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STATEMENT OF ENVIRONMENTAL EFFECTS

13 Monash Crescent Clontarf

**PROPOSED DWELLING ALTERATIONS/
ADDITIONS PREPARED ON BEHALF OF**

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1. INTRODUCTION

This application seeks approval for the construction of alterations and additions to an existing dwelling upon land at Lot 53 in DP 9754 which is known as

13 Monash Crescent Clontarf.

Zoning - C3 Environmental Management.

In preparation of this development application consideration has been given to the following:

- - Environmental Planning & Assessment Act, 1979.
 - Manly Local Environmental Plan 2013
 - Manly Development Control Plan 2013.
- The following details and documents have been relied upon in the preparation of this document:
 - Survey Plan prepared by G.K. Wilson, dated 27.11.15 and Boundary Identification Survey completed by Waterview surveying services dated 12.10.21.
 - Architectural Plans prepared by JBA, dated dec 2021.
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- 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. It provides an assessment of the proposed development against the heads of consideration as set out in Section 79C(1) of the Environmental Planning and Assessment Act 1979. As a result of that 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.

2. SITE DESCRIPTION AND LOCALITY

The site is identified as Lot 53 in DP 9754 which is known as 13 Monash Crescent Clontarf. The site has an area of 479.9m² and is located between Monash Crescent and the harbour foreshore to the south west. The locality is depicted in the following map:

Site Location Map

View of Subject site from Street

The existing surrounding development comprises of a mix of original housing stock interspersed between larger more modern two storey dwellings. The sites relationship with the surrounding properties is depicted in the above aerial photograph:



3. THE DEVELOPMENT PROPOSAL

A new Spa is proposed in the rear yard of 13 Monash Crescent. The proposed spa is 2.5m in diameter and 1.51m in depth. The Spa is to be sunk into the ground to an approximate depth of 1.3m. The Spa will have a total water volume of 4300l.

The finished height of the spa will be approximately 250mm above ground level. It is proposed that the spa have a rigid removable cover and appropriate signage adjacent to the spa.

The spa will be on structure to engineers details and be connected to the sewer.

A rainwater tank has been installed on site and will be provisioned to supply the Spa.

The spa will have a removable and lockable cover to restrict access and limit evaporation and heat loss.

Setbacks of 2.010m to the south west boundary (harbour) and 1.500m to the south eastern boundary (adjacent dwelling) .

Site Area: 479.9m2

4. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development requiring the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979, as amended. The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Pittwater Council.

4.1 Manly Local Environmental Plan 2013

The site is zoned C3 Environmental Management under the provisions of the mLEP 2013. Development to an existing dwelling is permissible with the consent of Council within the C3 zone.

The relevant provisions of the MLEP which relate to the proposed development are detailed in the attached table:

There are no specific other provisions of the LEP that apply to the proposed development.

4.2 Manly Development Control Plan 2013

Council's Manly DCP 2013 Part 2 states the following objectives;

Zone C3 Environmental Management

1 Objectives of zone

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To protect tree canopies and provide for low impact residential uses that does not dominate the natural scenic qualities of the foreshore.*
- *To ensure that development does not negatively impact on nearby foreshores, significant geological features and bushland, including loss of natural vegetation.*
- *To encourage revegetation and rehabilitation of the immediate foreshore, where appropriate, and minimise the impact of hard surfaces and associated pollutants in stormwater runoff on the ecological characteristics of the locality, including water quality.*
- *To ensure that the height and bulk of any proposed buildings or structures have regard to existing vegetation, topography and surrounding land uses.*

4.2.1 Restriction of access to Spa pool.

It is proposed that the spa pool be secured with a lockable child resistant cover conforming to the specifications of LEP Swimming Pool regulation 2018 and have appropriate warning notice as required.

9 Standards required to be exempt from requirement to surround spa pool

For the purposes of section 20 of the Act, the prescribed standards in accordance with which access to the water contained in a spa pool is to be restricted are that the spa pool must be covered and secured by a lockable child-resistant structure (such as a door, lid, grille or mesh) that—

(a) is of substantial construction and having no opening through which it is possible to pass a testing apparatus, and

(b) is securely fastened by a device that is itself of substantial construction and having no opening through which it is possible to pass a testing apparatus.

4.2.2 Manly DCP 2013

4.1.9 Swimming Pools, Spas and Water Features See also paragraph 4.1.5 Open Space and Landscaping.

Relevant DCP objectives to be met in relation to these paragraphs include:

Objective 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; Objective 2) To be appropriately located so as not to adversely impact on the streetscape or the established character of the locality; Objective 3) To integrate landscaping; and Objective 4) To become an emergency water resource in bush fire prone areas.

