

STATEMENT OF ENVIRONMENTAL EFFECTS

**FOR THE DEMOLITION OF AN EXISTING POOL AND DECK AND
THE CONSTRUCTION OF A NEW SWIMMING POOL AND DECK**

LOCATED AT

32 CLARKE STREET, NARRABEEN

FOR

MARK DOOLAN



**Prepared
May 2022**

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1.0 Introduction

This Statement of Environmental Effects accompanies architectural plans prepared for Mr and Mrs Doolan by Premier Pools to detail the demolition of the existing pool and deck and construction of a new swimming pool and deck at **32 Clarke Street, Narrabeen.**

The architectural plans include:

- ILA-7008-1B, Site Plan and Sediment and Erosion Plan, dated 10.05.22
- ILA-7008-2A, Pool Plan, dated 05.04.22
- ILA-70083A, Sections, dated 05.04.22
- ILA-7008-4B, Landscape Plan, dated 10.05.22
- ILA-7008-5A, South and East Elevations, dated 05.04.22
- ILA-7008-6A, North and West Elevations, dated 05.04.22

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 (EP&A Act)*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Warringah Local Environmental Plan 2011 (WLEP 2011)*
- *Warringah Development Control Plan 2011 (WDCP 2011)*

2.0 Property Description

The subject allotment is described as 32 Clarke Street, Narrabeen, being Lot 10 within Section B of Deposited Plan 6445. The site is zoned R2 Low Density Residential under the provisions of the WLEP 2011.

The site does not contain any listed heritage items, is not in the vicinity of any and is not located within a heritage conservation area.

The majority of the site, including the part of the site where the proposed works are to be located, is identified as being within Area E of the Landslide Risk Map of WLEP 2011, with the remaining minor portion of the site identified as being within Area D.

Accordingly, a Geotechnical Assessment prepared by AscentGeo Consulting Engineers has been prepared and accompanies this application. This will be addressed in further detail within this Statement.

3.0 Site Description

The property is located on the southern side of Clarke Street. The site is rectangular in shape, with width of 15.24m and a depth of 58.29m. The total site area is 888.3m².

The property has a cross-fall, from the upper western side boundary down towards the lower eastern side boundary.

The site is currently developed with a two and three storey stone and clad dwelling house with a tile roof. Vehicular access to a double garage below the dwelling is available via a concrete driveway from Clarke Street.

A single storey secondary dwelling (CDC/0174412) is located towards the rear of the site. An existing swimming pool is located at the rear of the site, between the primary and the secondary dwelling.

The details of the site are as indicated on the survey plan prepared by Hill & Blume Consulting Surveyors Pty Ltd, Reference No. 63664001A, dated 25 January 2022, which accompanies the DA submission.

