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**37 BOYLE STREET, BALGOWLAH, NSW, 2093,  
AUSTRALIA  
LOT 1  
DP 961856**

**DEVELOPMENT APPLICATION  
STATEMENT OF ENVIRONMENTAL EFFECTS**

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## 1.0 SITE DESCRIPTION

### 1.1 General

The subject site, located at 37 Boyle Street, Balgowlah, NSW 2093, encompasses a total area of 495.4 square meters and features a cottage-style dwelling with two storey rear addition.

The proposal is for an inground swimming pool and associated landscaping works at the rear of the property, and no alterations are proposed for the existing structure. Nos. 39 and 41 Boyle Street, adjacent to the subject property, have inground swimming pools and landscaping works approved by Council.

The cottage at the front is listed as a heritage item under the Manly Local Environmental Plan (MLEP), being part of the group of seven single storey heritage cottages at 33-45 Boyle Street. All heritage considerations addressed in the accompanying Heritage Impact Statement.

In the rear yard, where the proposed swimming pool and associated landscaping works are to take place, a low retaining wall supports the southern side of the yard, which also hosts a Jacaranda tree. The northern side features a level lawn. The perimeter garden beds are planted with Lilli Pillies, though some of these plants appear to be in poor health, forming into lollipop shapes, likely to their south facing aspect. Privacy screening is proposed to replace these and increase privacy between properties. Front of the site includes a concrete driveway area and additional garden beds, with no modifications planned for this section.



*37 Boyle Street - View from the street (Looking West)*



[



*View of rear yard (Looking West)*





*View of rear of house from garden (Looking East)*

## **1.2 Current use**

The site is currently used as a residential home. No works are proposed to change the current use of the site.

## **1.3 Aspect**

The front setback of the site on Boyle Street faces East.

## **1.4 Slope**

The subject site is on a gentle slope. The slope runs from East to West to East with a level change of 1.6m over 45m (1:30 grade).

## **1.5 Vegetation**

The rear of the property consists of existing mature Jacaranda tree, it appears it has suffered from historical pruning and irregular shape from historical shadowing from other larger trees and structures. The jacaranda is listed on councils exempt tree species list for removal and has no heritage value Lilly pills are planted in the rear garden beds, these appear to be in poor condition and growing in a lollipop like shape due to their South facing aspect. The front garden has exotic low groundcovers and shrubs.

## 2.0 PROPOSED DEVELOPMENT

### 2.1 General

The proposed development includes new stone paving, concrete block retaining wall (stone clad), steps (hardwood timber), concrete pool shell (tilled and beadcrete finish), glass pool fencing, concrete seating bench and shade vergola(which will be open with no external or outer walls) .

### 2.2 Extent of works (front)

No works are proposed to the front of the site.

### 2.3 Extent of works (rear)

Works involves the construction of a 7.5 x 4m pool and associated landscape works, including a shade vergola, paving, low retaining wall and new planting. A 600mm high wall will be constructed to the south, creating a level lawn and pool area. The interior finish of the pool will feature waterline tiles and beadcrete for the remainder. The pool will be surrounded by paving. The existing timber boundary fence will be repaired (as required) to serve as a compliant pool barrier on two sides. Glass pool fencing will be installed on the eastern and southern sides of the pool. Both the vergola area and the pool area will be enclosed by screen planting to ensure privacy.

### 2.4 Consideration of Environmental impacts

Key environmental impacts to consider are:

#### **Privacy of neighbouring properties and street**

- screen planting in garden beds is proposed to ensure privacy to neighbouring properties.

#### **Flooding, drainage, land slip, soil erosion, mine subsidence and any other risks:**

- All proposed works are to be connected to the existing stormwater and sewer system on the property, negating any impact on flooding or drainage issues. [
- The property does not have any known mine subsidence issues or risks.

#### **Effect on landscape, streetscape, national park or scenic quality of the locality:**

- The proposed works do not impact on the streetscape or scenic quality of the locality. Design of the proposed structures directly references the architectural style and materials of the existing dwelling and respond to the topography of the site.

#### **Impact on existing and future amenity of the locality:**

- Proposed works will not affect the amenity of the locality.

#### **Waste disposal arrangements and location storage areas throughout construction:**

- During construction, all excavated material is to be either stockpiled and reused on site or disposed of in waste recycling centres with the use of skip bins (which are to be located within the property boundaries).

#### **Availability of utility services, power, telephone, water/sewer:**

- All these utilities are currently in use on the property and are to be used during construction and for the long-term running of the proposed pool.

**Anticipated impact of noise levels to the site locality:**

- Construction noise will be undertaken in accordance with Council's requirements.

**Effect on historical and archaeological aspects:**

- The proposed works to not detract from the heritage value of the property. All heritage considerations are addressed in the accompanying Heritage Impact Statement which concludes that:
  - (i) The works will not impact on the original fabric of the heritage item or its group;
  - (ii) the works will not be visible from the public domain and will not impact on the setting of the group of cottages or views and vistas towards the group; and
  - (iii) the proposal complies with the objectives of Clause 5.10 of Manly LEP as the heritage significance, fabric, setting and views of the heritage item are conserved, and the relevant objectives of the Manly DCP.

