



STATEMENT OF ENVIRONMENTAL EFFECTS

Alterations and Additions – Construction of a Swimming Pool and
Landscaping works

Lot 2/-/DP589286

50 Pacific Parade

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50 Pacific Parade Manly 2095

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1 Introduction

This Statement of Environmental Effects accompanies a development application for the construction of a swimming pool and landscaping works on land identified as Lot 2/-/DP589286, 50 Pacific Parade Manly 2095.

The primary topics addressed in this report are:

- Site description
- Details of the proposal;
- Summary and assessment against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 (as amended).

This Statement of Environmental Effects confirms that the proposed development is suitable and appropriate in the context of the area and all relevant statutory and non statutory planning policies. As such it is considered that the proposal can be supported and approved by Council.

1.1 Site Description

The subject land is identified as Lot 2/-/DP589286, 50 Pacific Parade Manly 2095. Located on site is an existing dwelling and is surrounded by dwellings of a similar size. Access to the site is via Pacific Parade. The site is a regular shape and has a site area of 244.5sqm.



Figure 1: Aerial Image of Site & Surrounding Area



Figure 2: Map of the subject site

1.2 Proposed Development

The proposed development involves the **construction of a plunge swimming pool and landscape works.**

The swimming pool features:

- 2.4m x 5.5m swimming pool
- Extension of existing deck (600mm out) fill up with existing lawn level (200mm)
- Pool deck (8.3m x 2.9m)
- Pool equipment enclosure
- 1.8m H timber/batten pool barrier on side boundary
- 1.2m H frameless glass pool fence on top of pool deck level

Landscape features:

- 3 trees (Kentia Palms)
- Retaining existing frangipani tree
- Screen plants/shrubs/accents
 - Hot rio nights heliconia
 - Narrow leaf palm lilly
- Ground cover/climbers
 - Chinese star jasmine
 - Scarlet o'Hara Bougainvillea

