applicable

Designated Development

Designated Development refers to developments that are high-impact developments (e.g., likely to generate pollution) or are located in or near an environmentally sensitive area (e.g., a wetland). There are two ways a development can be categorised as ‘designated development’:

- The class of development can be listed in Schedule 3 of the EP&A Regulation as being designated development, or
- An LEP or SEPP can declare certain types of development to be designated.

The proposed development is not deemed Designated Development.

Section 4.15 EP&A Act

Section 4.15 of the EP&A Act outlines the matters for consideration in the determination of a Development Application. The relevant matters for consideration are addressed individually below.

Environmental Planning Instruments

Pittwater Local Environmental Plan 2014

LEP Provision	Details	Comment
Objectives of Zone C4	<ul style="list-style-type: none"> ▪ To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values. ▪ To ensure that residential development does not have an adverse effect on those values. ▪ To provide for residential development of a low density and scale integrated with the landform and landscape. ▪ To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors. 	The proposal strongly aligns with the objectives as listed in the Zone C4 land use table.
Land Use Table	<p><u>Permitted with Consent</u> Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care</p>	The subject site is Zone C4 Environmental Living. Swimming pools which are Ancillary Development to a Dwelling House are permissible with consent in the subject zone.

	centres; Roads; Secondary dwellings; Tank-based aquaculture; Water recreation structures	
4.1 Minimum Subdivision Lot Size	The minimum lot size for the subject site is 550m ²	There is no change to the existing lot size proposed at part of this development.
4.3 Height of Buildings	The maximum height of structures permitted is 8.5m	The proposed swimming pool is to be built at existing ground level.
4.6 Exception to Development Standards	Clause 4.6 outlines the requirements when a proposal seeks to contravene/vary a principal development standard	There is no 4.6 variation request for this application.
7.1 Acid Sulfate Soils	Acid Sulfate Management Plan or Preliminary Assessment is required for the following works: Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	This proposal does not trigger the requirement for an Acid Sulfate Management Plan, or further preliminary assessment.
7.2 Earthworks	The objectives of Part 7.2 are as follows: (a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, (b) to allow earthworks of a minor nature without requiring a separate development consent	There are no foreseen impacts of the minimal earthworks that will be required for the proposed development. They are considered standard for normal swimming pool installation.

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

The proposal is not defined as BASIX Affected Development, as it is not:

- A New Dwelling;
- Alterations or Additions to a Dwelling with a Value of \$50,000 or more; or
- A Swimming Pool with a Volume of Greater than 40,000 Litres.

Proposed Environmental Planning Instruments

Nil

Development Control Plan

Please refer to supporting document: Development Control Plan Compliance Table

Potential Impacts for Consideration

Aboriginal Archaeology

The proposed development is not anticipated to cause any impact or damage to Aboriginal objects, as it is located within an existing residential site area with existing ground disturbances. It is expected that Council will undertake an AHIMS register search to see if further investigation is required.

Access and Traffic

No change to the access to the site is proposed as part of this application. Due to the minor residential nature of the development, it is not considered to be significant with regard to traffic generation, and is unlikely to result in any unacceptable level of impact on the local road network.

Bushfire

The site is not mapped as bushfire prone land.

Ecology

There are no foreseen ecological impacts anticipated as result from the proposed development.

Flooding

The site is not located within a Flood Planning Area.

Heritage

The site does not contain any Heritage Listed items, is not within a Heritage Conservation Area, and is not anticipated to impact on any other items of Heritage significance.

Noise and Vibration

No potential noise or vibration impacts to the proposed development have been identified. Noise generated as a result of construction noise will be in accordance with the *Protection of the Environment Operations Act 1997* and any conditions of the development consent.

Public Domain

Considering the minor nature of the proposed works within an existing residential site, it is not anticipated there will be an unacceptable level of impact to the public domain.

Services

All services to the site are existing including Sewer, Water, Electricity, and Communications. Where applicable Gas may also be available. Where required, these services will be extended to the proposed works in accordance with the service authority requirements. Emergency services access to the site will not be impacted by the proposed development.

Site Context

The proposed development considered to be consistent with the surrounding locality, and the existing, and future-desired, character of the area.

