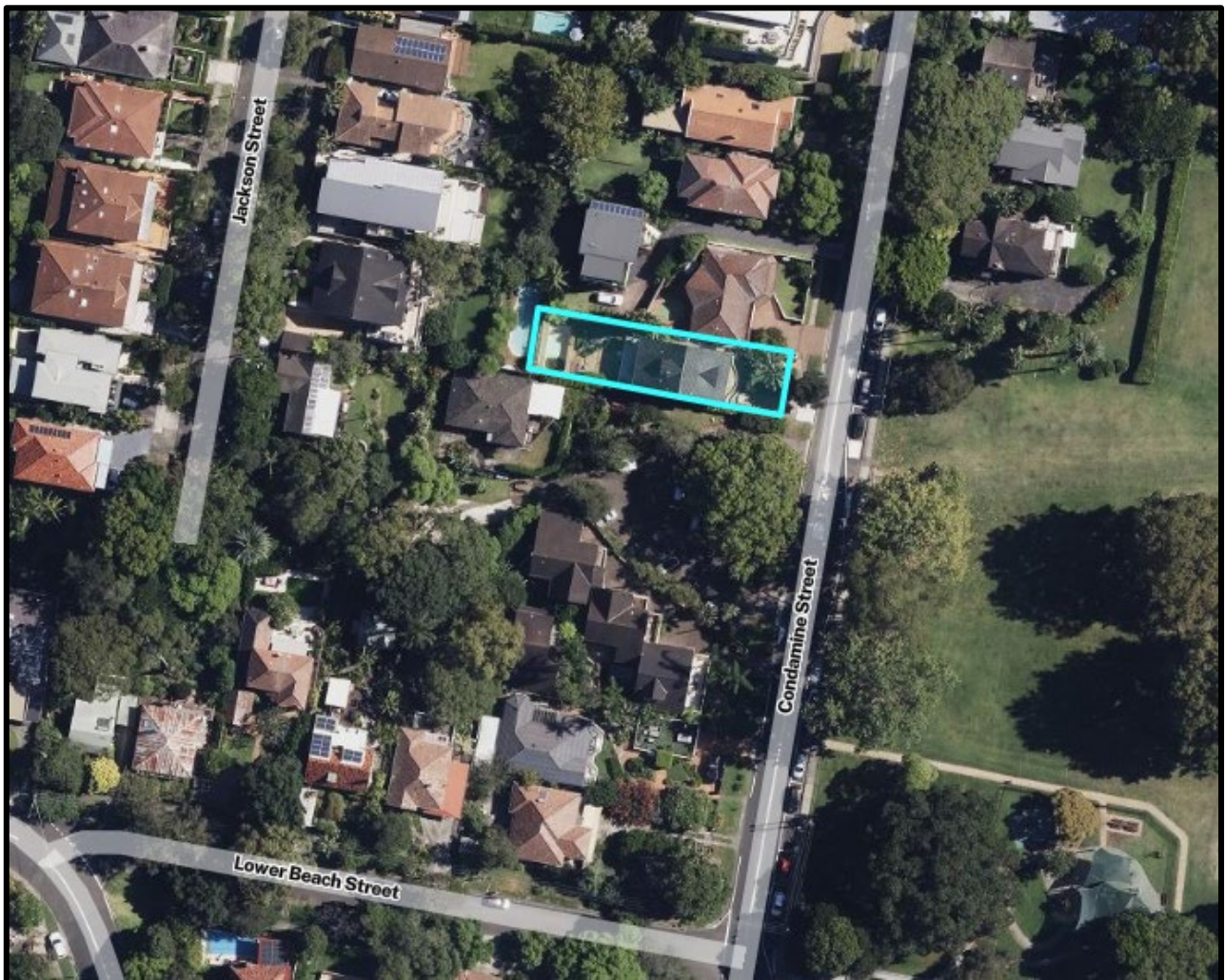


STATEMENT OF ENVIRONMENTAL EFFECTS



SITE: Lot 1 SP 46248
149 Condamine Street
Balgowlah

PROPOSED DEVELOPMENT: Construction of a new deck, fencing and repairs to an existing swimming pool



