

STATEMENT OF ENVIRONMENTAL EFFECTS

19 SURFERS PARADE
FRESHWATER
NSW 2096

Swimming Pool

3 September 2019



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Statement of Environmental Effects				
Rev No	Date	Revision details	Author	Checked
1	03.09.2019	Final	Liberty Berthold	Konrad Grinlaubs (MPIA) Planning Manager

Buildcert Planning Pty Ltd hereby certify that this Statement of Environmental Effects (SEE) has been prepared in accordance with the requirement of the *Environmental Planning and Assessment Act 1979* and its associated Regulations. It is certified that to the best of our knowledge the information contained within this Report is neither false nor misleading.

This Statement of Environmental Effects accompanies the Development Application to Northern Beaches Council for the installation of a swimming pool.

It is intended to provide further details, where necessary, on aspects covered in the drawings as well as provide additional information where required. The information following is provided to detail the merit of the proposed development in relation to the provisions set out in both the *Warringah Local Environmental Plan 2011* and *Warringah Development Control Plan 2011*.

DEVELOPMENT APPLICATION DETAILS

Applicant	Barrier Reef Pools
Property Address	Lot 28 Sec 2 DP 386016 H/N 19 Surfers Parade, Freshwater
Zone	R2 Low Density Residential
Local Government Area	Northern Beaches Council
Calculations	Lot Area: 607m ² Floor Area (Principle Dwelling): 190m ²
Existing Structures	Single Storey Residential Dwelling

The DA and statement has been prepared on behalf of the applicant and addresses the matters referred to in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the matters required to be considered by the consent authority. The purpose of this SEE is to:

- *Describe the existing environment to which the DA relates and the character of the surrounding area;*
- *Describe the proposed development;*
- *Outline the statutory planning framework within which the DA is assessed and determined; and*
- *Assess the proposed development in considering the relevant heads of consideration.*

