

## Statement of Environmental Effects

Property: 2 Lovering Place Newport

Lot 8 DP 21686

Client: Mr M and Mrs R Grantham

As at 10<sup>th</sup> September 2018



**Summary**

Address : 2 Lovering Place Newport

Lot 8 DP 21686

Description: The site is of rectangular shape on the eastern side of Lovering Place and is on the escarpment overlooking the ocean.

The site area is 1164m<sup>2</sup>

The lot contains a single dwelling split over several levels with a double car garage.

The existing dwelling is only partially visible from the street due to the site topography, slope and landscaped setback of approx 23m from the street.



**Zoning :** The property is zoned “E4 Environmental Living”

The site is identified on council mapping as being subject to potential landslip “Coastal Risk, Bluff/cliff instability “ and “Geotechnical Hazard H1”

See accompanying preliminary Geotech report.

**Planning Instruments:**

Northern Beaches Council.

Pittwater LEP 2014

Pittwater 21 Development Control Plan 2014

**Proposal:** The proposed development consists of an in-ground swimming pool and surrounding landscaping in the area between the street alignment and the dwelling.

**Purpose of the Report:**

This Statement of Environmental Effects is prepared to accompany and support the Development Application for the proposed swimming pool to the existing dwelling submitted to the Northern Beaches Council.

### **General Description**

Erected upon the site is a brick veneer and tiled roof dwelling consisting of 4 bed rooms bath room and ensuite, kitchen, living on the upper level, with 1 dry and family room and garage on a lower level.

The lower level consists of a family rumpus room with toilet facilities.

Vehicular access is via a concrete driveway, to the double garage.

The dwelling is concealed behind the rising ground level in the front alignment and planting on the nature strip.

### **Proposal**

The proposed works are to provide an in-ground concrete swimming pool with outdoor entertainment area located for easy access from the main living areas in front of the dwelling.

The proposed setback will be 11.10m to the pool safety fence and privacy screen.

This is the obvious location for the new pool to achieve access from the main living areas and avoid the safety concerns of the coastal cliff and geotechnical issues if it were to be located in the rear yard.

**Assessment:****Numerical Controls.**

Site area is 1164.00m<sup>2</sup>

**Height Limit**

*Height of building is max 8.5m*

Not applicable to the proposed swimming pool development.

**Areas**

*Soft landscaped area*

Min required for "E4" zoning 60% = 698.40m<sup>2</sup>      Provided 60.9% = 709.42m<sup>2</sup>

**Impervious areas**

Existing development = 204.88m<sup>2</sup>

Post development 258.17m<sup>2</sup>

Car parking spaces 2 existing

New Garage 2 remaining .

**Built Form Controls**

Wall heights max allowed 7.2m

N/A

**Number of storeys**

N/A

**Front Boundary Setbacks**

*The required front boundary setback in this instance for land zoned E4 is 10.00m*

The existing dwelling is setback 23m from the front boundary of Lovering Place, The perceived/visual setback is much greater due to the extra wide nature strip of a further 17.5m to the street kerb.

Both the subject property and the adjoining dwelling to the north are unfenced giving a wide open and exposed appearance to the frontages which is not typical of the surrounding streetscape.

In this instance the pool is to be located in the front yard for safety concerns as the rear yard has a "Coastal Bluff" aspect and also to comply with the **DCP**.

**C1.7 Private Open Space requirements.****" Outcomes"**

*Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants. (S)*

*Private open space is integrated with, and directly accessible from, the living areas of dwellings. (S)*

*Private open space receives sufficient solar access and privacy.*

**"Controls"**

*Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.*

*Private open space areas are to have good solar orientation (i.e. orientated to the north-*



*east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).*

*Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.*

#### **Comment**

The proposed swimming pool and safety fence will provide a degree of privacy screening to the dwelling and swimming pool, without obstructing views and still be directly accessible from the main living areas.

The front screen/privacy pool fence setback at 11m and is compliant with the required 10m setback, however the fence will still be articulated with planter boxes to enhance the appearance and provide visual interest when viewed from the street.

The fence will follow the slope of the land across a section of the block and comply with the heights and requirements of the “Swimming Pools Act 1992” and “The Australian Standard AS 1926 -2007 swimming Pool Safety”

#### **C1.17 “Swimming Pool Safety”**

##### **Outcomes**

*The promotion of personal safety. (S)*

*Compliance with Swimming Pools Act 1992 and Regulations (En, S)*

##### **Controls**

*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.*

#### **Comment and Considerations**

Compliance with the swimming pool safety requirements were the major consideration in determining the location of the pool, pool fencing and the ability for parental supervision and surveillance from living and entertaining areas.