CONTENTS

INTRODUCTION.....	3
DESCRIPTION OF PROPOSED DEVELOPMENT.....	3
LEGISLATIVE REQUIREMENTS.....	4
(a)(i) Relevant environmental planning instruments.....	4
State Environmental Planning Policy (Sustainable Buildings) 2022.....	4
State Environmental Planning Policy (Resilience and Hazards) 2021.....	4
State Environmental Planning Policy (Transport and Infrastructure) 2021.....	5
Manly Local Environmental Plan 2013.....	6
(a)(ii) Relevant draft environmental planning instruments	10
(a)(iii) Relevant development control plans	10
Manly Development Control Plan 2014.....	10
(iiiia) Relevant planning agreement, or draft planning agreements.....	17
(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality.....	17
(c) The suitability of the site for the development.....	18
(d) Any submissions made in accordance with this Act or the regulations	19
(e) Public interest	19
CONCLUSION.....	20

This work is copyright. Apart from any use permitted under the Copyright Act 1968, no part may be reproduced by any process, nor may any other exclusive right be exercised, without the written permission of © Urban Planning and Building Consultants, 2025.



INTRODUCTION

This Statement of Environmental Effects is submitted to Northern Beaches Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for the construction of a swimming pool and deck. This report is based on plans prepared by ArchiCode Architects, revision A, dated 10/03/24.

The subject site is located on the western side of Condamine Street. The allotment has a frontage of 11.27m, an average depth of 46.25m and total site area of 515.1m². The site currently contains a three-storey dual occupancy which is to be retained as part of the proposed development. No trees are required to be removed in order to site the proposed decking, ensuring that landscape character of the area is maintained.

The site is within an established residential area that predominately consists of one and two storey residential buildings, varying in architectural design from older weatherboard and brick designs to contemporary building styles scattered throughout the street. The subject site is not identified to be a heritage item or located within a conservation area however, there is a heritage item located nearby at 155 Condamine Street. It is not anticipated that there will be any discernible impacts upon the heritage item located at that address.

The following sections of this statement address the likely impact of the proposal.

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed works include:

- Construction of a timber swimming pool deck in place of an existing concrete deck,
- New steps to provide access to the proposed new deck,
- Provision of hardwood sleepers inside existing landscaped area,
- 1.2m fence and gate accordance with the swimming pool Act 1992,
- Provision of new pool equipment housing.



LEGISLATIVE REQUIREMENTS

The following sections address the matters for consideration as listed in Part 4 Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

(a)(i) Relevant environmental planning instruments

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 – Standards for Residential Development - BASIX

The proposed development of an external deck and swimming pool fencing is not considered to require compliance with the Sustainable Buildings SEPP 2022 due to their non-habitable nature. No further assessment is considered necessary in this regard.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Clause 4.6 Contamination and remediation to be considered in determining development application

- (1) *A consent authority must not consent to the carrying out of any development on land unless—*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is 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 be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site is within an existing area historically utilised for residential purposes. No previous land uses are known to have occurred on the site that would result in potential land contamination. No further assessment is considered necessary in this instance.



State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Part 2.3 Development controls

Division 15 Railways

Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors

Section 2.98 Development adjacent to rail corridors

(1) This section applies to development on land that is in or adjacent to a rail corridor, if the development—

- (a) is likely to have an adverse effect on rail safety, or*
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
- (c) involves the use of a crane in air space above any rail corridor, or*
- (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

The subject site is not located within proximity to a railway corridor, and does not have a common boundary with a railway corridor. No further assessment is anticipated in this regard.

Division 17 Roads & Traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

Section 2.119 Development with frontage to classified road

(1) The objectives of this section are—

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*



- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and**
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject site is not located with proximity to any classified roadways, does not have a frontage or common boundary with classified roadways. No further assessment is anticipated in this regard.

Manly Local Environmental Plan 2013

The LEP is divided into several Parts and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

Part 2 Permitted and prohibited development

Clause 2.2 Zoning of land to which this plan applies

The subject site is zoned *R2 Low Density residential* pursuant to Clause 2.2 of *Manly Local Environmental Plan 2013*.