1.0 Site Location and Description

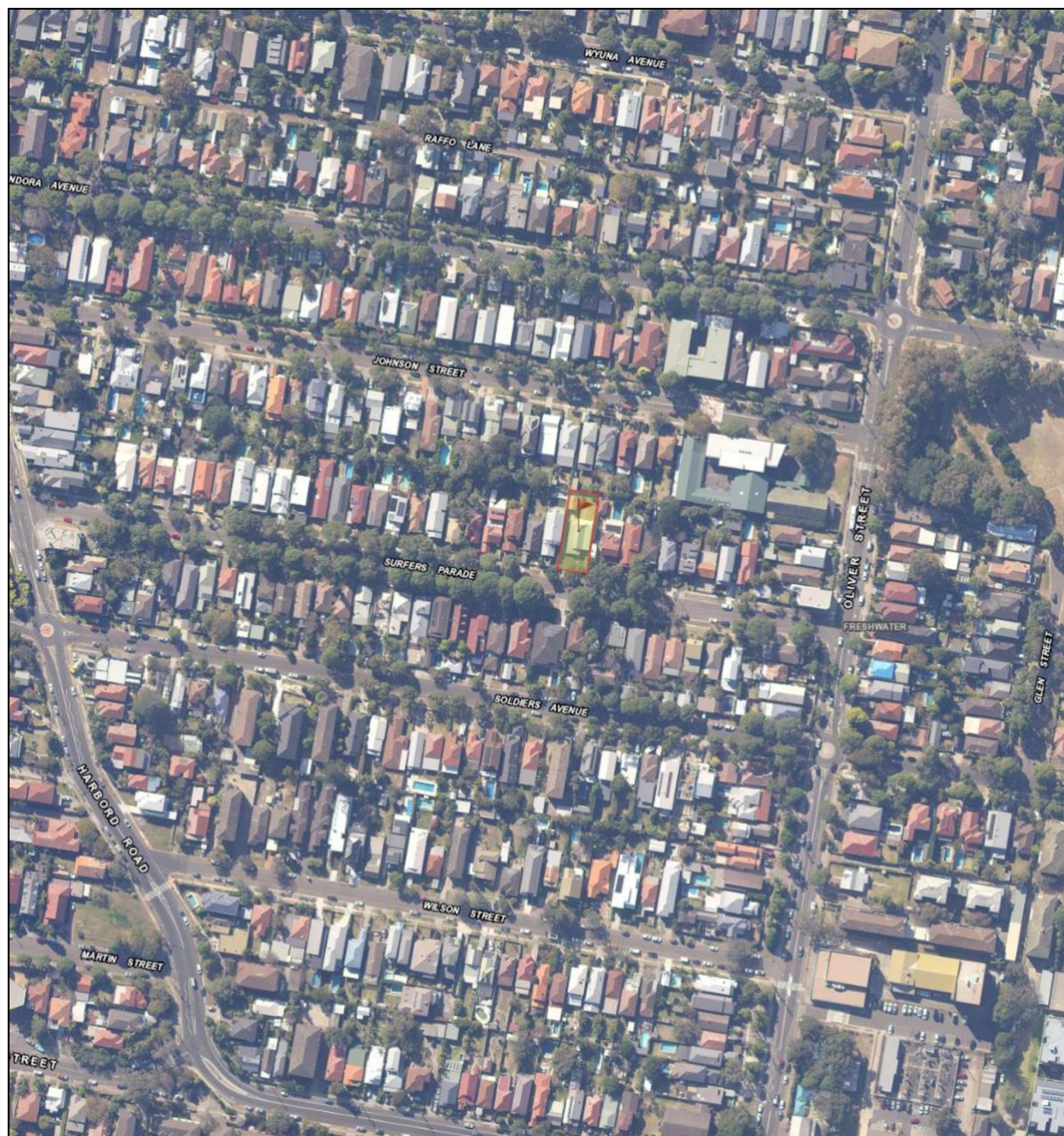


Figure 1: Aerial view, showing subject site outlined in red. (Source: LPI SIX Maps Viewer)

The subject site (the site) is located on the northern side of Surferr Parade, within an existing urban environment. Surrounding development is primarily established low-scale residential housing, comprising of single and two-storey brick and weatherboard forms.

The site is orientated on an approximate (approx.) south-north axis. The site displays predominantly flat and level topography and is well landscaped with managed lawns and mature vegetation. There is one (1) street tree located opposite the primary frontage (south).

The rectangular allotment displays a frontage width of approx. 15.1 metres (m), and depth of approx. 40.2m. The total site area is 607m². The site contains a single storey brick dwelling.

Proposed Development

The applicant is proposing to install a 105m x 4.4m fiberglass swimming pool and associated pool fencing at the site. The proposal has the following details:

- The 44,000 Litre (L) fiberglass pool is to be located to the rear of the site, behind the existing dwelling and not visible from the primary frontage (Surfers Parade).
- From the waterline, the proposed pool is to be setback 1.2m from the east side, 2.8m from the rear northern and 3.59m from the west side boundaries.

Outside of the excavation required for the installation of the pool, minimal ground works (max. 500mm fill) are proposed. No significant ground disturbance is proposed.

The pool and associated fencing will be constructed in accordance with the *AS 1926.1-2012*.

The total water capacity of the pool is greater than the 40,000L capacity that is required for assessment under the provisions of State Environmental Planning Policy (*Building Sustainability Index: BASIX*) 2004 ("*BASIX*"). As such, a BASIX Certificate has been prepared and accompanies this development application.

An assessment of the proposed development has not identified any unreasonable adverse environmental impacts likely to arise as a result of the proposal. It is therefore recommended that consent for the proposed development is granted subject to Council's standard conditions.

2.0 Statutory requirements

This section deals with the proposal's consistency with the various statutory and non-statutory provisions. It also addresses the relevant matters for consideration under *Section 4.15* of the *Environmental Planning and Assessment Act 1979* (as amended).

Commonwealth Legislation - *Environment Protection and Biodiversity Conservation Act 1999*

The *Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC) 1999*, in conjunction with the *Commonwealth Environmental Protection and Biodiversity Conservation Regulations 2000*, provide the basis for national environmental protection and conservation.

The subject site is not situated on or near an area of environmental significance and does not contain any national environmental significance items.