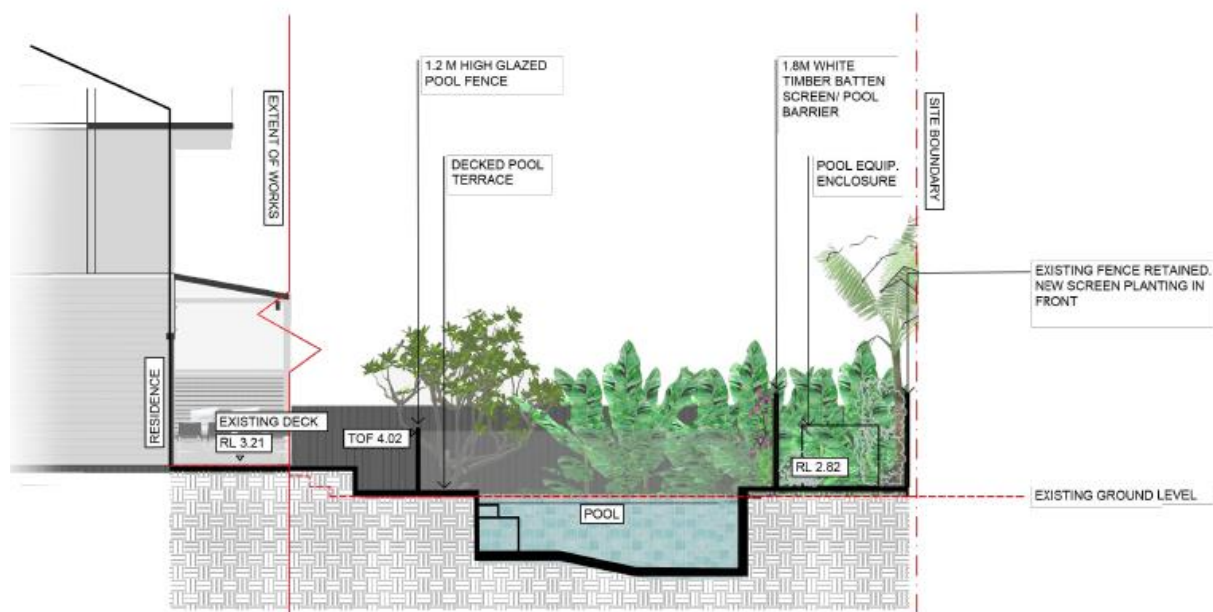


Figure 3: North-East Pool Elevation

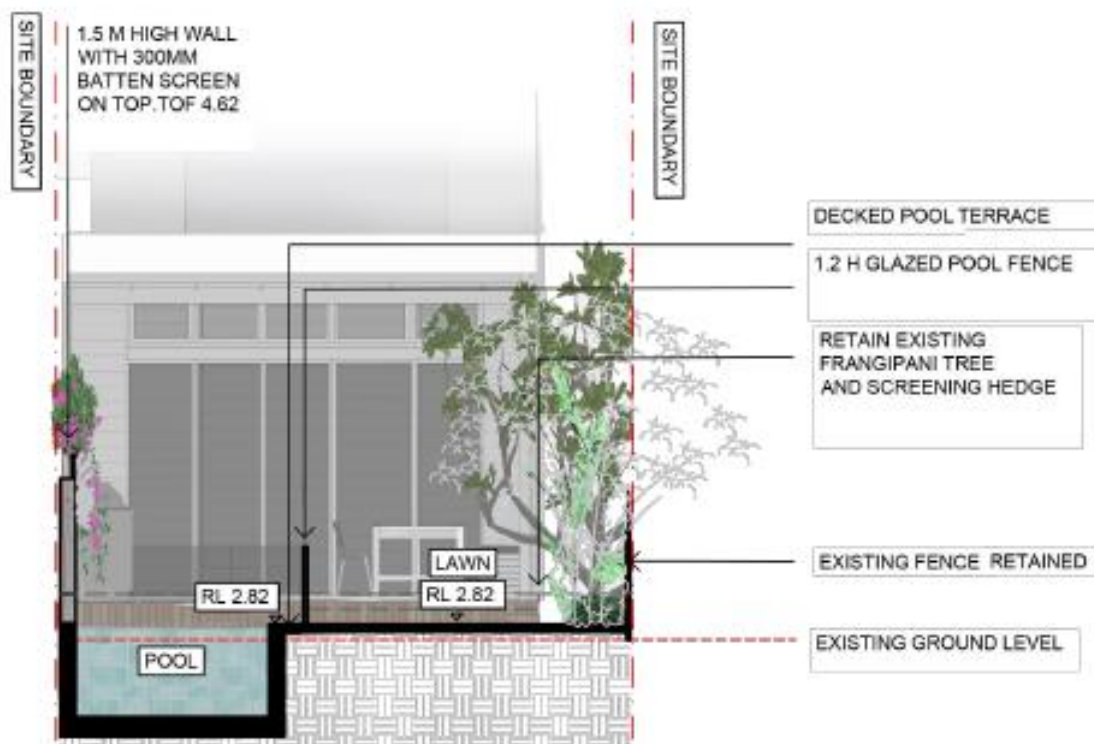


Figure 4: South-West Pool Elevation

1.3 Approvals Sought

The application, which this Statement of Environmental Effects supports, seeks consent under section 4.15 of the Environmental Planning and Assessment Act, 1979 for the proposed development.

2 Planning Assessment

2.1 Environmental Planning & Assessment Act 1979 (EP&A Act)

The relevant objects of the Act are:

(a) to encourage:

(ii) the promotion and co-ordination of the orderly and economic use and development of land.

This application is consistent with the objects of the Act as the proposed development enables the orderly and economic use of the land.

2.1.1 Integrated Development

Section 4.46 of the EP&A Act defines integrated development as development that requires development consent by one or more approvals under another Act. **The subject proposal does not trigger integrated development as detailed under S.4.46 of the EP&A Act.**

2.1.2 Designated Development – Section 4.10

Schedule 3 of the Environmental Planning and Assessment Regulations 2000 prescribes development which, if of the relevant type and size, may be considered to be Designated Development. In this case it is our opinion that the development would not trigger any of the designated development provisions.

