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# STATEMENT OF ENVIRONMENTAL EFFECTS

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2 STOREY DWELLING HOUSE  
206 HUDSON PARADE, CLAREVILLE





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## LEGISLATION CHECKLIST

STATE ENVIRONMENTAL PLANNING POLICY	APPLICABLE?
SEPP NO 65 - DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT	✗
SEPP (BUILDING SUSTAINABILITY INDEX: BASIX) 2004	✓
SEPP (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008	✗
SEPP (BIODIVERSITY AND CONSERVATION) 2021	✓
SEPP (HOUSING) 2021	✗
SEPP (INDUSTRY AND EMPLOYMENT) 2021	✗
SEPP (PLANNING SYSTEMS) 2021	✗
SEPP (PRECINCTS - CENTRAL RIVER CITY) 2021	✗
SEPP (PRECINCTS - EASTERN HARBOUR CITY) 2021	✗
SEPP (PRECINCTS - REGIONAL) 2021	✗
SEPP (PRECINCTS - WESTERN PARKLAND CITY) 2021	✗
SEPP (PRIMARY PRODUCTION) 2021	✗
SEPP (RESILIENCE AND HAZARDS) 2021	✓
SEPP (RESOURCES AND ENERGY) 2021	✗
SEPP (TRANSPORT AND INFRASTRUCTURE) 2021	✓



# 1 INTRODUCTION

This Statement of Environmental Effects has been prepared to accompany the Development Application (DA) North Beaches Council seeking consent for demolition of an existing single storey dwelling house and construction of a split level 2 storey dwelling house at 206 Hudson Parade, Clareville.

This Statement of Environmental Effects has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act, 1979* (the Act) and Part 3 of the *Environmental Planning and Assessment Regulation, 2021* (the Regulation), and provides the following:

- Identifies any environmental impacts of the development;
- Indicates how any environmental impacts of the development have been identified;
- Outlines the steps to be taken to protect the environment or to lessen the expected harm to the environment; and
- Considers any matters required to be indicated by any guidelines issued by the Planning Secretary.

The proposal responds to the characteristics of the site and has been carefully designed to complement and enhance the surrounding character of the neighbourhood in form, colour and material. Importantly, the proposed works ensures low impact residential development (LID) values are considered and that it does not have an adverse effect on those values. Furthermore, the development integrates and enhances the landform and landscape of the area by adding aesthetic building design principles, sustaining riparian and foreshore vegetation and wildlife corridors by maintaining backyard plantation and access points towards Pittwater waterway.

The proposed development has been designed in a manner that is responsive to the site constraints and respectful to the locality and streetscape which includes an array of building types, styles and scales. The proposed built form has been determined based on the guidelines prescribed under the LEP and the DCP and having regard to the existing structures on the subject site, as well as the context and existing site opportunities and constraints.

The amended application includes the following changes to the proposed development:

- Reduction of overall building height to maximum RL 25.06 metres;
- Reduction in upper level roof overhang to the rear from 1.5 metres to 750mm;
- Removal of part of south-eastern corner solid roof element over ground floor rear facing balcony;
- Reduction of first floor slab from RL 22.26 metres to RL 21.91 metres; and
- Reduction in breach to height of buildings development standard to a maximum of 680mm, with a maximum building height of 9.18 metres, a breach of 8%.

Upon completion, the proposed development will have minimal impact on the locality and amenity of surrounding residents and will integrate with the character of existing developments in the streetscape.

The DA is made pursuant to Part 4 of the Act and seeks consent for local development. The development is not an integrated development or designated development under the provisions of the Act. The development is general local development as it has a Capital Investment Value of less than \$30 million. However, the application requires referral and determination by the Local Planning Panel by Ministerial Direction issued under Section 9.1 of the Act as detailed below:

DEVELOPMENT		TRIGGER	✓/✗
1. Conflict of Interest	N/A		N/A
2. Contentious	No submissions are known to have been received.		N/A

**LEGEND:**

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



DEVELOPMENT	TRIGGER	✓/✗
Development		
3. Departure from Development Standards	The DA does not seek consent for a departure of more than 10% from a development standard under <i>Pittwater Local Environmental Plan 2014</i> .	N/A
4. Sensitive Development	(a) The DA is not designated development. (b) The DA does not seek consent for a residential flat building. (c) The DA does not seek consent for demolition of a heritage item. (d) The DA is not for a licensed premise. (e) The DA is not for a sex-services or restricted premises. (f) The DA does not propose to enter into a planning agreement.	N/A

TABLE 1: LOCAL PLANNING PANEL MINISTERIAL DIRECTION CRITERIA

Accordingly, Council is the consent authority for the purpose of determining the DA.

This Statement of Environmental Effects addresses the merits of the proposal with particular reference to the matters for consideration under Sections 1.7, 4.15 and 4.46 of the Act and should be read in conjunction with the survey and documents accompanying the application, including:

- Arborist report by NSW trees;
- Survey Plan prepared by M. Y. VU & Co;
- Architectural Plans prepared by RM DESIGNERS;
- Landscape Plan by Conzept Landscape Architects;
- Structural Hydraulic Engineer by SDS Engineering;
- Quantity surveyor by PBAPTY;
- Waste Management Plan by Northern Beaches Council; and
- BASIX Certificate prepared by RM DESIGNERS.S

## 2 THE SITE AND SURROUNDS

### 2.1 LEGAL DESCRIPTION

The subject site comprises 1 land parcel legally described as Lot 38 Sec DP 13760 and is more commonly known as 206 Hudson Parade, Clareville.

### 2.2 LOCATION

The subject site is situated on the south-west side of Hudson Parade, Clareville as illustrated in Figure 1.



FIGURE 1: LOCATION MAP

## 2.3 DIMENSIONS AND SITE AREA

The subject site comprises a regular allotment with boundaries as follows:

- An eastern frontage width measuring 15.24 metres;
- A northern side boundary depth measuring 42.975 metres;
- A southern side boundary depth measuring 40.235 metres; and
- A western rear boundary width measuring 15.44 metres.

The subject site has a site area of 632.3m<sup>2</sup> by Survey.

## 2.4 EXISTING STRUCTURES

The subject site currently consists of a single-storey brick detached dwelling house. An aerial image and photographs illustrating the site and existing structures are provided below:



FIGURE 2: AERIAL MAP



FIGURE 3: VIEW OF THE SUBJECT SITE AT 206 HUDSON PARADE, CLAREVILLE

LEGEND:  
✓ COMPLIES  
✗ DOES NOT COMPLY  
S SATISFACTORY



FIGURE 4: CLOSE-UP VIEW OF THE EXISTING DWELLING ON THE SUBJECT SITE



FIGURE 5: VIEW OF THE SUBJECT SITE FROM THE WEST (WATERWAY)

LEGEND:  
✓ COMPLIES  
✗ DOES NOT COMPLY  
S SATISFACTORY



FIGURE 6: CLOSE-UP VIEW OF THE SUBJECT SITE FROM THE WEST (WATERWAY)

## 2.5 EXISTING VEGETATION

The site has existing vegetation in the front and rear setback areas. No existing vegetation of significant is proposed to be removed however one existing tree at rear is proposed to be removed.

Refer to Landscape plans and Arborist Report accompanying this DA.

## 2.6 CONTEXT AND SURROUNDS

The surrounding land uses immediately adjoining the boundaries of the site are as follows:

ADDRESS	LOCATION	EXISTING IMPROVEMENTS	FIGURE NO.
211 Hudson Parade	Opposite to east	Single storey detached dwelling	Figure 7
208 Hudson Parade	Adjacent to south	3 storey detached dwelling	Figure 8
204 Hudson Parade	Adjoining to north	2 storey detached dwelling	Figure 9

TABLE 2: SURROUNDS AND CONTEXT

The local surrounding area is characterised by residential development on all sides. The land uses adjoining and situated opposite the site are illustrated below:



FIGURE 7: OPPOSITE TO EAST OF 206 HUDSON PARADE



FIGURE 8: ADJOINING TO NORTH OF 206 HUDSON PARADE



FIGURE 9: ADJOINING TO SOUTH OF 206 HUDSON PARADE

## 2.7 PAST USES AND DEVELOPMENT HISTORY

A review of 1955 aerial imagery over the site has revealed that the site was vacant at that time and the existing dwelling house that currently occupies the site appears to have been constructed around the late 1970's to early 1980's. A review of Northern Beaches Council's DA tracking system has revealed development approval for following Development applications:

APPLICATION NUMBER	DESCRIPTION	DECISION
Permits: TA2019/0135	Removal/Pruning of 1-2 Trees	Approved (Submitted: 05/03/2019)
Development Application N0101/00	Additions to the dwelling (shade cover over deck)	Approved (Submitted: 07/02/2000)
Construction Certificate CC0080/00	Additions to the dwelling (shade cover over deck)	Approved (Submitted: 07/02/2000)
Development Application N1299/99	Regularisation of "as built" additions and alterations to the existing jetty and slipway	Approved (Submitted: 23/12/1999)

TABLE 3: PAST USES AND DEVELOPMENT HISTORY

LEGEND:  
✓ COMPLIES  
✗ DOES NOT COMPLY  
S SATISFACTORY



## 3 THE PROPOSAL

### 3.1 DESCRIPTION

This application seeks consent for demolition of an existing single storey dwelling house and construction of a split level 2 storey dwelling house at 206 Hudson Parade, Clareville. The proposed development is defined as a “*Dwelling house*” pursuant to the definitions contained in the dictionary of the *Pittwater Local Environmental Plan 2014*:

“ ***Dwelling house*** means a building containing only one dwelling. ”

### 3.2 DEMOLITION

The project proposes demolition of existing single storey brick dwelling and carport as shown on the Architectural Plans accompanying the DA.

### 3.3 DEVELOPMENT AND BUILT FORM SNAPSHOT

<b>SITE AREA:</b>	632.3m <sup>2</sup>
<b>GROSS FLOOR AREA:</b>	333.74m <sup>2</sup>
<b>BUILDING HEIGHT:</b>	9.18 metres (maximum)
<b>FRONT SETBACK:</b>	5.825 metres
<b>REAR SETBACK:</b>	18.920 metres
<b>SIDE SETBACKS:</b>	<b>EASTERN:</b> 2.5 metres <b>WESTERN:</b> 2.5 metres
<b>CAR PARKING:</b>	2 car parking spaces in garage
<b>LANDSCAPED AREA:</b>	327.80m <sup>2</sup>

TABLE 4: DEVELOPMENT AND BUILT FORM SNAPSHOT

### 3.4 STORMWATER MANAGEMENT

Appropriate stormwater detention and management is achieved that will minimise stormwater runoff from the site as shown on the Stormwater Plans accompanying the DA.

### 3.5 AMENDED APPLICATION

The amended application includes the following changes to the proposed development:

- Reduction of overall building height to maximum RL 25.06 metres;
- Reduction in upper level roof overhang to the rear from 1.5 metres to 750mm;
- Removal of part of south-eastern corner solid roof element over ground floor rear facing balcony;
- Reduction of first floor slab from RL 22.26 metres to RL 21.91 metres; and
- Reduction in breach to height of buildings development standard to a maximum of 680mm, with a maximum building height of 9.18 metres, a breach of 8%.



## 4 PLANNING FRAMEWORK

The *Environmental Planning and Assessment Act, 1979* (the Act) prescribes the following matters that have been taken into consideration in the assessment of the subject application, as detailed under the respective headings within Sections 5, 6 and 7 of this Statement:

- Section 1.7 - Significant effect on threatened species, populations or ecological communities, or their habitats;
- Section 4.15 - Evaluation:
  - Section 4.15(1)(a)(i) - The provisions of any Environmental Planning Instrument;
  - Section 4.15(1)(a)(ii) - The provisions of any exhibited Draft Environmental Planning Instruments;
  - Section 4.15(1)(a)(iii) - The provisions of any Development Control Plan;
  - Section 4.15(1)(a)(iia) - The provisions of any Planning Agreement entered into under s7.4 or proposed Planning Agreement;
  - Section 4.15(1)(a)(iv) - The provisions of the Regulations;
  - Section 4.15(1)(b) - The likely environmental impacts on both the natural and built environments, and social and economic impacts of the development;
  - Section 4.15(1)(c) - The suitability of the site for the development;
  - Section 4.15(1)(d) - Any submissions made in accordance with the Act or the regulations; and
  - Section 4.15(1)(e) - The public interest.
- Section 4.46 - Integrated Development.

