

THE SITE FOREMAN

STATEMENT OF ENVIRONMENTAL EFFECTS

FOR

PROPOSED SWIMMING POOL

**21 GURNEY CRESCENT,
SEAFORTH**

**DA Issue Rev.2
July 2024**

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1.0 INTRODUCTION

1. PURPOSE OF THE REPORT

This document is a Statement of Environmental Effects to accompany the Development Application (DA) to be lodged with The Northern Beaches Council. The report provides a summary of the proposal with comments on possible impacts to the surrounding environment and steps that were taken in order to minimize those impacts.

This report aims to:

- Provide the context for the proposal's planning assessment by describing the existing site/local environment and outlining the relevant planning controls;
- Describe the proposed development; and
- Assess all relevant environmental and planning issues under Section 79C (1) of The Environmental Planning and Assessment (Amendment) Act 1997.

Description of the development:

New Swimming Pool and deck

We propose minimal modifications to the building itself, except for upgrading the existing balcony balustrades to comply with AS 1926.1-2012 swimming pool safety standards. The primary change involves adding a swimming pool and deck in the backyard area adjacent to the existing terrace on the lower level of the building.

The proposed swimming pool is expected to have minimal impacts on neighbors and will not alter the bulk and scale as viewed from the street. Additionally, the proposal will not necessitate the removal of any significant trees and landscaping.

The area is noted as being affected by Class 5 acid sulphate soils. The works will not lower the water table by more than 1m, and therefore, no further investigation is considered necessary. The proposed pool will be elevated above the existing ground level.

Furthermore, the pool capacity is less than 40000l, so a Basix certificate will not be required.

SITE ANALYSIS

The subject site is legally described as Lot 16 in DP 11214 and more commonly described as No. 21 Gurney Crescent, Seaforth. The Site has an area of 666.3m². The northern front boundary measures a total of 15.325m. The eastern and western side boundaries are 41.455m and 46.615m respectively with a rear boundary of

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16.025m. The site is located on the southern, lower side of Gurney Crescent, with a general fall to the south-east.

The site is occupied by a two storey residential dwelling including an attached brick garage adjoins the northern street boundary.

An angled driveway from the north-eastern corner of the site provides access from Gurney Crescent to the existing garage, with a turning area forward of the dwelling.

Stormwater from the roofed areas is dispersed within the rear yard.

The land is noted as being within a Foreshore Scenic Protection Zone.

The site is noted as bushfire prone land and a bushfire risk assessment has been prepared to support the development.

The site is noted as being subject to acid sulphate soils Class 5.

No easements or right of way are known to affect the site.

To our knowledge the site has not been assessed or tested for contamination. Given the history of the site as a residential area without any other type of uses or activities, we can only assume that the site is not contaminated.

To the best of our knowledge, the site is not flood affected and there have been no previous floods on this subject land.

The Survey Plan submitted separately and Site Plan prepared by The Site Foreman (NSW) Pty Ltd indicates spot levels, existing vegetation, property boundaries, location of buildings on adjoining properties, the existing dwelling and services in the street such as kerb and gutter, potential views and site specific weather conditions.

The site is elevated and has the benefit of extensive bushland and water views.

The subject property is fully serviced with all necessary infrastructure including water, sewer, stormwater, power and telecommunications.

The land is zoned R2 Low Density residential under the Manly Local Environmental Plan 2013.

The dwelling is not listed as a heritage item within Schedule 5 of the Manly Local Environmental Plan 2013 and is not noted as being within a Conservation Area.

LOCAL AND REGIONAL CONTEXT

The site is situated within the suburb of Seaforth, in an area with predominantly mixed developments comprising of one, two, and in some instances, three level attached and detached dwellings. The surrounding developments are detached dwellings, with a range of outbuildings and swimming pools in their yards. Existing residential lots on Gurney Crescent are of a generous size and generally contain a

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substantial number of mature trees (which is evidenced by the aerial photograph provided above).

Figure 1: Aerial image of subject site in relation to surrounding context Source – Google Earth

2.



Figure 2: View of existing dwelling from the front boundary



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Figure 3: View of existing rear setback area.



Figure 4: View of existing dwelling from rear yard.



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DESIGN PRINCIPALS AND CONTROLS

This provides an assessment of the proposed development under Section 79C of the Environmental Planning and Assessment Act 1979. The following planning instruments are relevant to the proposal:

Manly Local Environmental Plan 2013
Manly Development Control Plan 2013

3.2 The Manly Local Environmental Plan 2013

The site is zoned R2 – Low Density Residential under the Local Environmental Plan 2013. Residential dwelling houses are permissible with the consent of Council in this zone.

