

**PLANSIGHT PTY LTD**

Town Planners

## STATEMENT OF ENVIRONMENTAL EFFECTS No.1 Tabalum Road Balgowlah Heights

Proposed Swimming Pool and spa

Prepared for  
**Mr. K.Mooney**

## STATEMENT OF ENVIRONMENTAL EFFECTS

*Demolition of existing swimming pool and development of a new pool and spa*

### 1 Tabalum Road Balgowlah Heights

Prepared for

**Mr. K. Mooney**

C.F. Blyth RPIA, Director



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## CONTENTS

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### 1.0 INTRODUCTION & SUMMARY

### 2.0 THE SITE & CONTEXT

- 2.1 Locality Description
- 2.2 Site Description

### 3.0 THE PROPOSAL

### 4.0 PLANNING REGIME

- 4.1 SEPP (Sustainable Buildings) 2022
- 4.2 SEPP (Biodiversity and Conservation) 2021
- 4.3 SEPP (Resilience and Hazards) 2021 Chapter 2 – Coastal Management
- 4.4 Manly LEP 2013
- 4.5 Manly Development Control Plan 2013
- 4.6 S.4.15 E.P. & A. Act 1979

### 5.0 ENVIRONMENTAL ASSESSMENT

- 5.1 Manly LEP 2013
- 5.2 Manly Development Control Plan 2013
- 5.3 S.4.15 E.P.&A. Act 1979

### 6.0 CONCLUSION

### ANNEXURE 1 Reduced Drawings, Legend Design Studio

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## 1.0 INTRODUCTION & SUMMARY

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DA2020/0077 approved demolition of the existing house on the site and erection of a new dwelling house. The approval has been subject to subsequent modifications. This statement is provided as supporting documentation in relation to an additional development application for the site that proposes a swimming pool and spa that was not part of the original house DA consent.

In this statement the proposal is presented and assessed in relation to the relevant planning regime. The application is accompanied by the following:

- *Drawings, elevations, finishes schedule and shadow diagrams prepared by Legend Design Studio;*
- *Basix Assessment prepared by Efficient Living;*
- *Landscape Plan prepared by Paul Scrivener;*
- *Geotechnical report prepared by White Geotechnical Group;*
- *Level & detail survey prepared by Bee & Lethbridge;*

The pool design has been developed with reference to the objectives and standards of the Manly LEP 2013 and DCP 2013 as well as the character of the locality. It's location also responds strongly to site analysis and the surrounding context within which it sits comfortably notably the relationship with pools on adjacent properties.

It is concluded that having regard to site analysis and context the proposal is appropriate, low in impact and worthy of a grant of development consent.

## 2.0 SITE AND CONTEXT

### 2.1 Locality Description

The site is located in a low density residential neighbourhood of Balgowlah Heights. Built form in the locality is typically detached dwelling houses commonly with pools and often in front yard situations as evidenced by the aerial photograph below.