Other Acts

Consideration was afforded to other legislation, including legislation concerning whether the proposal is integrated development. Integrated development is development that, in order for it to be carried out, requires development consent and one or more of the following approvals:

- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Mine Subsidence Compensation Act 1961*
- *National Parks and Wildlife 1974*
- *Petroleum Act 1991*
- *Protection of the Environment Operations Act 1997*
- *Roads Act 1993*
- *Rural Fires Act 1997*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016 No 63*

State Environmental Planning Policies (SEPP)

The following State Environmental Planning Policies are considered applicable to the land and relevant to the proposal such as to warrant consideration:

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

The State Environmental Planning Policy was enacted to ensure buildings are designed to use less potable water and minimise greenhouse gas emissions by setting energy and water reduction targets for residential houses and units.

A BASIX assessment has been undertaken as part of the proposed development, by a qualified Building Sustainability Assessments consultant, the certificate for the proposal plans is attached with this application.

State Environmental Planning Policy 55 – Remediation of Land (SEPP55)

SEPP 55 requires that where land is contaminated, Council must be satisfied that the land is suitable in its contaminated state or will be suitable after remediation for the purpose for which the development is proposed.

To Buildcert Planning's knowledge there is no identified past contaminating activities on the site.

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

This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposed development does not require the removal of any significant or declared vegetation to facilitate the works proposed.

3.0 Local Environmental Plans (LEP)

Warringah Local Environmental Plan 2011 (WLEP 2011)

The site of the proposed development is located within the *R2 Low Density Residential* zone as identified by the Warringah LEP 2011.

Objectives of zone

- *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.*

The proposed development is considered to be consistent with the above objectives as it does not alter the existing residential use on the site. The proposal will improve the site's capabilities without hindering the function of surrounding facilities and services. It will not adversely affect any surrounding land uses and is designed to minimise impact on the scenic, aesthetic and cultural qualities of the surrounding natural environment of Warringah.

Permitted with consent

The WLEP 2011 permits the following land uses with Council's consent in the zone:

*Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dwelling houses**; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals*

The applicants are seeking to install a swimming pool with associated safety barriers ancillary to the existing *Dwelling house*, permissible under the LEP.

Principal Development Standards

4.1 Minimum Lot Size

Not applicable to this development.

4.3 Height of Buildings

Not applicable to this development.

4.4 Floor Space Ratio

There is no floor space ratio (FSR) applicable to this site.

Part 5 Miscellaneous provisions

None applicable.

Part 6 Additional local provisions

6.1 Acid sulfate soils

The site of the proposed development is not identified as being located in an Acid Sulfate Soils zone as prescribed by the WLEP 2011. As such, no investigation into the presence of Acid Sulfate soils is required. The proposal does not disturb, expose or drain Acid Sulfate soils.

6.2 Earthworks

It is believed that this development will not have detrimental impact on the environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land due to the low impact, minor nature of the development.

Accordingly, the proposed development includes suitable measures for the implementation of sediment and erosion control.

6.4 Development on sloping land

The site is identified as being within *Area A – Slope <5* on the Landslide Risk Map under the WLEP 2011.

Given the location of the site and siting of the minor structure, it is not anticipated that the earthworks will adversely impact the visual amenity of neighbouring properties or immediate area. The proposed pool does not affect the subject sites or adjoining allotments potential for drainage, and adequate provisions will be made for drainage and addressed at post approval stage.

No adjoining properties or developments will be impacted by stormwater from the site.

4.0 Development Control Plan (DCP)

Warringah Development Control Plan 2011 (WDCP 2011)

Consideration has been given to the provisions of the relevant Development Control Plan. The proposed development is not inconsistent with the objectives or controls within the DCP. The following DCP Chapters are considered applicable to the proposal.

Part B – Built Form Controls

B4 Site Coverage

Not applicable – The site is not identified as land shown coloured on the DCP Map *Site Coverage*.

B5 Side Boundary Setbacks

The DCP requires a **0.9m** side boundary setback for the site. The proposed pool is setback 1.2m from the east side and 3.59m from the west side boundaries – Compliant with the DCP provisions.