**Effect on flora and fauna:**

- A jacaranda and failing lilli pili hedge are proposed to be removed. The jacaranda is listed on councils exempt species list for removal and has no heritage value as set out in the Heritage Impact Statement.

**Access for the disabled:**

- This is on a private residential property and is not applicable.

## **3.0 MANLY LOCAL ENVIRONMENT PLAN (MLEP 2013)**

### **3.1 Zoning and permissibility**

The site is in R1General Residential zone. Alterations and additions to a dwelling house is permitted with consent.

### **3.2 Principal development standards**

4.3 Height of buildings is not applicable as there is no proposed changes to the height of the dwelling.

4.4 Floor space ratio is not applicable as there is no proposed changes to the GFA.

### **3.3 Heritage**

The cottage at the front is listed as a heritage item under the Manly Local Environmental Plan (MLEP), being part of the group of seven single storey heritage cottages at 33-45 Boyle Street. Works will not affect heritage value of the property. All heritage considerations are addressed in the accompanying Heritage Impact Statement which concludes that the proposal complies with the objectives of Clause 5.10 of Manly LEP as the heritage significance, fabric, setting and views of the heritage item are conserved.



## 4.0 MANLY DEVELOPMENT CONTROL PLAN 2013 (MDCP 2013)

### 4.1 Heritage considerations

All heritage considerations are addressed in the accompanying Heritage Impact Statement which concludes that the works will not impact on the original fabric of the heritage item or its group, the works will not be visible from the public domain and will not impact on the setting of the group of cottages or views and vistas towards the ground, and the proposal complies with the objectives of Clause 5.10 of Manly LEP as the heritage significance, fabric, setting and views of the heritage item are conserved, and the relevant objectives of the Manly DCP.

### 4.2 Landscaping and open space

A Local native tree is proposed in the rear yard as per council's requirements.

The property is located in zone OS3

Control - minimum of 55% of the lot to be open space (272m<sup>2</sup>)

**Existing lot open space (no change) = 272m<sup>2</sup>**

Control - 35% of open space to be landscaped area (95m<sup>2</sup>)

**Proposed landscape area = 106m<sup>2</sup>**

Control - Private open space 18m<sup>2</sup>

**Proposed private open space = 18 m<sup>2</sup>**

All controls relating to landscaping, open space and private open space area requirements are satisfied.

### 4.3 Swimming pools

Control: The pool must not be elevated more than 1m above natural ground level

**Proposed: Swimming located at existing ground level**

Control: Located within rear setback

**Proposed: Pool located within rear setback**

Control: 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.

**Proposed:**

- **Northern side – 780mm to waterline and 582mm to pool coping**
- **Eastern side NA (Pool located in rear setback)**
- **Southern side 2.5m to waterline and 2.3m to pool coping**
- **Western side – 6.1m to waterline and 5.9m to pool coping**

All controls relating to swimming pool accept the Northern side setback are satisfied.

Justification for a proposed reduced setback on the northern side is summarised in 4.4 below.

### 4.4 Justification for variation to pool setback

The proposal seeks to vary the pool side setback requirement due to the narrow width of the block. Complying with the 1.5-meter setback would significantly reduce the available private open space, diminishing the functionality and enjoyment of the yard.

There are several precedents within the street and surrounding area where pool side setbacks of less than 1.5 meters have been approved, demonstrating that such a variation is both feasible and consistent with the neighbourhood's character. These precedents include:

- 24 Boyle Street
- 26 Boyle street
- 36 Boyle Street
- 39 Boyle street
- 41 Boyle street
- 1 Waratah Street
- 5 Waratah Street

The proposed setback variation will not negatively impact neighbouring properties and will be mitigated by comprehensive screen planting to ensure privacy. This approach aligns with community standards and enhances the usability of the outdoor space while maintaining the aesthetic and environmental values of the area.

#### **4.5 Noise**

The equipment box will be housed away from bedrooms and adjoining properties. The pool equipment box will be treated to ensure noise levels do not exceed 5dBA above the background noise when measured from the nearest property boundary.

#### **4.6 Privacy**

Screen planting has been proposed to ensure privacy between properties.

#### **4.7 Water Management and Drainage**

All drainage works are to be in accordance with AS/NZ 3500.3 – Stormwater Drainage and Manlys's Development Control Plan. All proposed paving is to drain into existing stormwater connections on site.

#### **4.8 Basix**

Basix certificate is not required for pools und 35KL.

#### **4.9 Compliance with General Principles**

During construction, stormwater management will be contained on site using detention and, where necessary, the installation of sedimentation traps and fences to minimise run-off from stockpiling.

## **5.0 CONCLUSION**

### **5.1 General**

The proposal involves the construction of an inground swimming pool and the completion of associated landscaping works, including the installation of a shade vergola. Both the pool area and the vergola will be enclosed with screen planting to ensure privacy.

While one side setback of the pool does not meet the council's setback requirements, adhering to the full setback would significantly compromise the private open space of the property. It is important to note that there are multiple precedents within the area where setbacks of less than 1.5 meters have been approved for swimming pools – including properties immediately adjacent to the north of the subject site at 39 and 41 Boyle Street. Any potential privacy issues resulting from the reduced setback will be effectively mitigated with the planned screen planting.