

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed boatshed
60 Hudson Parade
Clareville

Statement of Environmental Effects

Proposed boatshed

60 Hudson Parade, Clareville

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1 Introduction

This document forms a component of a development application proposing the construction of a new boat shed with green roof on the subject allotment. The boatshed has been integrated into the landform provided with a green roof to reduce its visual impact whilst providing for the retention of significant tree to the north of the structure. All proposed works are located above mean high water mark.

In the development of the scheme particular attention has been given to the minutes arising from formal pre-lodgement discussions with Council (PLM2024/0038) including the desire to retain Tree T16. The accompanying arborist report prepared by Martin Peacock Tree Care confirms that:

internal diagnostic testing of the trunk of the tree was undertaken using a Resistograph, and resonance sounding of the first order branches was undertaken using a nylon mallet. Test results determined that a continuous column of decay is likely present that links the cavities in the trunk and western first order branch. When interpreting the Resistograph test results in accordance with the t/R ratio model¹, decay at two of the four points tested in the trunk exceeded the minimum 'safe' ratio of healthy tissue to decayed tissue/hollowness. Where the trunk of a tree becomes more than two thirds hollow the potential for torsional fracturing and cross sectional flattening of the trunk significantly increases, particularly during high winds². Based on the test results the trees ULE was estimated at <5 years, and the tree was allocated a Retention Category of Priority for Removal.

That said, the application proposes to retain Tree T16 with appropriate tree protection measures during construction including supervision by a qualified arborist.

We confirm that other locations for the boat shed were investigated and deemed less suitable in terms of tree retention and protection and visual impacts as viewed from the neighbouring property at 58 Hudson Parade. The chosen location enables the boat shed to be buried back into the hillside with a green roof ensuring that it has minimal impact as viewed from the adjoining residential properties and from the public domain.

In preparation of this document consideration has been given to the following:

- The Environmental Planning and Assessment Act, 1979 as amended (the Act).
- Pittwater Local Environmental Plan 2014 (the LEP).
- Pittwater 21 Development Control Plan (the DCP).
- State Environmental Planning Policy (Hazard & Resilience) 2021
- Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

In addition to the architectural plans the application is also accompanied by a site survey, landscape plan, flora and fauna assessment, geotechnical report, arborist report, stormwater management plans.

This report demonstrates that the proposed works are permissible with consent and consistent with the legislative framework as it relates to this form of development on this particular site. The completed boat shed will contribute positively to the built form quality of development along the foreshore.

The proposal succeeds when assessed against the Heads of Consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the proposed use and associated works have regard to the objectives of the standards/ controls and the applicable variation provisions/ considerations.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.
- The proposal will not give rise to any unacceptable streetscape or residential amenity impacts.

2 Site Analysis

2.1 Site Description and Location

2.1.1 The Site

The application relates to Lot 56 in DP 7794, 60 Hudson Parade, Clareville. A location map is included as **Figure 1**.



Figure 1: Site Location (Source: SIX Maps)

Number 60 Hudson Parade is a generally rectangular shaped allotment comprising a total site area of 1239m², with a splayed primary frontage of 28.2m to Hudson Parade and a depth of between 70.675m and 87.175m down to the mean high watermark. The site is currently occupied by a single dwelling house with detached carport accommodation accessed via a driveway from Hudson Parade as depicted in Figure 2 over page.

The topography of the site slopes down from street level to the waters edge. A number of trees and vegetation are located on or adjacent to the site. Development along the low side of Hudson Parade typically consists of residential dwellings that step down the slope with more contemporary dwellings being multi storey. Boat sheds are also common along the waterfront.



Figure 2: Site as viewed from Hudson Parade (Source: Google Earth)

2.1.2 The Locality

The subject site is located within the Avalon Beach Locality. The locality is characterised by low density residential development with dwellings built along the valley floor, slopes and ridges. Development in this locality is predominantly two storey detached dwellings on 600 – 1000 square metre allotments, with up to 8000sqm in Ruskin Rowe. The residential areas are of a diverse style and architecture, a common thread being landscaped, treed frontages and subdued external finishes. The dominant feature of the Avalon Beach locality is houses setback from the street with low and no front fencing and vegetation used extensively to delineate boundary lines. Medium-density housing is located around the Avalon Beach Commercial Centre and neighbourhood retail centres.

Development along Hudson Parade consists of primarily residential dwelling with informal landscaping. Topography of the area is sloping resulting in dwellings being 2 and 3 storeys typically depending on the slope of the land.