The following table provides an assessment under the relevant development standards and provisions contained within the Manly Local Environmental Plan 2013 (LEP2013).

Planning Control	Requirement	Provided	Comply
Clause 2.3 – Zone Objectives and Land Use Table	The site is zoned R2 – Low Density Residential under the provisions of the MLEP 2013.	Swimming pools are permitted	Yes
Clause 4.3 – Height of Buildings	2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum building height specified is 8.5m.	Swimming pool and deck Max. height is	Yes

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Clause 4.4 – Floor Space Ratio (FSR)	0.40:1 Site area- 666.3m2 Maximum 266.52m2	Existing GFA 265.80m2 0.40:1- The proposal will not change the existing GFA	N/A
Clause 5.9 – Trees and Vegetation		The proposal will not require the removal of any significant trees.	Yes
Clause 6.1 – Acid Sulfate Soils	The area is noted as being affected by Class 5 acid sulphate soils	The area is noted as being affected by Class 5 acid sulphate soils. The works will not lower the water table by more than 1m, and as such, no further investigation is considered to be necessary.	Yes
Clause 6.2 – Earthworks		The proposal will not see any substantial excavation of the site.	Yes
Clause 6.9 – Foreshore Scenic Protection Area	Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters: (a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore, (b) measures to protect and improve scenic qualities of the coastline, (c) suitability of development given its type, location and	The proposal will not result in the removal of any trees to facilitate its construction and therefore the scenic catchment of the locality is not compromised. No impact including overshadowing of the foreshore and any loss of views from a public place to the foreshore.	Yes

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	<p>design and its relationship with and impact on the foreshore,</p> <p>(d) measures to reduce the potential for conflict between land-based and water-based coastal activities.</p>		
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There are no clauses of the MLEP 2013 that are considered to be relevant to the proposed development.

Compliance

The proposed development accords with the aims of the LEP as it represents the orderly and economic development of the land and protects the environmental qualities of the area.

The objectives of the zone have been taken into account. The proposed swimming pool and deck are as consistent with the zone objectives as can be reasonably expected.

3.3 Manly Development Control Plan 2013

DCP 2013 provides the primary controls for development within the area.

The primary areas which are applicable to the proposed works are detailed within Part 3 - General Principles of Development & Part 4 - Development Controls and Development Types

Controls	Requirement	Proposed	Complies
Clause 3.1.1 - Streetscape (Residential Areas)	<p>i) Complement the predominant building form, distinct building character, building material and finishes and architectural style in the locality;</p> <p>ii) Ensure the bulk and design of development does not detract from the scenic amenity of the area (see also paragraph 3.4 Amenity) when viewed</p>	<p>Thus the proposed works will have a negligible impact on the existing streetscape character, as well as surrounding properties. The proposed pool and deck located in backyard area and not visible from the front.</p>	Complies

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	<p>from surrounding public and private land;</p> <p>iii) Maintain building heights at a compatible scale with adjacent development particularly at the street frontage and building alignment, whilst also having regard to the LEP height standard and the controls of this plan concerning wall and roof height and the number of storeys;</p> <p>iv) Avoid elevated structures constructed on extended columns that dominate adjoining sites such as elevated open space terraces, pools, driveways and the like. See also paragraph 4.1.8 Development on Sloping Sites and paragraph 4.1.9 Swimming Pools, Spas and Water Features;</p> <p>v) Address and compliment the built form and style any heritage property in the vicinity to preserve the integrity of the item and its setting. See also paragraph 3.2 Heritage Considerations;</p> <p>vi) Visually improve existing streetscapes through innovative design solutions; and</p> <p>vii) Incorporate building materials and finishes complementing those dominant in the locality. The use of plantation and/or recycled timbers in construction and finishes is encouraged. See also</p>	<p>Existing significant vegetation, which is prominent when viewed from the street, is to be retained. High quality characteristics of the neighbourhood are to be retained for the reasons mentioned above.</p>	
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	paragraph 3.5.7 Building Construction and Design		
3.1.1.2 Front Fences and Gates	<p>a) Notwithstanding maximum height provisions for fencing at paragraph 4.1.10; the siting, height and form of boundary fences and walls should reflect the fencing characteristic of the locality, particularly those of adjacent properties. All fencing and wall materials must be compatible with the overall landscape character and the general appearance of the building and the streetscape.</p> <p>b) Boundary fences or walls must not be erected where they would conflict with the local character.</p> <p>c) Front fences and gates must be constructed in materials that complement the architectural style and period of the dwelling and improve the streetscape. In particular, fencing adjacent to a public road or place must not be constructed in metal cladding, powder coated or otherwise.</p> <p>d) Gates must not encroach on public land when opening or closing.</p>	No changes to front Fences and gates	N/A

