

Statement of Environmental Effects
32 Norma Rd, Palm Beach NSW 2108

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LOT 388 DP 19651, 32 NORMA RD, PALM BEACH NSW 2108

**DEVELOPMENT APPLICATION
STATEMENT OF ENVIRONMENTAL EFFECTS**

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Issue: A – For Development Application

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1 Introduction

This Statement of Environmental Effects accompanies a development application for the construction of a swimming pool and associated landscaping on land identified as Lot 388 DP 19651, 32 Norma Rd, Palm Beach.

This Statement of Environmental Effects confirms that the proposed development is suitable and appropriate in the context of the area and all relevant statutory planning policies through providing context for the proposal's planning assessment, describing the proposed development, and assessing all relevant environmental and planning issues under Section 79C (1) of The Environmental Planning and Assessment Act 1997. As such it is considered that the proposal can be supported and approved by Council.

1.1 Site Description

The subject land is located within an Environmental Living Zone identified as Lot 388 DP 19651, 32 Norma Rd, Palm Beach. Located on site is an existing three-story residential dwelling. The subject land is surrounded by dwellings of a similar size. Access to the site is via Norma Road. The site is on a slope and is of a regular shape and has a site area of 800.37 m².

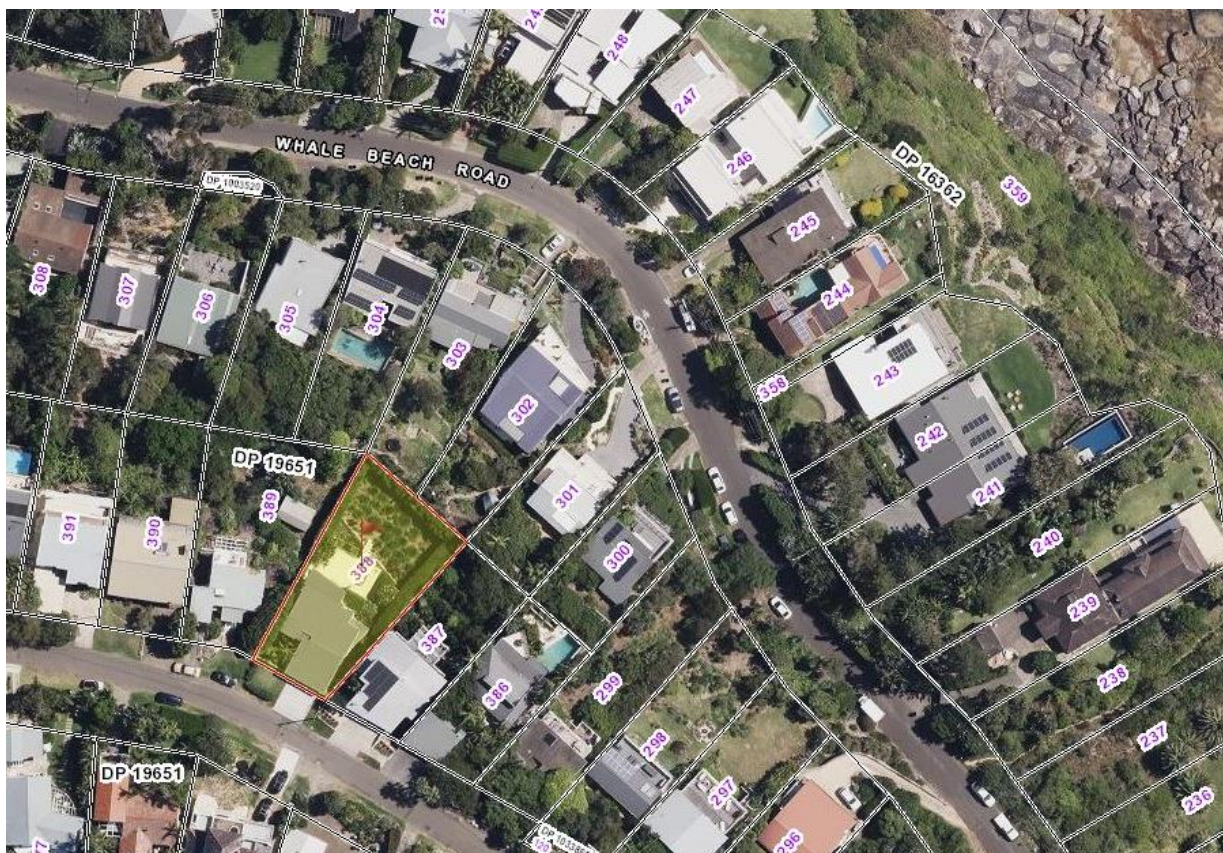


Figure 1: Locality Map; Source SIX Maps – 32 Norma Rd, Palm Beach

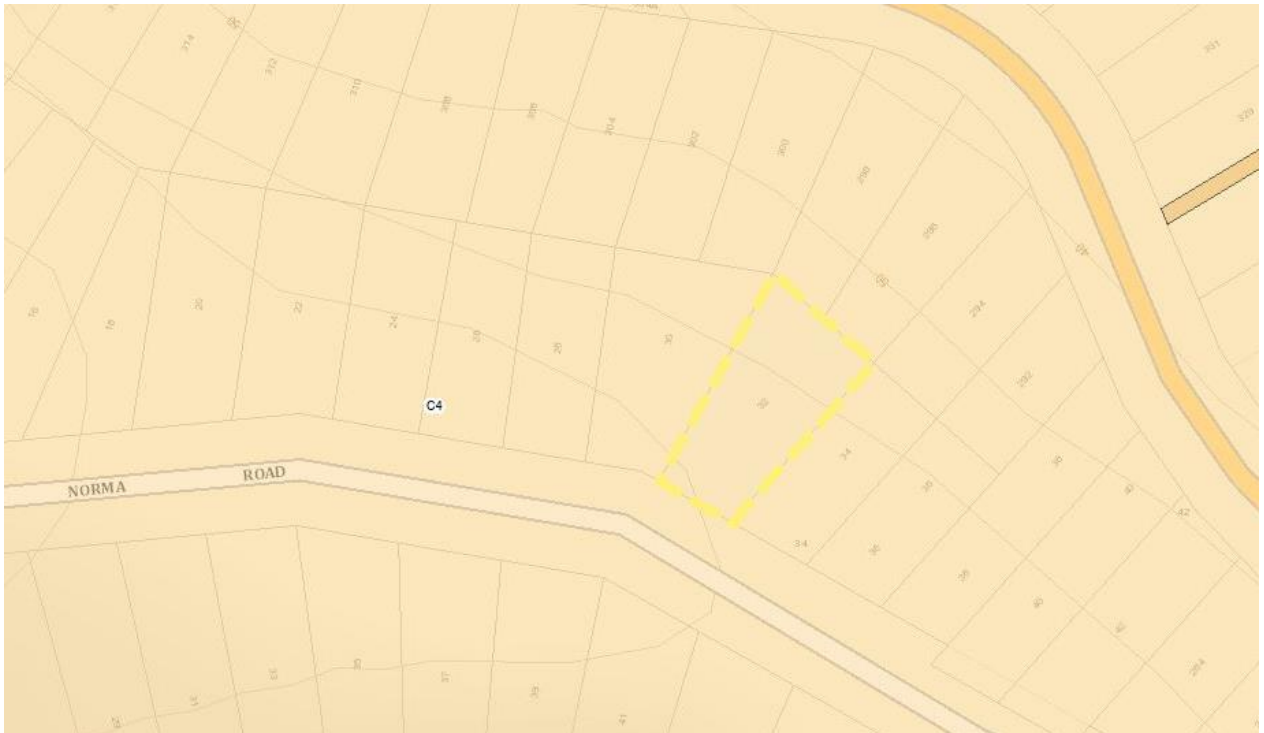


Figure 2: Zone Map of the Site (C4) Environmental Living

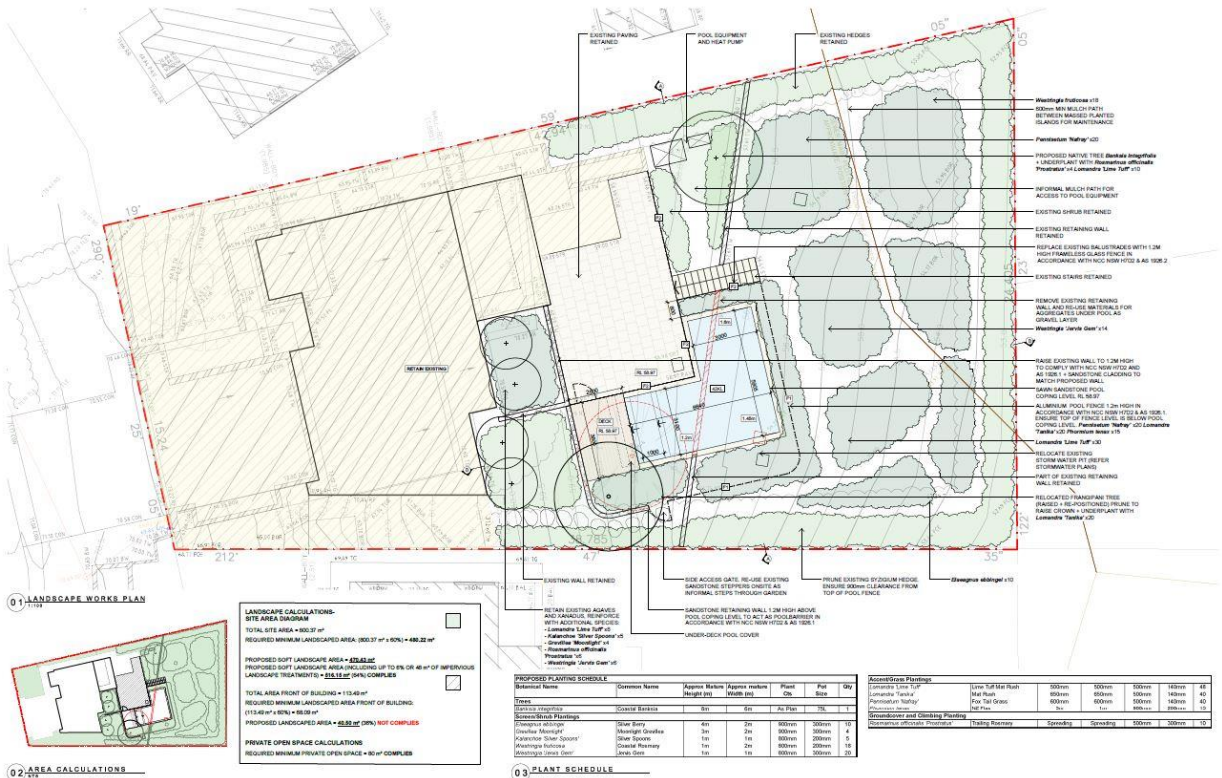


Figure 3: Proposed Swimming Pool & Landscaping

1.2 Proposed Development

The proposed development involves the construction of a swimming pool and associated landscaping.

Scope of Works includes:

- Swimming pool (6640mm x 5905mm).
- Installation of pool equipment in an acoustic enclosure.
- Construction of a pool deck.
- Construction of a 1.2m high stone wall as pool barrier
- Pool Fence: 1.2m high frameless glass pool fence
- Pool Fence: 1.2m high aluminium pool fence
- Improvements to existing landscape including retaining and relocating existing Frangipani tree that's under 5m in height.

1.3 Approvals Sought

The application, which this Statement of Environmental Effects supports, seeks consent under Part 4 of the Environmental Planning and Assessment Act, 1979 for the above listed proposed development.

2 Overview of Proposal

2.1 Site Context & Suitability

The subject site has an area of 800.37 m² and is located at the eastern end of Palm Beach on the north side of Norma Road with an eastern aspect. It is situated within an E4 Environmental Living zone, on a steeply graded hillslope that rises over the 43m length some 18m high from street level down to the rear of the site, that is defined as a Geotechnical Hazard H1 area.

