



# **Statement of Environmental Effects**

## **55 Warriewood Road, Warriewood**

### **Construction of an in-ground swimming pool**

**Prepared for:** Mr Sam Halta (on behalf of Swimspa Approvals)

**Prepared by:** Plan2Comply Pty Ltd

**Project number:** 202408

**Date:** 27/03/2024

**Revision:** #2



**Plan2Comply**



## Purpose of Report

This statement of environmental effects (SEE) has been for Mr Sam Halta (on behalf of Swimspa Approvals), the applicant of the proposed development. The purpose of this SEE is to identify the potential environmental effects of the **proposed inground swimming pool at 55 Warriewood Road, Warriewood (Lot 2, DP 1206507)**. It will identify and evaluate the potential environmental effects whilst evaluating measures to avoid and mitigate any adverse impacts on the environment. The SEE will ensure that the development is consistent with the applicable planning policies and regulations and that any adverse environmental impacts are identified and managed appropriately.

This report includes a detailed overview of the location and its surroundings, a comprehensive description of the proposed development, a summary of applicable planning regulations, and an evaluation of the environmental impacts that the development may have on the surrounding urban area. The statement evaluates the proposed development for its compliance with the following planning controls: -

- Pittwater Local Environmental Plan 2014
- Pittwater 21 Development Control Plan 2014

This SEE provides an assessment of the planning issues associated with the development proposal as shown on the plans and documentation referenced in the following table:-

<b>Document:</b>	<b>Date:</b>	<b>Prepared By:</b>
Architectural Plans	06/12/2023	Swimspa Approvals
Landscape Plans	07/02/2024	LH Studio
Section 10.7 Planning Certificate (Part 2)(ePLC2023/06589)	06/10/2023	Northern Beaches Council
Survey Report	15/03/2024	ENG Land Surveys
Comprehensive Flood Information Report	01/03/2024	Northern Beach Council



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## Site Description

The subject site is an irregular shape, with a frontage to Warriewood Road of 16.075m, depth of 32.1m and a total site area of 422.6m<sup>2</sup>. The site currently consists of a double storey residence.

The subject site has a fall to the rear, with stormwater drainage directed to an easement. The surrounding allotments are characterised by a mixture of both single and double storey dwellings which have been established along Warriewood Road.



**Figure 1 – View from Warriewood Street**  
(Source: Realestate.com.au)



## **Statutory Compliance Assessment**

The following heads of consideration under section 4.15 of the Environmental Planning & Assessment Act 1979:

### **Pittwater Local Environmental Plan (PLEP) 2014**

#### **2.1-2.3 Land Use Zones**

The site is zoned R3 Medium Density Residential under the provisions of CBLEP. In accordance with the Zone R2 Low Density Residential Land Use Table, Dwelling houses are permitted with consent. The ancillary development, being the construction of an in-ground swimming pool satisfies the objectives of this land zone by providing an ancillary structure used in the day to day lives of residents.

The proposed development is compatible with the medium density residential environment and the capability of the land.

#### **3.3 Environmentally sensitive areas excluded**

The subject site is not identified as being within an environmentally sensitive area.

#### **4.6 Exceptions to development standards**

The proposed development does not contravene the development standard of the LEP.

#### **5.10 Heritage conservation**

The subject site is not identified as being within a heritage conservation area.

#### **5.11 Bush fire hazard reduction**

The property is not bushfire prone land. Accordingly, this control is not applicable.



## 5.21 Flood planning

In accordance to the section 10.7 planning certificate,

- The land is within the flood planning area or probable maximum flood.
- The land is subject to flood related development controls.

The Comprehensive Flood Information Report issued by Northern Beaches Council indicates the land is affected by low, medium & high flooding. The proposed in-ground swimming pool and associated copping is outside the flood area with it partly being located within the low risk precinct in accordance with Map A.

The proposed inground swimming pool and associated fencing is required to satisfy the following items: -

- Fencing to be designed so as not to restrict the follow of any floodwater
- Detached development that is erected at or below the flood planning level is constructed of flood compatible material
- Detached development that is erected is able to withstand the forces exerted during a flood by water, debris and buoyancy up to the flood planning level (or if an on-site refuge is provided on the lot, the probable maximum flood level),
- the development must not result in increased flooding elsewhere in the floodplain,

## 7.1 Acid Sulfate soils

The site is identified as being within a Class 5 area in the Acid Sulfate Soils Map. The proposal is not considered to lower the water table by 1 meter and requires excavation predominantly within the footprint area only.



## **Other Environmental Planning Instruments**

### **State Environmental Planning Policy – 55 (Remediation of Land)**

A visual examination of the site does not reveal any evidence to suggest the presence of site confirmation. The site is located within a recently constructed residential subdivision where by the necessary contamination assessment was carried regarding suitability of the site for residential purposes.

Accordingly, the proposal satisfies the aims and objectives of SEPP 55 and no further assessment is required.

### **State Environmental Planning Policy – Building Sustainability Index**

The swimming pool capacity is less than 40,000L and hence will not require a BASIX certificate.

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

Being a state-wide planning approach to the remediation of contaminated land. Subject to Section 4.6, considerations should be given to the suitability of land in terms of contamination. The subject site has a history of being used for residential purposes. There is hence no further consideration required under Section 4.6(1)(b) and (c) of the Resilience and Hazards SEPP.

### **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

Complying Development may not be carried out on that part of the land identified as being within a buffer area under Pittwater Local Environmental Plan 2014 as identified on the Urban Release Area Map.

## **Draft Environmental Planning Instruments**

There are no draft environmental planning instruments applicable at the time of preparing this report.

There are no other relevant environmental planning instruments that apply to the proposed development.