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<p>Clause 3.1.1.3 – Roofs and Dormer Windows</p>	<p>Roof forms should complement, but not necessarily replicate the predominant form in the locality and in particular those of adjacent buildings.</p> <p>b) Roofs should be designed to avoid or minimise view loss and reflectivity.</p> <p>c) Dormer windows and windows in the roof must be designed and placed to compliment the roof structure and reflect the character of the building. In particular, such windows are not permitted on the street frontage of the building where there is no precedent in the streetscape, especially on adjoining dwellings.</p>	<p>Dormers and new roofs are not proposed</p>	<p>N/A</p>
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<p>3.1.1.4 Garages, Carports and Hardstand Areas</p>	<p>a) Garages, carports and hardstand areas must be designed and sited in a manner that does not to dominate the street frontage by:</p> <p>i) its roof form, material choice and detailing by being subservient to the associated dwelling; and</p> <p>ii) being compatible with the streetscape and the location in relation to front setback criteria.</p> <p>b) Exceptions to setback criteria referred to in this paragraph may be considered where parking structures are a positive element of the streetscape.</p>	<p>No changes</p>	<p>N/A</p>
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<p>Clause 3.3 - Landscaping</p>		<p>The proposed new works will retain the existing soft landscaping and trees</p>	<p>Complies</p>
<p>Clause 3.4 – Amenity (Views, Over shadowing, Overlooking/ Privacy, Noise)</p>	<p>Objective 1) To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties.</p> <p>Objective 2) To maximise the provision of open space for recreational needs of the occupier and provide privacy and shade.</p>	<p>The proposed development is designed to provide a reasonable acoustic environment within a development site and minimise the possibility of noise to occupants of residential dwellings. The proposed building will be insulated at roof level and in the walls to control thermal comfort and reduce noise.</p> <p>The building complies with Council’s floor space ratio control.</p>	<p>Complies</p>
<p>Clause 3.5 - Sustainability</p>		<p>The pool capacity is less than 40000l, so a Basix certificate will not be required.</p>	<p>N/A</p>

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Clause 3.7 – Stormwater Management		No changes to the exiting stormwater system.	N/A
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Control	Requirement	Proposed	Comply
Clause 4.1.1 - Residential Density & Subdivision	Density Area D9 - 1 dwelling per 1150m ² of site area	Existing – 666.3m ²	N/A
Clause 4.1.2 - Height of Buildings	<p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>The maximum building height specified is 8.5m.</p> <p>Wall height - 7.2m</p> <p>Maximum of two storeys</p> <p>Roof height - 2.5m above the wall height</p>	No changes to the existing building height	N/A

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Clause 4.1.13 - Floor Space Ratio (FSR)	0.40:1	Site Area: 666.3m² Existing GFA 265.80m ² 0.40:1 The proposal will not change the existing GFA	Yes
Clause 4.1.4 - Setbacks (front, side and rear)	Relate to neighbouring sites or 6m	Existing front setback un changed.	Complies
Site Boundary setback	1/3 of the wall height	The proposed pool and deck setbacks are 1.58m at east boundary and well exceed this control at west boundary: east boundary setback is 1.58m west boundary setback is 5.54m Proposed pool and deck dwelling exceeds 8m min setback- min 12.99m	Complies
Rear setback	8m		Complies
Clause 4.1.5 – Open space and Landscaping	Area OS 4 Min 60%/40%	This development increase usable POS by addition of low ground level terrace and also reduced grassed area. The proposed landscape area – 283.96m ² or 42.62% Open space -396.65m ²	Complies
Clause 4.1.6 Parking	2 Spaces	Existing 2 spaces	N/A