The proposed development is ancillary development to the existing dual occupancy (attached) on the allotment. A '*dual occupancy (attached)*' is defined in the Plan as '*2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling*'.

The identified zone permits the construction of a '*dual occupancy (attached)*' therefore the ancillary development is permitted subject to development consent from Council.



Clause 2.3 Zone Objectives and land use table

The objectives of the R2 Zone are as follows:

- *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.*

The proposed development is ancillary to the existing low-density residential development, being compatible with the existing and future character of the locality. The proposed works are designed to provide a high level of amenity for adjoining residents whilst considering the natural constraints of the site.

The proposed development is considered to meet the relevant objectives of the R2 zone.

Part 4 Principal development standards

Clause 4.3 Height of Buildings

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
8.5m ridge height	Max. building height unchanged by proposed decking.	Yes

Clause 4.4 Floor space ratio

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
0.5 : 1	The proposed decking is not considered to contribute to GFA calculations as an open, unenclosed structure.	Yes

Clause 4.6 Exceptions to Development Standards

The proposed development does not contravene the development standards of the LEP.



Part 5 Miscellaneous Provisions

Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance or within a heritage conservation area. The subject site is located within proximity to the heritage listed house at 155 Condamine Street.

The proposed development is not anticipated to have any detrimental impact on the trees located in the rear to site the proposed deck and fencing. Therefore, the proposal will be in keeping with surrounding developments within the street and is considered to complement the streetscape.

Clause 5.11 Bush fire hazard reduction

The subject site is not identified to be bushfire prone land on Council's maps.

Clause 5.21 Flood planning

The subject site is identified as being part of a high-risk flood planning precinct on the Northern Beaches Council Flood Hazard Map. It is considered that despite this, the proposed development of a deck will not negatively affect flood function and behaviour. The provided timber decking will assist with reducing flash flooding rates through providing access for stormwater to reach the pervious area beneath the deck. This will result in an improvement on flood behaviour on-site.

Clause 5.22 Special flood considerations

The subject site is not considered to be land that can cause a particular risk to life, but as land within a high-risk flood planning zone, may require the evacuation of people in a flood event. It is considered that the construction of timber decking around an existing in-ground swimming pool to the rear of the dual occupancy will not have any effect on the safe occupation and efficient evacuation of people, and will not adversely impact the environment in the event of a flood.



Part 6 Additional local provisions

Clause 6.1 Acid Sulfate Soils

The subject property is identified as being affected by Class 5 Acid Sulfate Soils. The proposal does not require excavation more than 1 meter below the existing natural ground level and is not considered to lower the water table by 1 meter. The proposed swimming pool requires minor excavation within the footprint area. The development is not anticipated to have any specific requirement in respect to Acid Sulfate Soils.

Clause 6.2 Earthworks

Minimal ground disturbance is required to provide a platform to site the proposed decking and swimming pool fences. All earthworks can be suitably battered and/or retained to ensure structural adequacy and minimal impact on the adjoining properties.

Clause 6.4 Stormwater management

There will be no change to the existing house stormwater system.

Clause 6.8 Landslip risk

The site is not located within an area identified as a Land Slip Risk area.

Clause 6.9 Foreshore scenic protection area

The subject site is identified as being part of the foreshore scenic protection area with reference to Council's mapping. It is considered that the proposed development within the rear setback of the allotment will have no detrimental impact to the visual amenity of the coastal foreshore and will have no conflict with any coastal activities.

Clause 6.12 Essential services

All necessary services including water, electricity, sewerage, stormwater drainage and vehicular access are available to the subject site.



* * *

Conclusion with respect to LEP requirements

The proposal is considered to generally satisfy the objectives of all the relevant development standards relating to dual occupancies and ancillary development as contained within MLEP 2013.

(a)(ii) Relevant draft environmental planning instruments

There are no known draft environmental planning instruments that would prevent the subject development from proceeding.

