

STATEMENT OF ENVIRONMENTAL EFFECTS

**ALTERATIONS AND ADDITIONS TO PROVIDE FOR CONSTRUCTION OF A SWIMMING POOL,
SPA, DECK AND ASSOCIATED LANDSCAPING**

LOCATED AT

13 CHURCHILL CRESCENT, ALLAMBIE HEIGHTS

FOR

RYAN ROGERS



**Prepared
June 2024**

Table of Contents

1.0	Introduction	3
2.0	Property Description	3
3.0	Site Description	4
4.0	The Surrounding Environment.....	7
5.0	Proposed Development	8
6.0	Zoning and Development Controls	9
6.1	State Environmental Planning Policy (Resilience and Hazards) 2021.....	9
6.2	State Environmental Planning Policy (Sustainable Buildings) 2022	9
6.3	Warringah Local Environmental Plan 2011	9
6.4	Warringah Development Control Plan	12
7.0	Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979 ..	20
7.1	The provisions of any environmental planning instrument	20
7.2	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	20
7.3	Any development control plan.....	20
7.4	Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4.....	20
7.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph),	20
7.6	The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.	20
7.7	The suitability of the site for the development.....	21
7.8	Any submissions made in accordance with this Act or the regulations	21
7.9	The public interest.....	21
8.0	Conclusion.....	21

1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared on behalf of Ryan Rogers by Site Design Studios, Reference No. DF_2023, Sheets L-01 – L10 dated 24 May 2024 detailing the proposed construction of a new swimming pool, spa, deck and associated landscaping at **13 Churchill Crescent, Allambie Heights**.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy No (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

2.0 Property Description

The subject allotment is described as 13 Churchill Crescent, Allambie Heights, being Lot 15 Sec 8 DP207145 and is zoned R2 Low Density Residential within the provisions of the Warringah Local Environmental Plan 2011.

The site is not listed as a heritage item, nor is not located within a conservation area. However, the site is located within the vicinity of a Heritage Item – Landscape (C9) – Manly Dam and surrounds. This matter will be discussed within this submission.

The land is noted as being Landslip Area B. A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J5193, dated 30 May 2024, and is discussed further within this submission.

The land is noted as being Bushfire Prone Land. A Bushfire Assessment accompanies this submission prepared by Bushfire Planning & Design, Reference No. BR-821324-A, dated 17 May 2024.

No other hazards have been identified.

3.0 Site Description

The property is located on the northern side of Churchill Crescent. The site falls gradually towards the front, southern boundary, with a total fall of approximately 7.4 over its length.

The site is generally rectangular with a frontage to Churchill Crescent of 18.288m. The western and eastern side boundaries measure 47.707m and 45.057m respectively and the rear boundary measures 13.452m. The site has a total area of 727.2m² (by DP).

Stormwater from the site is currently directed to the street gutter in Churchill Crescent, and the existing stormwater arrangements for the site will remain largely unchanged.

The site is currently developed with a one and two storey clad dwelling with a metal roof. Vehicular access is available via a concrete driveway from Churchill Crescent, with parking provided within a double garage under the dwelling.

The details of the site are as indicated on the survey plan prepared by ENG Land Services, Reference No. 231024D1HF, dated November 2023, which accompanies the DA submission.



Fig 1: Location of Subject Site
(Source: Six Maps)



Fig 2: View of the existing dwelling and driveway access, looking north from Churchill Crescent



Fig 3: View of the existing rear deck, looking south-east from rear yard over the location of the proposed pool



Fig 4: View of the existing rear deck and proposed pool location, looking east within rear yard



Fig 5: View of the upper portion of the rear yard, looking east

4.0 The Surrounding Environment

Surrounding the site is a variety of single detached dwellings and associated ancillary structures such as garages, storage sheds and swimming pools, reflective of the R2 zoning of the locality.

The subject site and properties adjoining to the east and west are within the R2 Low Density Residential zone.

Many of the detached dwellings are set within landscaped perimeters and enjoy district views towards the south-west.

There are also a number of community and recreational open space areas nearby, including Manly Dam and surrounds. Adjoining the site to the east is No. 11 Churchill Crescent and to the west is No. 15 Churchill Crescent which contain single storey dwellings respectively.