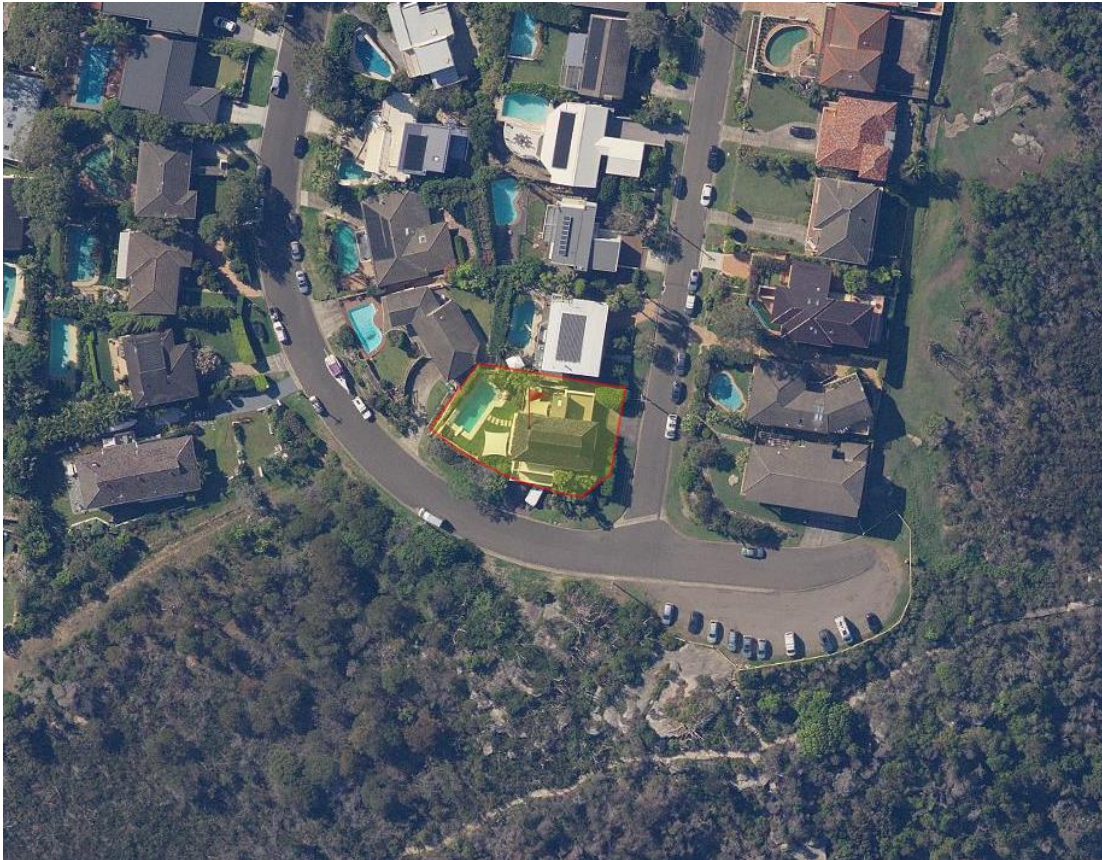


fig 1. Aerial view of locality (source: six Maps)

### 2.2 Site Description

The legal title of the site of the proposed development is Lot 20 Sec 58 DP 758044. The land is 753.8m<sup>2</sup> in area and is located on the north western corner of Tabalum Road and Cutler Road. The site has a frontage of 18.29m to Tabalum Road and an arc frontage of 35.05m to Cutler Road. There is a splay corner at the intersection.

The land falls quite steeply from the Tabalum Road frontage at rl 76.66 centrally to the rear boundary abutting No.6 Cutler Road at rl 72 at the pool coping. There is a retaining wall adjacent to the boundary with No.6 Cutler Road. The level at the base on the abutting property being approximately rl 68.18

The site contains a three storey plus attic brick detached dwelling house with a rear swimming pool located off the Cutler Road frontage