The site currently contains a three-storey weatherboard clad dwelling with a metal roof which will remain unchanged. The proposed development will only take place in the rear setback of the site without having impact on the existing street frontage and the existing dwelling.

The proposal seeks to improve private open space and entertaining amenity in the rear setback with the addition of a new swimming pool and improved landscaping across the site.

The proposed swimming pool is located in the rear setback of the property remaining at the same height as the existing patio and will be well screened by existing mature hedges.

The proposed development has been designed to work with existing topography of the site with minimal impact on the existing landform and mature vegetation. Many of the surrounding properties of the subject site have a swimming pool in the rear setback, Therefore, the proposed swimming pool will be in context and in unity with the surrounding neighbours.

3 Planning Assessment

3.1 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.

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.

3.2 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.

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

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 is an 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.

State Environmental Planning Policy – Building Sustainability Index: BASIX 2004

(1) Regulations under the Act have established a scheme to encourage sustainable residential development (the BASIX scheme) under which:

- (a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and*
- (b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.*

(2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.

(3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from, or modify any obligations arising under the BASIX scheme.

The proposed development doesn't include new detached single dwellings, dual occupancies, multi-unit developments, additions and alterations to dwellings and proposed plunge pool is less than 40,000 litres, therefore, a BASIX is not required.

3.3 Pittwater Local Environmental Plan 2014

The Pittwater Local Environmental Plan 2014 is the applicable local planning instrument for the site.

Local Environmental Plan	
Matter	Relevant Control
Zoning	C4 – Environmental Living
Zone Objectives	<p>The objectives of this residential zone are:</p> <ul style="list-style-type: none"> To provide for low-impact residential development in areas with special ecological, scientific, or aesthetic values. To ensure that residential development does not have an adverse effect on those values. To provide for residential development of a low density and scale integrated with the landform and landscape. To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.
Permitted without consent	Home businesses; Home occupations.
Permitted with consent	Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based childcare facilities; Community facilities; Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Water recreation structures.
Prohibited	Industries; Local distribution premises; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.
Minimum Subdivision Lot Size	N/A. Development is not for subdivision
Height of Building	N/A. No changes to height of existing building.
Floor Space Ratio	N/A. The site is not highlighted on the Floor Space Ratio Map.
Heritage	N/A. The site is not located in a heritage area.
Bushfire	N/A. The site is not located in a bushfire prone land.
Flood Prone Land	N/A. The site is not located within a flood prone land.
Acid Sulphate Soils	The site is located in a Class 5 Acid Sulphate Soils Area.

Biodiversity	N/A. The site is not located within a biodiversity zone.
Landslide Risk	The site is located on a Geotechnical Hazard H1 area.

Clause 7.7 Geotechnical Hazards

The objective of this clause is to ensure that development on land susceptible to geotechnical hazards matches the underlying geotechnical conditions of the land and is restricted on unsuitable land and does not endanger life or property.

The proposed development is located on a Geotechnical Hazard H1 area. Therefore, design consideration has been taken to minimise impact on the amount of cut and fill for the development as well as stormwater and drainage impact across the land. A geotechnical assessment report and a stormwater management plan has been submitted along with this DA.

3.4 Pittwater Development Control Plan 2021

The Pittwater Development Control Plan 2021 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 Controls and Development Types	Compliance
Section B General Controls	
<p>B3.1 Landslip Hazard</p> <p>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).</p> <p>Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development.</p> <p>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</p>	<p>Complies – a geotechnical assessment report has been submitted along with this DA as required of the Geotechnical Risk Management Policy for Pittwater.</p>
<p>B5.15 Stormwater</p> <p>Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake, and waterway or the like.</p> <p>The stormwater drainage systems for all developments are to be designed, installed, and maintained in accordance with Council's Water Management for Development Policy.</p>	<p>Complies – a stormwater management plan has been submitted along with this DA to improve water discharge and minimise risk of flooding.</p>

