

STATEMENT OF ENVIRONMENTAL EFFECTS

BUILDING APPROVAL SOLUTIONS - 2019

*37 Powderworks Road, North Narrabeen NSW 2101 (FAULKNER) –
Proposed Swimming Pool and Replacement of Existing Deck. Northern
Beaches Council*

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1.0 INTRODUCTION

1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to **NORTHERN BEACHES COUNCIL** (the Council) as part of a Development Application (DA) for proposed **Pool and Deck**. This SEE describes the site, its environs and the proposed development, provides an assessment of the proposal in terms of the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Within this report, references to “the site” mean the land to which this DA relates.

1.1 SUBJECT SITE

The site of the proposed works is at **37 Powderworks Road, North Narrabeen NSW 2101** and can be legally identified as **Lot 41 in DP 6462**.

1.2 DESCRIPTION OF THE PROPOSED

The DA seeks development consent for the following:

Proposed Swimming Pool

Replacement of Existing Deck with New Deck

Note: This Statement is to be read in conjunction with the submitted Plans set.

1.3 APPLICABLE STATUTORY & NON-STATUTORY PLANS/POLICIES

Pittwater Local Environmental Plan 2014

Pittwater 21 Development Control Plan

2.0 SITE ANALYSIS

2.0 Site Analysis

2.1 DESCRIPTION OF THE SUBJECT SITE

The subject site is commonly known as **37 Powderworks Road, North Narrabeen NSW 2101** and can be legally identified as **Lot 41 in DP 6462**. (See Figure 1 below)



FIGURE 1 (Source: Six Maps, NSW Government. Accessed 14.11.2018)

The site is a regularly-shaped allotment that has a frontage of around 15.2 metres and depth of around 40 metres for a total lot area of 609.3 square metres. The lot slopes downward towards the rear with an elevation difference of around 8 metres. Onsite stands a 2-storey clad building with tile roof, a 1-storey clad building with metal roof and several decking.

The site is located around 670 metres northeast of the Pittwater Road-Mullet Creek crossing and around 1.3 kilometers southwest of the intersection of Powderworks Road and Kalang Road.

2.0 SITE ANALYSIS

2.2 ADJOINING LAND USE & LOCALITY CHARACTER

The immediate locality is characterized by residential development consistent with its zoning as may be seen in Figure 2 below.



FIGURE 2 (Source: Six Maps, NSW Government. Accessed 14.11.2018)

2.3 ZONING

The subject site is **ZONE E4 – Environmental Living**. The proposed works are permissible under this zoning and complimentary to the objectives of said zone.

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

Zone E4 - Environmental Living

1 Objectives of zone

- 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.

2.0 SITE ANALYSIS

- 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.

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Water recreation structures

4 Prohibited

Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

3.0 MATTERS FOR CONSIDERATION

3.0 Matters for Consideration

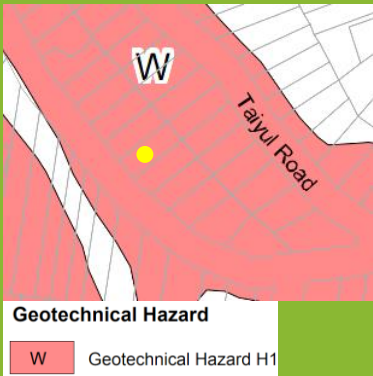
This chapter contains the assessment of the environmental effects of the proposed development as required under *Section 79C (1) of the EP & A Act*. In determining a development application the consent authority has to take into account a range of matters relevant to the development including the provisions of environmental planning instruments, impacts to the built and natural environment, social and economic impacts of the development; the suitability of the site; and whether the public interest would be served by the development.

These matters for consideration are further discussed in the ensuing sections.