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<p>4.1.9 Swimming Pools, Spas and Water Features 4.1.9.1 Height above ground</p>	<p>a) Swimming pools and spas must be built on or in the ground and not elevated more than 1m above natural ground level. Consideration of any exception to exceed the height above ground must demonstrate that any swimming pools and/or spa and their curtilage and/or concourse more than 1m above natural ground level:</p> <p>i) would not detract from the amenity or character of the neighbourhood; and</p> <p>ii) is a minimum distance from any side boundary equivalent to the height of the swimming pools and/or spa and their curtilage and/or concourse at any point above existing ground level.</p>	<p>Proposed pool height above ground:</p> <p>Varies from 1.39m (west side) to 3.08m (east side)</p> <p>The proposed pool and deck setbacks are:</p> <p>1.58m at the east boundary 5.54m at the west boundary</p> <p>The proposed pool will not detract from the amenity and character of the neighbourhood. The pool is not visible from Gurney Crescent, and there are no residential dwellings located along the eastern boundary. The pool/deck height above ground is 1.39m on the west side with a setback of 5.54m</p>	<p>Variation - east side</p> <p>Complies- west side</p>
<p>4.1.9.2 Location and Setbacks</p>	<p>See also paragraph 4.1.4.5 Foreshore Building Lines and paragraph 4.1.4.6 Setback adjacent LEP Zones RE1, RE2, E1 and E2.</p> <p>a) Swimming pools and spas must not be located within the front setback i.e. between the front boundary of the lot and the building line. Consideration of any exception to the required location must demonstrate that any swimming pools</p>	<p>The pool is not visible from Gurney Crescent and is located behind the building in the backyard area.</p>	<p>Complies</p>

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	<p>and/or spa and their curtilage and/or concourse:</p> <p>i) does not detract from the amenity or character of the neighbourhood; and</p> <p>ii) is a minimum distance from the front boundary equivalent to at least twice the height of the swimming pools and/or spa and their curtilage and/or concourse at any point above existing ground level.</p> <p>c) The setback of the outer edge of the pool/spa concourse from the side and rear boundaries must be at least 1m, with the water line being at least 1.5m from the boundary.</p>	<p>The pool is not visible from Gurney Crescent, and there are no residential dwellings located along the eastern boundary adjacent to the reserve area. The west side setback is 5.54m, with the pool height just 1.39m from this side. The side setbacks are as follows:</p> <ul style="list-style-type: none"> • East side: 1.28m to the deck, 1.58m to the waterline. • West side: 9.66m to the waterline, 5.84m to the deck. • Rear setback: Minimum of 12.99m. 	Complies
4.1.9.3 Proportion of Total Open Space	<p>Swimming pools and associated concourse areas must not comprise more than 30 percent of the total open space.</p> <p>See also Dictionary meaning of Total Open Space which includes swimming pools only occupying less than 30 percent of the total open space.</p>	<p>The swimming pool comprise less than 30% of the total open space.</p>	Complies
4.1.9.4 Other matters	<p>sewer connections, pumps, structural certificates, rainwater tank and pool blankets</p> <p>a) All swimming pools and spas must be connected to the sewerage system;</p> <p>b) Pumps and filters must be located, enclosed and acoustically controlled</p>	<p>The swimming pool will be connected to the sewerage system, with pumps and filters located under the pool enclosure and acoustically controlled.</p>	The system is capable of complying with all relevant regulations.

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	<p>to limit noise to the appropriate standard. (See also paragraph 3.9.3 Noise from Mechanical Plant);</p> <p>c) A spa pool must not be located on a deck or balcony unless the structural integrity of the deck or balcony to accommodate the spa is certified by a structural engineer;</p> <p>d) A separate rain water tank, of adequate capacity, must be installed to recharge the pool when required; and</p> <p>e) Swimming pools should be covered with a secure "pool blanket", or similar device, when not in use to minimise water loss by evaporation and to conserve energy in heated pools.</p>	<p>No spa pool is proposed</p> <p>A separate rainwater tank (under the deck) can be installed if required.</p> <p>Pool blanket can be installed if required.</p>	<p>N/A</p> <p>Capable of complying</p> <p>Capable of complying</p>
<p>Clause 5.4.1 Foreshore Scenic Protection Area</p>		<p>As discussed within the LEP assessment, the proposal is not viewed from the waterway. The existing building is located well below Gurney Crescent's level (around 2.6m below) so the district's view from the public space will not be greatly affected.</p> <p>The height of the proposal will not impact on the Foreshore Scenic Protection Area</p>	<p>Complies</p>

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The proposed will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments.

For and on behalf of
The Site Foreman (NSW) Pty Ltd
Alexander Chougam R.A.I.A.
Principal Architect
Registration No7196