## 5 SECTION 1.7 EVALUATION EP&A ACT, 1979

Section 1.7 of the Act prescribes matters for consideration in determining whether a development is likely to have a significant effect on threatened species, populations or ecological communities, or their habitats. The relevant provisions from the Act are discussed below.

### 5.1 BIODIVERSITY CONSERVATION ACT, 2016

The development is not *likely to significantly affect threatened species* as required to be considered under Part 7 of the *Biodiversity Conservation Act, 2016*.

### 5.2 FISHERIES MANAGEMENT ACT, 1994

The development is not *likely to significantly affect threatened species, population or ecological community* as required to be considered under Part 7A of the *Fisheries Management Act, 1994*.

## 6 SECTION 4.15 EVALUATION EP&A ACT, 1979

### 6.1 SECTION 4.15(1)(A) OF THE EP&A ACT, 1979

#### (i) SECTION 4.15(1)(A)(I)

THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

The following environmental planning instruments are applicable to this development:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021; and
- Pittwater Local Environmental Plan 2014.

#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



## STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

Pursuant to the provisions of the *Environmental Planning & Assessment Regulations 2021*, the proposed development is defined as *BASIX affected development*. A BASIX Certificate for the proposed development accompanies the application indicating full compliance with the BASIX requirements by achieving or surpassing the minimum water, energy and thermal comfort scores.

## STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

CHAPTERS	APPLICABLE?
<b>CURRENT VERSION FOR 9 DECEMBER 2022</b>	
CHAPTER 2: VEGETATION IN NON-RURAL AREAS	✓
CHAPTER 3: KOALA HABITAT PROTECTION 2020	✗
CHAPTER 4: KOALA HABITAT PROTECTION 2021	✗
CHAPTER 5: RIVER MURRAY LANDS	✗
CHAPTER 6: WATER CATCHMENTS	✓
CHAPTER 7-12: REPEALED	N/A
CHAPTER 13 STRATEGIC CONSERVATION PLANNING	✓

TABLE 5: SEPP BIODIVERSITY & CONSERVATION APPLICABLE CHAPTERS

### CHAPTER 2: VEGETATION IN NON-RURAL AREAS

Chapter 2 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (the Biodiversity & Conservation SEPP) contains planning controls for the removal of vegetation on the land within non-rural areas of the State. The policy aims 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 subject site is in an C4 Environmental Living Zone. No vegetation is proposed to be removed as part of the proposed development. The site has an area of less than 1 hectare and therefore a clearing threshold of 0.25 hectares is permitted. The proposal does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is acceptable.

### CHAPTER 6: WATER CATCHMENTS

An assessment of the development against the relevant matters in Chapter 6 of the Biodiversity & Conservation SEPP is provided in the table below”:

SECT.		BIODIVERSITY & CONSERVATION SEPP CHAPTER 6 ASSESSMENT		✓/✗
PART 6.1: PRELIMINARY				
6.1	<b>Land to which Chapter applies</b>	The subject site is not located in the Sydney Drinking Water Catchment; Sydney Harbour Catchment; Georges River Catchment or the Hawkesbury-Nepean Catchment.		N/A

TABLE 6: BIODIVERSITY & CONSERVATION SEPP CHAPTER 6 ASSESSMENT

### CHAPTER 13: STRATEGIC CONSERVATION PLANNING

An assessment of the development against the relevant matters in Chapter 13 of the Biodiversity & Conservation SEPP is provided in the table below”:

LEGEND:  
 ✓ COMPLIES  
 ✗ DOES NOT COMPLY  
 S SATISFACTORY



SECT.	BIODIVERSITY & CONSERVATION SEPP CHAPTER 13 ASSESSMENT	✓/✗
<b>PART 13.1: PRELIMINARY</b>		
13.1	<b>Land to which Chapter applies</b>	The subject site is not located on land to which the Chapter applies. N/A

TABLE 7: BIODIVERSITY & CONSERVATION SEPP CHAPTER 13 ASSESSMENT

## STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

CHAPTERS	APPLICABLE?
<b>CURRENT VERSION FOR 21 NOVEMBER 2022</b>	
CHAPTER 2: COASTAL MANAGEMENT	✓
CHAPTER 3: HAZARDOUS AND OFFENSIVE DEVELOPMENT	✗
CHAPTER 4: REMEDIATION OF LAND	✓

TABLE 8: SEPP RESILIENCE & HAZARDS APPLICABLE CHAPTERS

## CHAPTER 2: COASTAL MANAGEMENT

### PART 2.1 PRELIMINARY

#### SECTION 2.1: AIM OF CHAPTER

Chapter 2 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* (the Resilience & Hazards SEPP) aims 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 No 20*, including the management of coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State.

#### SECTION 2.4: IDENTIFICATION OF COASTAL MANAGEMENT AREA

The land is classified as **Coastal Use Area** under ePlanning Spatial Viewer - NSW Planning Portal in conjunction with Chapter 2 *State Environmental Planning Policy (Resilience and Hazards) 2021* (the Resilience & Hazards SEPP).

## PART 2.2 DEVELOPMENT CONTROLS FOR COASTAL MANAGEMENT AREAS

### DIVISION 4: COASTAL USE AREA

#### SECTION 2.11: DEVELOPMENT ON LAND WITHIN COASTAL USE AREA

Division 4 - Coastal Use Area under Chapter 2 of the Resilience & Hazards SEPP outlines control provisions that limit all proposed development risk of coastal hazard and likelihood to cause adverse impact on coastal and marine environment. Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following—*
  - (i) *Safe passage along the foreshore is accessible to the public (including members with a disability)*
  - (ii) *The proposed development has no visual or overlooking impacts on neighbouring properties. A view analysis accompanies this Statement of Environmental Effects - Appendix 1.*
  - (iii) *The visual amenity and scenic qualities of the coast is preserved and enhanced by building design features such as 2 storey façade, articulated zone and modulation which allows visual access to the coast. The area is not mapped as Scenic Protection - Category 1.*
  - (iv) *The development acknowledges Aboriginal cultural heritage and pays respects to traditional custodians of the land. The development has no impact on Aboriginal cultural heritage.*



(v) Cultural and built environment heritage is preserved. No heritage items are in close proximity to the vicinity.

(b) And is satisfied that—

(i) The development design features, bulk and scale, orientation, privacy and sitting are all addressed in this report.

(ii) There is no adverse impact that the proposed development presents.

(iii) Refer to b) (ii) of this section.

(c) The proposed development takes into account surrounding coastal and built environments and ensures all adverse impacts are eliminated.

The proposed development satisfactorily addresses the above provisions.

## DIVISION 5: GENERAL

### SECTION 2.12: DEVELOPMENT IN COASTAL ZONE GENERALLY DEVELOPMENT NOT TO INCREASE RISK OF COASTAL HAZARDS

The proposed development is not likely to increase risk of coastal hazards on the land or other land.

### SECTION 2.13: DEVELOPMENT IN COASTAL ZONE GENERALLY COASTAL MANAGEMENT PROGRAMS TO BE CONSIDERED

Coastal management is not required in this application In accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015). Refer to Appendix 2 of this report.

## CHAPTER 4: REMEDIATION OF LAND

Chapter 4 of the Resilience & Hazards SEPP contains planning controls for the remediation of contaminated land and states that land must not be developed if it is unsuitable for a use because it is contaminated.

The history of land uses for the site has been considered as an indicator for potential contamination. A review of 1955 aerial imagery over the site has revealed that the site was vacant at that time and the existing dwelling house that currently occupies the site appears to have been constructed around the late 1970's to early 1980's. Accordingly, there is no reason to suspect that the site may be contaminated, and further investigation of the site's potential contamination is not required. Therefore, Council can be satisfied of its obligations under Section 4.6 of the Resilience & Hazards SEPP as the application appropriately considers the potential for contamination under the SEPP.

## STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

CHAPTERS	APPLICABLE?
<b>CURRENT VERSION FOR 9 DECEMBER 2022</b>	
CHAPTER 2: INFRASTRUCTURE	✓
CHAPTER 3: EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES	✗
CHAPTER 4: MAJOR INFRASTRUCTURE CORRIDORS	✗
CHAPTER 5: THREE PORTS - PORT BOTANY, PORT KEMBLA & NEWCASTLE	✗

TABLE 9: SEPP TRANSPORT & INFRASTRUCTURE APPLICABLE CHAPTERS

#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



## CHAPTER 2: INFRASTRUCTURE

### PART 2.3 - DIVISION 5 - ELECTRICITY TRANSMISSION OR DISTRIBUTION

#### SECTION 2.48: DETERMINATION OF DEVELOPMENT APPLICATIONS - OTHER DEVELOPMENT

Section 2.48 in Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the Transport & Infrastructure SEPP) identifies triggers which require the local electricity supply authority to be given written notice of a Development Application (or modification) as identified below:

SECT.	TRANSPORT & INFRASTRUCTURE SEPP ELECTRICITY REFERRAL TRIGGERS	REFER?
(1)(a)	<i>The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower.</i>	x
(1)(b)	<i>Development carried out-</i> (i) <i>within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i> (ii) <i>immediately adjacent to an electricity substation, or</i> (iii) <i>within 5m of an exposed overhead electricity power line.</i>	x
1(c)	<i>installation of a swimming pool any part of which is-</i> (i) <i>within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</i> (ii) <i>within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool.</i>	x
(1)(d)	<i>Development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</i>	x

TABLE 10: TRANSPORT & INFRASTRUCTURE SEPP ELECTRICITY REFERRAL TRIGGERS

Given the above, the local electricity supply authority is not required to be given notice of the DA.

### PART 2.3 - DIVISION 15 - RAILWAYS

SECT.	TRANSPORT & INFRASTRUCTURE SEPP - RAILWAYS PROVISIONS		✓/✗
2.98	<i>Development Adjacent to Rail Corridors</i>	Is the land in or adjacent to a rail corridor?	x
2.99	<i>Excavation in, above, Below or adjacent to Rail Corridors</i>	Does the development involve at least 2 metres excavation below ground level within, below or above a rail corridor, or within 25 metres of a rail corridor?	x
2.100	<i>Impact of Rail Noise or Vibration on Non-Rail Development</i>	Is the development for any of the following purposes that is on land in or adjacent to a rail corridor: (a) residential accommodation, (b) a place of public worship, (c) a hospital, (d) an educational establishment or centre-based child care facility.	x

TABLE 11: TRANSPORT & INFRASTRUCTURE SEPP - RAILWAYS PROVISIONS



## PART 2.3 - DIVISION 17 - ROADS AND TRAFFIC

SECT.	TRANSPORT & INFRASTRUCTURE SEPP - ROADS & TRAFFIC PROVISIONS		✓/✗
2.119	<i>Development with frontage to classified road</i>	Does the site have a frontage to a Classified or Regional Road?	✗
	(a) where practicable and safe, is vehicular access to the land is provided by a road other than the classified road?		N/A
	(b) Will 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		N/A
	(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?		
	(c) Is the development is of a type that is sensitive to traffic noise or vehicle emissions?		N/A
2.120	<i>Impact of road noise or vibration on non-road development</i>	Does the street have an AADT exceeding 20,000 vehicles?	✗
	Is the development for any of the following?		
	(a) residential accommodation,		
	(b) a place of public worship,		N/A
	(c) a hospital,		
	(d) an educational establishment or centre-based child care facility.		
2.122	<i>Traffic generating development</i>	Is the development a traffic generating development specified in Column 1 of the Table to Schedule 3?	✗

TABLE 12: TRANSPORT & INFRASTRUCTURE SEPP - ROADS AND TRAFFIC PROVISIONS

## PITTWATER LOCAL ENVIRONMENTAL PLAN 2014

*Pittwater Local Environmental Plan 2014* (the LEP) is the principal environmental planning instrument that applies to the land and contains all the applicable development standards for the development of the subject site. An assessment pursuant to the LEP is provided in Table 9 below.

