

# STATEMENT OF ENVIRONMENTAL EFFECTS

1/24 Lake Road,  
BLACKWALL NSW 2256

Installation of a Swimming Pool and Associated  
Barrier Fencing

July 2022

**Buildcert.**  
PLANNING

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Statement of Environmental Effects				
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1	28.07.2022	Draft	A. Williams Junior Planner	V. Toose Planning Manager
2	01.07.2022	Final	A. Williams Junior Planner	V. Toose Planning Manager

Buildcert Planning Pty Ltd hereby certify that this Statement of Environmental Effects 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 Central Coast Council for alterations and additions to an existing dwelling. 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 *Central Coast Local Environmental Plan 2022*, and the *Central Coast Development Control Plan 2022*.

DEVELOPMENT APPLICATION DETAILS	
<b>Property Address</b>	Lot 1 /-/ SP 39773 1/24 Lake Road, Blackwall NSW 2256
<b>Local Government Area</b>	Central Coast Council
<b>Zone</b>	R2 Low Density Residential
<b>Calculations</b>	Lot Area: 526m <sup>2</sup> Proposed Swimming Pool Capacity: 19,600 Litres
<b>Existing Structures</b>	Single Storey Dwelling

The DA and statement have 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 SOEE 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: Near Maps Viewer).**

The subject site (the site) is located on the east side of Lake Road. Surrounding development is comprised of established, low-density residential accommodation. The immediate locality displays a mix between single and two storey dwellings on mid-sized lots in a coastal residential context.

Vehicular access to the site is from both the east (rear) and west (frontage) portions of the allotment from Commonwealth Avenue and Lake Road. The site is rectangular in shape, with a 12.19m frontage and relatively flat topography. The total site area is 526m<sup>2</sup>.

The site contains two weatherboard dwellings occupied as a strata subdivision. The property displays managed lawns to the front, rear, and sides of the dwelling with shrubs adjacent boundaries. The site has a development history comprising of alterations and additions.



### **Proposed Development**

The applicant seeks consent to install a 19,600 Litre (L) inground swimming pool within the midsection of the site – at the rear of dwelling one. The proposal has the following details:

- Measured from the water edge, the proposed swimming pool will be setback
  - 7.6m from the north side boundary,
  - 22.57m from the east rear boundary,
  - 1m from the south side boundary and,
  - 16.98m from the west frontage.
- The works proposed will significantly improve the amenity for the occupants of the dwelling with regards to usable recreational area on the site.
- The mechanical equipment (pump/cartridge filter/heat pump) are to be housed in a sound-proof enclosure.
- Groundworks are limited to the excavation required for the swimming pool.
- Strata approval has been acquired and accompanies this application.

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

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 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 – the proposal **does not** require development consent or approval under the following acts to be undertaken:

- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *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*
- *Coal Mine Subsidence Compensation Act 2017*

### **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.

The proposal does not meet the requirements for a BASIX assessment.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

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 area of the dwelling is not mapped as having biodiverse value.

State Environmental Planning Policy (Resilience and Hazards) 2021

The aim of **Chapter 2** this Policy 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.

The subject site is identified as partially being within an NSW Coastal Management Area more specifically;

- ***The coastal environment area***

Therefore, the provisions of the SEPP 2021 apply to the proposed development. The SEPP outlines matter that should be taken into account by the consent authority when determining an application on land to which the Policy applies. These matters have been considered in the below table.

**Matters for Consideration under SEPP Resilience and Hazards 2021 (Chapter 2):**

MATTERS FOR CONSIDERATION	RESPONSE
<b>Coastal Environment Area</b>	
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	The proposed development is unlikely to have any impacts on the biophysical, hydrological (surface and groundwater) and ecological environment of the surrounding area.
(b) coastal environmental values and natural coastal processes,	The proposed development is unlikely to have any significant impacts on coastal processes and coastal hazards.