(a)(iii) Relevant development control plans

Manly Development Control Plan 2014

PART 3 General Principles of Development

3.1 Streetscapes and Townscapes

3.1.1 Streetscape (Residential areas)

The neighbourhood generally consists of one and two storey detached dwellings varying in architectural style and era. The proposed development is considered to be in keeping with the character of the area. All existing vegetation on the subject site is to be retained in order to maintain the landscape character of the area. A heritage item is located along the street at no. 155 Condamine Street, and the proposed development is not anticipated to have any impact upon that item.

Properties within the street provide varied front fences and/or retaining walls to delineate private boundaries at the street frontage. The proposed development is located in the rear of the subject site and is therefore considered to have no impact upon the streetscape.



3.2-3.10 General Principles development controls

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>3.2 - Heritage Considerations</u> LEP Clause 5.10(4) requires that Council consider the effect of proposed development on heritage significance of a heritage item or heritage conservation area.	The subject site is not located within a conservation area or identified as a heritage item. However, the subject site is located within proximity to a heritage item at 155 Condamine St. Refer to LEP Clause 5.10 above.	Yes
<u>3.3 - Landscaping</u> Encourage appropriate tree planting and maintenance of existing vegetation. Retain and augment important landscape features and vegetation remnant populations of native flora and fauna.	No vegetation removal is required to allow the proposed development.	Yes
<u>3.4 - Amenity (Views, Overshadowing, Overlooking / Privacy, Noise)</u> Sunlight Access & Overshadowing: Not to reduce sunlight to POS of adjoining by >1/3 Not to reduce sunlight to glazed areas of adjacent buildings: East / West orientation 2 hrs 9am-3pm 21 June to adjoining glazed areas. North / South orientation 4 hrs 9am-3pm 21 June to adjoining glazed areas. <i>Privacy and Security:</i> Use of narrow, translucent or obscured glass where necessary in order to reduce privacy intrusion.	Solar access to existing POS area unchanged by proposal. Solar access to glazed areas of adjacent buildings unchanged by proposal. No new windows proposed. Existing rear fence will provide privacy to the development.	Yes Yes Yes



<p>Incorporation of architectural or landscape screens to balconies.</p> <p><i>Maintenance of Views:</i> To provide view sharing for both existing and proposed development. Minimise loss of views and disruption of views from adjacent and nearby developments.</p>	<p>N/A – no balconies proposed.</p> <p>The proposed development is not anticipated to result in a detrimental loss of views due to scale of works and maintaining existing setbacks and building height.</p>	<p>N/A</p> <p>Yes</p>
<p><u>3.5 / Sustainability</u> Principles of ecologically sustainable development are taken into consideration. Encouraging energy efficient building design that optimises energy conservation and sustainability in accordance with BASIX legislation.</p>	<p>Proposed development consists of the provision of decking and fencing and thus the requirements of BASIX do not apply to the proposal. Energy efficiency and ecological sustainability measures have been carefully considered in the design, siting and scale of the proposed deck to rear private open space.</p>	<p>Yes</p>
<p><u>3.7 / Stormwater Management</u> Manage urban stormwater within its natural catchments and within the development site without degrading water quality of the catchments or cause erosion and sedimentation.</p> <p>Manage construction sites to prevent environmental impacts from stormwater and protect downstream properties from flooding and stormwater inundation. Promote ground infiltration of stormwater where there will be no negative (environmental) impacts and to encourage on-site stormwater detention, collection and recycling.</p>	<p>Sediment and Erosion Control measures to be in place prior to commencement.</p> <p>Stormwater to be connected to the existing drainage system for the property. The pool waste water will be connected to the sewer gully trap in accordance with AS3500. The pool copings will have a slight fall towards the pool to contain any run off that may occur. There will be no additional runoff associated with the new pool.</p>	<p>Yes</p> <p>Yes</p>



<u>3.8 / Waste Management</u>	Waste Management Plan provided.	For Council's consideration.
<u>3.10 / Safety and Security</u> Design to incorporate safe vehicle access. <i>Security (Casual Surveillance)</i> Development to be designed to maximise opportunities for passive surveillance of public and communal areas.	Proposed new front path and steps provides a safer access separate to vehicle access. Habitable areas and an open entry verandah remain located and orientated to the entry to maintain casual surveillance of the approach to the dual occupancy. No entrapment areas are created as part of the proposed.	Yes Yes

PART 4 Development Controls and Development Types

4.1 Residential Development Controls

The subject property is located within Residential Density Area – D4 and Open Space Area – OS3 in accordance to Council's DCP.

