

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE CONSTRUCTION OF A PROPOSED
SWIMMING POOL AND ASSOCIATED LANDSCAPING**

LOCATED AT

55 BANGAROO STREET, NORTH BALGOWLAH

FOR

STEPHEN McNULTY

**Prepared
January 2020**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared by Premier Pools, Job No. 1194, Drawing's No's L-01 – L-05, all dated 26 November 2019, to detail the construction of a proposed swimming pool and associated landscaping at **55 Bangaroo Street, North Balgowlah**.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. As a result of this assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

In preparation of this document, consideration has been given to the following:

- *The Environmental Planning and Assessment Act, 1979 as amended*
- *The Environmental Planning and Assessment Regulation 2000*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Warringah Local Environmental Plan 2011*
- *Warringah Development Control Plan*

2.0 Property Description

The subject allotment is described 55 Bangaroo Street, North Balgowlah, being Lot 4 within Deposited Plan 6723 and is zoned R2 Low Density Residential within the provisions of the Warringah Local Environmental Plan 2011.

The site is not listed as containing any heritage items, nor is it located within a conservation area. The site is not noted as bushfire prone land.

The site is noted as being within Area A & B on Council's Landslip Risk Map. A Geotechnical Investigation has been prepared by White Geotechnical Group, Reference No. J2521, dated 10 December 2019 and accompanies this submission.

3.0 Site Description

The property is located on the eastern side of Bangaroo Street. The site rectangular in shape, with width of 15.24m, and western and eastern side boundaries measuring 59.055m and 58.865m respectively. The total site area is 897.9m².

The property has a gradual fall to the east, with stormwater dispersed within the rear yard in accordance with the Stormwater Management Plan prepared by Donovan Associates dated 9 January 2020.

The site is currently developed with a two storey rendered residence with a tile roof with a detached outbuilding in the rear yard. Vehicular access is provided via a paved driveway from Bangaroo Street.

The details of the site are as indicated on the survey plan prepared by Site Design + Studios, Reference

No. 190322D2, dated 22 March 2018, which accompanies the DA submission.