The site and its surrounds are depicted in the following aerial photograph:

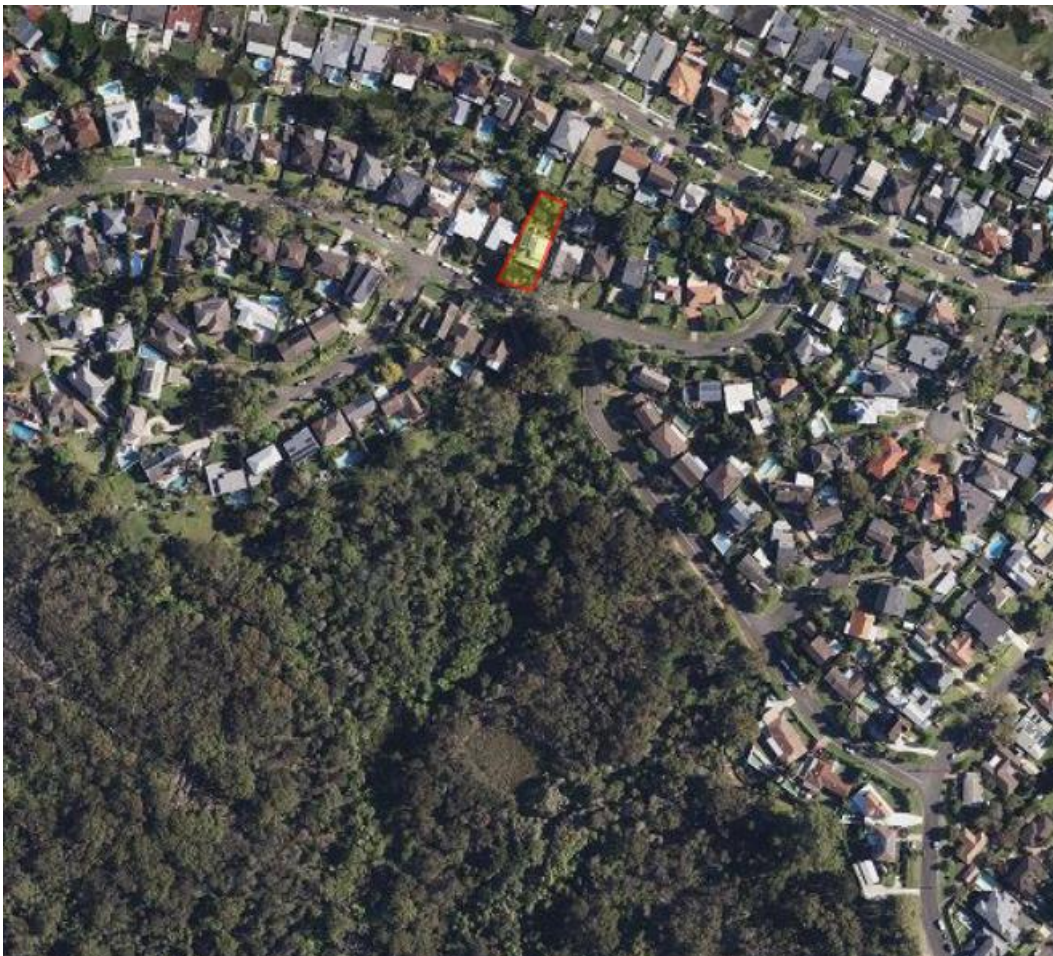


Fig 6: Aerial view of locality
(Source: Six Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks approval for the construction of a part inground & part elevated swimming pool, spa, new alfresco roof over the existing deck, together with new landscape plantings, located within the rear yard.

The proposal will not require the removal of any significant vegetation to accommodate the new works.

As the pool is partly elevated relative to the eastern boundary, a privacy screen has been provided to the eastern side of the pool to preserve the privacy amenity of the adjacent eastern neighbour and the detached granny flat.

The existing perimeter plantings within the rear yard will be retained and supplemented to continue to provide privacy and amenity for occupants of the subject site and neighbouring properties. In addition, new plantings are to be provided along the eastern side boundary as detailed in the submitted Pool Plan (Drawing No. DF_2023).