B9 Rear Boundary Setbacks

The DCP states a **6m** rear setback applies to the site.

Swimming Pools and exempt development, including some outbuildings, may encroach within the 6m rear setback. However, they must not exceed 50% of the rear setback area.

The proposed pool is setback 2.83m from the rear northern boundary. The rear setback area is 90m² and the pool occupies 49% of the rear setback area – Compliant with the DCP provisions.

Part C – Siting Factors

C4 Stormwater

Stormwater disposal will comply with relevant Council requirements and is to be connected to the existing site system. No surrounding properties or developments will be impacted.

C5 Erosion and Sedimentation

Erosion and sediment control measures will be implemented prior to the commencement of works and maintained during the period construction in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction 4th Edition - Vol. 1 (the 'Blue Book')* published by Landcom.

C7 Excavation and Landfill

The development includes minimal earthworks associated with the installation of the swimming pool.

The development will not result in the unreasonable redirection of water onto adjoining properties. All water run-off is to be directed to the existing stormwater system at site or controlled with sediment control fencing and is not to cause nuisances to adjoining sites.

C9 Waste Management

All materials used on site during construction are to be disposed of to Council regulation and recycled where applicable to avoid waste going to landfill.

Waste Management both during construction and post construction will be as per Council waste management requirements. A Waste Management Plan (WMP) accompanies the development application.

Part D – Design

D1 Landscaped Open Space and Bushland Setting

The total landscaped open space available at the site is 257m², including available soft landscaping and the proposed pool surface area. The site is provided with 42% of landscaped open space, compliant with the 40% required for the site under the DCP.

D2 Private Open Space

The pool area on the site ensures the dwelling is provided with an additional area of open space, which is usable and meets the needs of the occupants.

The proposed development is not expected to create impact upon the existing area of private open space available at the site – The location affords the greatest site utilisation.

D3 Noise

On-site noise generating sources including the pool equipment (pump/filter) are designed and located to ensure that the noise levels generated have minimal impact to adjoining properties.

D6 Access to Sunlight

The proposed development does not offer any impacts to the solar access of adjoining allotments.

D7 Views

The proposed development will not create adverse impacts upon the reasonable right of view of surrounding properties. Outlook will be maintained.

D8 Privacy

The proposed development will not create adverse impacts upon the privacy of surrounding properties. Direct views to and from the site are obscured by existing 1.8m high boundary fencing.

D9 Building Bulk

The works are considered to be minor and will result in an appearance that is compatible with the existing dwelling and surrounding built form.

D16 Swimming Pools and Spa Pools

1. *Pools are not to be located in the front building setback.*

The pool is located to the rear of the site, behind the front building line.

2. *Where there are 2 frontages, swimming pools and spas are not to be situated in the primary street frontage.*

Not applicable – The site is not a corner lot.

3. *Swimming pools and spas are to be setback from any trees. Australian Standard AS4970-2009 Protection of trees on development sites is to be used to determine an appropriate setback.*

The pool is appropriately sited from any trees on site and any nearby trees. No trees are proposed removal to facilitate the structure.

D22 Conservation of Energy and Water

A BASIX assessment has been undertaken as part of the proposed development, by a qualified Building Sustainability Assessments consultant, the certificate for the proposal plans is attached with this application.

Part E – The Natural Environment

E1 Preservation of Trees or Bushland Vegetation

It is expected that no native flora or fauna will be impacted by this development, as there are no significant habitats located on site or on surrounding development sites as identified in the LEP.

There are no trees proposed for removal. All nearby trees and any street trees will be suitably protected for the duration of the works.

E10 Landslip Risk

The proposal is identified as being within *Area A*.

Due to the minor nature of the fiberglass swimming pool, predominantly flat and level topography of the site and siting from adjoining development, we believe the proposed works would have a negligible impact to surrounding buildings/structures.

As such, it is understood that no Geotechnical report is generally needed to accompany the application, unless specified by the assessing officer once a site visit has taken place.

5.0 Environmental Effects

The proposed development has been evaluated with regard to the matters for consideration of section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that have not been addressed elsewhere within this statement.