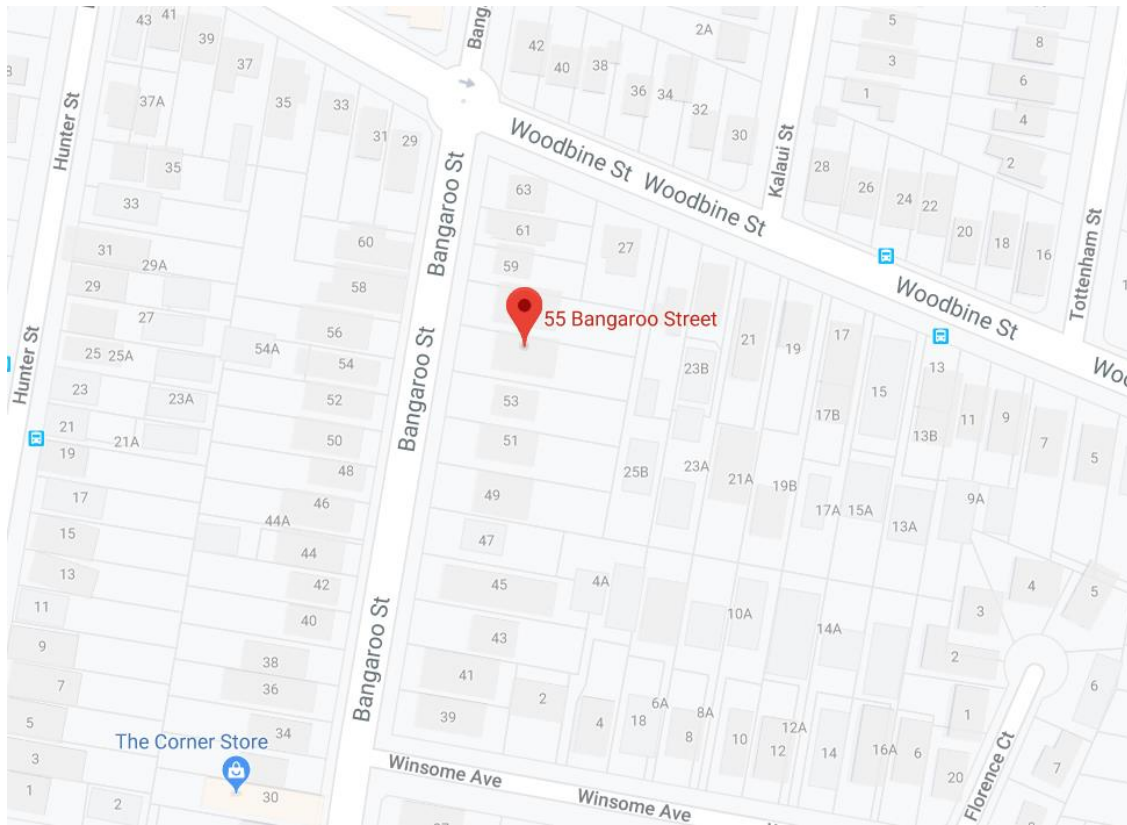


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of subject site from Bangaroo Street, looking east



Fig 3: View of rear yard and location of proposed pool in rear yard (LHS of view), looking west



Fig 4: View of rear yard and location of proposed pool in rear yard, looking south-west



Fig 5: View of rear yard and location of proposed pool in rear yard (LHS of view), looking east



Fig 6: View of rear yard and location of proposed pool in the rear yard, looking south-east



Fig 7: View of rear yard and location of proposed pool in rear yard (LHS of view), looking east



Fig 8: View of rear yard, looking north-east

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of residential dwellings of generally one or two storeys and of a variety of architectural styles. The varying age of development in the area has resulted in a mix of materials and finishes, with the development in the area generally presenting a consistent setback to the public domain.

The existing adjoining dwellings comprise a mix of single and two storey dwellings.

As can be seen in the figure below, swimming pools are not uncommon features within the rear yards of properties in the locality.