The pool will be separated from the dwelling by an isolation fence. The fence and barriers to the pool will comply with the Swimming Pools Act 1992 & Regulations and are to be constructed in accordance with AS 1926.1-1993 "Fencing for Swimming Pools".

The proposal results in the following development indices:

Site Area:	727m ²
Required Landscaped Area:	40% or 290.8m ²
Proposed Landscaped Area:	42.44% or 309m ² (see WDCP Part D1 discussion)

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) 2021 and in particular Clause 4.6(1) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

6.2 State Environmental Planning Policy (Sustainable Buildings) 2022

A BASIX Certificate is not required in this instance as the pool volume will be less than <40KL (39.7KL).

6.3 Warringah Local Environmental Plan 2011

The land is zoned R2 Low Density Residential under the provisions of the WLEP 2011.

The proposed new swimming pool and associated works is permissible in this zone under the WLEP 2011.

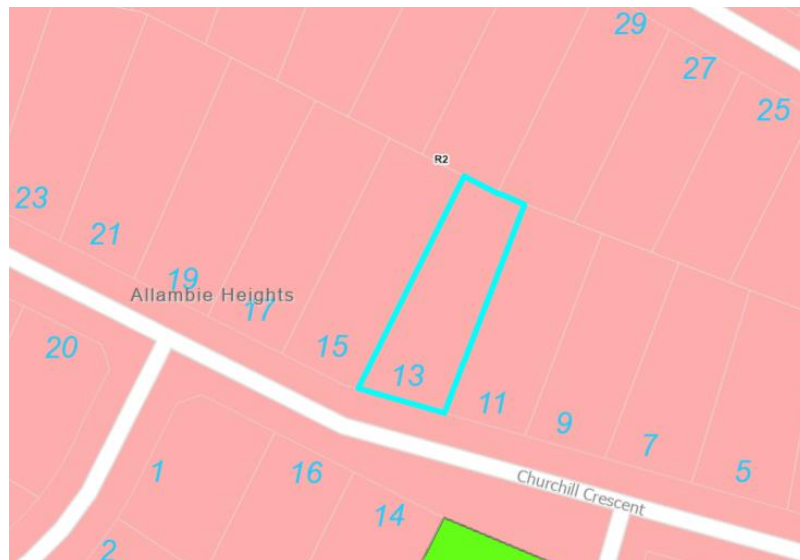


Fig 7: Extract of Warringah Local Environmental Plan 2011 Zoning Map

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted as:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

It is considered that the proposed new swimming pool and associated works will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore compliments the locality.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any significant impact on the existing landscaped area or long distance views.

Clause 4.3 provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The building height limit for development in this portion of Allambie Heights is 8.5m. The proposed alfresco roof will result in a maximum height of approximately 4.8m above natural ground level and therefore complies with Council's maximum building height.

Clause 5.10 relates to Heritage Conservation.

The site is not listed as a heritage item, nor is it located within a conservation area.

However, the site is located within the vicinity of a Heritage Item – Landscape (C9) – Manly Dam and surrounds.

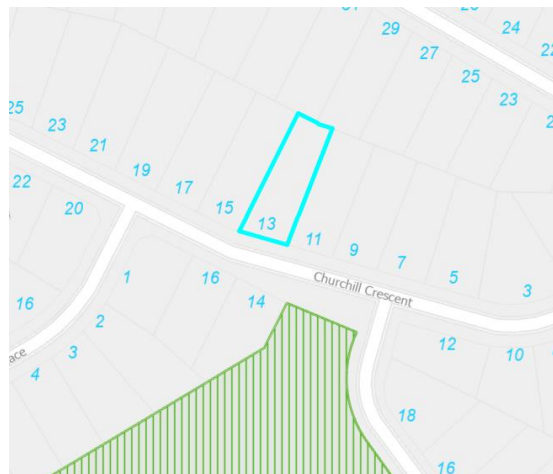


Fig 8: Extract of Warringah Local Environmental Plan 2011 Heritage Map

The proposed works are located within the rear of the subject site and will not impact on the significance of the Manly Dam area.

Clause 6.2 relates to earthworks.