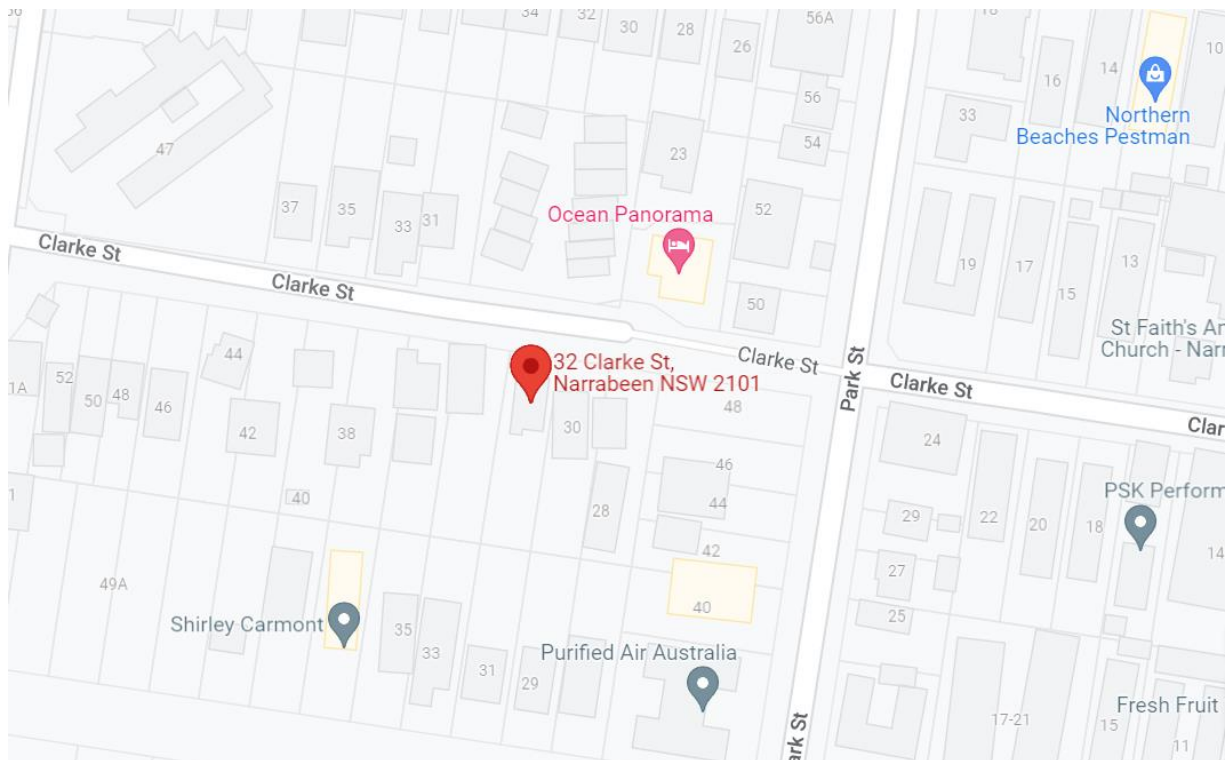


Fig 1: Location of Subject Site
(Source: Google Maps)



Fig 2: View of subject site from Clarke Street, looking south



Fig 3: View of the existing swimming pool, looking east across the rear yard



Fig 4: View of the existing elevated pool, looking south along the eastern boundary



Fig 5: View of the rear deck and pool, looking north-east



Fig 6: View of the rear yard of the site and existing detached secondary dwelling, looking south along the western boundary

4.0 The Surrounding Environment

The general vicinity of the site is characterised by a mix of residential development, of varied density, age and architectural style. Whilst the southern side of Clarke Street predominantly comprises one and two storey dwelling houses, the northern side contains a mix of dwelling houses and medium density development.

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

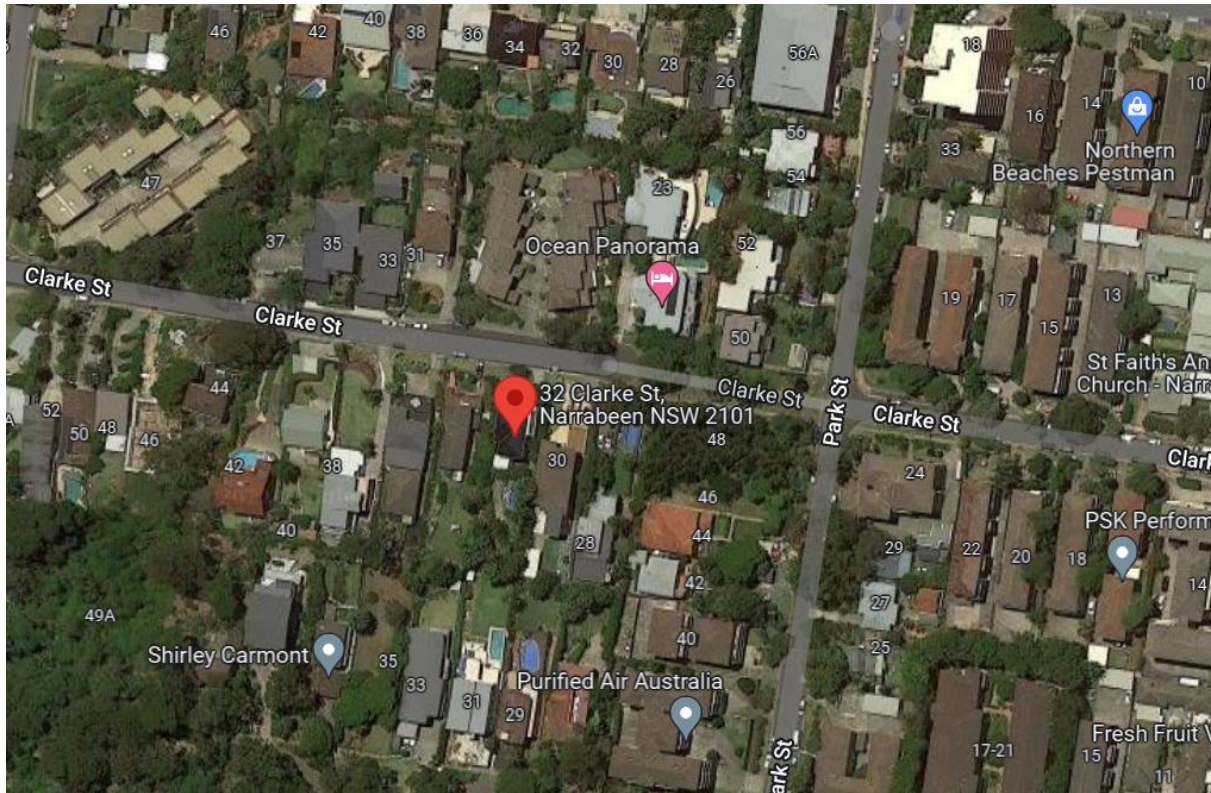


Fig 7: Aerial view of locality
(Source: Google Maps)

5.0 Proposed Development

As detailed within the accompanying plans, the proposal seeks approval for the demolition of the existing pool and deck and the construction of a new swimming pool and deck in the same approximate location within the rear yard.