PITTWATER LOCAL ENVIRONMENTAL PLAN 2014			
CL	REQUIREMENT	PROPOSED	✓/✗
<b>PART 1 - PRELIMINARY</b>			
1.2	Aims of Plan	The proposed development achieves the aims of the LEP in the following ways:	
		(aa) The development will protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	
		(a) The development will promote development in Pittwater that is economically, environmentally and socially sustainable,	✓
		(b) The development will ensure development is consistent with the desired character of Pittwater's localities,	

### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



PITTWATER LOCAL ENVIRONMENTAL PLAN 2014			
CL	REQUIREMENT	PROPOSED	✓/✗
		(f) The development will encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future, (g) The development will protect and enhance Pittwater's natural environment and recreation areas, (h) The development will conserve Pittwater's European and Aboriginal heritage, (i) The development will minimise risks to the community in areas subject to environmental hazards including climate change, (j) The development will protect and promote the health and well-being of current and future residents of Pittwater.	
1.4	Definitions are contained in the dictionary	The proposed development is defined as a "dwelling house".	✓
<b>PART 2 - PERMITTED OR PROHIBITED DEVELOPMENT</b>			
2.2	Zoning of Land	The site is zoned C4 Environmental Living.	✓
2.3	Zone objectives and Land Use Table	<b>ZONE OBJECTIVES:</b> The proposed development achieves the objectives of the zone in the following ways: <ul style="list-style-type: none"> <li>• The proposed development will provide for low-impact residential development in an area with special ecological, scientific or aesthetic values.</li> <li>• The proposed development will ensure that the development does not have an adverse effect on those values.</li> <li>• The proposed development will provides for residential development of a low density and scale integrated with the landform and landscape by stepping the building into split-levels that follow the landform.</li> <li>• The proposed development will retains and enhances riparian and foreshore vegetation and wildlife corridors.</li> </ul> <b>LAND USE TABLE:</b> "Dwelling houses" are permissible with Council's consent in the C4 Environmental Living zone.	✓
2.6	Subdivision	The application does not seek consent for subdivision.	N/A
2.7	Demolition requires development consent	Demolition of existing single storey dwelling, and carport is proposed as detailed within the Architectural plans accompanying the DA.	✓
<b>PART 4 - PRINCIPAL DEVELOPMENT STANDARDS</b>			
4.1	Minimum subdivision lot size	<b>STANDARD:</b> 700m <sup>2</sup> <b>PROPOSED:</b> No subdivision proposed	N/A

**LEGEND:**  
 ✓ COMPLIES  
 ✗ DOES NOT COMPLY  
 S SATISFACTORY



PITTWATER LOCAL ENVIRONMENTAL PLAN 2014			
CL	REQUIREMENT	PROPOSED	✓/✗
4.1B	Minimum lot sizes for dual occupancies	N/A.	N/A
4.3	Height of Buildings	<p><b>STANDARD:</b> 8.5 metres</p> <p><b>PROPOSED:</b> 9.18 metres</p> <p>(2D) Despite subclause (2), development on land that has a maximum building height of 8.5 metres shown for that land on the Height of Buildings Map may exceed a height of 8.5 metres, but not be more than 10.0 metres if—</p> <p>(a) the consent authority is satisfied that the portion of the building above the maximum height shown for that land on the Height of Buildings Map is minor, and</p> <p>(b) the objectives of this clause are achieved, and</p> <p>(c) the building footprint is situated on a slope that is in excess of 16.7 degrees (that is, 30%), and</p> <p>(d) the buildings are sited and designed to take into account the slope of the land to minimise the need for cut and fill by designs that allow the building to step down the slope.</p> <p>The land has a slope of marginally less than 16.7 degrees and so does not benefit from the above exception. Accordingly, justification for contravention of the development standard in accordance with Clause 4.6 accompanies this DA.</p>	S
4.4	Floor Space Ratio	<p><b>STANDARD:</b> Not prescribed</p> <p><b>PROPOSED:</b> N/A</p>	N/A
4.5	Calculation of floor space ratio and site area	N/A	N/A
4.6	Exceptions to development standards	A variation to Clause 4.3 Height of Buildings is sought pursuant to Clause 4.6 of the LEP.	✓
<b>PART 5 - MISCELLANEOUS PROVISIONS</b>			
5.1	Relevant acquisition authority	The site is not mapped as reserved for acquisition on the <i>Land Reserved for Acquisition Map</i> .	N/A
5.3	Development near zone boundaries	The development is permissible and does not rely on the provisions of this Clause.	N/A
5.4	Controls relating to miscellaneous permissible uses	The proposed development is not for any of the development types listed in this Clause.	N/A
5.7	Development below mean high water mark	The site is not situated below the mean high-water mark.	N/A
5.10	Heritage Conservation	<p>The site is not identified as a heritage item, is not located in the vicinity of a heritage item and is not located within a Heritage Conservation Area.</p> <p>The site is not identified as an archaeological site and given the history of land uses on the site, is not anticipated to contain any items of</p>	✓
	Heritage Item:	✗	
	Conservation Area:	✗	
	In vicinity of item or area:	✗	
	Archaeological Site:	✗	

LEGEND:  
 ✓ COMPLIES  
 ✗ DOES NOT COMPLY  
 S SATISFACTORY

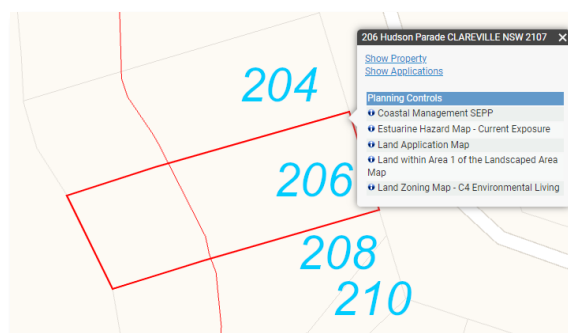


PITTWATER LOCAL ENVIRONMENTAL PLAN 2014			
CL	REQUIREMENT	PROPOSED	✓/✗

	Aboriginal Heritage:	✗ archaeological significance. No Aboriginal sites or Aboriginal places are known to have been recorded in or near the site.	
5.11	Bush fire hazard reduction	The application does not propose any bush fire hazard reduction works.	N/A
5.21	Flood Planning	The subject site is not affected by flooding.	N/A

## PART 7 - ADDITIONAL LOCAL PROVISIONS

7.1	Acid Sulfate Soils	The subject site is identified as being potentially affected by Class 5 Acid Sulfate Soils. There is no works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	✓
7.2	Earthworks	Earthworks are proposed as part of this DA. A Geotechnical Report and Stormwater Plans accompany this DA.	✓
7.4	Floodplain management	risk The subject site is not land between the flood planning level and the level of the probable maximum flood.	N/A
7.5	Coastal risk planning	The proposed site is not identified as coastal risk on Coastal Risk planning Map.	N/A
7.6	Biodiversity	The subject site is identified as Biodiversity on 'Biodiversity Map'. The development has no adverse impact on ecological value and significance of fauna and flora. The biodiversity structure of the land is maintained throughout the development.	✓
7.7	Geotechnical hazards	The land identified as "Geotechnical Hazard H1" on the Geotechnical Hazard Map. A Geotechnical Report accompanies the DA.	✓
7.8	Limited development on foreshore area	The land is in the foreshore area and a foreshore building line applies.	



The building design aims to integrate and preserve foreshore area. The proposal structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area limiting environmental harm.

LEGEND:  
 ✓ COMPLIES  
 ✗ DOES NOT COMPLY  
 S SATISFACTORY



PITTWATER LOCAL ENVIRONMENTAL PLAN 2014			
CL	REQUIREMENT	PROPOSED	✓/✗
		Street landscape and public access to those open spaces are maximised through a building frontage façade of 2-storey and building envelope design that incorporates natural elements such as roof top garden.	
		The development design elements integrate a balcony overhang pass the Foreshore Building Line (FBL). The application seeks Clause 4.6 variation is sought strictly for balcony overhang and Bedroom 3 breaching the FBL control standard established Council planning maps.	
		Please refer to the Architectural Plans, Landscape Plans and Clause 4.6 variation accompanying this DA.	

TABLE 13: PITTWATER LOCAL ENVIRONMENTAL PLAN 2014 COMPLIANCE TABLE

(ii) SECTION 4.15(1)(A)(II)

THE PROVISIONS OF ANY EXHIBITED DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

At the time of preparing this Statement, there were no exhibited Draft Environmental Planning Instruments applicable to the land or development.

(iii) SECTION 4.15(1)(A)(III)

THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

**PITTWATER DEVELOPMENT CONTROL PLAN 2021**

*Pittwater Development Control Plan 2021* (the DCP) contains objectives and development controls for development on the land. An assessment of the proposal against the applicable and relevant provisions of the DCP is provided below.

PITTWATER DEVELOPMENT CONTROL PLAN 2021			
REF	CONTROL	PROPOSED	✓/✗
<b>SECTION A - SHAPING DEVELOPMENT IN PITTWATER</b>			
<b>A4.1</b>	<b>Avalon Beach Locality</b>	<p>Avalon Beach locality and desired character will continue to provide an informal casual seaside environment. The proposal is compatible with Avalon Beaches low-density two storey landscape, which doesn't take away from the natural landscape. Building height limit is below tree canopy and existing and new vegetations will be integrated to have a house amongst tree feeling.</p> <p>A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist</p>	✓

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



PITTWATER DEVELOPMENT CONTROL PLAN 2021			
REF	CONTROL	PROPOSED	✓/✗
		development blending into the natural environment. The proposal design aims to incorporate sustainable building design to enhance Avalon Beach natural environment.	

## SECTION B - GENERAL CONTROLS

<b>B1</b>	<b>Heritage Controls</b>	The site is not identified as a heritage item, is not located in the vicinity of a heritage item and is not located within a Heritage Conservation Area.	N/A
<b>B2</b>	<b>Density Controls</b>	There are no relevant density controls that apply to this development.	N/A
<b>B3</b>	<b>Hazard Controls</b>		
<b>B3.1</b>	<b>Landslip Hazard</b>	The development has been designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level.	✓
<b>B3.7</b>	<b>Estuarine Hazard</b>	The proposed site is identified under Estuarine Hazard Map - Current exposure as Wave Action and Tidal Inundation classifying it as Coastal Use Area.  However, an Appendix 7 - Estuarine Risk Management Policy for Development in Pittwater isn't required in accordance to Appendix 2 of this Statement.	✓
<b>B5</b>	<b>Water Management</b>		
<b>B5.13</b>	<b>Development on Waterfront Land</b>	The proposed development under Water Management Act 2000 provides sustainable and integrated management of water sources to carry stormwater/flood flows, maintain aquifers, retain stability, and provide habitat functions for present and future generations.  The development is adjoining waterfront land, and ecological sustainable design landscaping is integrated in rear boundary with local native plants.	✓
<b>B6</b>	<b>Access and Parking</b>		
<b>B6.3</b>	<b>Car Parking</b>	2 car parking spaces provided.	✓
<b>B8</b>	<b>Site Works Management</b>		
<b>B8.1</b>	<b>Construction and Demolition - Excavation and Landfill</b>	A Geotechnical Report accompanies this DA and addresses the requirements.  <ul style="list-style-type: none"> <li>Excavation greater than 1 metre deep, the edge of which is closer to a site boundary or structure to be retained on the site, than the overall depth of the excavation;</li> <li>Any excavation greater than 1.5 metres deep below the existing surface;</li> <li>Any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures</li> </ul>	✓