MATTERS FOR CONSIDERATION	RESPONSE
(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes	The proposed development is not located within a marine estate. The proposed development will not impact sensitive coastal lakes.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms	It is unlikely that the proposed development will have a detrimental impact marine vegetation, native vegetation and fauna or their habitats. The subject site is not situated on or near an undeveloped headland or rock platform.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	The proposed development will not have an impact on existing public access to and along the coastal foreshore.
(f) Aboriginal cultural heritage, practices and places	Given the site has a history of disturbance, it is unlikely that the proposed development will have a significant adverse affect on the cultural places, values, customs, beliefs, and traditional knowledge of Aboriginal people.
(g) the use of the surf zone.	The subject site and development are not located within the surf zone.

Chapter 4 of the Resilience and Hazards SEPP (2021) 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. Due to the current residential use of the land, and recent development approvals for the site inclusive of various ground disturbances, it can be assumed the proposal will not expose, disturb or drain contaminated soils.

#### Central Coast Regional Plan

The Central Coast Regional Plan is the strategic planning blueprint to ensure the dynamic and vibrant region's ongoing prosperity.

The Central Coast Regional Strategy is the NSW Government's planning framework for long term land use plan for the region, which covers the Gosford City and Wyong Shire Local



Government Areas. The Regional Strategy contains policies and actions designed to cater for the region's projected housing and employment growth over the period to 2031.

The proposed development is considered consistent with the policies and strategic actions outlined in the strategy.

### **3.0 Local Environmental Plans (LEP)**

#### **Central Coast Local Environmental Plan 2022**

##### **Part 2 Permissible and Prohibited Development**

The site of the proposed development is located within the *R2 Low Density Residential* zone as identified by the Central Coast LEP 2022. The proposed development is defined as ancillary development to a *Dwelling house* and is permissible with consent in this zone.

The objectives of the 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.
- To encourage best practice in the design of low density residential development.
- To ensure that non-residential uses do not adversely affect residential amenity or place unreasonable demands on services.
- To maintain and enhance the residential amenity and character of the surrounding area.

An assessment of the proposed development against the relevant objectives finds that the proposal supports the above intentions. The applicant seeks consent for ancillary development, which will result in a positive outcome to the streetscape character and increase residential amenity. The proposal does not seek to hinder the day to day needs of residents, nor the walkable nature of the neighbourhood.

##### **Part 4 Principal Development Standards**

###### **Clause 4.3 Height of Buildings**

The site is mapped a maximum building height of 8.5m. The swimming pool is proposed as an inground structure.

###### **Clause 4.4 Floor Space Ratio**

The development does not increase gross floor area on the site. The existing FSR on the site will be maintained (<0.5:1).

**Part 5 Miscellaneous Provisions****Clause 5.21 Flood Planning**

The proposed development is mapped between the flood planning area and the probable maximum flood and is subject to flood related development controls.

The development is not considered to result in adverse flood behaviour to cause risk to adjoining properties; cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.

**Part 7 Additional Local Provisions****Clause 7.1 Acid Sulfate Soils**

The site is affected by Class 4 Acid Sulphate soils. The proposal does not involve any works via which the water table will be lowered more than 2m below the natural ground surface.

Accordingly, neither an investigation into the presence of Acid Sulfate soils or an Acid Sulfate Soils Management Plan is required. The proposal does not disturb, expose or drain Acid Sulfate soils.

## 4.0 Development Control Plan (DCP)

### Central Coast Development Control Plan 2022

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.

### 2.1 Dwelling Houses, Secondary Dwellings and Ancillary Development

#### 2.1.2 Building Scale

##### 2.1.2.1 Building Height

The proposal is an inground development.

##### 2.1.2.2 Site Coverage

The DCP states the site coverage shall be a **maximum of 50%** of the site area if the allotment is **more than 450m<sup>2</sup> but less than 900m<sup>2</sup>**.

Inclusive of the proposal, the total site coverage will result in approximately 34%.

##### 2.1.3.1 Setbacks – Residential Lots

###### (a)(i) Front Setback

The swimming pool is located at the rear of the site.

###### (b)(i) Rear Boundary Setbacks

The swimming pool is sited 22.57m from the rear east boundary.

###### (c)(1) Side Boundary Setbacks

The proposal is compliant with the controls for side boundary setbacks under the DCP. The DCP states that (all lots up to 12.5m wide at the building line) **0 (Zero) to one side only for a maximum length of 10m, otherwise 0.9m for height below 4.5m.**

The swimming pool will be setback 7.6m from the north side boundary and 1m from the south side boundary – compliant with the control.