With the exception of the removal of two exempt Palm trees, all existing vegetation will be retained on site. A privacy screen is proposed along the eastern elevation of the swimming pool to prevent overlooking of the adjoining downslope property. The screen is setback 2.6m from the eastern side boundary and will be screened from view from the adjoining property by existing landscaping.

The pool and adjacent deck will be enclosed by the screen and a glass swimming pool fence, consistent with the requirements of the Swimming Pools Act 1992 & Regulations and to be constructed in accordance with AS 1926.1-1993.

The development indices for the site are:

Site Area	888.3m ²
Required Landscaped Area	40% or 355.32m ²
Proposed Landscaped Area	55.4% or 492.00m ²

6.0 Zoning and Development Controls

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Coastal Hazard

The subject site is identified as being within the coastal environment area on the Coastal Environment Area Map and therefore the provisions of Chapter 2 of SEPP (Resilience and Hazards) are applicable to the proposed development.

The stated Aim of the Chapter as outlined in clause 2.1 is to:

The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The consent authority can be satisfied that the proposed swimming pool has been designed, sited and will be managed to avoid adverse impacts referred to in clause 2.10(1) of this policy.

Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land.

Clause 4.6(1)(a) of this policy requires the consent authority to consider whether 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.

Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

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

The proposed swimming pool, which has a capacity of less than 40,000L, is defined as BASIX Optional development by the EP&A Regulation. A BASIX Certificate is not required in this instance.

6.3 Warringah Local Environmental Plan 2011

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

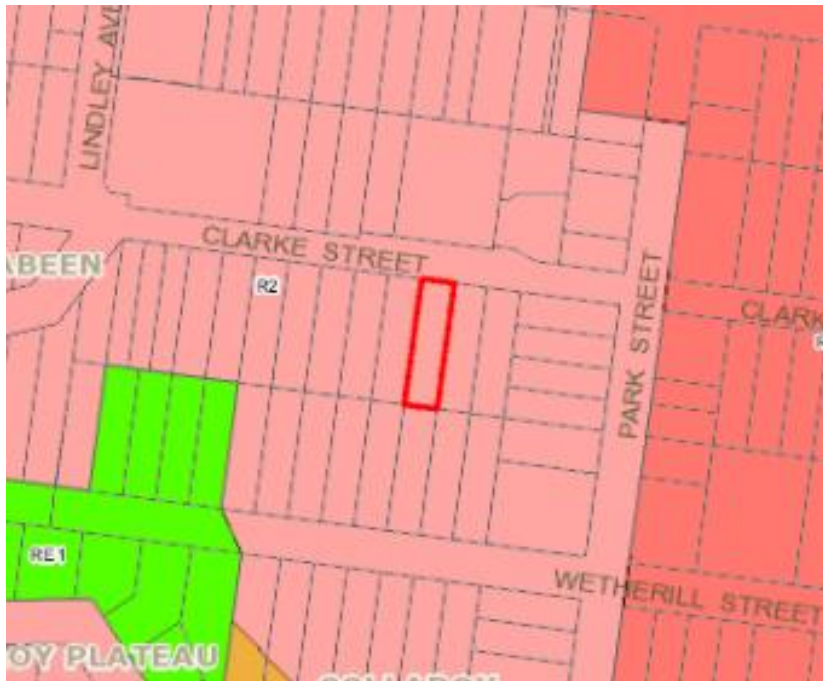


Fig 8: Extract of WLEP 2011

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 will be consistent with the desired future character of the surrounding locality for the following reasons:

- The proposal retains the existing detached style housing within the locality.
- The proposal provides for a swimming pool within the rear yard which will be well screened from the neighbour's view by the existing boundary fencing, landscaping and proposed screening, which will preserve the amenity of the neighbouring properties.
- The proposal maintains ample landscaped area, well in excess of the minimum prescribed.
- 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 at the subject site is 8.5m. The proposed pool and decking reach a maximum height of 1.1m above existing ground levels, with the proposed screen reaching a maximum height of approximately 3m. All proposed works are maintained well below the 8.5m height limit.

Clause 6.2 relates to earthworks. The proposed works will be undertaken under the supervision of a Structural Engineer and Geotechnical Engineer, in accordance with the recommendations of the Geotechnical Assessment prepared by AscentGeo Consulting Geotechnical Engineers, Report Reference AG 22217 dated 23 May 2022.

