

STATEMENT OF ENVIRONMENTAL EFFECTS

SITE

12 Sumner Circuit, Terrigal

PROPOSAL

Swimming Pool

TO

Central Coast Council (Gosford)

PREPARED BY CD CONSULTANTS FOR

Mr & Mrs Gilby

STATEMENT OF ENVIRONMENTAL EFFECTS

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.

STATEMENT OF ENVIRONMENTAL EFFECTS

This Statement of Environmental Effects accompanies the Development Application to Gosford City 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 *Gosford Local Environmental Plan 2014* and *Gosford Development Control Plan 2013*.

SUMMARY

Land Owner & Applicant	Steve and Leanne Brydon
Property Address	No. 12 Sumner Circuit, Terrigal
Local Government Area	Central Coast Council (Gosford)
Local Environmental Plan 2014—Gosford	R2 Low Density Residential
Calculations	Pool Volume: 42,000L
Existing Structures	Two Storey Residential Dwelling
Easements	Easement for Sewer along the rear of the allotment

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 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

The subject site is located on the eastern side of Sumner Circuit, within an existing urban environment. Surrounding development is primarily established low-scale residential.

The site is orientated on an approximate (approx.) east-west axis. The site has fall from front to back.

The site is a battle-axe allotment displays a frontage width of approx. 19m, and depth of approx. 40m.

Proposed Development

The applicant is proposing to continue the residential use on the site, in the form of a new swimming pool. The proposal has the following details:

- The concrete swimming pool is proposed part in-ground & out-of-ground. The swimming pool is to be located in the rear yard of the property, 4.5m from the rear eastern boundary and 2m from the side northern boundary.
- The pool will be separated from the dwelling by a new internal safety barrier complying with *AS1926.1*.
- The total water capacity of the pool is 42,000L capacity therefore requiring a BASIX certificate to accompany the 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*.

Rural Fires Act 1997

The site is identified as being within Bushfire Prone land. As the proposal is for a swimming pool, it is understood that a bushfire report is not needed regardless and in the event of bushfire the pool can be used as a water source.

State Environmental Planning Policies (SEPP)

No State Environmental Planning Policies are considered applicable to the land and as such, do not warrant consideration.

3.0 Local Environmental Plans (LEP)

Gosford Local Environmental Plan 2014

The subject development area *as Zone No. R2 Low Density Residential zone* as identified by the *Local Environmental Plan*.

Objectives of the Zone No. R2 are:

- 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 development is compatible with the desired future character of the zone.
- To encourage best practice in the design of low-density residential development.
- To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.
- To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.

The proposed development satisfies the zone objectives by maintaining the residential nature of the land, proposing an ancillary structure within the grounds of the exiting residential dwelling house. The proposal will not significantly adversely impact the scenic value of the land and its setting; being compatible with other surrounding rural residential development and of a design that is unlikely to adversely affect the aesthetic character of the locality.

Development That Needs Consent

Local Environmental Plan 2014 —Gosford permits the following land uses with Council's consent: *Development (other than exempt development) for the purpose of:*

Bed and breakfast accommodation; Boarding houses; Boat sheds; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home-based child care; Home industries; Hospitals; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Seniors housing; Tank-based aquaculture

The applicant is seeking consent to install a swimming pool ancillary to the *dwelling house* at the site, permissible within the Zone No. R2.

34. Tree Preservation

The proposal does not require the removal of any trees to facilitate the proposed development.

38A Heritage conservation

The subject property:

- a) Is not listed as a heritage item.
- b) Is not located within a heritage conservation area.
- c) Is not located within vicinity to any heritage items.

4.0 Development Control Plan (DCP)

Gosford Development Control Plan 2013 (GDCP 2014)

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 3 – Specific Controls and Development Types

3.1 Dwelling Houses, Secondary Dwellings and Ancillary Developments

3.1.2.1 Building Height

Not applicable to this development.

3.1.2.2 Site Coverage

Not applicable to this development – Under the GDCP 2014, swimming pools are excluded from any site coverage calculation.

3.1.3.1 Setbacks

3.1.3.1c Side Setback

The proposal is compliant with side setback controls under the DCP. The proposal is setback 2m from the side boundary – Compliant with the DCP provisions.

3.1.4 Residential Amenity

3.1.4.1 Views

The proposed development will not restrict equitable access to views from private property.

3.1.4.2 Visual Privacy

The proposed development will not result in the unreasonable overlooking of main living areas and areas of principal private open space of adjoining properties.

3.1.4.3 Private Open Space Areas

The proposed development will not result in adverse impacts to the existing open space area provided to the site. The swimming pool is a recreational extension of the dwelling house; allowing for a usable and practical outdoor space for the residents.

3.1.4.4 Sunlight Access

The proposed development will have no significant adverse impact to the solar access of the dwelling or neighbouring dwellings – To remain as existing.

3.1.5 Car Parking and Access

As existing from Mainsail Avenue.

3.1.6 Earthworks, Structural Support and Drainage

3.1.6.1 Earthworks

Minor earthworks and excavation are associated with the proposed 50,000L swimming pool with no retaining walls required. The pool has been designed to be constructed in-ground.

Adequate erosion control measures are included with the design of the development in accordance of *Erosion and Sedimentation Control* of the DCP – Refer to architectural plan set for details regarding sediment control fencing.

3.1.6.3 Drainage

All stormwater run-off is to be disposed of on site to Council requirement or controlled with sediment control fencing. No neighbouring properties will be impacted by stormwater from the site.

3.1.7.1 Ancillary Development

3.1.7.4 Swimming Pools

The proposed development is consistent with the requirements of *Section 3.1.7.4 Swimming Pools* in the following ways:

- The swimming pool, for private use, is obscured from the public domain and adjoining sites by existing site vegetation.
- The swimming pool complies with side and rear setbacks for ancillary structures, as detailed in *Chapter 3 of the DCP*.
- The proposal includes pool pump/filter to be housed in a soundproofed enclosure adjacent the pool, as such to minimise impact to surrounding properties.

3.1.7.5 Fencing

A 1.2m high child proof safety fence and self-closing, self-latching gate to AS1926.1 is proposed within the site to Council requirement. No alterations to boundary fencing proposed.

Part 6 – Environmental Controls

6.3 Erosion Sedimentation Control

The proposed development includes erosion and sediment control in accordance with Council regulations – Refer to architectural plan set.

6.6 Preservation of Trees and Vegetation

There are no trees required for removal to facilitate the installation of the proposed swimming pool. All vegetation at site are to be retained and incorporated with the landscape design of the swimming pool.

6.7 Water Cycle Management

All stormwater disposal will comply with Council standards. A BASIX Certificate is required to accompany this application, as the proposal exceeds the water capacity threshold of 40,000L.

7 General Controls

7.2 Waste Management

A Waste Management Plan (WMP) has been completed and accompanies this development application.

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 Planning Agreement

None applicable to this application or site.

The Provisions of the Regulations

None applicable to this application or site.

Likely Impacts of the Development

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.
<i>Utilities</i>	The proposal will be connected to the mains power and reticulated sewer 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.
<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>	The subject site is identified as being located within Bushfire Prone land, however, as the proposal is for a swimming pool, it is understood that no report is needed and in the event of a bushfire, the swimming pool can be used as a water source.
<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.

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Likely Impacts	Assessment
<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 SoEE. 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 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

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

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

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 *Local Environmental Plan 2014—Gosford* and displays compliance with the objectives and controls of the *Gosford Development Control Plan 2014*.

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