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>4.1.5 / Open space and Landscaping</u> Min. Total Open Space OS3 – 55% Min. % of Total Open Space as Landscaped Area OS1 - 25% OS2 – 30% OS3 – 35% OS4 – 40%	>55% total open space maintained through replacement of decking. Proposed development does not remove any open spaces. Proposed decking in place of existing structure will not reduce landscaped area on subject site.	Yes Yes



Max. 25% open space can be above ground.	<25% of the total open space is proposed above ground.	Yes
Private Open Space for dwellings: Min. 18sqm Principal POS; and > 1 dwelling on site = 12sqm unbroken area.	POS unchanged by proposal.	N/A
Min. no native trees: Lot Size Map Area C(<500m ²) = 1 Other Lot Size Map Areas(<500m ²) = 2 All Lot Size Map Areas(500-800m ²) = 3 Lot Size Map Area C(>800m ²) = 3 Other Lot Size Map Areas(>800m ²) = 4	No changes to no. of trees on site.	Merit consideration.
<u>4.1.6 / Parking, Vehicular Access and Loading</u>	No change to existing carport and access.	N/A
<u>4.1.9 Swimming Pools, Spas and Water Features</u> Max. 1m above NGL Not located within the front setback Setbacks: Side and Rear setbacks – 1m to the pool and 1.5m to the water line. Pool to occupy no more than 30% of total open space: - TOS: 288.43 Connected to the sewerage system	Proposed swimming pool deck as swimming pool curtilage >1m from NGL. Located in rear setback <1.5m to existing waterline. <1m to proposed decking provided. Pool area: 33m ² / 10% Existing drainage system to be utilised by existing swimming pool.	No – see below Yes No – see below Yes Yes



Filters and pumps to be enclosed and acoustically controls	Filter and pumps to remain in current location.	Yes
Separate rainwater tank to refill pool as required	Existing pool being retained, it is considered that a rainwater tank has not been required for the development in the past.	Suitable outcome achieved.
Pools to be covered by a pool blanket or similar device.	Provided	Yes
<u>4.1.10 / Fencing</u> Front fences max. 1m above ground level at any point.	No front fencing proposed. Proposed 1.2m childproof safety fence in accordance with Swimming Pool Act 1992.	Yes

Variation Request

Swimming pool above NGL – Council's DCP requires swimming pools to be a maximum of 1m above the NGL. The proposed decking around an existing swimming pool has a maximum level of 1.2m above NGL therefore requires a variation to this control.

It is understood that the objectives of this control are to provide well located swimming pools to maintain the privacy of neighbouring properties, and to avoid any adverse impacts on the streetscape or character of the subject locality. It is proposed that the swimming pool deck that forms part of this application can be provided in a way that satisfies the relevant objectives to this control.

The existing concrete deck to be demolished is sited in the location of the proposed decking, preventing the need for excessive earthworks or remediation to site the development. The decking itself is shielded from all boundaries by existing fences – there are brick and stone walls encircling the existing swimming pool with existing fencing erected on top of these walls. These walls and fences are existing, and will not require the provision of any additional bulk or scale to the site.

It is considered that the proposed development will not have any impacts on the amenity of the streetscape or character of the area, being appropriately sited to the rear of the allotment.



As overlooking can be prevented by existing screen fencing, and the proposal is appropriately sited away from the frontage of the allotment, it is considered that the objectives of this control have been met despite the numerical non-compliance with the height of the proposed swimming pool decking.

Despite the required variation to the proposed height of the swimming pool deck, it is considered to be acceptable for the subject site and poses no greater impact than that of a compliant proposal. Therefore, the proposed variation should be supported in this instance.

Pool Setbacks – The Manly DCP requires that pools (and their concourses) are setback from any boundary by 1m to the edge of the pool, and by 1.5m to the waterline. The proposed deck (as the concourse to an existing swimming pool) will be built to both side boundaries, and within 1m of the rear boundary. Therefore, a variation to this control is required.