## Pittwater Development Control Plan No. 21

### Section D14 Warriewood Locality

Clause	Design Requirement	Compliance
D14.7	Land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living adjoining Mona Vale Road must have a setback of 10 or established building line, whichever is the greater	The proposed swimming pool is behind the building line.
D14.8	Land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living	<p>The side setbacks of the proposed swimming pool are 4.1m &amp; 3.72m. The rear setback is 2.35m which doesn't meet the minimum requirement of 6.5m. however, based on the variations of the clause, the swimming pool meets the following requirements:-</p> <ul style="list-style-type: none"> <li>• satisfactory landscaping within the setback from the pool coping and the side/rear boundaries</li> <li>• The pool is an inground pool and is not more than 1m above natural ground level</li> <li>• The swimming pool will not cause any issues on the views of the adjacent property.</li> <li>• The swimming pool is to be in-ground and largely complies with the built form controls prescribed within the DCP such that the resultant built form is consistent and comparable with surrounding development. The development is also considered to provide</li> </ul>



		<p>reasonable amenity for the dwelling occupants and those of adjoining and surrounding properties, as a result of the increased building setbacks, the orientation of the private open space area as well as the visual buffer that will be provided between properties once the proposed landscaping is established.</p> <ul style="list-style-type: none"> <li>• The development is considered to provide reasonable amenity for the dwelling occupants and those of adjoining and surrounding properties as a result of the lower ground level relative to adjacent properties, the orientation of the private open space areas toward the rear of the property and the proposed landscape treatment that will further mitigate opportunities for overlooking. The swimming pool is to be in-ground therefore no additional solar impacts are considered likely to arise for adjoining properties.</li> </ul> <p>The pool will be an ancillary development to the existing residence and will serve to increase the quality of the open private space. The pool will not adversely affect the existing dwelling, nor any future adjoining properties.</p>
D14.2	The total landscaped area on land zoned R2 Low Density Residential or R3 Medium Density Residential shall be 50% of the site area.	211.3m <sup>2</sup> of the site is required to be landscaped. However, for single dwellings on land zoned R3 Medium Density Residential, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes.



		<p>In accordance to the provide landscape plan, the soft landscape area and impervious area adds to a total of 201.36m<sup>2</sup>. There is a numerical non-compliance of 4.7%. However, the development is to be considered against the underlying objectives of the control,</p> <ul style="list-style-type: none"><li>• The site contains adequate soft landscape area for the establishment of a variety of vegetation types and sizes.</li><li>• The proposed development allows for a high quality landscape character to be established on the site.</li><li>• While the site is numerically non-compliant with the minimum requirements for landscape area, the site does maintain areas of deep soil which will ensure that stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.</li><li>• The proposed development incorporates substantial landscaping along the site frontages that will assist in enhancing the visual attractiveness of the streetscape.</li><li>• The existing <i>Tristanopsis laurina</i> and the rear Lilly Pilly Hedge will be maintained.</li><li>• All new plantings are native, with two of the species nominated as endemic to the 'Native Planting Guide - Narrabeen Ward' on Council's website. The pot size is nominated as 200mm as per D16.5 Landscaping Requirements.</li></ul>
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The proposed pool sits clear of the Easement to Drain Water on the southern boundary of the site. A small area of paving surrounds the pool for safe pool access and maintenance and is not excessive to the site and the design maintains as much impervious area as possible. Almost all the existing vegetation on the site is maintained within this proposal except for a small section of the existing Lilly Pilly hedge which will need be removed to make way for the pool fence barrier, of which a 900mm Non-climbable zone is required next to the fence.

The proposal is not visible from the public street domain and will therefore have no adverse effect on the street character. The proposed pool is inground and does not reduce any existing or future privacy to the existing dwelling on site or future adjoining properties. The proposal has been considered against council's development controls and is found to be a positive development.

The pool is to be 300mm out of ground at the highest point and will therefore not raise the ground level significantly. This is seen as an appropriate alteration and will not diminish the privacy. Pool equipment shall be selected to minimise noise and installed in a sound-proof enclosure to ensure minimal impact on the adjoining neighbours.



## **Environmental Planning and Assessment Act 1979**

### **Section 4.15(1)(a)(iv)**

The relevant provisions of the Environmental Planning and Assessment Regulation 2000 were considered during the assessment of this application.

### **Section 4.15(1)(b) – Likely impact of the Development**

The proposal is believed to have minimal impact on the current and future character of the area. It offers a development that can easily support appropriate residential construction without negatively affecting the surrounding locality's amenity.

The proposed in-ground swimming pool demonstrates satisfactory compliance with the overarching principles and numerical and perspective-based development controls of the Pittwater Local Environmental Plan 2014 and the Pittwater 21 Development Control Plan 2014.

### **Section 4.15(a)(c) – Suitability of the Site for the Development**

The proposal deems to satisfy the key planning controls including lot size, zoning and permissibility, ultimately making it a suitable development.



## **Conclusion**

The proposed development was assessed under the relevant provisions of the EP&A Act 1979, the development standards within the PLEP 2014 and the PLDCP 21. Ultimately, it is considered that the **proposed inground swimming pool at 55 Warriewood Road, Warriewood (Lot 2, DP 1206507)** is a suitable form of development for the site.

The applicant has demonstrated compliance with all the relevant development controls and standards applying to the land, through the commissioning of the compatible design that will integrate well with the neighbourhood and have minimal impact on neighbours.

With no significant adverse effects on the environment, local residential character, or the neighbouring properties' amenities, the request for Development Consent under the Council's delegation should be accepted.

**Prepared by Daniel Nissan,  
on behalf of Plan2Comply Pty Ltd,**