<p>B8.1 Construction and Demolition – Excavation and Landfill</p> <p>Excavation greater than 1m deep, landfill greater than 1m in height, or any works that may be affected by geotechnical processes or which may impact on geotechnical processes must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater as adopted by Council and details submitted and certified by a Geotechnical Engineer or Structural Engineer with the detail design of the Construction Certificate.</p>	<p>Complies – the proposed development works with existing topography and only minimal excavation and fill is taking place.</p>
<p>B8.2 Construction and Demolition – Waste Minimisation</p> <p>Waste materials generated through demolition, excavation and construction works is to be minimised by reuse onsite, recycling or disposal at an appropriate waste facility.</p>	<p>Complies – a waste management plan has been submitted along this DA showing amount of waste materials to be reused onsite.</p>
<p>B8.3 Construction and Demolition – Site Fencing and Security</p> <p>All sites are to be protected by site fencing for the duration of the works. Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126 (1) of the Roads Act 1993.</p>	<p>Complies</p>
<p>Section C Development Type Controls</p>	
<p>C1.1 Landscaping</p> <p>More than 50% of vegetation shall be locally native species, at least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the long term.</p> <p>60% of the front of building shall be landscaped to screen those buildings from the street.</p>	<p>Partially Complies – the required minimum landscaped area for front of building doesn't comply, but the proposed development doesn't change existing landscaped area for front of building.</p>
<p>C1.3 View Sharing</p> <p>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p>	<p>Complies – the proposed development doesn't exceed height of existing patio.</p>

<p>C1.5 Visual Privacy</p> <p>Private open space areas are to be protected from direct overlooking within 9m by building layout, landscaping, screening devices or greater spatial separation. Elevated decks and pools should incorporate privacy screens where necessary. 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.</p>	<p>Complies – the proposed swimming pool level is remaining at the same height as the existing patio level. Existing mature hedges are retained and protected to provide required screening from overlooking.</p>
<p>C1.6 Acoustic Privacy</p> <p>Noise generating plants including pool motors and the like shall not produce noise levels that exceeds 5dBA above the background noise when measure from the nearest property boundary.</p>	<p>Complies.</p>
<p>C1.7 Private Open Space</p> <p>Minimum 80m² of private open space per dwelling at ground level, with no dimension less than 3m. No more than 75% of this private open space is to be provided in the front yard.</p> <p>Within the private open space area, a minimum principal area of 16m² with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</p>	<p>Complies.</p>
<p>C1.17 Swimming Pool Safety</p> <p>Swimming pool fencing and warning notices shall be manufactured, designed, constructed, located, and maintained in accordance with the Swimming Pools Acts 1992 and regulations. The fencing and warning notices shall be permanent structures.</p>	<p>Complies.</p>
<p>Section D Locality Specific Development Controls – Plam Beach</p>	
<p>D12.1 Character as Viewed from a Public Place</p> <p>Buildings which front the street must have a street presence and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.</p>	<p>Complies – no changes are proposed to existing building and street frontages.</p>
<p>D12.2 Scenic Protection - General</p> <p>Development shall minimise any visual impact on the natural environment when viewed from any waterway, road, or public reserve.</p>	<p>Complies – the proposed development has minimal impacts on the visual impact on the natural environment.</p>