LEGEND:  
 ✓ COMPLIES  
 ✗ DOES NOT COMPLY  
 S SATISFACTORY



PITTWATER DEVELOPMENT CONTROL PLAN 2021			
REF	CONTROL	PROPOSED	✓/✗
	<p>(proposed or existing) or adjoining property;</p> <ul style="list-style-type: none"> <li>Any landfill greater than 1.0 metres in height; and/or</li> <li>Any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to constructions on sites with low bearing capacity soils,</li> </ul> <p>must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) as adopted by Council and details submitted and certified by a Geotechnical Engineer and/or Structural Engineer with the detail design for the Construction Certificate.</p>		
<b>B8.3</b>	<p><b>Construction and Demolition - Waste Minimisation</b></p> <p>Waste materials generated through demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.</p>	A Waste Management Plan accompanies the DA and details the methods of on-site reuse, recycling or disposal at an appropriate waste facility proposed.	✓
<b>B8.4</b>	<p><b>Construction and Demolition - Site Fencing and Security</b></p> <p>All sites are to be protected by site fencing for the duration of the works.</p> <p>Where building construction is undertaken adjacent to the public domain, pedestrian and vehicular facilities are to be protected by a Hoarding in accordance with Section 126(1) of the <i>Roads Act 1993</i>.</p>	Noted, subject to conditions being imposed by Council on any consent granted for the proposal.	✓

## SECTION C - DEVELOPMENT TYPE CONTROL

### C1 DESIGN CRITERIA FOR RESIDENTIAL DEVELOPMENT

<b>C1.1</b>	<p><b>Landscaping Controls</b></p> <ul style="list-style-type: none"> <li>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community. Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for</li> </ul>	<p>The proposed site incorporates sustainable building design principles to maintain the natural landscape of Pittwater. 1 Canopy tree is to remain at the frontage boundary and 1 at the rear setback of the building. Low-lying shrubs are incorporated at front boundary and side boundaries. Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m<sup>3</sup> within this area to ensure growth is not restricted. Articulation zone provides visual interest and further opportunities for landscaping.</p> <p>The site is not identified as Endangered Ecological Community.</p>	✓
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#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



PITTWATER DEVELOPMENT CONTROL PLAN 2021			
REF	CONTROL	PROPOSED	✓/✗
	<p>Landscaping in an Endangered Ecological Community.</p> <ul style="list-style-type: none"> <li>• In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form.</li> <li>• At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the long-term. Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.</li> <li>• Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m<sup>3</sup> within this area to ensure growth is not restricted.</li> <li>• The following soil depths are required in order to be counted as landscaping: <ul style="list-style-type: none"> <li>○ 300mm for lawn</li> <li>○ 600mm for shrubs</li> <li>○ 1metre for trees</li> </ul> </li> <li>• The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:</li> <li>• A planter or landscaped area with minimum dimensions of 4m<sup>2</sup> for shop top housing developments, <ul style="list-style-type: none"> <li>○ 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and</li> <li>○ 50% for all other forms of residential development.</li> </ul> </li> <li>• Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.</li> <li>• In bushfire prone areas, species shall be appropriate to the bushfire hazard.</li> <li>• Landscaping shall not unreasonably obstruct driver and pedestrian visibility.</li> <li>• Development shall provide for the reasonable retention and</li> </ul>	<p>5.825 metre setback x 15.24 metre frontage = 88.773m<sup>2</sup> x 60% = 53.27m<sup>2</sup> of landscaping is required within the front setback. 62.11m<sup>2</sup> proposed, equating to 70%.</p> <p>Note: The proposed site contains no native vegetation and one existing tree is proposed to be removed (classified as Area 1 of Pittwater Landscaped Area Map). Refer to Landscape Plan and Arborist report accompanying this DA.</p>	



## PITTWATER DEVELOPMENT CONTROL PLAN 2021

REF	CONTROL	PROPOSED	✓/✗
	<p>protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.</p> <ul style="list-style-type: none"> <li>• Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.</li> </ul>		
<b>C1.3</b>	<b>View Sharing</b> <ul style="list-style-type: none"> <li>• All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</li> <li>• The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.</li> <li>• Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</li> <li>• Views are not to be obtained at the expense of native vegetation.</li> </ul>	<p>The property, other properties and public domain have clear view sharing. The building design eliminates any visual obstruction, integrating a low-density 2 storey dwelling to ensure it complements the street landscape.</p> <p>Refer to the View Analysis based on the Land and Environment Court's planning principles for view sharing has been undertaken and is provided as Appendix 1 to this Statement.</p>	✓
<b>C1.4</b>	<b>Solar Access</b> <ul style="list-style-type: none"> <li>• The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</li> <li>• Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</li> <li>• Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.</li> <li>• Developments should maximise sunshine to clothes drying areas of the proposed</li> </ul>	<p>Sufficient solar access reaches private open space and main private open space of the adjoining dwelling, particularly between 12:00pm and 3pm on June 21st. The building is orientated east to west in response to the orientation of the land and maximises solar access.</p> <p>The existing dwelling house at 208 Hudson Parade to the south of the subject site contains a large open plan living area on the ground floor level with a westerly aspect overlooking the water. Limited window openings are provided on the northern façade of the dwelling for the living room and significant vegetation within the northern boundary setback limits the amount of solar access achieved into the living space. The proposed development will maintain solar access for the principal living space of the adjoining dwelling at 208 Hudson Parade via its western façade which is where a majority of the solar access is currently obtained.</p> <p>Amended plans accompanying the DA have</p>	✓

### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



PITTWATER DEVELOPMENT CONTROL PLAN 2021			
REF	CONTROL	PROPOSED	✓/✗
	<p>development or adjoining dwellings.</p> <ul style="list-style-type: none"> <li>The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.</li> </ul>	<p>provided lowered hob slab levels and a reduction in the solid elements of roof covering the first floor balcony which have further improved solar access to 208 Hudson Parade. The views from the sun provided with the amended application and additional information indicate that the west facing living room window of 208 Hudson Parade will receive direct solar access between 12pm and 3pm on 21 June, to part of the window.</p> <p>Although not reaching 50% of the glazed surface of the window during that entire period, the window achieves the following:</p> <p>11am - 20%</p> <p>12pm - 50%</p> <p>1pm - 40%</p> <p>2pm - 50%</p> <p>3pm - 25%</p> <p>Furthermore, the rear facing elevation of the dwelling at 208 Hudson Parade includes a complete glazed façade to the living room which will receive uninterrupted direct solar access for 100% of the surface area at 3pm.</p> <p>The plans accompanying the amended application clearly illustrate that the shadows cast by the development are not a direct consequence of any non-compliant building elements or built form but rather, attributed by the orientation of the site. While there will be additional overshadowing on the western façade of 208 Hudson Parade, this is considered acceptable in the circumstances because the impact is from a compliant built form that is within the allowable building envelope.</p> <p>It is further noted that the solar access to the primary living area window of 208 Hudson Parade will be increased from the existing 2 hours achieved to 4 hours in the amended proposal, albeit the portions of the window receiving solar access change.</p> <p>Given the above and that the impact is from a compliant built form that is within the allowable building envelope, the proposal satisfies the planning principal in <i>The Benevolent Society v Waverley Council</i> [2010] NSWLEC 1082.</p> <p>Refer to the architectural plans by RM Designers and suneye views accompanying this DA.</p>	✓/✗
<b>C1.5</b>	<b>Visual Privacy</b>		
	<ul style="list-style-type: none"> <li>Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings</li> </ul>	<p>The development ensures that overlooking opportunities are minimised by the sunken nature of the development. The principal private open space for the development is</p>	✓

LEGEND:  
 ✓ COMPLIES  
 ✗ DOES NOT COMPLY  
 S SATISFACTORY



## PITTWATER DEVELOPMENT CONTROL PLAN 2021

REF	CONTROL	PROPOSED	✓/✗
	<p>are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below (measured from a height of 1.7 metres above floor level).</p> <ul style="list-style-type: none"> <li>Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building.</li> <li>Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.</li> </ul>	<p>provided at a lower level than existing site levels which will ensure no overlooking opportunities are provided into the neighbouring properties.</p> <p>The proposal includes rear facing balconies overlooking the water which are provided with suitable privacy screens to direct views to the water and avoid overlooking into neighbouring properties.</p>	✓/✗
<b>C1.6</b>	<p><b>Acoustic Privacy</b></p> <ul style="list-style-type: none"> <li>Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.</li> <li>Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).</li> <li>Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.</li> <li>Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.</li> </ul>	<p>There are no noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like that will impact the dwelling house itself.</p> <p>All noise generating plants including pool/spa motors, air conditioning units, etc are proposed to be placed within the lower ground floor level to avoid acoustic impacts on neighbouring properties.</p> <p>Compliance with the Protection of the Environment Operations Act 1997, and other relevant legislation will be conditional by Council on any consent granted for the proposal.</p>	✓
<b>C1.7</b>	<p><b>Private Open Space</b></p> <ul style="list-style-type: none"> <li>Minimum 80m<sup>2</sup> of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.</li> </ul>	<p>Areas totalling greater than 80m<sup>2</sup> of private open space is achieved across the dwelling at ground level, with no dimension less than 3 metres. Refer to Architectural plans - Site plan calculations. Less than 75% of private open space is provided in the front yard.</p> <p>The private open space area provides over</p>	✓

### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



## PITTWATER DEVELOPMENT CONTROL PLAN 2021

REF	CONTROL	PROPOSED	✓/✗
	<ul style="list-style-type: none"> <li>• Within the private open space area, a minimum principal area of 16m<sup>2</sup> with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).</li> <li>• Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.</li> <li>• Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).</li> <li>• Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.</li> </ul>	<p>16m<sup>2</sup> principal area with dimensions of 6m &amp; 10.58 and grade no steeper than 1 in 20 (5%).</p> <ul style="list-style-type: none"> <li>➤ Living spaces is designed to directly access private open space such as alfresco and balcony.</li> <li>➤ The proposed property is orientated east to west and maximises solar access from the westerly aspect to the rear.</li> <li>➤ Privacy screens are utilised to ensure private open space from the alfresco establishes visual privacy.</li> </ul> <p>Refer to Architectural Plans accompanying this DA.</p>	✓/✗
<b>C1.12</b>	<b>Waste and Recycling Facilities</b> All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan.	A Waste Management Plan accompanies the DA.	✓
<b>C1.17</b>	<b>Swimming Pool Safety</b> Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.	Subject to details at CC stage and conditions to be imposed by Council on any consent granted for the proposal.	✓
<b>SECTION D - LOCALITY SPECIFIC DEVELOPMENT CONTROLS</b>			
<b>D1 AVALON BEACH LOCALITY</b>			
<b>D1.1</b>	<b>Streetscape/Character from Public Place</b> <ul style="list-style-type: none"> <li>• Garages, carports and other parking structures including hardstand areas must not be the dominant site feature when viewed from a public place. Parking structures should be located behind the front building line, preferably set</li> </ul>	<ul style="list-style-type: none"> <li>➤ The proposed building frontage is designed to illuminate the natural landscape of the neighbourhood and is not the dominant site feature. The bulk and scale of the proposed building respects the streetscape character and results in a building that appears to be a modest 2 storey built form with a subservient first floor that is smaller in height, bulk and</li> </ul>	✓

### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



## PITTWATER DEVELOPMENT CONTROL PLAN 2021

REF	CONTROL	PROPOSED	✓/✗
	<p>back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.</p> <ul style="list-style-type: none"> <li>Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.</li> <li>General service facilities must be located underground.</li> <li>Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.</li> </ul>	<p>scale than the ground floor and rear. The parking structures are integrated into the overall design and comply with this control.</p> <ul style="list-style-type: none"> <li>The proposed landscaping integrates building design features such a canopy trees and privacy screens to minimise visual impact of the built form and adjoining properties. The building design of the proposed dwelling integrates landscape to ensure the structure is second to landscaping and vegetation. This is optimised by roof top garden and a smaller scale first floor appearance to the street.</li> <li>General service facilities are all located underground and within the lower ground floor level.</li> <li>Electrical cabling will be concealed. No conduit or sanitary plumbing is proposed on the facades of buildings visible from a public space and can be conditioned on any consent granted by Council.</li> </ul>	
<b>D1.5</b>	<b>Building Colours and Materials</b>	<p>External colours and materials have been selected to be dark and earthy tones including greys and natural timber.</p> <p>White and light coloured walls are proposed however minimised to the side and rear elevations only.</p> <p>The proposed building colours and materials are illustrated in the Architectural Plans accompanying the DA.</p>	✓
<b>D1.8</b>	<b>Front Building Line</b>	<p>The proposed application complies with this control proposing a 5.825 front building line.</p> <p>Adopting a front building line of 6.5 metres would not provide a consistent streetscape for the site, given that the adjoining dwellings are both setback between 5.825 metres and 6.3 metres as shown on the Survey Plan.</p> <p>The proposed development achieves the objectives of the DCP as detailed below and therefore, the proposal merits council approval.</p> <p><b>Outcomes Assessment:</b></p> <p>a) The desired character of Pittwater LGA is maintain natural environment and preserve terrestrial and aquatic ecosystems in local area. A front building setback similar to 204 and 208 Hudson Parade, means limited cut and fill to rear, lower impacts on neighbouring buildings, a more responsive design to the site topography which is flatter towards the front of the site, and increased landscape opportunities around the building.</p>	S
	<p><b>Outcomes:</b></p> <p>a) To achieve the desired future character of the Locality. (S)</p> <p>b) The amenity of residential development adjoining a main road is maintained. (S)</p> <p>c) Vegetation is retained and enhanced to visually reduce the built form. (En)</p> <p>d) Vehicle manoeuvring in a forward direction is facilitated. (S)</p>		

### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



## PITTWATER DEVELOPMENT CONTROL PLAN 2021

REF	CONTROL	PROPOSED	✓/✗
	e) To encourage attractive street frontages and improve pedestrian amenity. f) To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.	b) The proposed development maintains appropriate side setbacks of 2.5 metres and privacy screens to ensure amenity and privacy is maintained. The proposed front building line has no amenity impacts and integrates with natural elements of Pittwater LGA. Conversely an increased front setback would result in greater impact for neighbouring dwellings and a break in the streetscape rhythm that is evident in this section of Hudson Parade. c) Existing vegetation and trees at the front, side and rear are to be protected and enhanced during development. Refer to Landscape Plan accompanying this DA. d) A garage for 2 car parking spaces is proposed which has adequate manoeuvring. e) The proposed development includes an architecturally designed attractive street frontage. The setback maintains a cohesive streetscape appearance for the dwelling and adjoining properties on each side which observe similar setbacks to that proposed. f) The proposed setback responds to, reinforces and sensitively relates to spatial characteristics of the urban environment as detailed earlier with a consistent streetscape achieved. The proposed setback ensures that reduced amounts of cut and fill are required compared to what that which would be required with a greater front setback. This would also result in greater impact towards the rear and adjoining properties, particularly by way of overshadowing, privacy and visual bulk. Due to the natural topography of the subject site, full compliance with this control is unreasonable given that it would result in greater cut and fill, reduced landscape area and greater levels of impact that would be unavoidable.	

D1.9	Side and Rear Building Line Land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living - 2.5m at least to one side; 1.0m for other side	LEVEL	NORTHERN SIDE	SOUTHERN SIDE	
		LOWER	1 metre	2.5 metres	✓
		BEDROOMS	1 metre	2.5 metres	✓
		GROUND	1 metre	2.5 metres *1.5 metre front room	S
		FIRST	2.5 metres	2.5 metres	✓

### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



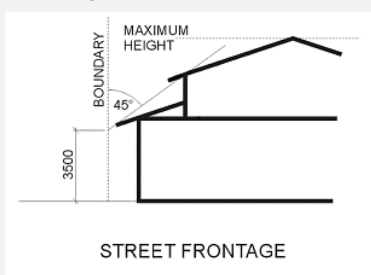
## PITTWATER DEVELOPMENT CONTROL PLAN 2021

REF	CONTROL	PROPOSED	✓/✗
		<p>* The ground floor includes a part 1.5 metre setback for the front room which does not satisfy the 2.5 metre setback requirement. Notwithstanding this, the proposal is acceptable as the reduced setback provides a more functional floor layout to the front of the dwelling house, considering the garage width and front entry foyer take away from the overall width. The front room is proposed as a living/office room with versatile uses that will provide for activation at the street frontage.</p> <p>Although not achieving the setback requirement, the proposal achieves the outcomes of the DCP in the following ways and merits Council approval:</p> <ul style="list-style-type: none"> <li>▶ The proposal achieves the desired future character of the Locality and maintains a low impact, low-density and low scale development.</li> <li>▶ The bulk and scale of the proposed built form is minimised by utilising space on the ground floor rather than upper levels, allowing a smaller first floor with greater than required setbacks.</li> <li>▶ The wider ground floor allows a narrower first floor with greater than required setbacks that will preserve views and vistas over the site and encourage view sharing through the siting of the building.</li> <li>▶ The wider ground floor allows a narrower first floor with greater than required setbacks that will allow for a reasonable level of privacy, amenity and solar access to adjoining residential properties.</li> <li>▶ The reduced ground floor setback for 1 room does not inhibit the ability for the development to achieve adequate landscaping, mature tree canopy and an attractive streetscape.</li> <li>▶ The single room non-compliance allows for flexibility in the siting of the building.</li> </ul>	✓/✗

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### D1.11 Building envelope

Buildings are to be sited within the following envelope:



The proposed development, with the exception of the overhangs on the first floor level, is within the building envelope:

✓

#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



PITTWATER DEVELOPMENT CONTROL PLAN 2021			
REF	CONTROL	PROPOSED	✓/✗
			✓/✗

**D1.14 Landscaped Area - Environmentally Sensitive Land Outcomes:**

- Achieve the desired future character of the Locality.
- The bulk and scale of the built form is minimised.
- A reasonable level of amenity and solar access is provided and maintained.
- Vegetation is retained and enhanced to visually reduce the built form.
- Conservation of natural vegetation and biodiversity.
- Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.
- To preserve and enhance the rural and bushland character of the area.
- Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management.

The proposed site is classified as Area 1 of Landscape Area Map.

The minimum landscape area of 60% has not been met with the proposal achieving 327.81m<sup>2</sup> or 51.84% of landscaped area on site. However, based on meeting the objectives of the DCP detailed below, the proposal merits council approval.

**Outcomes Assessment:**

- Refer to Section A Shaping Development in Pittwater A4.1 - Avalon Beach Locality of this table.
- The proposed built form is minimised by integrating a 2-storey façade and articulation zones that maintain relative streetscape bulk and scale, and a narrower and smaller upper level to ensure a reduced bulk and scale appearance to the street.
- Solar access and amenity is appropriate in this proposal. Refer to Section C Development Type Control - C1 Design Criteria for Residential Development C1.4 - Solar Access in this table.
- Refer to Section C Development Type Control - C1 Design Criteria for Residential Development - C1.1 Landscape.
- Refer to Section C Development Type Control - C1 Design Criteria for Residential Development - C1.1 Landscape.
- A Stormwater Plan accompanies this DA.
- The proposed site is not located in rural or bushland area.
- Soft surface landscape is maximised across front and rear to ensure appropriate stormwater run-off.

S

Although the proposed landscape area is 8.16% short of the 60% required, the application has incorporated appropriate tree preservation, retention of native vegetation, and maintains wildlife habitats and corridors by preserving access to Pittwater waterway.



PITTWATER DEVELOPMENT CONTROL PLAN 2021			
REF	CONTROL	PROPOSED	✓/✗
		<p>All development control and locality specific development controls comply.</p> <p>The non-compliance is supplemented with on-structure landscape planting including 133.93m<sup>2</sup> on the master bedroom rooftop and 59.47m<sup>2</sup> on the slab connected to the master bedroom at the rear of the first-floor level. These on structure landscaped areas will be provided with between 300mm to 500mm soil depths that would be capable of sustaining lawn or low-lying shrub landscaping as indicated in Section C1.1 of the DCP. With the addition of these on-structure landscaped areas, the site will provide a total landscaped area of 82.42% which is well in excess of the 60% required. While this includes on-structure landscaping, the ground surface for the site is not conducive to sustaining landscaping given the shallow soil depths and relatively close rock beneath the soil.</p> <p>Accordingly, the on-structure landscaping is considered to provide a better design outcome for the site than what a compliant on-site landscaping would achieve.</p> <p>In addition to the above, a comparative analysis was conducted between the existing and proposed landscaping on the site. The findings of the breakdown demonstrate a reduction in hard surface area from 54.75% (existing) to 47.13% (proposed) and increase in proposed landscaping area from 44.21% (existing) to 51.84% proposed providing a net benefit of 7.63% landscaping on the site.</p> <p>Considering the overall building footprint and natural topography of the site, the proposed landscaping area is acceptable regarding Council standards and the building design incorporates high level of urban design elements to ensure the built form is complimented by landscaping whilst retaining Pittwater's ecological and environmental values.</p> <p>Pursuant to Section 4.15(3A)(b) of the Act and based on this assessment above, Council is required to adopt a flexible approach in applying the provisions and allow the reasonable alternative solutions that achieve the objects of the control in dealing with this aspect of the development.</p> <p>Refer to Landscape Plan and Arborist Report accompanying this DA.</p>	✓/✗
<b>D1.15</b>	<b>Fences</b> <u>a. Front fences and side fences (within the front building setback)</u> Front and side fences (within the	The proposed development provides a masonry wall fence (600mm) height at the front boundary. Side boundary fencing will be maintained or replaced with new 1.8 metre	✓

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



PITTWATER DEVELOPMENT CONTROL PLAN 2021			
REF	CONTROL	PROPOSED	✓/✗
	<p>front building setback) shall:</p> <ul style="list-style-type: none"> <li>not exceed a maximum height of 1 metre above existing ground level,</li> <li>shall be compatible with the streetscape character, and</li> <li>not obstruct views available from the road.</li> </ul> <p>Front fences and landscaping should allow people in their homes to view street activity.</p> <p>Fences are to be constructed of open, see-through, dark-coloured materials.</p> <p>Landscaping is to screen the fence on the roadside. Such landscaping is to be trimmed to ensure clear view of pedestrians and vehicles travelling along the roadway, for vehicles and pedestrians exiting the site.</p> <p>Original stone fences or stone fence posts shall be conserved.</p> <p><u>b. Rear fences and side fences (to the front building line)</u></p> <p>Fencing is permitted along the rear and side boundaries (other than within the front building setback) to a maximum height of 1.8 metres.</p> <p><u>h. Fencing within the foreshore building line shall:</u></p> <p>Not exceed a maximum height of 1 metre above existing ground level.</p> <p>Shall be compatible with the streetscape character and</p> <p>Not obstruct views available from or to the foreshore, waterway and or road.</p> <p>Fences are to be constructed of open, see-through, dark-coloured materials. Landscaping is to screen the fence on the foreshore side.</p>	<p>high fencing. No fencing is proposed on the rear boundary adjoining the Pittwater Waterway.</p> <p>The design of the fences are compatible with the streetscape, constructed with open, see-through, dark coloured materials.</p> <p>Landscaping is minimised in density and length to ensure clear view of pedestrian and vehicular across the roadway and exiting the site. Landscaping screens the fence on the foreshore side.</p>	

## D15 WATERWAYS LOCALITY

<b>D15.1 2</b>	<b>Development seaward of mean high water mark</b>	<p>The proposed development is located landward of mean high-water mark.</p> <p>Existing outbuildings and ancillary structures are located seaward on mean high water mark.</p> <p>Public access is maintained and provided for along the foreshore.</p>	✓
<b>D15.1 3</b>	<b>Lateral limits to development seaward of mean high water mark</b>	<p>The existing seawall and pontoon jetty to remain. No proposed development in waterfront.</p>	N/A

LEGEND:  
 ✓ COMPLIES  
 ✗ DOES NOT COMPLY  
 S SATISFACTORY



PITTWATER DEVELOPMENT CONTROL PLAN 2021			
REF	CONTROL	PROPOSED	✓/✗
D15.1 4	Minimum frontage for waterfront development	The existing seawall and pontoon jetty to remain. No proposed development in the waterfront.	N/A
D15.1 5	Waterfront Development	The existing seawall and pontoon jetty to remain. No proposed development in waterfront.	N/A
D15.1 8	Seawalls	Not proposed.	✓
D15.1 9	Dredging	Not proposed.	✓

TABLE 14: PITTWATER DEVELOPMENT CONTROL PLAN 2021 COMPLIANCE TABLE

(iii) SECTION 4.15(1)(A)(II) THE PROVISIONS OF ANY PLANNING AGREEMENT ENTERED INTO UNDER S7.4

There are no known Planning Agreements entered into under Section 7.4 and no draft Planning Agreements are proposed to be entered into under Section 7.4 for this proposal.