2.2 Section 4.15 Assessment

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

2.2.1 Environmental Planning Instruments - Section 4.15 (1)(a)(i)

2.2.1.1 State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 is a NSW-wide planning approach to the remediation of contaminated land. When considering a Development Application, the consent authority must observe the requirements of SEPP 55. The significant clause of SEPP 55 is clause 7, which is outlined below.

Clause 7 - Contamination and remediation to be considered in determining development application

Under Clause 7, a consent authority must not consent to the carrying out of any development on land unless:

(a) It has considered whether the land is contaminated, and

(b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

In accordance with Clause 7 of SEPP 55, Council must consider whether the land is potentially contaminated. The land where the proposed development is located is in an existing residential area and shows no sign of previous contamination.

SEPP Infrastructure 2007

This policy sets out certain requirements to smooth the path of mainly large infrastructure projects. In this case the policy requires the consent authority to ensure infrastructure is adequate to accommodate the development proposal, which is held to be of the traffic-generating variety. As the development is for a residential development, 104 (2) of the SEPP is not triggered in this instance.

2.2.1.2 Manly Local Environmental Plan 2013

The Manly Local Environmental Plan 2013 (LEP 2013) is the applicable local planning instrument for the site.

Local Environmental Plan	
Matter	Relevant Control
Zoning	R1 – General Residential
Zone Objectives	<p>The objectives of this residential zone are:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community. • To provide for a variety of housing types and densities. • To enable other land uses that provide facilities or services to meet the day to day needs of residents.
Permitted without consent	Home-based child care; Home occupations
Permitted with consent	<p>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Tank-based aquaculture; Water recreation structures; Water recycling facilities; Water supply systems</p>

Prohibited	Advertising structures; Water treatment facilities; Any other development not specified in item 2 or 3
Height of Building	The site is located in an area with a 8.5m height of building limit
Architectural Roof	Clause 5.6 allows Height of Building exceedance.
Floor Space Ratio	The site is located in an area with a prescribed floor space ratio of 0.6:1.
Minimum Lot Size	The site is located in an area with a minimum lot size of 250sqm.
Heritage	Not of heritage significance.
Acid Sulphate Soils	The site is located in a class 3 and class 4 identified acid sulphate area.
Land Acquisition	Not identified for acquisition.
Mine Subsidence	Not identified as mine subsidence.
Bushfire	The site is not located within a bushfire area.
Flood Prone Land	Not identified as being flood prone land
Wetlands	Not identified as Wetlands.
Watercourses	No identified watercourses.

Clause 4.1 Minimum subdivision lot size

The clause provides the minimum lot size requirements for subdivision. The minimum subdivision lot size for the site is 250sqm. The development is not for subdivision.

Clause 4.3 Height of buildings

The clause provides the maximum building height limit for the area. The maximum height of a building allowed within that area is 8.5m. The proposed development complies with the standard.

Clause 4.4 Floor space ratio

The site is located within the 0.6:1 FSR Ratio area of the Floor Space Ratio Map. The proposed development complies with the FSR development standard.

Clause 4.6 Exceptions to development standards

The clause provides an avenue to seek a variation to development standards. It is noted that the development complies with all the LEP Development Standards.

Clause 5.10 Heritage conservation

Subclause (5) allows Council to require a heritage management plan to be prepared where a development is proposed on a site that is *within the vicinity of a heritage item*. The site is not listed as being a heritage item or in the vicinity of a heritage item.

2.2.2 Proposed Instruments - Section 4.15 (1)(a)(ii)

There are no proposed instruments that are or have been the subject of public consultation under the Act and that have been notified to Council that would have implications for this development application.

2.2.3 Manly Development Control Plan 2013 - Section 4.15 (1)(a)(iii)

Manly Development Control Plan 2013 (DCP) applies to the site and outlines specific development requirements for residential development. The provisions of the DCP must be considered in the assessment of the proposed development.