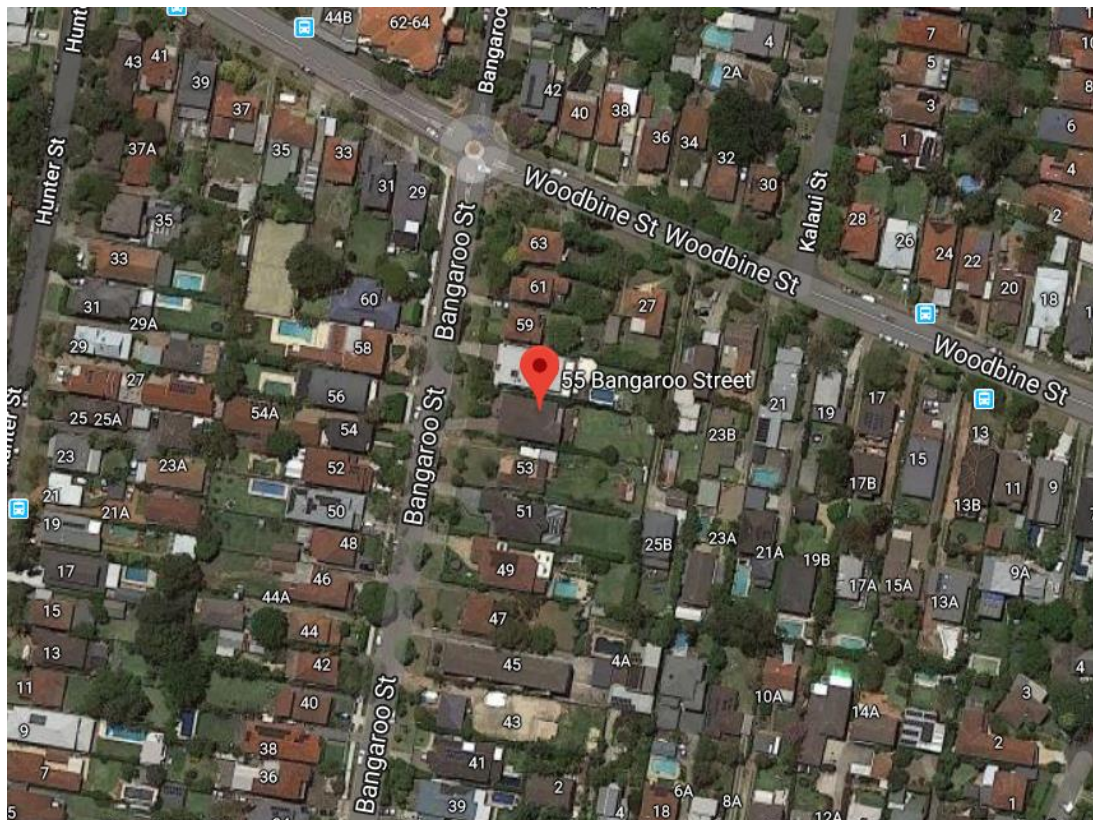


Fig 9: Aerial view of locality
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans the proposal seeks approval for the construction of an in ground swimming pool, associated decking and landscaping within the rear yard.

The proposed pool is to be located in the rear yard adjacent to the southern side boundary.

New landscaping is to be provided within the site, including perimeter planting to surround the proposed pool area to screen the development from the public domain and provide privacy and amenity for occupants of the subject site and neighbouring properties.

The pool will be separated from the dwelling by an isolation fence and from adjoining properties by dividing fences. The fence and barriers to the pool will comply with the Swimming Pools Act 1992 & Regulations and are to be constructed in accordance with AS 1926.1-1993 "Fencing for Swimming Pools."

The development indices for the site are:

Site Area	897.9m ²
Required Landscaped Area	40% or 359.16m ²
Proposed Landscaped Area	44.4% or 399m ²

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 – Remediation of Land and in particular Clause 7(1)(a) suggests that a consent authority must not grant consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

Given the history of residential use of the land, the site is not considered to be subject to contamination and further investigation is not required at this stage.

6.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal meets water, thermal and energy standards required by BASIX. A BASIX certificate has been prepared and accompanies this submission as the swimming pool has a volume greater than 40KL.

6.3 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The SEPP commenced on 25 August 2017 and replaced Clause 5.9 of Warringah Local Environmental Plan 2011.

The aims of the SEPP are detailed in Clause 3 and note:

The aims of this Policy are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

In this instance, the proposal will not see any loss of any substantial vegetation and is therefore considered to be consistent with the aims of the SEPP.

6.4 Warringah Local Environmental Plan 2011

The land is zoned R2 Low Density Residential under the provisions of the WLEP 2011.



Fig 10: Extract of Warringah Local Environmental Plan 2011

The development of and use of the land for residential purposes is consistent with the zone objectives, which are noted as:

- *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.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

It is considered that the proposed swimming pool and associated landscaping will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal will be consistent with and complement the existing detached style housing within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality. The proposal provides for a swimming pool within the yard which will provide for new landscaping and will be well screened from the neighbour's view by the existing boundary fencing and landscaping, which will preserve the amenity of the neighbouring properties.

- The proposal maximises the landscaped area of the site whilst providing vehicular access and recreational areas.
- The setbacks are compatible with the existing surrounding development.
- The proposal does not have any impact on long distance views.

Clause 4.3 provides controls relating to the height of buildings.

The dictionary supplement to the LEP notes building height to be:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The building height limit for development in this portion of North Balgowlah is 8.5m. The proposed new pool coping and level and fencing above will have a height of up to 2.4m above ground level and will therefore readily comply with the maximum height control.

Clause 6.2 relates to earthworks. The proposal will locate the new pool within the southern portion of the rear yard and will require some excavation. A Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Reference No. J2521, dated 10 December 2019.