4.1.9.1 Height above ground

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:

- i) would not detract from the amenity or character of the neighbourhood; and 84 Manly Development Control Plan 2013 Amendment 11 – last amended 28 August 2017*
- 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.*

The proposal meets the above objectives of the DCP.

4.2.3 Setbacks – Manly DCP 2013

4.1.4.6 Setback for development adjacent to LEP Zones RE1, RE2, E1 and E2

- a) Buildings, swimming pools and garden sheds on sites with a common boundary to land zoned in the LEP as Zones RE1 Public Recreation, RE2 Private Recreation, E1 National Parks and E2 Environmental Conservation must be set back at least 6m from this common boundary and in the case of rear setbacks, the minimum 8m setback prevails (see paragraph 4.1.4.4 of this plan). However, gazebos, barbeques, child play equipment and the like may be*



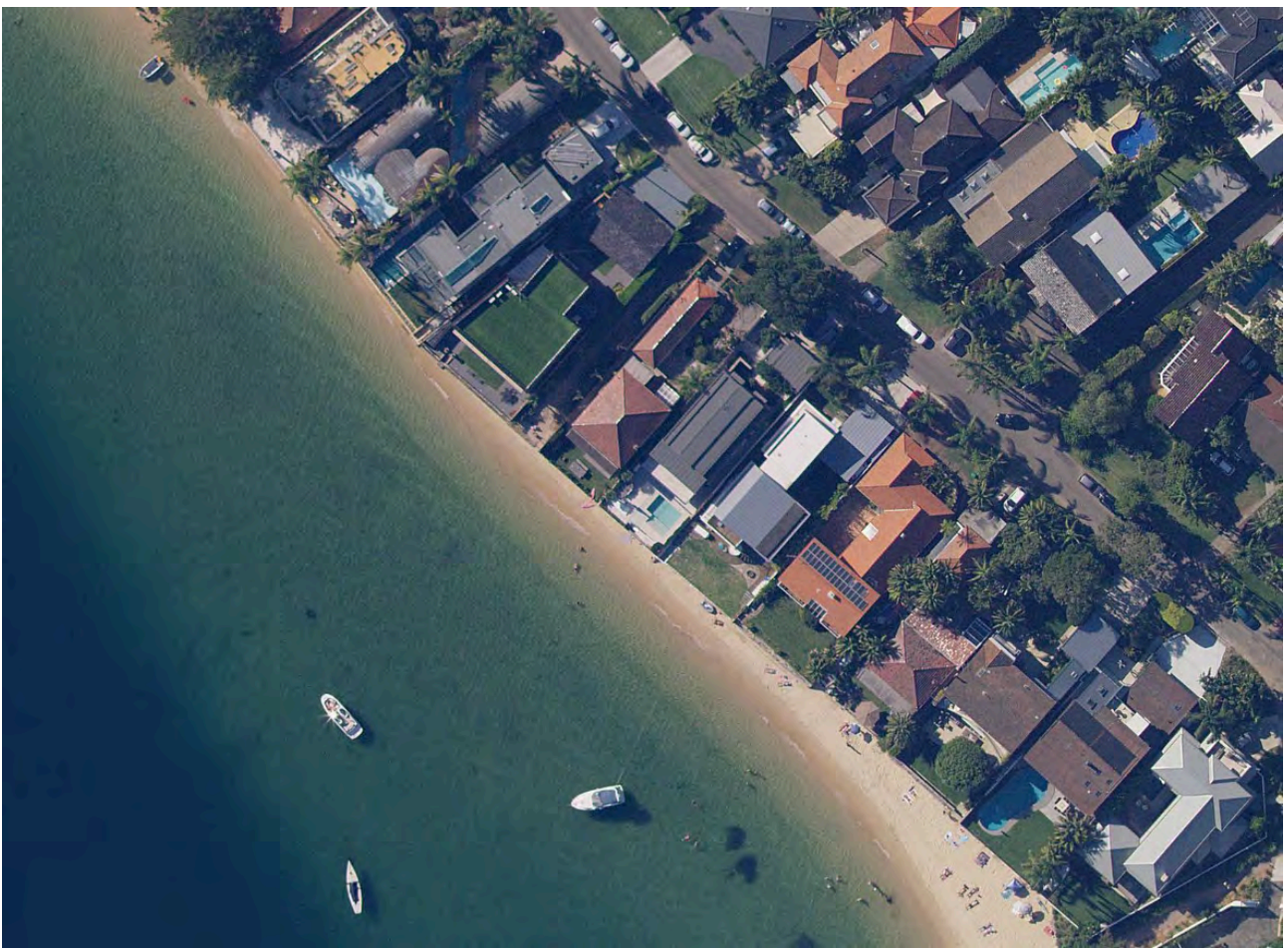
permitted within this setback provided they are designed to complement the natural or landscape character of the adjacent LEP Zones.