(iv) SECTION 4.15(1)(A)(IV)

THE PROVISIONS OF THE REGULATIONS

**ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION, 2021**

Pursuant to Section 4.15(1)(A)(iv) of the Act, the following additional matters are required to be taken into consideration (where relevant) for a DA:

SEC.	MATTER FOR CONSIDERATION	✓/✗
29	Residential apartment development	N/A
61(1)	In the case of a DA for the demolition of a building, the provisions of AS 2601	✓
61(2)	Any subdivision order made under Schedule 7 to the Act	N/A
61(3)	The Dark Sky Planning Guideline	N/A
61(4)	Medium Density Design Guide for DA for manor house or multi dwelling housing (terraces)	N/A
61(6)	Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre	N/A
62	Fire safety and other considerations	N/A
63	Considerations for erection of temporary structures	N/A
64	Consent authority may require buildings to be upgraded	N/A

TABLE 15: MATTERS FOR CONSIDERATION UNDER THE EP&A REGULATION, 2021

**SECTION 61(1): DEMOLITION**

Section 61(1) of the Regulations prescribes that the provisions of *Australian Standard AS2601:2001 - The Demolition of Structures* are to be taken into consideration, pursuant to Section 4.15(1)(a)(iv) of the Act, in the case of a DA for the demolition of a building.

Demolition work is proposed as part of the proposal. Council may impose suitable conditions on any consent granted for the proposal to ensure compliance with the provisions of *Australian*

LEGEND:  
 ✓ COMPLIES  
 ✗ DOES NOT COMPLY  
 S SATISFACTORY



Standard AS2601:2001 - The Demolition of Structures.

## 6.2 SECTION 4.15(1)(B) OF THE EP&AACT, 1979

### THE LIKELY IMPACTS OF THE DEVELOPMENT

INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY.

The subject application seeks consent for demolition of an existing single storey dwelling house and construction of a split level 2 storey dwelling house at 206 Hudson Parade, Clareville.

An assessment of the proposal against the relevant State Environmental Planning Policies, *Pittwater Local Environmental Plan 2014* and *Pittwater Development Control Plan 2021* has been provided throughout this Statement detailing the proposal's likely environmental impacts on both the natural and built environments, and social and economic impacts in the locality, as summarised below:

### 6.2.1 SITING, DESIGN AND THE BUILT FORM

The proposal's compliance with the relevant development controls indicates that the development is appropriately sited, observes a high standard of design and proposes a built form that will be compatible with the local area and the desired future character.

The proposed dwelling has been appropriately sited having regard to the site features such as outlook, solar access, natural ventilation and visual and acoustic privacy. The proposed dwelling has been designed to integrate and be consistent with the character of development envisaged in the local area with the proposed development to be finished in light colours to compliment the setting and context of the area.

The overall built form is consistent with the building envelope controls for development on the site with only minor justified variations sought to the building envelope controls prescribed in the *Pittwater Local Environmental Plan 2014* and the *Pittwater Development Control Plan 2021*.

### 6.2.2 PRIVACY

The subject application does not propose any windows, balconies or fencing that will impact on the privacy of residents on adjoining properties. The assessment provided in Section 6 of this Statement outlines why the proposal is acceptable and would have an acceptable level of impact on adjoining properties. In general, the siting of the proposed development provides ample separation from adjoining properties to ensure minimal acoustic and visual privacy impacts for adjoining properties, while also ensuring future residents of the proposed dwellings will be provided with suitable acoustic and visual privacy. Overall, the proposed development will not create privacy impacts.

### 6.2.3 SOLAR ACCESS AND OVERSHADOWING

As detailed in this Statement, the proposed development has been designed to ensure suitable levels of solar access are achieved for the proposed development as well as suitable levels of solar access being maintained for adjoining properties. The levels of additional overshadowing anticipated as a result of the proposed development are not significant or detrimental to adjoining properties which will be able to continue to receive adequate levels of solar access.



#### 6.2.4 TREE REMOVAL, LANDSCAPING, FLORA & FAUNA

The proposal seeks consent for the removal of 1 tree at the rear of the site and proposes substantial landscaping to compliment the Pittwater natural environment as illustrated on the Landscape Plan accompanying this DA. No impact on flora and fauna is envisaged as a result of the proposed development.

#### 6.2.5 TRAFFIC & PARKING

The proposed development will have acceptable impacts on the existing traffic movements in the area.

Vehicular access to the site is provided from the Hudson Parade frontage of the site via a proposed concrete driveway direct to the proposed garage that can accommodate 2 car parking spaces.

#### 6.2.6 UTILITIES/INFRASTRUCTURE

The augmentation and provision of new and additional utilities and infrastructure will be necessary as a result of the proposal and will be borne by the person acting on any consent granted.

#### 6.2.7 NATIONAL CONSTRUCTION CODES/BUILDING CODE OF AUSTRALIA

The design of the development has had regard to achieving compliance with the National Construction Code (NCC)/Building Code of Australia (BCA). Compliance with the NCC/BCA will be addressed in detail at the Construction Certificate stage. If necessary, conditions may be imposed by Council in relation to the development complying with the provisions of the NCC/BCA.

#### 6.2.8 HERITAGE IMPACTS

The site is not identified as a heritage item, is not located in the vicinity of a heritage item and is not located within a Heritage Conservation Area. The site is not identified as an archaeological site and given the history of land uses on the site, is not anticipated to contain any items of archaeological significance. No Aboriginal sites or Aboriginal places are known to have been recorded in or near the subject site.

#### 6.2.9 SOCIAL IMPACTS

The proposed development is considered to provide a positive social impact for the local and wider community. The following discussion provides an assessment of the potential social impacts the proposed development is anticipated to have on the local community:

**COMMUNITY STRUCTURE:** The proposed development is considered to provide a positive benefit for the local community by improving occupant amenity while maintaining the amenity of surrounding sites.

**INFRASTRUCTURE:** Having regard to the scale of the proposed development, the proposal is not considered to pose any significant impacts or strain on the capacity of existing infrastructure.

**RESIDENTIAL AMENITY:** The proposed development will have an acceptable level of acoustic and visual privacy impacts on adjoining properties.



The proposed built form is appropriately sited having regard to the context of the site and ensures privacy is maintained.

**SAFETY AND SECURITY:** The built form has been designed having regard to the Crime Prevention Through Environmental Design principles.

### 6.2.10 ECONOMIC IMPACTS

The proposed development will result in a positive economic benefit for the local and wider community during the construction stage and will not generate any adverse economic impacts.

### 6.2.11 STORMWATER MANAGEMENT

The proposal will provide and maintain adequate stormwater arrangements on the subject site. The Stormwater Plans accompanying the application indicate the stormwater works required as part of the proposed development. Overall, the proposed development includes an appropriate stormwater system that will not create any adverse impacts to the existing stormwater system in the locality.

### 6.2.12 SOIL MANAGEMENT

The application proposes earthworks ancillary to the development proposed including a significant amount of cutting to accommodate the proposed development. All disturbed soils will be suitable stored on site to prevent soil erosion and spill into the waterways.

A Sediment and Erosion Control Plan accompanies the application under separate cover. Accordingly, the proposed development is not anticipated to have any adverse impacts in regard to soil erosion or sedimentation.

### 6.2.13 CONTAMINATION

The history of land uses for the site has been considered as an indicator for potential contamination. A review of 1955 aerial imagery over the site has revealed that the site was vacant at that time and the existing dwelling house that currently occupies the site appears to have been constructed around the late 1970's to early 1980's. Accordingly, there is no reason to suspect that the site may be contaminated, and further investigation of the site's potential contamination is not required. Therefore, Council can be satisfied of its obligations under Section 4.6 of the Resilience & Hazards SEPP as the application appropriately considers the potential for contamination under the SEPP.

### 6.2.14 WASTE MINIMISATION/MANAGEMENT

The Waste Management Plan accompanying the application details the waste minimisation and avoidance measures that will be implemented during the construction of the proposed development. The waste and recycling bins for the proposed dwelling will be stored behind the building line which will not be visible from the street.

### 6.2.15 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN - CPTED

The proposed development will not contribute to the provision of any increased



opportunity for criminal or anti-social behaviour to occur.

An assessment of the proposed development having regard to the CPTED principles has been undertaken as detailed in Part 6 of this Statement and summarised below:

<b>SURVEILLANCE:</b>	Increased surveillance of the street will be provided by proposing a habitable room within the front of the dwelling house with windows on all sides and front balcony access overlook the public domain providing surveillance and increased security opportunity.
<b>ACCESS CONTROL:</b>	The site includes clearly defined boundaries and fencing that will ensure unintended access is avoided and controlled access to the property is achieved.
<b>TERRITORIAL REINFORCEMENT:</b>	The natural topography of the site and existing built form and boundary fencing will provide clear boundary delineation between the public and private domains creating territorial reinforcement.
<b>SPACE MANAGEMENT AND MAINTENANCE:</b>	The proposed dwelling will be constructed from durable materials that require low levels of maintenance and ensure the development continues to appear cared for.

## 6.2.16 CONSTRUCTION IMPACTS

Whilst there is expected to be some impacts during construction of the proposed development, the impacts are not anticipated to be excessive, and would be in line with general impacts similar to the construction of any standard dwelling and can be suitably controlled by the imposition of conditions on any consent granted for the proposal.

## 6.2.17 ESD & THE CUMULATIVE IMPACT

The proposal is not expected to have any cumulative impacts and is not considered to inhibit the ability of future generations to further use or develop the site.

## 6.3 SECTION 4.15(1)(C) OF THE EP&A ACT, 1979

### *THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT.*

The subject application seeks consent for demolition of an existing single storey dwelling house and construction of a split level 2 storey dwelling house on the subject property at 206 Hudson Parade, Clareville.

The proposed development is defined as a “*dwelling house*” which is permissible pursuant to the C4 Environmental Living zoning provisions applying to the land under *Pittwater Local Environmental Plan 2014*.

The proposed development is consistent with the objectives of the land use zone as it will provide for the housing needs of the community within a low-density residential environment and contributes to a variety of housing types within the locality. The proposal also provides for housing that is compatible with the desired future character of the area in terms of bulk, height and scale, and encourages residential development that has regard to local amenity and public and private views.

The subject site is situated in a residential area surrounded by similar scale buildings. The site is not impacted by any easements or other site constraints that would restrict the proposed



development or otherwise render the site unsuitable for the proposed development.

The assessment of the proposal contained within this Statement outlines how the proposal achieves a high level of compliance with the provisions of *Pittwater Local Environmental Plan 2014* and *Pittwater Development Control Plan 2021* for the siting, location, and design of the proposed development. The proposed development will have minimal impact on the locality and amenity of surrounding properties and will integrate with the character of existing developments in the streetscape.

In view of the above and having regard to the assessment of the development contained within this Statement, it is concluded that the site is suitable for the development.

#### 6.4 SECTION 4.15(1)(D) OF THE EP&AACT, 1979

*ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS.*

The consideration of submissions cannot be made at the time of preparing this Statement.

#### 6.5 SECTION 4.15(1)(E) OF THE EP&AACT, 1979

*THE PUBLIC INTEREST.*

The proposed development is defined as a “*dwelling house*” which is permissible pursuant to the C4 Environmental Living zoning provisions applying to the land under *Pittwater Local Environmental Plan 2014*. The proposed development is consistent with the objectives of the land use zone as it will provide for the housing needs of the community within a low-density residential environment and contributes to a variety of housing types within the locality. The proposal also provides for housing that is compatible with the desired future character of the area in terms of bulk, height and scale, and encourages residential development that has regard to local amenity and public and private views.