The Provisions of any Environmental Planning Instrument – 4.15 (1)(a)(i)

Consideration has been given to relevant Environmental Planning Instruments (EPI) above. The proposed development is not inconsistent with any EPI.

The Provisions of any Draft Environmental Planning Instrument – 4.15(1)(a)(ii)

The proposal has been considered with regards to any Draft Environmental Planning Instrument.

The Provisions of any Development Control Plan – 4.15(1)(a)(iii)

Consideration has been given to the provisions of the relevant Development Control Plan. The proposed development is not inconsistent with the objectives or controls within any DCP.

The Provisions of any Planning Agreement – 4.15(1)(a) (iiia)

None applicable to this application.

The Provisions of the Regulations – 4.15(1)(a)(iv)

None applicable to this application.

Likely Impacts of the Development – 4.15(1)(b)

Likely Impacts	Assessment
<i>Context and Setting</i>	The proposal is appropriately located within the site and with respect to adjoining properties.
<i>Access, Transport and Traffic</i>	Any additional traffic generated by the proposed development would not create any adverse impact on the surrounding road network.
<i>Public Domain</i>	The proposal would not result in any adverse impacts to the public domain.
<i>Utilities</i>	The proposal will be connected to the mains power and water.
<i>Heritage</i>	Not relevant to the subject site.
<i>Other Land Resources</i>	The proposed development would not alienate other uses within the site or on neighbouring sites and would limit the demands on other lands.
<i>Water Quality</i>	Stormwater management to Council regulations.
<i>Soils</i>	The site of the proposed development is not identified as being located within an Acid Sulphate Soils zone. As the development includes minimal ground works, it is not expected investigation is required.
<i>Air and Microclimate</i>	The proposal is expected to have a negligible impact on the existing air quality and microclimate.
<i>Ecological</i>	There are negligible ecological impacts anticipated.
<i>Waste</i>	Waste generated will be handled through existing waste collection and recycling services that presently available, with additional services used on occasion.

Likely Impacts	Assessment
<i>Energy</i>	The proposed development incorporates applicable energy efficient design features.
<i>Noise and Vibration</i>	The proposal would have negligible impact on the existing air quality and microclimate.
<i>Natural Hazards</i>	None applicable to the subject site.
<i>Technological Hazards</i>	None exist in respect to this type of development.
<i>Safety, Security and Crime Prevention</i>	The development is designed and located to ensure safety and security would be maintained.
<i>Social Impact in Locality</i>	The proposal does not introduce a type of development or scale of development that would result in an adverse impact.
<i>Economic Impact in Locality</i>	No adverse economic impact expected, and the proposal would not impact future economic viability of the locality.
<i>Site Design and Internal Design</i>	Commensurate to existing built form and context of surrounding urban locality.
<i>Construction</i>	To Council and BCA requirements.
<i>Cumulative Impacts</i>	None are likely to result from this scale of development.

Ecologically Sustainable Development

The principles of ecologically sustainable development (ESD) have been considered in preparing this SEE. Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* note that ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. The principles of ESD have been considered in the preparation of this SEE and development design. The proposed development is considered to be able to comply with the ESD objectives for the site.

Suitability of the Site for Development – 4.15(1)(c)

The subject site is considered suitable for the proposed development in this location. The SEE has demonstrated in detail that the site is suitable for the proposed development. In summary, suitability is achieved given:

- The proposed development is permissible and will be consistent with the relevant zone objectives;
- The development will respect the existing and desired future character of the immediate and surrounding locality;
- There are no prohibitive constraints posed by the site or those adjacent.

Submissions – 4.15(1)(d)

Should the proposal be notified in accordance with the requirements of Council’s DCP, providing opportunity for the public to comment on the development, all reasonable concerns raised in any submissions will be considered.

Public Interest – 4.15(1)(e)

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

6.0 Conclusion

The application for development seeks assessment and consent under the provisions of section 4.15 of the Environmental Planning and Assessment Act 1979. The development is a permissible use of the land under the *Warringah Local Environmental Plan 2011* and displays compliance with the objectives and controls of the *Warringah Development Control Plan 2011*.

It is therefore submitted that Council favourably consider the proposed development, subject to conditions.