4.1.9.2 Location and Setbacks

See also paragraph 4.1.4.5 Foreshore Building Lines and paragraph 4.1.4.6 Setback adjacent LEP Zones RE1, RE2, E1 and E2.

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 location must demonstrate that any swimming pools and/or spa and their curtilage and/or concourse:

- 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.*



c) 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.

13 Monash Crescent is located adjacent to RE1 Public Recreation. CL 4.1.4.6.2 notes an 8m setback for buildings and swimming pools. The proposed rear setback is 2.010m from the rear boundary.

We would seek a variation to a development standard for the following reasons;

- i) the proposed spa is 2.5m in diameter and is approximately 0.25m above ground at the top and adjacent deck level. The spa itself is not visible from the public reserve as there is an approximate 2m level difference.
- ii) There are a number of existing dwellings in Monash Crescent that have pools in the rear gardens with non compliant setbacks. See Image below. This photo shows 4 pools in rear yards

with varying setback including a very minimal setback at 17 Monash Crescent.

3.4.2 Privacy and Security

Relevant DCP objectives to satisfy in relation to this part include the following:

Objective 1) To minimise loss of privacy to adjacent and nearby development by:

. appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings;

. mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.

Objective 2) To increase privacy without compromising access to light and air. To balance outlook and views from habitable rooms and private open space.

The proposed spa is located 1.5m from 11a Monash Crescent and 2.01 from the rear boundary. An existing fence and planting provide current visual privacy from the 2 adjacent properties. The public access laneway to the north west boundary provides visual privacy to 15 Monash Crescent.

3.4.2.3 Acoustical Privacy (Noise Nuisance) See also Noise Guide for Local Government prepared by NSW Department of Environment, Climate Change and Water in 2010.

- *a) Consideration must be given to the protection of acoustical privacy in the design and management of development.*
- *b) Proposed development and activities likely to generate noise including certain outdoor living areas like communal areas in Boarding Houses, outdoor open space, driveways, plant equipment including pool pumps and the like should be located in a manner which considers the acoustical privacy of neighbours including neighbouring bedrooms and living areas.*
- *c) Council may require a report to be prepared by a Noise Consultant that would assess likely noise and vibration impacts and may include noise and vibration mitigation strategies and measures. See particular requirements for noise control reports for licenced premises below at paragraph g) below.*

It is considered that the proposed spa pool is provided with appropriate setbacks and the considered design will ensure that acoustic

privacy to the adjoining properties is provided. The spa plant will be split between the plant room of the existing dwelling (currently under construction) and in a semi submerged box to the south west corner.

5 - GENERAL

The Suitability of the Site for the Development

The subject site is zoned C3 Environmental and the construction of a spa is permissible with the consent of Council. The resultant development is of a bulk and scale that is consistent with the existing surrounding development.

For these reasons it is considered that the site is suitable for the proposed development.

Wastewater Disposal

The subject site is connected to the Sydney Water centralised sewerage waste disposal system and the Spa will be connected to the Sydney Water Sewer.

On Site Stormwater Detention

All collected stormwater will be discharged as noted on the stormwater plans as prepared for DA 105/2017

. It is noted that the proposal does not result in any increase in hard surface area.

Excavation and landfill

The proposal provides for minimal excavation of approximately 3m³ of sand. It is anticipated that this excavated sand will be used as fill on site.

Erosion and Sediment Management

An Erosion and Sediment Management Plan is has been submitted and will be implement prior to any works commencing on site.

Acid Sulphate soils

An Acid sulphate report has been attached to this submission.

6. CONCLUSION

This application seeks approval for the construction of a new spa. The proposal is

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generally consistent with the aims and provisions of the Manly LEP 2013 and Manly DCP 2013.

The proposed development does not have any detrimental impact on the amenity of the adjoining properties or the character of the locality.

The proposal does seek to vary a development standard but that variation is consistent with existing approved spas / pools in the immediate vicinity.

It is considered that the proposed spa at **No. 13 Monash Crescent Clontarf** is worthy of the consent of Council.

Jim Buda

Registered Architect