3.1 RELEVANT STRATEGIC AND STATUTORY PLANS AND POLICIES

Summary of compliance

Table 1.1 – Compliance with Pittwater Local Environmental Plan 2014

COMPLIANCE TABLE		
Requirements	Proposed	Compliant
<p>7.7 Geotechnical hazards</p> <p>(1) The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards:</p> <p>(a) matches the underlying geotechnical conditions of the land, and</p> <p>(b) is restricted on unsuitable land, and</p> <p>(c) does not endanger life or property.</p> <p>(2) This clause applies to land identified as “Geotechnical Hazard H1” and “Geotechnical Hazard H2” on the Geotechnical Hazard Map.</p> 	<p>A Geotechnical Report dated 24 February 2019, prepared by Peter Thompson for Jack Hodgson Consultants Pty Ltd is submitted with this Application. Based on the findings, the proposed works are deemed to match the underlying geotechnical conditions of the site and will pose low risk to life and property, and thus meet the objectives of this control.</p>	<p>Yes</p>

3.0 MATTERS FOR CONSIDERATION

<p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account all geotechnical risks:</p> <ul style="list-style-type: none"> (a) site layout, including access, (b) the development's design and construction methods, (c) the amount of cut and fill that will be required for the development, (d) waste water management, stormwater and drainage across the land, (e) the geotechnical constraints of the site, (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. <p>(4) Development consent must not be granted to development on land to which this clause applies unless:</p> <ul style="list-style-type: none"> (a) the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and (b) the consent authority is satisfied that: <ul style="list-style-type: none"> (i) the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or (ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or (iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact. 		
<p>Dictionary</p> <p><i>Private open space</i> means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.</p>	<p>The subject works are consistent with the definition of private open space.</p>	<p>Yes</p>

3.0 MATTERS FOR CONSIDERATION

Table 1.2 – Compliance with Pittwater 21 Development Control Plan

Requirements	Comments/Proposed
<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>Compliant - a Geotechnical Report dated 24 February 2019, prepared by Peter Thompson for Jack Hodgson Consultants Pty Ltd is submitted with this Application. Based on the findings, the proposed works are deemed to match the underlying geotechnical conditions of the site and will pose low risk to people, assets and infrastructure in the vicinity.</p>
<p>B4.22 Preservation of Trees and Bushland Vegetation</p> <p>Objectives:</p> <p>.To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.</p> <p>.To protect and enhance the scenic value and character that trees and/or bushland vegetation provide.</p> <p>2. A person shall not ringbark, cut down, top, lop, remove, poison, injure, or wilfully destroy tree or bushland vegetation that requires a Vegetation Clearing Permit under the provisions of Part 3 of the Vegetation SEPP. This includes damage to a tree or bushland vegetation by:</p> <ul style="list-style-type: none"> • Damaging the root zone of a tree by way of compaction, including storage and stockpiling materials; • Changing of ground levels within the root zone of a tree by way of excavation, trenching, filling or stockpiling; <p>5. Development is to be sited and designed to minimise the impact on remnant native vegetation, including canopy trees and understorey vegetation, and on remnant native ground cover species.</p> <p>A1.9 Definitions</p> <p>TREE - means a palm or woody perennial plant with a single or multi stem greater than five (5) metres in height.</p>	<p>Not relevant – all trees onsite will be retained.</p> <p>The proposed deck is deemed to have nil adverse effect on the existing trees given it will only be replacing an existing deck. The new deck will be using the existing footings and thus will have no impact on the roots of trees.</p> <p>The proposed swimming pool is to be located within 1m of a tree on the northern boundary. However, this tree is 5m tall, which is deemed to not be significant for this control's purpose, given the definition of 'Tree' having a height greater than five meters, as defined in the Pittwater DCP.</p> <p>The pool is to be located around 2.83m from a significant tree to its east. The Applicant is seeking Council's approval for the swimming pool given the following justifications:</p> <p>a) The lot has a significant slope with a gradient of around 20 to 22%;</p> <p>b) The land configuration does not offer a relatively flat location that will allow a</p>

3.0 MATTERS FOR CONSIDERATION

10.4. FOUNDATION MATERIALS AND FOOTINGS.

It is recommended that the footings for the proposed swimming pool are to be taken to the weathered rock of the natural profile using piers as necessary. The design allowable bearing pressure is 450kPa for spread footings or shallow piers. The timber deck foundations are to be taken the natural undisturbed sandy loam or clay material with a minimal design allowable bearing pressure of 100kPa. All pier excavations are to be taken to material of a similar consistency to minimise the potential for differential settlement.

FIGURE 3 – Geotechnical Report Recommendation, page 8

pool to be built and simultaneously be at least 3m from a significant tree;

c) The proposed location is the only viable, practical and convenient private open space option for the residents of the dwelling given that access to it from the internal habitable spaces are already in place;

d) As shown in Figure 3, to comply with the recommendation of the submitted Geotechnical Report, the pool is to be installed using either spread footings or shallow piers which are deemed to minimize the adverse effect on the tree's well-being.