<p>D12.3 Building Colours and Materials</p> <p>External colours and materials shall be dark and earthy tones and finishes are to be of a low reflectivity.</p>	<p>Complies – the proposed development does not change existing building colours and materials. Materials and colours proposed for the new development is of dark and earthy tones as required.</p>
<p>D12.6 Side and Rear Building Line</p> <p>The minimum side and rear building line for built structures including pools and parking structures, other than driveways, fences and retaining walls, shall be 2.5m at least to one side; 1m for other side and 6.5m for rear.</p>	<p>Complies.</p>
<p>D12.10 Landscaped Area – Environmentally Sensitive Land</p> <p>The total landscaped area on land zoned E4 Environmental Living shall be 60% of the site area.</p> <p>Provided the outcomes of this control are achieved, the following may be permitted on the landscaped proportion of the site:</p> <ul style="list-style-type: none"> a) impervious areas less than 1 metre in width (e.g. pathways and the like). b) for single dwellings on land zoned R2 Low Density Residential or E4 Environmental Living, up to 6% of the total site area may be provided as impervious landscape treatments providing these areas are for outdoor recreational purposes only (e.g. roofed or unroofed pergolas, paved private open space, patios, pathways, and uncovered decks no higher than 1 metre above ground level (existing)). 	<p>Complies – the required minimum landscaped area of the site is 480.22m², the proposed soft landscaped area, including up to 6% of impervious landscape treatments is 516.15m².</p>
<p>D12.11 Fences - General</p> <p>Controls regarding front, side, and rear fencing.</p>	<p>Complies – no changes to existing front, side and rear boundary fences are proposed.</p>
<p>D12.13 Construction, Retaining Walls, Terracing and Under Croft Areas</p> <p>Lightweight construction and pier and beam footings should be used in environmentally sensitive areas.</p> <p>Where retaining walls and terracing are visible from a public place, preference is given to the use of sandstone or sandstone like materials.</p>	<p>Complies.</p>

3.4 The Likely Impacts of the Development – Section 4.15 (1)(b)

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:

- 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.
- The impact of the proposed activity is unlikely to cause any additional damage to Aboriginal objects than that which has already occurred; and
- 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 above-mentioned 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.

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 surroundings through its consistency with the existing residential development of the area.

Visual Impact

The development has been designed in a way and style that complements the area. The development is not expected to create any negative visual impact to the surrounding locality.

Access, Transport and Traffic

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

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. The proposed works adjacent to the rear lane will not alter the character of the lane and will maintain the consistent pattern.

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.

European Heritage

The site is not located within any heritage area.

Flooding

The site is not located within a flood prone area.

Landslip Risk Hazard

The subject site is located within a Geotechnical Hazard H1 Area. A stormwater management plan and a Geotechnical Assessment Report have been submitted along with this DA showing existing and proposed infrastructure reducing any impact of stormwater discharge from the development site and that the proposal has minimal impact to existing topography of the site.

Bushfire

The site is not located within a bushfire prone area.

Ecology

The physical works that will result from the proposed development will involve some earthworks for the pool and deck extension. However, the landscaping plans will encourage biodiversity growth on the site.

Noise and Vibration

Construction noise will be as per normal construction times/processes.

Social and Economic Impact

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

Suitability of the Site – Section 4.15 (1)(c)

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

The Public Interest – Section 4.15 (1)(e)

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

4 Conclusion

The Statement of Environmental Effects comprehensively demonstrates that the proposed swimming pool and landscaping improvement works are appropriate and suitable development that complies with the Pittwater Local Environmental Plan 2014 and the Pittwater Development Control Plan 2021.

The proposed development has been designed to fit in with the existing topography, built structures, and existing elements on site. The proposed pool structure is remaining at the same level in height as the existing patio and has been positioned with generous setbacks from rear and side boundaries providing minimal impact to neighbouring properties. Existing mature screening hedges will be retained to protect visual screening from neighbouring properties. The existing Frangipani tree onsite that's under 5m in height will also be retained and relocated.

Cut and fill has been kept to a minimum, reducing impact on the existing landforms and landscape. A Geotechnical Assessment Report and a Stormwater Management Plan has been provided to show that the proposed development is well designed and considered to minimise impacts on existing topography and to improve stormwater management onsite.

While we acknowledge that the proposed development does not meet the standards for minimum landscaped area required at the front of the building, no proposed development is taking place in the front setback of the property and landscaped area in the front setback is to remain unchanged. The overall required landscaped area for the site is compliant with environmental living controls.

In summary, the proposed development complies with landscape objectives and further seeks to improve the amenity and useability of the site by creating considered improvements to existing outdoor entertainment areas.

This report has demonstrated that the proposal can be developed appropriately with respect to key planning controls with no likely adverse environmental impacts. The development is consistent with the zone objectives and other planning provisions and will make a positive contribution to the area.