The proposal is accompanied by a Preliminary Geotechnical Assessment prepared by White Geotechnical Group, Reference No. J5193, dated 30 May 2024. The works will be carried out in accordance with the recommendations of the consulting Geotechnical and Structural Engineers and are therefore in keeping with this clause.

Clause 6.4 relates to development on sloping land.

The site is noted on Council's Landslip Risk Map as being within Area B.

Accordingly, a Preliminary Geotechnical Assessment prepared by White Geotechnical Group, Reference No. J5193, dated 30 May 2024 which concludes the following:

Provided good engineering and building practice are followed, no further Geotechnical assessment is recommended for the proposed development.

The proposal will be carried out in accordance with the recommendations of the consulting Structural and Geotechnical Engineers and therefore satisfy the provisions of this clause.

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

6.4 Warringah Development Control Plan

The relevant numerical and performance-based controls under WDCP are discussed below:

Part B - Built Form Controls			
Standard	Required	Proposed	Compliance
B1 – Wall heights	Max 7.2m	N/A	N/A
B2 – Number of storeys	No requirement identified on map	N/A	N/A
B3 – Side Boundary Envelope and Side Setback	Building envelope 45 degrees from 5m. Setback 0.9m	N/A	N/A
B4 – Site Coverage	No requirement identified on map	N/A	N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	Minimum proposed setback from pool coping to the eastern side boundaries is 1m and 1.795m to existing deck/alfresco and therefore readily comply with this control.	Yes
B6 – Merit assessment of Side Boundary Setbacks	No requirement identified on map		N/A
B7 – Front Boundary Setbacks	Minimum 6.5m	The new works are wholly contained within the rear yard.	N/A
B8 – Merit assessment of front boundary setbacks	No requirement identified on map		N/A
B9 – Rear Boundary Setbacks	Min 6m rear setback R2 Zoned land swimming pool not to exceed 50% of rear setback area.	Proposed rear setback 5.380m. As the pool occupies less than 50% of the rear setback area, the reduced setback is considered acceptable in this instance.	Yes – on merit

B10 – Merit Assessment of rear boundary setbacks	No requirement identified on map		N/A
B11 – Foreshore Building Setback	No requirement identified on map		N/A
B12 – National Parks Setback	No requirement identified on map		N/A
B13 – Coastal Cliffs Setback	No requirement identified on map		N/A
B14 – Main Roads Setback	No requirement identified on map		N/A
B15 – Minimum Floor to Ceiling Height	No requirement identified on map		N/A
Part C – Siting Factors			
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council’s Vehicle Crossing Policy	The existing vehicle crossing will be maintained.	Yes
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Existing parking unchanged.	Yes
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council’s Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	The existing stormwater arrangements will be unchanged.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	Erosion and sediment control measures to be provided, as detailed in the Sediment and Erosion Control Plan – L-08 prepared by Site Design Studios, Drawing No. L-04.	Yes
C6 – Building over or adjacent to Constructed Council Drainage Easements	All development on land containing or adjacent to or proposing to reconstruct/relocate a		N/A

	public drainage system must comply with Council's Water Management Policy and Building Over or Adjacent to Constructed Council Drainage Systems and Easements technical specifications.		
C7 – Excavation and Landfill	Site stability to be maintained		Yes
C8 – Demolition and Construction	Waste management plan required	Waste management measures to be employed	Yes
C9 – Waste Management	Waste storage area to be provided	Bins storage available adjacent to garage	Yes
Part D – Design			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	<p>The proposal will maintain a landscaped area of 309m² or 42.44% of the site area and therefore complies with this control.</p> <p>The proposal will retain a substantial area of soft landscaping which provides for sufficient area for the private open space and recreational requirements of the owners.</p> <p>The existing plantings will soften and screen the proposed swimming pool, with new plantings along the eastern boundary to provide privacy and further screening.</p>	Yes