B5 Water Management

Outcomes

Effective management of all water and wastewater resources.
Protection of receiving environments downstream of all water management systems.

Not relevant for the timber deck which is porous and allows water to drain through it. Additionally, it is just a replacement to an already existing one.

Not relevant for the pool given that is located entirely behind the dwelling and thus will not affect the current overland flow pattern onsite.

B8 Site Works Management

B8.1 Construction and Demolition – Excavation and Landfill

Outcomes

Site disturbance is minimised.
Excavation, landfill and construction not to have an adverse impact.
Excavation and landfill operations not to cause damage on the development or adjoining property.

Compliant – site disturbance is deemed minimized, having cut from 360mm to a maximum of 1000mm. No fill is proposed.

B8.2 Construction and Demolition – Erosion and Sediment Management

Compliant – erosion and sedimentation prevention measures are to be installed onsite, as indicated in the submitted Site Plan.

B8.3 Construction and Demolition – Waste Minimisation

Compliant – generated waste materials will be recycled or reused onsite whenever possible. Disposal will be at

3.0 MATTERS FOR CONSIDERATION

	an appropriate waste facility, as indicated in the submitted Waste Management Plan.
<p>C1.1 Landscaping</p> <p>Outcomes Retention of canopy trees by encouraging the use of pier and beam footings. Development results in retention of existing native vegetation. Landscaping enhances habitat and amenity value. Landscaping results in reduced risk of landslip.</p> <p>Controls Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m³ within this area to ensure growth is not restricted.</p> <p>Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.</p> <p>Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.</p> <p>Information to be included in the Statement of Environmental Effects An analysis of the proposal demonstrating that the built form of the development is to be dominated and complimented by landscaping, or retaining existing vegetation, and the proposed landscaping reflects the scale and form of the development.</p>	<p>Compliant - all existing trees onsite are to be retained. Proposed works are deemed to have negligible adverse effects on the health and well-being of the trees onsite given the limitations posed by the land configuration as discussed on the above sections. No new landscaping proposed.</p>
<p>C1.5 Visual Privacy</p> <p>Outcomes Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. A sense of territory and safety is provided for residents.</p> <p>Controls Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).</p>	<p>Not relevant – the proposed works are located within the exact footprint of an already existing deck which currently serves as private open space for its residents. However, a 1.8m privacy screen is proposed on the northern side of the deck to fortify the visual privacy of the site and the adjoining neighbours.</p>

3.0 MATTERS FOR CONSIDERATION

<p>Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.</p> <p>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>C1.6 Acoustic Privacy</p> <p>Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.</p>	<p>Compliant – the filter equipment of the proposed pool will be housed in an attenuating enclosure to uphold the acoustic privacy of the neighbour to the north.</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 3 metres. 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>Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas</p>	<p>Not relevant – the proposed works are for the existing private open space (POS) of the lot, in addition to the ground level POS. It is directly accessible from the living spaces of the house and functions as its extension. The proposed improvement and upgrade is deemed to enhance the amenity of the area, thus ensuring the enjoyment of the new open space by the dwelling's residents.</p>
<p>C1.17 Swimming Pool Safety</p> <p>Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.</p>	<p>To be complied with – appropriate swimming pool fence and warning notices to be installed in accordance with the regulations of Swimming Pool Act 1992</p>
<p>D11 North Narrabeen Locality</p> <p>D11.7 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 in accordance with the following table:</p> <p>Side: 2.5m to at least one side; 1m for the other side Rear 6.5m</p>	<p>Compliant – side setback of the deck and pool are to be at least 1m on one side and almost 9m on the other side. Rear setback is more than 15m.</p>