Other major factors in determining the pool and pool fencing configuration were:

#### **C1.2 Safety and Security**

##### **Outcomes**

*On-going safety and security of the Pittwater community. (S)*

*Opportunities for vandalism are minimised. (S, Ec)*

*Inform applicant's of Council's requirements for crime and safety management for new development.(S)*

*Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements (S)*

*Identify crime and safety priority areas in Pittwater LGA (S, Ec)*

*Improve community safety and reduce the fear of crime in the Pittwater LGA (S)*

*Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety.*

### **Controls**

*There are four Crime Prevention through Environmental Design (CPTED) principles that need to be used in the assessment of development applications to minimise the opportunity for crime they include the following:*

#### **1. Surveillance**

*Building design should allow visitors who approach the front door to be seen without the need to open the door.*

*Design landscaping and materials around dwellings and buildings, so that when it is mature it does not unreasonably restrict views of pathways, parking and open space areas.*

#### **2. Access Control**

*Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.*

*Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.*

*Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.*

#### **3. Territorial reinforcement**

*Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.*

#### **4. Space management**

*Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.*

### **Comment.**

The pool fencing provides the facility for security and safety of the occupants and balanced with the need for some personal privacy when the pool is in use by the family.

## **C1.3 View Sharing**

### **Outcomes**

*A reasonable sharing of views amongst dwellings.*

*Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced. (S)*

*Canopy trees take priority over views.*

**Controls**

*All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.*

*The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.*

**Comment**

Views will not be affected by the proposed swimming pool and privacy screen development.

**C1.4 Solar Access****Outcomes**

*Residential development is sited and designed to maximise solar access during mid-winter.*

*A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development.*

*Reduce usage and/dependence for artificial lighting.*

**Controls**

*The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.*

*Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings.*

**Comment**

Solar access is maximised with the pool location without detriment to the adjoining dwellings.

**C1.5 Visual Privacy****Outcomes**

*Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S)*

*A sense of territory and safety is provided for residents. (S)*

**Controls**

*Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).*

*Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.*

*Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.*

**Comment**

The location of the pool and surrounding fencing is designed to achieve compliance with the requirements of visual privacy, in conjunction with the AS 1926 pool fencing.

Visual privacy for the pool and entertaining area from the street and from the adjoining dwelling is considered appropriate.

**C1.6 Acoustic Privacy****Outcomes**

*Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited. (S)*

*Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space areas (S)*

**Controls**

*Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.*

*Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.*

*Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.*

**Comment**

The pool location, fencing and equipment have all been a consideration in determining the acoustic privacy.

The fence location on the side boundary will allow for deflection of noise away from the adjoining dwelling to the north, and far enough away from the other dwellings.

**Side boundary setback****D10.8****Outcomes**

*To achieve the desired future character of the Locality.*

*The bulk and scale of the built form is minimised.*

*Equitable preservation of views and vistas to and/or from public/private places.*

*To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

*To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*

*Substantial landscaping, a mature tree canopy and an attractive streetscape.*

*Flexibility in the siting of buildings and access.*

*Vegetation is retained and enhanced to visually reduce the built form.*



### **Controls**

*The minimum side and rear building line for built structures including pools and carparks, other than driveways, fences and retaining walls, shall be in accordance with the following table:*

*2.5m to at least one side; and 1.0m for the other.*

### **Variations**

*Where alterations and additions to existing buildings are proposed, maintenance of existing setbacks less than as specified may be considered where it is shown that the outcomes of this clause are achieved.*

*For swimming pools and spas a 1 metre minimum setback from the boundary to the pool coping may be permitted subject to the following:*

- *satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and*
- *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*
- *that the outcomes of this clause are achieved without strict adherence to the standards, and*
- *where the site constraints make strict adherence to the setback impractical, and*
- *where strict compliance with these requirements will adversely impact on the views of adjoining residential properties.*

### **Comment**

In this instance a variation is sort for an accessment on the merit of the individual circumstances to achieve a 1 metre setback.

It is proposed to excavate and build a retaining wall on the boundary and provide a 1.0m landscaped/garden bed between the wall and coping.

Due to the natural ground levels and proposed coping levels, some excavation is necessary which will require a retaining wall to be built on the boundary.

The retaining wall and the required concrete encasing and piercing of footings will be to the engineers details and Sydney Water "Building near a sewer detail".

The retaining wall and coping excavation as proposed is the most practicle solution to avoid duplication of footings rather than having two adjacent fences and footing structures.

Building a standard fence on the side boundary and then to build a required pool fence 1.0m away would leave an unusable strip of land between the fences.

This strip would be insufficient for suitable landscaping and provide a potential hazzard to maintain, therefore the landscape strip will be at the coping level.

By keeping the the retaining wall on the boundary it also reduces the appearance of the new works across the block when viewed from the street.

The retaining wall location poses a less impact on the adjoining property in terms of overlooking, views and privacy.

The fence as proposed, when viewed from the street provides privacy screening to the pool area and still enable supervision of the pool and front yard from the dwelling.