Development Control	Compliance
4 Development Controls and Development Types	
4.1.4 Setbacks 4.1.4.1 Street Front Setbacks <ul style="list-style-type: none"> a) Street Front setbacks must relate to the front building line of neighbouring properties and the prevailing building lines in the immediate vicinity. b) Where the street front building lines of neighbouring properties are variable and there is no prevailing building line in the immediate vicinity i.e. where building lines are neither consistent nor established, a minimum 6m front setback generally applies. This street setback may also need to be set further back for all or part of the front building façade to retain significant trees and to maintain and enhance the streetscape. c) Where the streetscape character is predominantly single storey building at the street frontage, the street setback is to be increased for any proposed upper floor level. See also paragraph 4.1.7.1. d) Projections into the front setback may be accepted for unenclosed balconies, roof eaves, sun- hoods, chimneys, meter boxes and the like, where no adverse impact on the streetscape or adjoining properties is demonstrated to Council's satisfaction. 	No changes to front setback.
4.1.4.2 Side Setbacks and Secondary Street Frontage <ul style="list-style-type: none"> a) Setbacks between any part of a building and the side boundary must not be less than one third of the height of the adjacent external wall of the proposed building. b) Projections into the side setback may be accepted for unenclosed balconies, roof eaves, sun- hoods, and the like, if it can demonstrate there will be no adverse impact on adjoining properties including loss of privacy from a deck or balcony. c) All new windows from habitable dwellings of dwellings that face the side boundary are to be setback at least 3m from side boundaries; d) For secondary street frontages of corner allotments, the side boundary setback control will apply unless a prevailing building line 	The proposed pool is located on the side boundary due to the site constraints and to ensure the rear yard has sufficient landscaped area and private open space. A letter has been provided from the neighbour consenting to the pool in the proposed location.

<p>exists. In such cases the prevailing setback of the neighbouring properties must be used. Architecturally the building must address both streets.</p> <p>e) Side setbacks must provide sufficient access to the side of properties to allow for property maintenance, planting of vegetation and sufficient separation from neighbouring properties. See also paragraph 4.1.4.3.b.vi. of this plan.</p> <p>f) In relation to the setback at the street corner of a corner allotment the setback must consider the need to facilitate any improved traffic conditions including adequate and safe levels of visibility at the street intersection. In this regard Council may consider the need for building works including front fence to be setback at this corner of the site to provide for an unobstructed splay. The maximum dimension of this triangular shaped splay would be typically up to 3m along the length of the site boundaries either side of the site corner.</p>	
<p>4.1.4.3 Variations to Side Setback in Residential Density Areas D3 to D9 (see paragraph 4.1.1 of this plan)</p> <p>a) Council may consider an exception to the side setback control to enable windows at 90 degrees to the boundary to provide some flexibility in the siting and design of buildings which assist in satisfying setback objectives relating to privacy subject to the following:</p> <ul style="list-style-type: none"> i. The average distance to the boundary over the length of the wall is to be no less than the required setback control. In relation to the average distance to boundary, the area of building protruding into the minimum setback must be no greater than the area of land at the side boundary that is setback more than what is required by the minimum setback line. ii. The wall protruding into the minimum setback must not provide windows facing the side boundary. iii. The subject side elevation must provide a window(s) at some 90 degrees to the boundary. <p>b) Walls located within 0.9m of any one of the side boundaries may be considered but must:</p> <ul style="list-style-type: none"> i. contain no windows; * ii. be constructed to one side boundary only; iii) limit height to 3m; * iii. limit length to 35 percent of the adjoining site boundary; ** iv. submit a standard of finish and materials for external surfaces which complement the external architectural finishes of adjacent properties and/or the townscape character; v. obtain a right-of-way to provide access for maintenance; and vi. satisfy the objectives for setback in this plan and the applicant can demonstrate no disadvantage to the adjacent allotment 	<p>The proposed pool is located on the side boundary due to the site constraints and to ensure the rear yard has sufficient landscaped area and private open space. A letter has been provided from the neighbour consenting to the pool in the proposed location. It is noted that the boundary wall has been designed to provide an acoustic screening for the neighbouring property through the use of a masonry wall. It is considered the development is acceptable on merit as it does not result in any negative impacts on the amenity of the neighbouring properties.</p>