The height, bulk and scale and density of the dwelling housing will be an acceptable response to the site opportunities, constraints and context and the assessment of the proposal contained within this Statement outlines how the proposal complies with Council’s requirements for the siting, location and design of the proposed development and the subject site is considered to be suitable for the proposed development.

During construction and upon completion, the development will have a minimal level of impact on the locality and amenity of surrounding properties as detailed in the assessment provided throughout this Statement. The proposed development generally satisfies Council’s planning controls and will not result in any unacceptable impacts on the locality.

When completed, the proposed development will have minimal impact on the locality and amenity of surrounding residents, will complement the character of existing developments in the streetscape and will provide a need for the local and wider community.

In view of the above and having regard to the assessment of the development contained within this Statement, the development is considered to be in the public interest.

## 7 SECTION 4.46 EVALUATION EP&AACT, 1979

Section 4.46 of the Act details requirements for development that necessitate a separate approval under other environmental planning instrument or related legislation known as “*integrated development*”. An assessment as to whether any of the triggers for integrated development are met is provided below:

LEGEND:  
✓ COMPLIES  
✗ DOES NOT COMPLY  
S SATISFACTORY



EPI OR ACT	✓/✗	EPI OR ACT	✓/✗
<i>Fisheries Management Act 1994</i>	✗	<i>Protection of the Environment Operations Act 1997</i>	✗
<i>Heritage Act 1977</i>	✗	<i>Roads Act 1993</i>	✗
<i>Mines Subsidence Compensation Act 1961</i>	✗	<i>Rural Fires Act 1997</i>	✗
<i>Mining Act 1992</i>	✗	<i>Water Management Act 1912</i>	✗
<i>National Parks &amp; Wildlife Act 1974</i>	✗	<i>Water Management Act 2000</i>	✗
<i>Petroleum (Onshore Act) 1991</i>	✗		

TABLE 16: INTEGRATED DEVELOPMENT TRIGGERS

## 8 CONCLUSION

The subject application seeks consent for the demolition of an existing single storey dwelling house and construction of a split level 2 storey dwelling house at 206 Hudson Parade, Clareville .

The proposed development has been assessed pursuant to the matters for consideration prescribed in Sections 1.7, 4.15 and 4.46 of the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2021*. The proposed development is not Designated Development or Integrated Development and so the application can be dealt with in the usual manner.

This Statement provides an assessment of the proposed development against the relevant planning instruments including:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- Pittwater Local Environmental Plan 2014; and
- Pittwater Development Control Plan 2021.

The assessment of the proposal contained within this Statement outlines how the development complies with Council's requirements for the siting, location and design of the proposed development. The built form of the development achieves a high level of compliance with the requirements prescribed in the applicable State Environmental Planning Policies, *Pittwater Local Environmental Plan 2014* and *Pittwater Development Control Plan 2021*.

The proposed development is defined as a “*dwelling house*” which is permissible pursuant to the C4 Environmental Living zoning provisions applying to the land under *Pittwater Local Environmental Plan 2014*.

The proposed development is consistent with the objectives of the land use zone as it will provide for the housing needs of the community within a low-density residential environment and contributes to a variety of housing types within the locality. The proposal also provides for housing that is compatible with the desired future character of the area in terms of bulk, height and scale, and encourages residential development that has regard to local amenity and public and private views.



Overall, when completed, the proposed development will have minimal impact on the locality and amenity of surrounding properties and will provide a catalyst for similar developments that will form the character of the streetscape.

This Statement demonstrates that the development will allow for the orderly and economic use and development of the land; that the subject site is suitable for the proposed development; and that the proposed development will be in the local and wider public interest.

In view of the above and having regard to the assessment provided throughout this Statement, the proposal is considered worthy of Council's approval.



# APPENDIX 1

## VIEW ANALYSIS

30 MAY 2023

**LEGEND:**

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



The subject site at 206 Hudson Parade, Clareville is situated on the western side of Hudson Parade, Clareville. The subject site experiences existing views to the Pittwater Waterway in a westerly direction as shown in Figure 11. The subject site adjoins residential dwellings to the north at 204 Hudson Parade, south at 208 Hudson Parade and opposite to the east at 211 Hudson Parade, Clareville. A View analysis carried out by RM Designers accompanies this application in order to observe:

- The views of the proposed development to the Pittwater Waterway to the east of the subject site; and
- To analyse the impact of the proposed development on the existing views to the Pittwater Waterway from the adjacent property at 211 Hudson Parade, Clareville.



FIGURE 10: AERIAL VIEW OF 206-211 HUDSON PARADE

## VIEW ANALYSIS

Reference is made to the four step view sharing Planning Principle established by the NSW Land and Environment Court proceedings in *Tenacity Consulting v Warringah [2004] NSWLEC 140* which has been used in this instance to determine the views of the proposed development to the Pittwater Waterway and if there would be any impacts on the existing views experienced by 211 Hudson Parade, Clareville to the Pittwater Waterway to the east.

It is noted that properties adjoining the site at 204 Hudson Parade and 208 Hudson Parade are adjoining across the foreshore and have no visual impact as they maintain direct views to the water from their westerly aspect. 211 Hudson Parade may experience some limited views over the site; however the property is situated on higher topography than the subject site therefore obtain views from a level higher than the existing or proposed building on the subject site from a first floor position for 2 storey dwellings. Based on publicly available contours, the topography of 211 Hudson Parade is approximately 4 metres higher than the subject site. Also, the proposed development maintains a 2 storey façade frontage that compliments the streetscape and visual access. There are no dwellings on the opposite side of the street that are east-side facing the waterway, and all existing built forms have north and south frontage which has been confirmed upon review of available imagery and floor plans of dwelling houses opposite and a visual site inspection of the street.

Accordingly, this view analysis has conducted an assessment of the view impacts on the property adjacent east at 211 Hudson Parade, Clareville as the primary subject.

LEGEND:  
✓ COMPLIES  
✗ DOES NOT COMPLY  
S SATISFACTORY

STATEMENT OF ENVIRONMENTAL EFFECTS  
2 STOREY DWELLING HOUSE  
206 HUDSON PARADE, CLAREVILLE

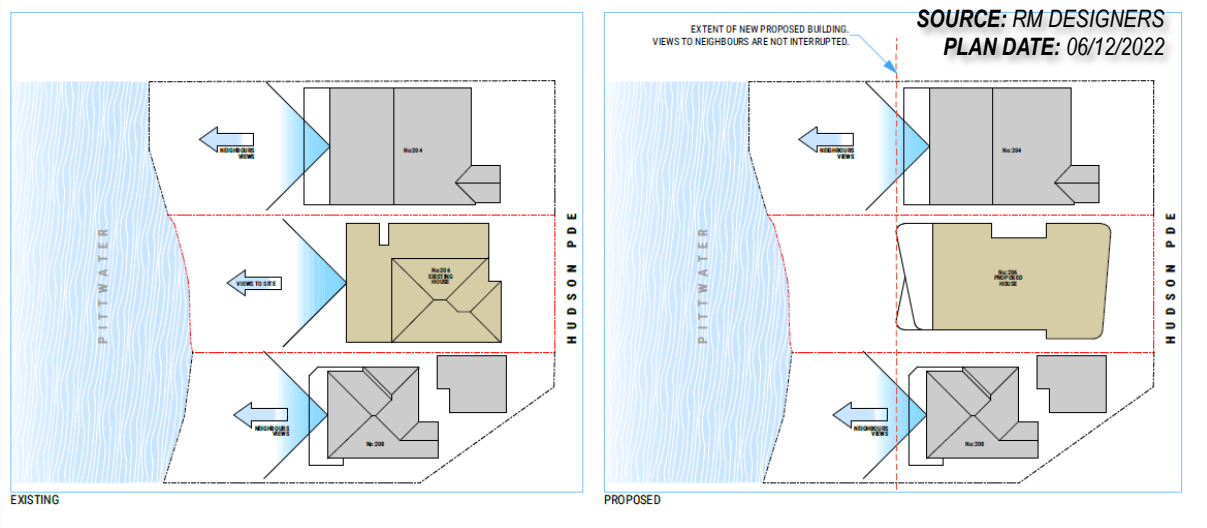


FIGURE 11: VIEW ANALYSIS OF 206-208 HUDSON PARADE

- STEP 1:** *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured. [Tenacity Consulting v Warringah [2004] NSWLEC 140 paragraph 26]*
- STEP 2:** *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic. [Tenacity Consulting v Warringah [2004] NSWLEC 140 paragraph 27]*

### EXISTING VIEWS FROM 211 HUDSON PARADE

The development will result in some impacts on views to the Pittwater Waterway enjoyed by the existing dwelling house at 211 Hudson Parade due to the proposed development as shown on the accompanying Architectural Plans prepared by RM Designers and as shown in the figures below:

LEGEND:  
✓ COMPLIES  
✗ DOES NOT COMPLY  
S SATISFACTORY

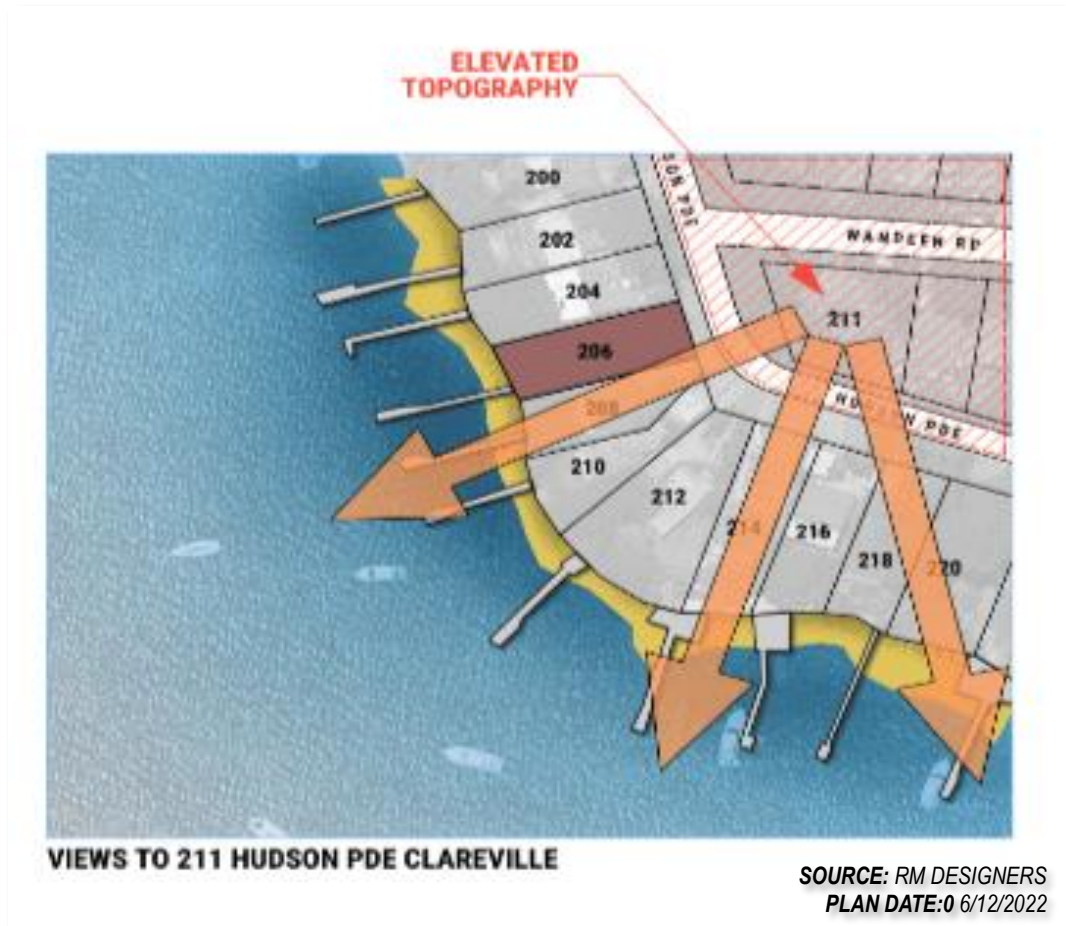


FIGURE 12: VIEW LINES OF 211 HUDSON PARADE TO THE PITTRWATER WATERWAY



FIGURE 13: VISUAL VIEW OF 211 HUDSON PARADE

LEGEND:  
✓ COMPLIES  
✗ DOES NOT COMPLY  
S SATISFACTORY

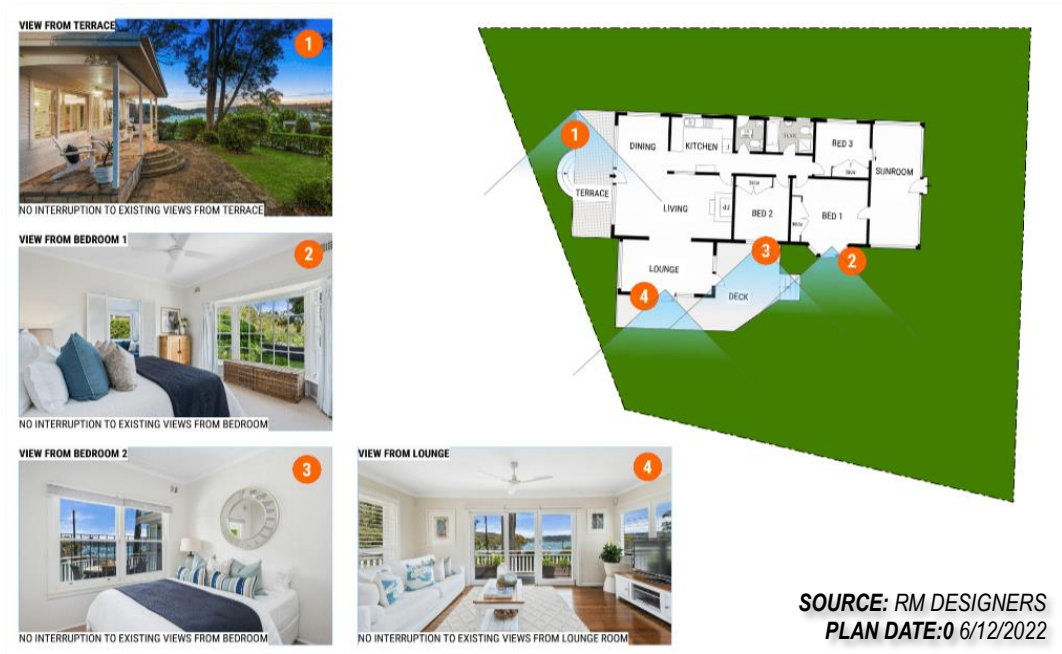


FIGURE 14: VIEWS FROM 211 HUDSON PARADE AND ORIENTATION

The images above illustrate the location of the proposed building footprint on the subject site at 211 Hudson Parade. Furthermore, the images of 211 Hudson Parade to the east are taken in order to test the impact on views on the existing site in relation to the proposed site.

**STEP 3:** *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating. [Tenacity Consulting v Warringah [2004] NSWLEC 140 paragraph 28]*

### VIEW LOSS AT 211 HUDSON PARADE

Based on publicly available contours, the topography of 211 Hudson Parade is approximately 4 metres higher than the subject site. The existing dwelling house at 211 Hudson Parade contains a Terrace, lounge and 2 bedrooms facing the waterway. Although a single storey dwelling, the dwelling house has an elevated topography that overlooks the waterway as seen in the floor plan for that dwelling house reproduced below:

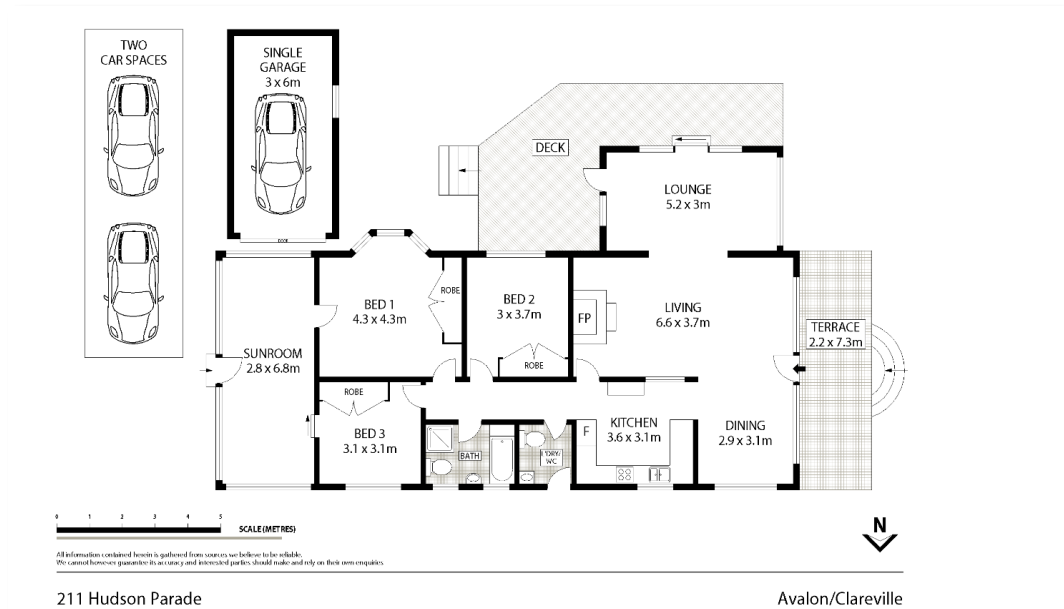


FIGURE 15: FLOOR PLANS FOR 211 HUDSON PARADE

The proposed development will obscure minimal view corridor from Terrace, lounge and bedroom 1 & 2 over the subject site and to the waterway as illustrated in Figure 13. However, an acceptable portion of the view corridor will be maintained for that property given that views are also obtained to the south, south-east and east over other properties. Also, the proposed development maintains a 2-storey façade with a 2.5 metre first floor setback to both sides which is greater than the minimum required in order to maintain some views across the site to the waterway.

Accordingly, there is considered to be negligible and minor loss of views from 211 Hudson Parade as a result of the proposed development with appropriate views and view sharing maintained.

**STEP 4:** *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable. [Tenacity Consulting v Warringah [2004] NSWLEC 140 paragraph 29]*

## BUILT FORM

The development proposes construction of a 2-storey dwelling house and proposes a maximum building height of 7.72 metres at street level where an 8.5 metre building height is permitted. The design of the proposed development provides a suitable outcome for the site and the neighbouring properties by proposing a bulk and scale that is consistent with the view sharing principles of Northern Beaches Council.

Furthermore, the proposed development maintains a 2-storey façade with a 2.5 metre first floor setback to both sides which is greater than the minimum required in order to maintain some views across the site to the waterway.

LEGEND:  
✓ COMPLIES  
✗ DOES NOT COMPLY  
S SATISFACTORY

STATEMENT OF ENVIRONMENTAL EFFECTS  
2 STOREY DWELLING HOUSE  
206 HUDSON PARADE, CLAREVILLE

45



The adjoining properties at 204 Hudson Parade and 208 Hudson Parade project 2-storey façade similar to the proposed 206 Hudson Parade, that has no visual impact on 211 Hudson Parade and consistent with the streetscape. Based on publicly available contours, the topography of 211 Hudson Parade is approximately 4 metres higher than the subject site. The elevated position of 211 Hudson Parade will automatically limit any impact on the existing views to the Pittwater Waterway to the east over the subject site.

The development proposes compliant side and rear boundary setbacks which will maintain view corridors through the site for properties opposite and adjoining as discussed further below.

It is therefore evident from the assessment carried under this section that the overall built form of the proposed development on the subject site at 206 Hudson Parade will encourage view sharing as prescribed by the Planning Principle established in *Tenacity Consulting v Warringah [2004] NSWLEC 140*.

## CONCLUSION

This view analysis has considered the potential view loss and view sharing to be maintained for the property opposite to the east of the subject site at 211 Hudson Parade, Clareville. The analysis has been undertaken pursuant to the four step view sharing Planning Principle established by the NSW Land and Environment Court proceedings in *Tenacity Consulting v Warringah [2004] NSWLEC 140* where it has been determined and concluded that:

- The property opposite the site to the east at 211 Hudson Parade may experience some limited views over the site, however the property is situated on higher topography than the subject site and therefore will obtain views from a level higher than the existing or proposed building on the subject site;
- There are no other dwelling houses to the east that are impacted by the proposed development. They do not currently enjoy existing views due to the existing built forms which has been confirmed upon review of available imagery and floor plans of dwelling houses opposite and a visual site inspection of the street that indicate all north/south facing frontages;
- Adjoining properties 204 Hudson Parade and 208 Hudson Parade present a 2-storey façade similar to the proposed, and will experience no view loss impacts by the proposed development given that they obtain their views directly from the west.



# APPENDIX 2

NORTHERN BEACHES COUNCIL ESTURAY PLANNING LEVEL (EPL) ADVICE

30 MAY 2023

LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY



## Advice on Estuary Planning Level (EPL)

**Property: 206 Hudson Parade, CLAREVILLE**

This property has been identified as being affected by estuarine wave action and tidal inundation on Council's Estuarine Hazard Mapping. The Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) and the relevant B3.7 Estuarine Hazard Controls will apply to any proposed development of the site.

In accordance with the Pittwater Estuary Mapping of Sea Level Rise Impacts Study (2015), a base estuary planning level of **2.83m** AHD has been adopted by Council for the year 2050 i.e. if the design life of proposed development is 30 years or less. If the design life is higher, it is advisable to consider a base estuarine planning level (EPL) of RL **3.29m** AHD. A reduction factor (RF) based upon the distance from the foreshore of proposed development may also apply at a rate of **0.07m** reduction to the EPL for every 5.00m distance from the foreshore edge up to a maximum distance of 40.00m. No further reduction is applicable.

If proposed development is located above the derived EPL, no additional reports are needed.

**If proposed developments are located below the derived EPL, a technical Estuarine Risk Management Report must accompany the DA.**

### Estuarine Risk Management Report

An Estuarine Risk Management Report should consider development constraints due to estuarine hazard impacts on the land, including an assessment of the degree of inundation, effects of wave action, impacts of waterborne debris, buoyancy effects, and other emergency issues during the design event (100 ARI event). The report should also contain recommendations as to any reasonable and practical measures that can be undertaken to remove foreseeable risk associated with estuarine hazards for the design life of the development.

An estuarine risk management report must be prepared by a specialist coastal engineer who is a registered professional engineer with chartered professional status (CP Eng) and with coastal engineering as a core competency and has an appropriate level of professional indemnity insurance.

The Form 1, provided in the Estuarine Risk Management Policy for Development in Pittwater (Appendix 7, Pittwater 21 DCP) must be signed by the specialist coastal engineer and enclosed within the Estuarine Risk Management Report.

**As per Appendix 7 of the Pittwater 21 DCP, applicants may also seek their own professional advice on determination of estuarine planning levels from a suitably qualified Coastal Engineer at the expense of the individual applicant.**

For any new developments such as residential accommodation, construction of a new boatshed, sea wall and associated works are proposed on land below the adopted EPL, an Estuarine Risk Management Report must be submitted in support of the DA. The requirements of other relevant controls under D15. 15 Waterfront Development Controls in Pittwater 21 DCP may also need to be considered. Consideration should be given to 'section B3 Estuarine Hazard Controls relating to boatsheds'. The minimum floor level for new boatsheds shall be in accordance with the B3 Estuarine Hazard Controls.

The Estuarine Planning Level does not apply to Jetties, Bridging Ramps or Pontoons located on the seaward side of the foreshore edge.

#### LEGEND:

- ✓ COMPLIES
- ✗ DOES NOT COMPLY
- S SATISFACTORY