Social and Economic Impact

The proposed development is for structures ancillary to an existing dwelling house. It is not considered that the development will result in a negative social or economic impact.

Visual Impact

The development has been designed in a way and style that complements the area and is considered to align with Councils DCP. The development is not anticipated to have an adverse impact to the surrounding community and is consistent with the existing streetscape.

Site Suitability

The subject site is zoned C4 Environmental Living, and the proposed development strongly aligns with the objectives of this zone. The site is considered appropriate for the proposed development as it is surrounded by similar residential development and structures of the same nature.

Submissions

The development application may require notification to adjoining landowners in accordance with Council's Community Participation Plan. Given the minimal impacts of the proposal, and its consistency with the state and local planning instruments and strategies, as well as surrounding development, it is not anticipated to raise significant or material objection.

Public Interest

The proposed development is in the public interest as:

- It provides for the orderly and economic use of an existing residential site;
- It caters for modern day domestic requirements;
- It will provide employment with associated social and economic benefits during the construction of the development.

Conclusion

As demonstrated within this SEE and the supporting documentation, the proposed development is considered to achieve the following outcomes:

- Inspire innovative design;
- Ensure the development does not have an unacceptable level of impact on residential amenity;
- Respond to the existing, and desired-future, character of the site, and the qualities of the surrounding built and natural environments;
- Addresses Council's development controls.

The proposal is for a Swimming Pool, and Associated Safety Barriers. It is considered that the development will contribute to the residential site through built form and landscape that responds to, and respects, the local context.

The SEE demonstrates that the development strongly aligns with the objectives of Council's LEP and DCP, and that health, safety, and amenity have all been carefully considered in the design, while ensuring the proposal will not have an adverse impact on the environment.

It is recommended that Council approve the application as proposed.

Supporting Documentation

- Architectural Plans
- Cost Report
- Planning Certificate (s10.7)
- Owners Consent
- Site Waste Minimisation and Management Plan
- Survey Report

Disclaimer

While we have made every attempt to ensure that the information contained within this document is correct, Development Assist Consultants (author) is not responsible for any errors or omissions, or for the results obtained from the use of this information. Development Assist Consultants has relied upon a range of external data/information in the preparation of this documentation. In no event will Development Assist Consultants be liable for any decision made or action taken in reliance on the information within this document, or for any consequential, special, or similar damages.

Miscellaneous Provisions

Item	Summary of Controls as listed in the Pittwater 21 DCP	Proposed	Compliance Achieved?
C1.6 Acoustic Privacy	Noise generating plants including pool/spa motors shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.	Pool pump equipment to be contained within a sound-proofed enclosure.	Yes
C1.7 Swimming Pool Safety	Swimming Pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.	Swimming Pool Safety Barriers have been designed to comply with AS1926.1 and Compliant Warning Notice will be installed in accordance with this Standard.	Yes
D4.6 Side and Rear Building Line	<p>The minimum side and rear building line for built structures including pools shall be in accordance with the associated table, which states that in an Environmental Living Zone:</p> <ul style="list-style-type: none"> • 2.5m to at least one side; • 1.0m for other side; • 6.5m rear (other than where the foreshore building line applies) 	<p>Side Setback (South): 1.0m Side Setback (North): >10m Rear Setback: 1.5m</p>	<p>It is noted that the Side Setbacks comply with the minimum DCP requirements, however the Rear Setback encroaches by 5m. The DCP provides for variations to Pool setbacks stating that a 1 metre minimum setback from the boundary to the pool coping may be permitted subject to the following:</p> <ul style="list-style-type: none"> • <i>satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and</i>

			<ul style="list-style-type: none">• Council is satisfied that the adjoining properties will not be adversely affected, and• the pool or spa is not more than 1 metre above ground level (existing), and• the pool or spa is not more than 1 metre above ground level (existing), and• the pool or spa is not more than 1 metre above ground level (existing), and• the pool or spa is not more than 1 metre above ground level (existing), and <p>It is considered that the provisions for a variation have been met. The swimming pool has been carefully sited to negate the need for tree clearing in the most appropriate location on the subject site. While this variation allows for a reduction in setback to 1m, it should be noted that the provided setback is 1.5m, which still exceeds the 1m minimum.</p>
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