through increased overshadowing, or loss of view and no impediment to property maintenance.				
<p>*Note: Any wall over 3m high must comply with the setback requirements irrespective of whether the wall contains windows or not.</p> <p>**Note: In relation to semi-detached dwellings the variation to side boundaries for the purpose of this paragraph is the common wall and further variations to side setback under this paragraph do not apply.</p>				
4.1.4.4 Rear Setbacks <ul style="list-style-type: none">a) The distance between any part of a building and the rear boundary must not be less than 8m.b) Rear setbacks must allow space for planting of vegetation, including trees, other landscape works and private and/or common open space. The character of existing natural vegetated settings is to be maintained. See also paragraph 3.3 Landscaping.c) On sloping sites, particularly where new development is uphill and in sensitive foreshore locations, consideration must be given to the likely impacts of overshadowing, visual privacy and view loss.d) Rear setbacks must relate to the prevailing pattern of setbacks in the immediate vicinity to minimise overshadowing, visual privacy and view loss.				The existing dwelling and deck has no changes and as such, the setbacks are unchanged.
4.1.5 Open Space and Landscaping 4.1.5.1 Minimum Residential Total Open Space Requirements <u>Numeric Controls</u> <ul style="list-style-type: none">a) Open Space must be provided on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space Above Ground. The minimum total open space requirement is determined as a percentage of the site area in Figure 34 and applies to residential accommodation and other permissible development in the LEP Zones R1, R2, R3, E3 & E4 and residential development in any other zone excluding shop top housing in LEP Zone B1 Neighbourhood Centre (see paragraph 4.2.8.3) and Zone B2 Local Centre.				
Residential Open Space Areas at DCP Schedule 1- Map B	Total Open space (minimum percentage of site area)	Landscaped Area (minimum percentage of total open space)	Open space Above Ground (maximum of total Open space)	No reduction to the open space for the site. It is noted that the development provides 65sqm of soft landscaping which complies with the control.
Area OS1	At least 45% of the site area	At least 25% of open space	In relation to dwelling houses: no more than 25% of Total Open Space.	
Area OS2	At least 50% of thje site area	At least 30% of open space	In relation to all other land uses permitted in	

Area OS3	At least 55% of the site area	At least 35% of open space	the Zone: No more than 40% of Total Open Space	
Area OS4	At least 60% of the site area	At least 40% of open space		
<p>b) Minimum dimensions and areas for Total Open Space</p> <p>Total Open Space (see Dictionary meanings including landscape area, open space above ground and principal private open space) must adhere to the following minimum specifications:</p> <ul style="list-style-type: none">i. horizontal dimension of at least 3m in any direction; andii. a minimum unbroken area of 12sqm.iii. A variation to the minimum specifications in i) and ii) above may only be considered for Above Ground Open Space where it can be demonstrated that lesser dimensions or areas will better serve to minimise amenity impacts on neighbours. A lesser areas of above ground open space may be included or calculated under the minimum requirements in the circumstances of the case. In all other cases open space that does not comply with the minimum specification is not included or calculated under the minimum requirements for total open space. <p><u>Provisions for Total Open Space Above Ground</u></p> <p>Note: This paragraph limits the extent of total open space which may be provided above ground level. See dictionary meaning of ‘open space above ground’</p> <p>c) Open Space Above Ground is limited on site in accordance with Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space above Ground Level. The maximum open space above ground requirement is determined as a percentage of the Total Open Space.</p> <p>Amenity Considerations</p> <ul style="list-style-type: none">i) Areas of total open space that are above ground are considered to have a potentially greater impact on the amenity of neighbours. Accordingly the provision of open space that is above ground is to be confined to a maximum percentage of the total open space for any development. In particular, roof terraces and large decks are discouraged and are not a preferred design option when providing open space above ground.ii) All open space above ground including verandas, balconies, terraces, are not to be enclosed.iii) The Total Open Space Above Ground as provided for in Figure 34 may be refused by Council where privacy and/or view loss are issues and where development does not				Adheres to the dimension controls.