3.0 MATTERS FOR CONSIDERATION

<p>For swimming pools and spas a 1 metre minimum setback from the boundary to the pool coping may be permitted subject to the following:</p> <ul style="list-style-type: none"> • satisfactory landscaping within the setback from the pool or spa coping to the side or rear boundary, and • Council is satisfied that the adjoining properties will not be adversely affected, and • the pool or spa is not more than 1 metre above ground level (existing), and • that the outcomes of this clause are achieved without strict adherence to the standards, and • where the site constraints make strict adherence to the setback impractical, and • where strict compliance with these requirements will adversely impact on the views of adjoining residential properties. 	<p>Compliant – subject pool’s outer edge has a 1m setback from the northern boundary</p>
<p>D11.11 Landscaped Area – Environmentally Sensitive Land</p> <p>Outcomes Achieve the desired future character of the Locality. The bulk and scale of the built form is minimised. A reasonable level of amenity and solar access is provided and maintained. Vegetation is retained and enhanced to visually reduce the built form. Conservation of natural vegetation and biodiversity. Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels. To preserve and enhance the rural and bushland character of the area. Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.</p> <p>60% minimum of the site area</p>	<p>Non-compliant - the site is to have a landscaped area of 309.95sqm or 50.87% of the site. Although this does not comply with the minimum requirement, the Applicant is seeking Council’s approval based on merit given that the new deck and swimming pool are to be located within the footprint of the existing deck that is to be replaced. As such, the new landscape coverage is deemed to be consistent with the current/existing and thus will not pose significant changes to the prevailing stormwater runoff and soil permeability conditions onsite.</p>

3.2 CONTEXT AND SETTING

The proposed in its current form is envisaged to impart no adverse impacts in this regard. It complements the existing and envisaged development patterns and imparts negligible effects on the locality character.

The proposed will act to enhance the socio-economic values of the locality whilst assisting the continued viability of the subject site by enabling responsible development thereof.

3.0 MATTERS FOR CONSIDERATION

3.3 ACCESS TRAFFIC & UTILITIES

The subject site and proposed is not envisaged to impart any notable impacts on traffic conditions for the locality and will utilise existing access provisions. All required utilities are provided to the site and the proposed is again envisaged to impart negligible impacts or increased strain on these services.

3.4 ENVIRONMENTAL IMPACTS

No significant environmental constraints have been identified on the subject site, though regardless no adverse effects are envisaged in this regard.

3.5 FLORA AND FAUNA IMPACTS

No significant ecological communities of species have been identified on the subject site and minimal disturbance to any existing flora or fauna is envisaged.

3.6 NATURAL & TECHNOLOGICAL HAZARDS

A preliminary assessment of the available information has not identified any such hazards.

3.7 WASTE MANAGEMENT

All construction waste is to be appropriately removed from site as per the submitted waste management plan. Ongoing waste generated through occupation of the site is to be disposed of as per councils waste management regulations and services.

3.8 SOCIAL & ECONOMIC IMPACTS

The proposed development will result in beneficial social and economic effects being imparted not only on the site but also on the surrounding locality.

3.9 ACOUSTIC IMPACTS

It is anticipated that nil to negligible adverse impacts will be incurred pertaining to noise levels at the site locality. The proposed development does not envisage any adverse acoustic impacts as a result of the proposal obtaining consent.

3.0 MATTERS FOR CONSIDERATION

3.10 HERITAGE IMPACTS

Consideration to the sites historical and archeological aspects are non-applicable in this regard. The subject site has no such aspects associated with it as outlined in the Section 149 certificate produced by council and no indicatory features have been identified to warrant further consideration.

3.11 PUBLIC INTEREST

The scope of the proposed is arguably not significant enough to engage public interest considerations. With that said the proposed is envisaged to impart enhanced socio-economic amenity to the immediate locality. Support for the proposed is deemed to be in the public interest through the continuation of viable development in the area, allowing adaptation to the transforming fabric of development inherent to built form frameworks.

4.0 CONCLUSION

4.0 Conclusion

The Statement of Environmental Effects is submitted to **NORTHERN BEACHES COUNCIL** in the belief that the works itemized below be approved.

Proposed Swimming Pool

Replacement of Existing Deck with New Deck

The development is permissible under the zoning as specified in the relevant planning instruments and successfully achieves the desired objectives of thereof. At all stages the development appears compliant with the performance criteria specified. Specifically the proposed has been assessed against the **PITTWATER LOCAL ENVIRONMENTAL PLAN 2014** and **PITTWATER 21 DEVELOPMENT CONTROL PLAN**.

The proposed development, if approved, will form an exemplary figure in the area for holistic and thorough application of planning principles implemented through consideration and application of council's development controls. Support for such development is imperative in the continued viability of the areas existing landscape.