D2 – Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	The existing private open space is retained and enhanced through the introduction of the proposed swimming pool. The private open space receives excellent solar access.	Yes
D3 – Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	The pool filter will be contained within an acoustic enclosure to reduce nuisance.	Yes
D4 – Electromagnetic Radiation	N/A to proposed development		N/A
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements	The site enjoys good access to northern sun to the front and rear yards.	Yes
D6 – Access to sunlight	This control requires that sunlight to at least 50% of private open space to adjoining properties is not to be reduced to less than 2 hours between 9am and 3pm on the winter solstice.	N/A – low level of proposed works will not have any effect on the solar access enjoyed by the neighbouring dwellings.	N/A
D7 – Views	View sharing to be maintained	The controls require that development should enable the reasonable sharing of views. The site and surrounding receive district views to the south-west. Due to the modest extent of the new works, it is not	Yes

		considered that the proposal will have a significant impact on any existing views currently enjoyed by surrounding properties.	
D8 – Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties	<p>The pool is located in the rear yard of the site and the existing privacy enjoyed by the neighbours will be maintained.</p> <p>The proposed pool is located a substantial distance from the western boundary. New plantings together with a timber privacy screen are provided along the eastern side boundary, which together with the boundary fencing, will assist with minimising opportunities for overlooking.</p>	Yes
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	The existing surrounding development comprises a mix of dwellings between one and three storeys. The proposed pool and associated works are modest in height and scale.	Yes
D10 – Building Colours and materials		The pool and associated works will be provided with recessive colours and finishes to respect the surrounding residential locality.	Yes

D11 – Roofs	The LEP requires that roofs should not dominate the local skyline.	The minor extent of the new roof over the rear deck will not dominate the local skyline.	Yes
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	The proposed finishes and colours will be selected to reflect the surrounding residential locality. No significant glare impacts will result from proposed new works.	Yes
D13 – Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street	N/A – no new front fencing proposed	N/A
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities	Existing bin storage area is available adjacent to the garage. The existing mailbox is to be maintained.	Yes
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	The existing side and rear fencing will be maintained.	N/A
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.	Proposed swimming pool is located within rear yard. The proposal will not impact any existing vegetation within the subject site or neighbouring properties.	Yes
D17 – Tennis Courts	N/A		N/A

D18 – Accessibility	Safe and secure access for persons with a disability to be provided where required	Not applicable to residential development	N/A
D19 – Site Consolidation in the R3 and IN1 Zone	N/A		N/A
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the street remains available from the dwelling to the street over and through the front landscaped area.	Yes
D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of Energy and Water	Compliance with SEPP BASIX	A BASIX Certificate is not required in this instance.	N/A
D23 – Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views vehicles, pedestrians or potentially hazardous road features or traffic control devices.	No signage proposed	N/A

Part E – The Natural Environment			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	No significant protected trees are affected by the works.	Yes
E2 – Prescribed Vegetation	Not identified on map		N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A
E6 – Retaining unique environmental features	Not identified on map	No significant features within site	Yes
E7 – Development on land adjoining public open space	Not identified on map		N/A
E8 – Waterways and Riparian Lands	Not identified on map		N/A
E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area B.	The proposal is accompanied by a Preliminary Geotechnical Assessment prepared by White Geotechnical Group, Reference No. J5193, dated 30 May 2024. Subject to compliance with the recommendations contained within the report, the proposal will satisfy the provisions of this clause.	Yes
E11 – Flood Prone Land	Not identified on map		N/A

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. It is considered that the provisions of these environmental planning instruments have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to comply with the requirements of the WLEP 2011 & the controls of the Warringah Development Control Plan.

The development respects the streetscape character objectives of the DCP and will provide a cohesive and sympathetic addition to the site which will make a positive contribution to the area.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for the proposed construction of a new swimming pool, which has been located and designed to appropriately minimise impacts on the amenity of adjoining properties and are compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard for the relevant provisions of the SEPP, Council's LEP and DCP.

7.7 The suitability of the site for the development

The site is considered suitable for the proposed development.

The proposal will provide for the construction of a new swimming pool, new decking and a roof over the existing rear deck.

It is suggested that the proposal will not have a detrimental impact on the amenity of the adjoining properties or any impact on the streetscape.

7.8 Any submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not impact upon the environment or the character of the locality and the considered location of the new structures and privacy screening devices will mitigate any unreasonable visual impacts on the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The proposal provides for the construction of a new swimming pool and extension to the existing rear deck with a new over the rear deck which will not have a detrimental impact on the adjoining properties or the locality.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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