<p>satisfy particular considerations in the following paragraphs iv) and v).</p> <p>iv) Roof terraces are not permitted unless designed for privacy with no direct lines of sight to adjoining private open spaces or habitable window openings both within the development site and within adjoining sites.</p> <p>Note: In relation to assessing privacy in this paragraph, the anticipated lines of sight are to be determined from any location on the terrace at an eye level of 1.6m above the proposed finished floor level. Council may require sketches to accompany the DA demonstrating critical view lines from the proposed development to adjoining spaces and windows in sectional drawings.</p> <p>v) Council may also require methods of sound attenuation and/or acoustic treatment to be indicated in the DA to protect the acoustic amenity of neighbouring properties and the public. See paragraph 3.4.2.4 Acoustical Privacy (Noise Nuisance).</p>	
<p>4.1.5.2 Landscaped Area</p> <p><u>Numeric Controls</u></p> <p>a) Landscaped Area must be provided on site in accordance with above Figure 34 - Numeric Requirements for Total Open Space, Landscaped Area and Open Space above Ground Level. The minimum landscaped area requirement is a percentage of the actual * total open space onsite. Note: 'Actual' space refers here to proposed (or existing where no change proposed), rather than the minimum requirement for open space in this plan.</p> <p><u>Minimum Dimensions and Areas</u></p> <p>b) Minimum dimensions and areas must provide for the following:</p> <ol style="list-style-type: none"> soil depth of at least 1m for all landscaped areas either in ground or above ground in raised planter beds; and See also paragraph 4.1.5.1.c regarding the extent of open space above ground. a minimum horizontal dimension of 0.5m measured from the inner side of the planter bed/ box, wall or any other structure which defines the landscaped area and incorporating an appropriate drainage and irrigation regime. See also paragraph 3.3 Landscaping regards requirements for design and planting principles. <p>c) <u>Minimum Tree Plantings</u></p> <ol style="list-style-type: none"> The minimum tree numbers must be in accordance with Figure 37 - Minimum Number of Native Trees Required. The minimum tree requirement may include either existing established native trees or new native trees planted at a pot/container size to be at least 25 litres 	<p>The required minimum landscape area is 35% of open space = 30.6sqm.</p> <p>The proposed soft landscape area is 65sqm.</p>

capacity and being a species selected in accordance with Schedule 4 Part B - Native Tree Selection.			
iii. The required minimum number of native trees required under this paragraph must be planted in a deep soil zone as defined in this plan’s Dictionary.			
Note: Suggested minimum soil volumes for tree planting generally are as follows: Large size trees (13-18m high with 16m spread) required 80 cubic metres of soil. Medium size trees (9-12m high with 8m spread) requires 35 cubic metres of soil. (Source: NSW Apartment Design Code 2015).			
Site Area (sqm)	Areas in the LEP Lot size map	Minimum number of native trees listed in Schedule 4 Part B	The site plans include three trees and retaining of a fourth tree.
Up to 500	Area ‘C’	1 tree	
Up to 500	All areas except ‘C’	2 trees	
Between 500 and 800	All areas	3 trees	
Over 800	Area ‘C’	3 trees	
Over 800	All areas except area ‘C’	4 trees	
<u>Landscaping Driveways</u> d) Driveways alongside boundaries will be sufficiently setback to provide a landscaped area at least 0.5m wide between the driveway area and side boundary for the length of the driveway. Any parking hard stand area or carport associated with the driveway should also be similarly setback unless requiring a greater setback elsewhere under this plan.			No change to driveway.
4.1.5.3 Private Open Space <u>Principal Private Open Space</u> a) Principal private open space is to be provided in accordance with the following minimum specifications: i. Minimum area of principal private open space for a dwelling house is 18sqm; and ii. Minimum area of principal private open space for residential accommodation with more than 1 dwelling on the site is 12sqm for each dwelling.			Complies with the control.
<u>Private Open Space for Boarding Houses</u> b) Private open space for Boarding Houses is to be provided in accordance with the following minimum specifications: i. Minimum area of 20sqm with a minimum dimension of 3m for the use of the lodgers. ii. If accommodation is provided on site for a boarding house manager – 1 area of at least 8sqm with a minimum			