## **2.1.4 Residential Amenity**

### **2.1.4.1 Views**

The development is designed to allow for view sharing with neighbouring properties.

### **2.1.4.2 Visual Privacy**

Privacy between the subject site and neighbouring properties is not considered to be adversely affected due to adequate separation between buildings.

### **2.1.4.3 Private Open Spaces**

The DCP states *lots with a width greater than 10m wide at the building line is 24m<sup>2</sup>*. The swimming pool will act as a usable extension of private open space in addition to rear yard area.

### **2.1.4.4 Sunlight Access**

Having regard for the existing built form and the limited scope of the proposed development, it is considered that additional overshadowing impacts as a result of the proposal will not reduce the neighbouring properties below DCP provisions. The structure is not considered to adversely increase existing solar impacts to adjoining properties from the dwelling.

The PPOS on the subject site is anticipated to receive a minimum of three (3) hours of continuous direct solar access to a minimum 50% of the area between 9am and 3pm on June 21.

## **2.1.5 Car Parking and Access**

To remain as existing.

## **2.1.6 Earthworks, Structural Support and Drainage**

### **2.1.6.1 Earthworks**

No significant earthworks are proposed.

### **2.1.6.3 Drainage**

All new downpipes will be connected to the existing stormwater system and discharged via charged lines to the legal point of discharge.

### **2.1.7 Ancillary Development**

#### **2.1.7.3 Swimming Pools**

a. Ancillary development comprising a swimming pool for private use should:

- I. Be located on a lot behind the setback area from a primary road or in the rear yard unless it can be justified that site constraints exist.

Satisfactory.

- II. Comply with side and rear setbacks as detailed within this chapter for both the swimming pool water line and any associated deck.

Satisfactory.

- III. Have any pump associated with the swimming pool or spa located to minimise noise impact to surrounding properties and or be housed in an enclosure that is sound proofed.

Satisfactory.

### **2.14 Site Waste Management**

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

## **Part 3: Environmental Controls**

### **Chapter 3.5 Tree and Vegetation Management**

To Buildcert Planning's knowledge no trees are required for removal to facilitate the proposed development. All trees within proximity to the development will receive adequate protection for the duration of works.

**Chapter 3.7 Geotechnical Requirements**

The site is identified as being affected by landslip. The development is considered minor in nature. The subject site is relatively flat in topography and not require extensive earthworks to facilitate the development.

## 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 is not considered to be subject to Draft Environmental Planning Instruments.

### **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 and ample local parking exists.
<i>Public Domain</i>	The proposal would not result in any adverse impacts to the public domain.



Likely Impacts	Assessment
<i>Utilities</i>	The proposal will be connected to the mains utilities where necessary.
<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 location of the proposed development is identified as being located within the Class 4 Acid Sulphate Soils zone. The watertable is not expected to be lowered as a result of the
<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
<i>Natural Hazard</i>	The site is identified as flood prone. The proposal, being an inground development, is not expected to impact the natural pattern of flood waters in the event of a flood.
<i>Energy</i>	The proposed development incorporates applicable energy efficient design features.
<i>Noise and Vibration</i>	The development is not expected to negatively influence the acoustics or vibrations on the 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 as the proposal would not restrict the existing economic output of the mixed-use locality.
<i>Site Design and Internal Design</i>	Commensurate to existing built form and context of surrounding urban locality.

Likely Impacts	Assessment
<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 SoEE. Clause 193 of the Environmental Planning and Assessment Regulation 2021 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 SoEE 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 SoEE 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(d)**

All reasonable concerns raised in any submissions will be considered and addressed if deemed substantial by Council.

### **Public Interest – 4.15(e)**

The proposed works will not have any detrimental impact on the streetscape or on the amenity of nearby residents. Consequently, the proposal is in the public interest

## **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 *Central Coast Local Environmental Plan 2022* and

displays compliance with the objectives and controls of the *Central Coast Development Control Plan 2022*.

It is therefore submitted that Council favourably considers the proposed development.