Additionally, the works will be carried out in accordance with the recommendations of a qualified structural engineer.

Clause 6.4 relates to development on sloping land. The site is noted on Council's Landslip Risk Map as being within Area A and B.

Accordingly, a Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Reference No. J2521, dated 10 December 2019. The report concludes that no further geotechnical assessment is required, and the proposal is considered to satisfy the provisions of this clause.

There are no other clauses of the WLEP 2011 that are considered to be relevant to the proposed development. It is considered that the proposal achieves the requirements of the WLEP.

6.5 Warringah Development Control Plan

The relevant numerical and performance based controls under WDCP are discussed below:

Part B – Built Form Controls			
Standard	Required	Proposed	Compliance
B1 – Wall heights	Max 7.2m	N/A	N/A
B2 – Number of storeys	No requirement identified on map	N/A	N/A
B3 – Side Boundary Envelope and Side Setback	Building envelope 45 degrees from 5m. Setback 0.9m	N/A	N/A
B4 – Site Coverage	No requirement identified on map	N/A	N/A
B5 – Side Boundary setbacks	R2 zoned land 0.9m	<p>Minimum proposed setback from pool coping to northern and southern side boundaries is 8.7m and 1.6m respectively.</p> <p>The pool will allow for new perimeter hedge planting to be provided which in conjunction with the existing boundary fencing, will effectively screen the pool and maintain the amenity of the neighbours.</p>	Yes
B6 – Merit assessment of Side Boundary Setbacks	No requirement identified on map		N/A
B7 – Front Boundary Setbacks	Minimum 6.5m to Bangaroo Street	N/A – no new works proposed within front setback.	N/A
B8 – Merit assessment of front boundary setbacks	No requirement identified on map		N/A
B9 – Rear Boundary Setbacks	6m rear setback To pool coping	Proposed rear setback - pool coping to boundary – 7m.	Yes

B10 – Merit Assessment of rear boundary setbacks	No requirement identified on map		N/A
B11 – Foreshore Building Setback	No requirement identified on map		N/A
B12 – National Parks Setback	No requirement identified on map		N/A
B13 – Coastal Cliffs Setback	No requirement identified on map		N/A
B14 – Main Roads Setback	No requirement identified on map		N/A
B15 – Minimum Floor to Ceiling Height	No requirement identified on map		N/A
Part C – Siting Factors			
C2 – Traffic, Access and Safety	Vehicular crossing to be provided in accordance with Council's Vehicle Crossing Policy	Existing driveway and crossing unchanged	Yes
C3 – Parking Facilities	Garages not to visually dominate façade Parking to be in accordance with AS/NZS 2890.1	Existing parking unchanged	Yes
C4 – Stormwater	Hydraulic Design to be provided in accordance with Council's Stormwater Drainage Design Guidelines for Minor Developments and Minor Works Specification	Waste water to sewer. Existing stormwater from the dwelling is dispersed within the rear yard in accordance with the Stormwater Management Plan prepared by Donovan Associates dated 9 January 2020 in accordance with Council's controls.	Yes
C5 – Erosion and Sedimentation	Soil and Water Management required	Erosion and sediment control measures to be provided. These are detailed in the Landscape Site Plan	Yes

		prepared by Premier Pools, Job No. 1194.	
C6 – Building over or adjacent to Constructed Council Drainage Easements	N/A		N/A
C7 – Excavation and Landfill	Site stability to be maintained		Yes
C8 – Demolition and Construction	Waste management plan required	No demolition proposed – Waste management measures to be employed	Yes
C9 – Waste Management	Waste storage area to be provided	Bin storage available within the curtilage of dwelling	Yes
Part D – Design			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	<p>The proposal will see 399m² or 44.4% of the site retained as soft landscaped area.</p> <p>The proposal seeks to achieve the Objectives of the control, which are noted as:</p> <p>Objectives</p> <ul style="list-style-type: none"> • To enable planting to maintain and enhance the streetscape. • To conserve and enhance indigenous vegetation, topographical features and habitat for wildlife. • To provide for landscaped open space with dimensions that are sufficient to enable the establishment of low lying shrubs, medium high shrubs and canopy trees of a size and density to mitigate the height, bulk and scale of the 	Yes