The fence as designed also allows for surveillance of the driveway and property entry from the dwelling.

**Rear Boundary Setbacks**

N/A

**Fences**

**D10.14 Fences - General**

**Outcomes**

*To achieve the desired future character of the Locality.*

*An open streetscape that allows casual surveillance of the street.*

*Fences, where provided, are suitably screened from view from a public place.*

*Safe and unhindered travel for native animals.*

*To ensure fences compliment and conserve the visual character of the street and neighbourhood.*

*To define the boundaries and edges between public and private land and between areas of different function.*

*To contribute positively to the public domain.*

*To enhance safe sight distances and clear view of the street (including to and from driveways) for motorists and pedestrians.*

*To ensure heritage significance is protected and enhanced.*

*To ensure an open view to and from the waterway is maintained.*

*To ensure native vegetation is retained .*

*To ensure any fencing provides for the safe and unhindered travel of native animals.*

**Variations**

*Within the front building setback, provided the outcomes of this clause are achieved, fencing to a maximum height of 1.8 metres may be considered where the main private open space is in front of the dwelling,*

*In such instances, front fencing shall:*

- i. be setback a minimum of one metre for any fence higher than one metre (in the case of corner lots or lots with more than one frontage this setback may be varied based on merits); and*
- ii. be articulated to provide visual interest and further opportunities for landscaping, and*
- iii. be screened by landscaping within the setback area; and*
- iv. not restrict casual visual surveillance of the street, and*
- v. provide a 45 degree splay (or equivalent) either side of any vehicular entrance, minimum dimensions of 2 metres by 2 metres; and*
- vi. 50% or more of the fence is transparent.*

*Provided the outcomes of this control are achieved, where fencing exceeds more than 1m in height and abuts a public road, a boundary setback less than the height of the fence may be considered based on merits.*

**Comment**

The fence as proposed is articulated and provides for visual interest and still allows opportunities for landscaping the front yard and is not within the min required setback.

The fence as designed provides a fine balance between privacy screening from the street and neighbours while allowing for casual surveillance of the street and driveway from both the subject and adjoining properties.

The fence does not inhibit views of the driveway when vehicles are entering or leaving the property due to the setback and topography of the site.

### **Parking**

The existing paved driveway and two car garage will remain unchanged as a result of this development .

### **Stormwater Drainage**

The existing stormwater system will remain unchanged as a result of this development.

### **Erosion and Sediment Control**

There will be some excavation required with the proposed pool.

Erosion and sediment control measures will be installed for the duration of the works as noted on the site/landscape plans.

These measures include geo-fabric mesh fence and or hay bales or hessian lined agricultural pipes where required.

### **Services**

Existing Water , Electricity, and Sewer are provided to the site.

The existing utility services to the property will be maintained with no additional impact as a result of the alterations and additions and the proposed works.

### **Waste Minimisation**

#### ***C1.12 Waste and Recycling Facilities***

#### ***Outcomes***

*Waste and recycling facilities are accessible and convenient, and integrate with the development. (En)*

*Waste and recycling facilities are located such that they do not adversely impact upon amenity of the adjoining development or natural environment. (En, S)*

#### ***Controls***

*Waste and recycling receptacles are to be stored within the property boundaries.*

*Separate bins are to be provided for waste (garbage), paper recyclables and container recyclables.*

#### ***Comment***

Building waste will be sorted for recycling on site where possible or recycled and disposed of off-site to an approved waste transfer facility.

Materials will be sorted and contained in skip bins for removal from site by an approved contractor and taken to the specified waste station. Eg. Kimbriki recycle station.

The existing council domestic waste and recycling bin services will remain un-changed.

### **Noise and and Vibration**

All work will be carried out within the recognised building industry working hours and/or as specified by the condition s of approval.

### **Conclusion**

The proposed pool location and surrounding screen fencing has considered the “outcomes and controls” of the relevant clauses of the DCP in the repective areas of consideration.

The proposal attempts to provide the most suitable balance of the outcomes in terms of privacy, location and amenity of both the subject and adjoining dwellings.

There is little to no adverse affect when viewed from the street due to the topography, orientation and relative levels of the site.

The fence is consistent with the streetscape in style and appearance of the surrounding properties.

The swimming pool development has been designed to be easily accessible for the occupants for outdoor enjoyment and flow from the main living areas of the dwelling.

The pool location has been designed to preserve the amenity of the subject and adjoining dwellings that currently exists.

The proposed development is permissable in the zone, consistent with the surrounding development and achieves the desired outcomes and controls of the relevant LEP and DCP policies of the Northern Beaches Council.

Prepared by  
G M Kett Pty Ltd



No 2 Lovering Place view from street front



No 2 Lovering Place view from downhill





No 2 Lovering Place view from uphill



No 3-4-5 Lovering Place





No 6-7-8 Lovering Place