<p>dimension of 2.5m is to be provided adjacent to that accommodation.</p> <p>iii. The area is to receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter.</p>	
<p>4.1.6 Parking, Vehicular Access and Loading</p> <p>4.1.6.1 Parking Design and the Location of garages, carports or hardstand areas</p> <p>a) The design and location of all garages, carports or hardstand areas must minimise their visual impact on the streetscape and neighbouring properties and maintain the desired character of the locality.</p> <p>b) Garage and carport structures forward of the building line must be designed and sited so as not to dominate the street frontage. In particular:</p> <ul style="list-style-type: none"> i. garages and carports adjacent to the front property boundary may not be permitted if there is a reasonably alternative onsite location; ii. carports must be open on both sides and at the front; and <p>c) the maximum width of any garage, carport or hardstand area is not to exceed a width equal to 50 percent of the frontage, up to a maximum width of 6.2m.</p> <p>d) In relation to the provision of parking for dwelling houses, Council may consider the provision of only 1 space where adherence to the requirement for 2 spaces would adversely impact on the streetscape or on any heritage significance identified on the land or in the vicinity.</p>	<p>Development doesn't impact parking, vehicular access and loading.</p>
<p>4.1.9 Swimming Pools, Spas and Water Features</p> <p>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> <ul style="list-style-type: none"> i. would not detract from the amenity or character of the neighbourhood; and 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>The plunge pool will not be elevated more than 1m above natural ground level.</p> <p>The swimming pool will not detract from character from neighbourhood.</p>
<p>4.1.9.2 Location and Setbacks</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</p>	<p>The swimming pool is located in the rear setback.</p>

<p>location must demonstrate that any swimming pools and/or spa and their curtilage and/or concourse:</p> <ul style="list-style-type: none"> i. does not detract from the amenity or character of the neighbourhood; and 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>b) 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>It is noted that the swimming pool has been positioned with a nil setback to the side boundary due to the limited area on the site. This option has been chosen to retain as much landscaped area as possible. It is considered that the development is acceptable on merit as it will not result in a negative impact on the amenity of neighbouring properties.</p>
<p>4.1.9.3 Proportion of Total Open Space</p> <p>Swimming pools and associated concourse areas must not comprise more than 30 percent of the total open space.</p>	<p>Complies with this control.</p>
<p>4.1.9.4 Other matters - sewer connections, pumps, structural certificates, rainwater tank and pool blankets</p> <ul style="list-style-type: none"> a) All swimming pools and spas must be connected to the sewerage system; b) Pumps and filters must be located, enclosed and acoustically controlled to limit noise to the appropriate standard. (See also paragraph 3.9.3 Noise from Mechanical Plant); 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; d) A separate rain water tank, of adequate capacity, must be installed to recharge the pool when required; and 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>Complies with the controls.</p>
<p>4.1.10 Fencing</p> <p>Freestanding walls and fences between the front street boundary and the building are to be no more than 1m high above ground level at any point.</p>	<p>No changes to front street boundary fence.</p>
<p>4.1.10.1 Exceptions to maximum height of Fences</p> <ul style="list-style-type: none"> a) In relation to stepped fences or walls on sloping sites (see paragraph 4.1.8), the fence and/or wall height control may be averaged. 	<p>N/A</p>

<p>b) In relation to open/ transparent fences, height may be increased up to 1.5m where at least 30 percent of the fence is open/ transparent for at least that part of the fence higher than 1m.</p> <p>c) In relation to development along busy roads:</p> <ul style="list-style-type: none"> i. where a development will be subjected to significant street noise, Council may consider exceptions to the permitted fence height where the use of double glazing or thicker glazing for the residence is not available. The use of double glazing for windows in the development is the preferred means of noise reduction. See also paragraph 3.4.2.4 Acoustical Privacy. ii. fences to the southern side of French's Forest Road, Seaforth may achieve a maximum height of 1.5m with 'solid' fencing. 	
<p>4.1.10.2. Fencing Height in relation to the height of retaining walls</p> <p>Fences must be setback at least 1m from the lip of any retaining wall unless the combined height of the fence and retaining wall is contained within the maximum fence height required in this plan.</p>	<p>Complies.</p>

2.2.4 The likely impacts of that development – Section 4.15(b)

2.2.4.1 Aboriginal Archaeology

The requirement for an Aboriginal Heritage Impact Assessment (AHIA) is based on Part 2 of the NPWS Guidelines for Aboriginal Heritage Impact Assessments. Part 2 states that an AHIA is generally not required where:

a) The proposed development is on land previously subject to intensive ground disturbance and the development will impact only on the area subject to the previous disturbance;

b) The impact of the proposed activity is unlikely to cause any additional damage to Aboriginal objects than that which has already occurred; and

c) The proposed development is in an area that has been identified in strategic planning, rezoning or other assessment studies as having low Aboriginal heritage potential.