Within the DCP, exceptions to the setbacks are required to demonstrate that swimming pools and their curtilage and/or concourse:

- do not detract from the amenity or character of the neighbourhood, and
- 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.

It is considered that the proposed swimming pool decking will meet both of these requirements. The decking is appropriately sited to the rear of the existing dual occupancy, being hidden from sight from the public view, and screened from neighbouring allotments via existing fencing along the side and rear boundaries. The swimming pool decking is approximately 1.03m in height, and is many more than twice this distance from the front boundary.

It is therefore requested that a variation is supported in this instance, as the criteria for exception has been met and arguably exceeded. The proposed decking will provide no adverse impacts on the surrounding streetscape, and therefore, a variation ought to be supported for its non-compliant setbacks.



4.4 Other Development (all LEP Zones)

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>4.4.5 Earthworks (Excavation and Filling)</u> NGL to be maintained within 0.9m of side and rear boundary.	No change to side and rear boundary NGL	Yes
Max. excavation – 1m	<1m	Yes
Max. fill – 1m	<1m	Yes
Retaining walls within 1m of the front boundary - Max. 1m high.	No retaining walls proposed	N/A

* * *

Conclusion with respect to DCP requirements

The proposed development is considered to meet the aims and objectives of the DCP.

(iiia) Relevant planning agreement, or draft planning agreements

There are no known planning agreements that would prevent the proposed development from proceeding.

(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality

The following matters are understood to be relevant when considering on site impacts.



Sitting and Design

The proposed deck and swimming pool fencing will be compatible in terms of height, bulk and scale with surrounding developments within the area.

The siting of the proposed works provides suitable boundary setbacks, contributing to spatial separation and openness between developments.

Sedimentation Control

Due to the topography of the site, earthworks will be required for the construction of the proposed swimming pool, as shown on the development plans. All disturbed areas will be provided with sedimentation controls in accordance with Council's policy with compliance required as a condition of consent.

Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

Noise and Vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged to occur during construction.

(c) The suitability of the site for the development

The subject site is within an established residential area within reasonable driving distance to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.

The proposed decking and fencing, the subject of the application, can be constructed with all services necessary and have been designed to suit site constraints and the character of the surrounding residential setting.



The proposed works are permissible with development consent under the provisions of Manly Local Environmental Plan 2013, and generally satisfies the objectives of the Manly Development Control Plan 2013 as discussed above.

(d) Any submissions made in accordance with this Act or the regulations

Council will consider any submissions received during the relevant notification period for this development application.

(e) Public interest

As the proposal can satisfy the objectives of all relevant planning instruments and development control plan, approval of the subject alterations and additions is considered to be in the public interest.



CONCLUSION

The proposed development has been considered in respect of the relevant Environmental Planning Instruments and is deemed to be satisfactory with respect to those requirements taking into consideration the overall merits of the design presented.

The residential use of the site is permissible with development consent under the provisions of Manly Local Environmental Plan 2013, and can satisfy the objectives of the relevant development control plan for the area.

It is considered that the construction of a new deck attached to an existing swimming pool, as well as providing additional fencing and landscaping will complement and blend with the existing and likely future character of Balgowlah. The proposal is not expected to have an adverse impact on the surrounding natural or built environment.

The appropriateness of the development has been evident within this statement and within the supporting documentation submitted to Council. The proposed swimming pool deck, landscaping, and fencing appropriately identifies and relates to the sites use as a residential development.

Having considered the requirements of all environmental planning instruments and DCP's the proposed landuse activity is considered acceptable and maintains the integrity of the existing locality. There are no potential adverse impacts from the development having considered the relevant heads of consideration under S4.15 of the E P and A Act 1979. Given the relevant planning policies, codes and requirements of the EP & A Act 1979 have been duly satisfied the proposed development is on balance worthy of approval.

Prepared by:

Joshua Milsom

Student Town Planner

Urban Planning & Building Consultants

13 August 2025

Reviewed by:

Maxine Booth (B.UrbRegPlan & MPIA)

Principal Town Planner