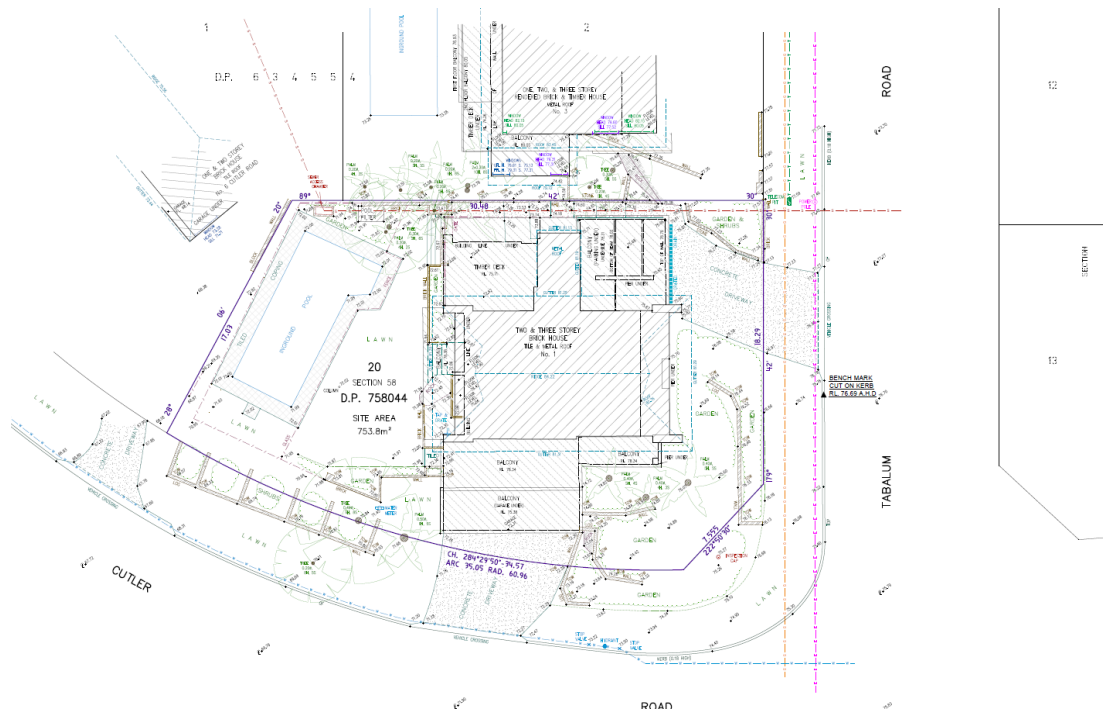


Fig 2. Extract Level & detail survey (source: Bee & Lethbridge Surveyors)

Vehicular access to a three car garage at the lower house level is located off Cutler Road. Access to an additional covered car parking space is available from Tabalum Road adjacent to the house entry.

Abutting to the north at No.3 Tabalum is a large 2 and 3 storey dwelling house with an upper roof level of rl 83.45 and an overall height of 10.67m (refer profile north elevation).

To the west on No. 6 Cutler Road is an older style two storey brick dwelling house with a front yard swimming pool.

### 3.0 THE PROPOSAL

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It is proposed to demolish the existing in ground swimming pool and site improvements and construct a new pool, spa and adjacent paving and seating.

The scheme is depicted on the accompanying drawings prepared by Sanctum Design and is described as follows:

**1. Level 1 rl 72.1**

- *Remove and fill existing pool to provide new deep soil landscaped area;*
- *Provide new reduced size swimming pool and spa to the Cutler Road frontage;*

The location responds positively to the site context improving the relationship with No. 6 Cutler Road compared to the existing pool. It is assessed as appropriate pursuant to the LEP, DCP and also from a merit assessment.

Drawings prepared by Legend Design Studio accompany the development application.

## 4.0 PLANNING REGIME

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### 4.1 SEPP (Sustainable Buildings) 2022

Chapter 2 of the SEPP concerns BASIX and is relevant to the proposal. BASIX is utilised to make certain that in the design of homes, less water is used and that less greenhouse gas emissions arise through the determination of energy and water reduction goals. The development has received complying scores for energy, thermal comfort and water. A copy of the certification prepared by Efficient Living accompanies the submission.

### 4.2 SEPP (Biodiversity and Conservation) 2021 Chapter 10 – Sydney Harbour Catchment

Having regard to Chapter 10 of the SEPP, which since 1 March 2022 comprises the former *SREP (Sydney Harbour Catchment) 2005*, the proposed development is not considered to be detrimental to the Harbour and will not unduly impose upon the character of the foreshore given the site location and distance from the waterway.