Based on the abovementioned points it is noted that the proposed development is not likely to cause any damage to Aboriginal objects as the development is located within an existing residential area with existing site disturbances.

2.2.4.2 CONTEXT AND SETTING

The proposed development has demonstrated consistency of the surrounding locality through the environmental planning regulations and site features informing the overall development design. It has also shown to be consistent with the rural surroundings through its consistency with the existing residential development of the area.

2.2.4.3 VISUAL IMPACT

The development has been designed in a way and style that complements the area. The development is not expected to create an eye sore to the surrounding community.

2.2.4.4 ACCESS, TRANSPORT AND TRAFFIC

Due to the small nature of the development it is not considered to cause any impact on the local road network.

2.2.4.5 PUBLIC DOMAIN

The proposed development will not have an impact on any public domain. The development contributions derived from this development in providing infrastructure and public domain improvements.

2.2.4.6 SERVICES

Electricity, telephone and physical, legal and emergency service access exists to the existing development. The site has reticulated (town) water supply and reticulated sewer service available.

2.2.4.7 European Heritage

The site is not within a heritage area or close to any existing heritage items.

2.2.4.8 Flooding

The site is not located within a flood prone area.

2.2.4.9 Landslip Risk Hazard

The site is not mapped as being a landslip hazard and as such no geotechnical report is required.

2.2.4.10 Bushfire

The site is not located within a bushfire zone.

2.2.4.11 Ecology

The physical works that will result from the proposed development will involve some minor earthworks for the extension of the deck and construction of the plunge swimming pool.

2.2.4.12 Noise and Vibration

No potential noise or vibration impacts have been identified. Construction noise will be as per normal construction times/processes. The boundary wall along pool will be part solid masonry to 1.5m high with 0.3m of batten screen above to create a better acoustic barrier between the properties to reduce any acoustic impact.

2.2.4.13 Social and Economic Impact

The proposed development is for the construction of a plunge swimming pool and associated landscaping works and should have no social or economic impact on the area.

2.2.5 Suitability of the Site – Section 4.15(c)

The subject site is considered suitable for the proposed use as the area is surrounded by similar buildings of a similar size. As such it is considered that the development is suitable for the site and the surrounding area.

2.2.6 The Public Interest – Section 4.15(e)

The proposed development is considered to be in the public interest.

3 Conclusion

This Statement of Environmental Effects comprehensively demonstrates that the proposed construction of a swimming pool and associated landscaping works is an appropriate and suitable development when tested against the relevant heads of consideration detailed within the section 4.15(C) of the *Environmental Planning & Assessment Act, 1979*.

This report has identified all key issues associated with the proposal and demonstrated that the proposal can be developed appropriately with respect to these issues. The proposal is consistent with the zone objectives and other planning provisions and will make a positive contribution to the area.

The proposal is considered acceptable and should be approved because:

- The site is suitable for the proposal;
- The SoEE has identified all constraints associated with the land and demonstrated that the proposal can be undertaken whilst effectively minimising these constraints;
- The proposal will generate positive social and economic impacts;
- The proposal will generate only negligible environmental impacts; and
- The proposal is within the public interest.

The proposal has been assessed in accordance with S.4.15 of the EP&A Act 1979. This assessment has concluded that under the zone the development is a permissible land use.

Council's Development Control Plan has also been considered and proposal complies with the DCP in all respects of the controls.

This report has assessed environmental considerations of the proposal, including heritage, flooding, access, ecological considerations, waste management, stormwater runoff, Aboriginal archaeology and servicing, and has concluded that there are no likely adverse environmental impacts associated with the proposal and that infrastructure either is, or can be developed to support the proposal.