Clause 6.4 relates to development on sloping land. The majority of the site, including the part of the site where the proposed works are to be located, is identified as being within Area E of the Landslide Risk Map of WLEP 2011, with the remaining minor portion of the site identified as being within Area D. Accordingly, a Geotechnical Assessment prepared by AscentGeo Consulting Geotechnical Engineers, Report Reference AG 22217 dated 23 May 2022 has been prepared and accompanies this application.

The report concludes that there was no evidence of geotechnical hazards and provides recommendations to be observed to during the construction.

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.

6.4 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
B3 – Side Boundary Envelope	Building envelope projected at 45 degrees from 4m above existing ground levels along the side boundaries.		Yes
B5 – Side Boundary setbacks	0.9m to both sides	Eastern side = 2.6m Western side = 8.0m	Yes
B7 – Front Boundary Setbacks	6.5m	The proposed new works are wholly contained within the rear yard and will not see any change to the front setback of the existing dwelling.	Yes
B9 – Rear Boundary Setbacks	6m	18.5m	Yes
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	Proposed new pool will be connected to the existing stormwater system.	Yes

C5 – Erosion and Sedimentation	Soil and Water Management required	Erosion and sediment control measures to be provided. These are detailed in the Site/Sediment and Erosion prepared by Premier Pools, Drawing No. ILA-7008-1B.	Yes
C7 – Excavation and Landfill	Site stability to be maintained		Yes
C8 – Demolition and Construction	Waste management plan required	The application is accompanied by a Waste Management Plan.	Yes
C9 – Waste Management	Waste storage area to be provided	Bin storage remains available within the curtilage of dwelling.	Yes
Part D – Design			
D1 – Landscaped Open Space and Bushland	Min 40% Landscaped Area to be maintained	55.4% or 492.00m ²	Yes
D2 – Private Open Space	Dwelling houses with three or more bedrooms Min 60m ² with min dimension 5m	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 private open space area for the enjoyment of the occupants.	Yes
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 located beneath the proposed deck to reduce nuisance.	Yes
D5 – Orientation and Energy Efficiency	Dwellings to be orientated to receive northern sun Appropriate construction to enhance thermal properties and	The swimming pool has been sited to maximise solar access.	Yes

	ventilation/natural cooling. Compliance with SEPP (BASIX) requirements		
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.	The proposed pool and screening will not result in any adverse overshadowing of the adjoining downslope property.	Yes
D7 – Views	View sharing to be maintained	The proposed pool will not have any adverse effect on the outlook enjoyed by the neighbours. The proposed pool and screen are to be located in an area that is surrounded by existing vegetation and will be screened by landscaping.	Yes
D8 - Privacy	This clause specifies that development is not to cause unreasonable overlooking of habitable rooms and principle private open space of adjoining properties.	The pool is located in the rear yard of the site and the existing privacy enjoyed by the neighbours will be maintained by virtue of the screening proposed. The siting of the proposed pool, together with the existing plantings, will retain a suitable level of privacy between the properties.	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	The proposed pool will not be prominently viewed from the street due to its location in the rear of the property.	Yes

	properties and not to visually dominate the street or surrounding spaces.		
D10 – Building Colours and materials			Yes
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 .	No change to existing site facilities.	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
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

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
E6 - Retaining unique environmental features	Not identified on map	No significant features within site	Yes
E10 – Landslip Risk	A Geotechnical Assessment is required for all development applications.	A Geotechnical Assessment prepared by AscentGeo Consulting Geotechnical Engineers, Report Reference AG 22217 dated 23 May 2022 has been prepared and accompanies this application.	Yes

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 WLEP 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.

The proposal has also considered all relevant SEPPs, and Council can be satisfied that the proposal is consistent with these policies.

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

N/A

7.3 Any development control plan

The development has been designed to comply with the requirements of WDCP 2011.

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 the demolition of the existing swimming pool and deck and the construction of a new swimming pool and deck, will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding 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 zoned R2 Low Density Residential under the provisions of WLEP 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 adversely or unreasonably 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 the demolition of the existing swimming pool and deck and the construction of a new swimming pool and deck which will not have any detrimental impact on the adjoining properties or the locality.

It is considered that the proposed works satisfy the stated objectives of objectives of WLEP 2011, WDCP 2011 and other relevant plans and policies. By maintaining the amenity of neighbouring properties and by complementing the existing style and character of the surrounding locality, the stated objectives have been satisfied.

As the proposed development will not have any significant adverse impacts on the environment, scenic quality of the area or the amenity of the adjoining allotments, there is not statutory impediment or meritorious reason as to why Council should not grant consent to the proposed development.

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