### 4.3 SEPP (Resilience and Hazards) 2021 Chapter 2 – Coastal Management

On 1 March 2022, the *SEPP (Resilience and Hazards) 2021* came into effect, consolidating several planning policies to form chapters within the new SEPP without significant amendment. Chapter 2 of this SEPP comprises the former *SEPP (Coastal Management) 2018*, and as set out in Clause 3 of the *Coastal Management Act 2016*, the proposed development is consistent with the objectives of the SEPP. The proposal will not remove public access, overshadow or remove views of public foreshore, being well removed therefrom.

### 4.4 Manly LEP 2013

The site is zoned R2 Low Density Residential in the L.E.P. The building height limit is mapped at 8.5m. The site is within the Foreshore Scenic Protection Area. Landscape heritage items 136 & 138 lie opposite the site

### 4.4 Manly Development Control Plan 2013

The Development Control Plan contains Council's detailed requirements for residential and other development. General Principles of Development are contained in Part 3 of the DCP. Controls for Residential Development are contained in Part 4.1 of the DCP.

### 4.5 S.4.15 E.P.&A. Act 1979

S.4.15 contains the broad heads of consideration related to assessment of development proposals.



## 5.0 ENVIRONMENTAL ASSESSMENT

### 5.1 Manly Local Environmental Plan 2013

Pursuant to the LEP the site is zoned R2. The objectives of the R2 zone are as follows:

- *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.*

The proposal represents development of the site for a replacement swimming pool ancillary to an approved dwelling house. It is concluded as being in accordance with the zone objectives, which are as such achieved in this proposal.

Clause	Required	Proposed	✓ or ✗
4.3 Height of Building	8.5m	n.a. (pool only)	✓
4.4 Floor space Ratio	.4:1 max	n.a. not affected by proposal	✓
5.10(5) Heritage conservation	Vicinity of items	The site is opposite two landscape heritage items being items 136 & 138 being a fortification at Dobroyd Point and the natural landscape at Dobroyd Headland and Grotto Point. Given the location of the pool site in a residential area and the context of the items within Sydney Harbour National Park the proposed work will not have any adverse heritage impact. It is not considered that a heritage management document is necessary in this case.	✓
6.2 Earthworks	Consider Impacts	The accompanying geotechnical report concludes that the proposed work can be carried out in achievement of the objectives and requirements of the LEP	✓
6.9 Foreshore scenic protection area	Protect visual amenity	The site is within an FSPA and is considered appropriate for the context noting the following: <ul style="list-style-type: none"> <li>- The site is well removed from the actual waterway of the harbour and is with a residential area with a developed backdrop;</li> <li>- No adverse impact is apparent and little relationship is evident with the actual coastline;</li> <li>- The site is within an R2 zone and the proposal is a reasonable expectation for ancillary residential development with minimal impact on the foreshore, from which it is well separated;</li> </ul>	✓

## 5.2 Manly DCP 2013

The proposal is assessed as not creating any significant issue pursuant to the provisions of Part 3 & 4.1 of the Manly DCP 2013. Whilst approval is sought for a swimming pool, it is noted that the site has always contained a swimming pool and the size of the proposed pool is significantly less than the existing pool and is also further removed from the neighbour's house resulting in less impact.

There are thus no view, privacy or overshadowing impacts caused by the proposed pool and its location.