		<p><i>building.</i></p> <ul style="list-style-type: none"> • <i>To enhance privacy between buildings.</i> • <i>To accommodate appropriate outdoor recreational opportunities that meet the needs of the occupants.</i> • <i>To provide space for service functions, including clothes drying.</i> • <i>To facilitate water management, including on-site detention and infiltration of stormwater.</i> <p>The proposal will retain a substantial area of soft landscaping which provides for sufficient area for the private open space and recreational requirements of the owners, with new plantings provided throughout the site.</p> <p>New plantings will be provided throughout the site to soften and screen the built form of the development, as noted in the submitted Landscape Plan.</p>	
D2 – Private Open Space	<p>Dwelling houses with three or more bedrooms</p> <p>Min 60m² with min dimension 5m</p>	<p>The private open space is directly accessible from the dwelling. The private open space receives excellent solar access. The proposed pool and landscaping will enhance the</p>	Yes

		private open space area for the enjoyment of the occupants.	
D3 – Noise	Mechanical noise is to be attenuated to maintain adjoining unit amenity. Compliance with NSW Industrial Noise Policy Requirements	The pool filter will be enclosed within an acoustic enclosure to reduce nuisance.	Yes
D4 – Electromagnetic Radiation	N/A to proposed development		N/A
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun Appropriate construction to enhance thermal properties and ventilation/natural cooling Compliance with SEPP (BASIX) requirements	The site enjoys access to northern sun to the yard areas.	Yes
D6 – Access to sunlight	This control requires that sunlight to at least 50% of private open space to adjoining properties is not to be reduced to less than 2 hours between 9am and 3pm on the winter solstice.	N/A – low level of proposed works will not have any effect on the solar access enjoyed by the neighbouring dwellings.	N/A
D7 – Views	View sharing to be maintained	The controls require that development should enable the reasonable sharing of views. It is not considered that the proposal will have a significant impact on any existing views currently enjoyed by surrounding properties. The site and surrounding receive limited local	Yes

		views. The proposed pool and deck will not have any adverse effect on the outlook enjoyed by the neighbours.	
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties	<p>The pool is located in the rear yard of the site and the existing privacy enjoyed by the neighbours will be maintained.</p> <p>The proposed perimeter plantings will restrict any direct over viewing between the properties. The construction of the proposed pool and plantings will retain a suitable level of privacy between the properties.</p>	Yes
D9 – Building Bulk	This clause requires buildings to have a visual bulk and architectural scale that is consistent with structures on nearby and adjoining properties and not to visually dominate the street or surrounding spaces	The existing surrounding development comprises a mix of residential development between one and three storeys in height. The proposed pool will not be prominently viewed from the street due to its location in the rear of the property and the proposed landscaping, and therefore will not unreasonably add to the visual bulk of the dwelling as viewed from any public places.	Yes
D10 – Building Colours and materials		The pool and coping will be provided with recessive colours and finishes to respect the	Yes

		surrounding residential locality.	
D11 - Roofs	The LEP requires that roofs should not dominate the local skyline.	N/A	N/A
D12 – Glare and Reflection	Glare impacts from artificial illumination minimised. Reflective building materials to be minimised	The proposed finishes and colours will be selected to reflect the surrounding residential locality. No significant glare impacts will result from proposed new works.	Yes
D13 – Front Fences and Front Walls	Front fences to be generally to a maximum of 1200mm, of an open style to complement the streetscape and not to encroach onto street	N/A	N/A
D14 – Site Facilities	Garbage storage areas and mailboxes to have minimal visual impact to the street Landscaping to be provided to reduce the view of the site facilities	Existing letter box retained.	N/A
D15 – Side and Rear Fences	Side and rear fences to be maximum 1.8m and have regard for Dividing Fences Act 1991	Side and rear fences unchanged	Yes
D16 – Swimming Pools and Spa Pools	Pool not to be located in front yard or where site has two frontages, pool not to be located in primary frontage. Siting to have regard for neighbouring trees.	Proposed swimming pool is located within rear yard.	Yes
D17 – Tennis Courts	N/A		N/A