Clause	Proposed	✓ or ✗
<b>4.1.9 Swimming pools, spas and water features</b> <b>Objectives:</b> 1) To be located and designed to maintain the privacy (visually and aurally) of neighbouring properties and to minimise the impact of filter noise on neighbouring properties; 2) To be appropriately located so as not to adversely impact on the streetscape or the established character of the locality; 3) To integrate landscaping; and 4) To become an emergency water resource in bush fire prone areas	<p>The proposed pool replaces the existing structure but with a far smaller footprint. The pool location is close to, but setback by a minimum of 2.035m from the Cutler Road elevation adjacent to the neighbour's driveway. The current pool position is much closer and adjacent to the south eastern wall of the neighbouring house, No.6 Cutler Road which also contains a large corner window. The pool is proposed at the same level as the existing pool however the removal of the old pool also allows for the establishment of a new deep soil planting area to the benefit of the site and the residents of No.6 Cutler Road. Required setbacks are 1m to the pool concourse and 1.5m to the water edge.</p> <p>The pool edge is a minimum of 1.0m at all points. The water edge setback is 1.5m from No.6 Cutler Rd (rear boundary) and a minimum of 2.035m from Cutler Road. The pool comprises 5% of total open space in compliance with the DCP.</p> <p>Objective 1 is achieved as the proposed pool location reduces amenity impact on No.6 (the sole relevant neighbour) due to its smaller size and relocation away from the house.</p> <p>Objective 2 is achieved as there are no dwellings opposite on Cutler Road and the location of the proposed pool is obscured by a screen wall such that the pool is not visually apparent in the Cutler Road streetscape. The existence of pools within the front setback to Cutler Rd is however noted as a distinct local feature in any case notably on each of Nos. 6,8, 10, 12 &amp; 14 Cutler Road.</p> <p>Objective 3 is achieved noting that screening and complementary planting has been proposed between the pool fence and the Cutler Road boundary, to the north of the pool and along the boundary with No.6 Cutler Road.</p> <p>Objective 4 is also achieved as the location of the pool would facilitate such use in this manner due to its location adjacent to Cutler Road.</p>	✓
<b>4.1.5 Open Space Landscaping &amp; Private open space.</b>	<p>The site is within Area OS4 and 60% site area total open space is required of which 40% is to be landscaped area and 25% maximum above ground.</p> <p><b>Total required .6X 753.8 = 452.28m<sup>2</sup></b>  <b>Landscaped area = 181m<sup>2</sup></b>  <b>Above ground max = 113.07m<sup>2</sup></b>  <b>Proposed is:</b>  <b>Total open space = 548.23m<sup>2</sup> or 71% (no change)</b></p>	✓

	<p><b>Landscaped area = 333.46m<sup>2</sup> or 60.82% of the required total open space.</b></p> <p>The proposal alters the amount of landscaped area through provision of the swimming pool however the amount remaining at 60.8%, is still well in excess of DCP requirements. The accompanying modified landscape plan has included the required number of trees as set out in section 4.1.5.2 of the DCP. Private open space has been maintained well in excess of DCP requirements.</p>	✓
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The proposed development is assessed as appropriate pursuant to the MDCP 2013. Notably the reduction in the area of site covered by the existing pool will enable an increase in landscaped area thus producing a greater soft landscaped setting that is apparent in the existing situation.

In overall terms the objectives and or standards of the DCP are achieved.

### 5.3 S.4.15 Considerations

The preceding analysis covers the primary range of matters for consideration under S.4.15 of the E.P. &A. Act 1979 including statutory matters, matters of design, amenity and other matters relating to merit. It is concluded that the site of the proposed swimming pool spa and seating is well suited to the development proposed and in conformity with the objectives of the planning regime and exhibits no adverse environmental impacts.

#### 5.3.1 Bushfire Protection

The site is deemed to be bushfire prone in the Northern Beaches Council Bushfire Prone Land Map. The proposal is reliant on the previously prepared reports which conclude that the site development is in accordance with the measures outlined and that a satisfactory level of bushfire protection will be provided to the proposed development.

## 6.0 CONCLUSION

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The proposed development is considered appropriate pursuant to S.4.15 of the Environmental Planning & Assessment Act 1979 and is recommended to Council for approval.

The proposal:

- *is in compliance with the objectives and development controls of the relevant SEPPS, Manly LEP 2013 and Manly DCP 2013;*
- *poses no material impacts on the amenity of abutting properties from the point of view of invasion of privacy, loss of view or overshadowing;*
- *represents contextual development in regard to site relationship and scale given the character of the neighbourhood;*



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## ANNEXURE 1