D18 - Accessibility	Safe and secure access for persons with a disability to be provided where required	Not applicable to residential development	N/A
D19 – Site Consolidation in the R3 and IN1 Zone	N/A		N/A
D20 – Safety and Security	Buildings to enhance the security of the community. Buildings are to provide for casual surveillance of the street.	The proposed works will not reduce the security of the street area or the subject property. Casual surveillance of the street is available from the dwelling to the street.	Yes
D21 – Provision and Location of Utility Services	Utility services to be provided	Normal utility services are available to the site	Yes
D22 – Conservation of Energy and Water	Compliance with SEPP BASIX	A BASIX Certificate has been submitted with the application.	N/A
D23 – Signs	Building identification signage to be appropriate for proposed use and not to impact on amenity of surrounding locality. Signs not to obscure views vehicles, pedestrians or potentially hazardous road features or traffic control devices.	No signage proposed	Yes

Part E – The Natural Environment			
E1 – Private Property Tree Management	Arboricultural report to be provided to support development where impacts to trees are presented	No significant trees are affected by the works.	Yes
E2 – Prescribed Vegetation	Not identified on map		N/A
E3 – Threatened species, populations, ecological communities	Not identified on map		N/A
E4 – Wildlife Corridors	Not identified on map		N/A
E5 – Native Vegetation	Not identified on map		N/A
E6 - Retaining unique environmental features	Not identified on map	No significant features within site	Yes
E7 – Development on land adjoining public open space	Not identified on map		N/A
E8 – Waterways and Riparian Lands	Not identified on map		N/A
E9 – Coastline Hazard	Not identified on map		N/A
E10 – Landslip Risk	Identified on map as Area A and B. Preliminary assessment of site conditions required to determine whether a geotechnical report is required.	Works seek to construct a new pool and will not require any significant excavation. A Preliminary Geotechnical Assessment has been prepared by White Geotechnical Group, Reference No. J2521, dated 10 December 2019 and accompanies this submission.	Yes
E11 – Flood Prone Land	Not identified on map		N/A

7.0 Matters for Consideration under Section 4.15 of The Environmental Planning and Assessment Act, 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Warringah Local Environmental Plan 2011. It is considered that the provisions of this environmental planning instrument have been satisfactorily addressed within this report and that the proposal achieves compliance with its provisions.

There are no other environmental planning instruments applying to the site.

7.2 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

It is not considered that there are any draft environmental planning instruments applying to the site.

7.3 Any development control plan

The development has been designed to comply with the requirements of the WLEP 2011 & the controls of the Warringah Development Control Plan.

It is considered that the proposed design respects the desired character objectives of the DCP in that it reinforces the existing residential character of the area and is compatible with the existing uses in the vicinity.

7.4 Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No matters of relevance are raised in regard to the proposed development.

7.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph),

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

It is considered that the proposal, which seeks consent for a swimming pool, deck and associated landscaping which will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area is compatible with and will complement the character of the area.

The proposal is considered to be well designed having regard to the relevant provisions of the Council's LEP and DCP.

7.7 The suitability of the site for the development

The subject land is currently zoned R2 Low Density Residential under the Warringah Local Environmental Plan 2011 and is considered suitable for the proposed development.

7.8 Any submissions made in accordance with this Act or the regulations

This is matter for Council in the consideration of this proposal.

7.9 The public interest

The proposal will not impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered to be within the public interest.

8.0 Conclusion

The proposal provides for a new swimming pool, deck and associated landscaping which will not have any detrimental impact on the adjoining properties or the locality.

As the proposed development will not have any significant impact on the environment, scenic quality of the area or the amenity of the adjoining allotments, the issue of Development Consent under the delegation of Council is requested.

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