2.1.3 Zoning and Key Environmental Considerations

The site is zoned C4 Environmental Living pursuant to the Pittwater Local Environmental Plan 2014. The key environmental considerations of the site are identified as follows:

- Acid Sulfate Soils, Class 1 & 5;
- Land identified on the Terrestrial Biodiversity Map
- Foreshore Building Line
- Geotechnical Hazard Area
- Site is located within Area 1 of the Landscape Area Map

All the above environmental considerations are discussed in the following sections of this report and addressed in the documentation accompanying this Development Application.

3 Description of Proposed Development

3.1 Details of the Proposed Development

This application proposes the construction of a boat shed with green roof adjacent to Pittwater Waterway as depicted on the following architectural plans prepared by Bennett Murada Architects:

Sheet No.	Sheet Name	Size	Scale	Rev. No.	Rev. Date
DA_00	COVER SHEET	ISO A1	NTS	G	12/12/2024
DA_02	SITE PLAN	ISO A1	1:200	H	12/12/2024
DA_04	TPZ/SRZ PLAN	ISO A1	1:50 @A1	H	12/12/2024
DA_05	DEMOLITION PLAN	ISO A1	1:50 @A1	E	12/12/2024
DA_10	PROPOSED BOATSHED FLOOR PLAN	ISO A1	1:50 @A1	H	12/12/2024
DA_11	PROPOSED BOATSHED ROOF PLAN	ISO A1	1:50 @A1	H	12/12/2024
DA_20	WEST ELEVATION	ISO A1	1:100	F	12/12/2024
DA_21	NORTH ELEVATION	ISO A1	1:100	F	12/12/2024
DA_22	SOUTH ELEVATION	ISO A1	1:100	F	12/12/2024
DA_30	LONGITUDINAL SECTION	ISO A1	1:50 @A1	H	12/12/2024
DA_40	3D VIEWS	ISO A1	1:50 @A1	G	12/12/2024
DA_41	SCHEDULES OF COLOURS AND MATERIALS	ISO A1	1:50 @A1	D	12/12/2024

In relation to proposed tree removal the accompanying arborist report prepared by Martin Peacock Tree Care contains the following commentary:

The location for the proposed boatshed and slipway, retaining walls, stairs and footpaths have been determined based on analysis of the potential impact of construction upon the trees growing within the rear garden at the site, and neighbouring properties.

The potential to locate the boatshed etc. in the northwestern corner of the site was investigated as part of the design development stage. However, it was determined that the extent of excavation that would be required within the Tree Protection Zone (TPZ) area of the neighbours Tree F could potentially impact the health of the tree. Tree F (Corymbia maculata - Spotted Gum) is a large, mature specimen which is in good health and has moderate landscape value.

Therefore, it is proposed to locate the boatshed in the southwestern section of the site which will impact trees of lesser quality and value than Tree F.

We note that the application does propose compensatory plantings as detailed on the accompanying landscape plans prepared by Pangkarra including the provision of a green roof to the proposed boatshed.

The acceptability of the proposed excavation is addressed in the accompanying geotechnical report prepared by Douglas Partners with stormwater directed to Pittwater Waterway as depicted on the accompanying stormwater drainage plans prepared by NB Consulting.

4 Statutory Planning Framework

The following section of the report will assess the proposed development having regard to the statutory planning framework and matters for consideration pursuant to Section 4.15 of the Environmental Planning & Assessment Act, 1979 as amended. Those matters which are required to be addressed are outlined, and any steps to mitigate against any potential adverse environmental impacts are discussed below.

4.1 Pittwater Local Environmental Plan 2014

The Pittwater Local Environmental Plan 2014 is the principal local planning instrument applicable to the land. The relevant provisions of the LEP and the manner in which they relate to the site and the proposed development are assessed below.

4.1.1 Zoning and Permissibility

The site is zoned C4 Environmental Living pursuant to the provisions of the Pittwater Local Environmental Plan 2014.

Dwelling Houses are permissible with consent in the C4 zone. The specific objectives of the zone are identified as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values;*
- *To ensure that residential development does not adversely affect those values;*
- *To provide for residential development of a low density and scale integrated with the landform and landscape;*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

The proposed boat shed being ancillary to the existing dwelling house use is permissible with consent in the zone.

4.1.2 Height of Buildings

Pursuant to Clause 4.3 of the PLEP, the site is identified on the height of buildings map as having a maximum permissible height of 8.5 metres. The stated objectives of such control are as follows:

- (a) *to ensure that any building, by virtue of its height and scale, is consistent with the desired character of the locality,*
- (b) *to ensure that buildings are compatible with the height and scale of surrounding and nearby development,*

- (c) *to minimise any overshadowing of neighbouring properties,*
- (d) *to allow for the reasonable sharing of views,*
- (e) *to encourage buildings that are designed to respond sensitively to the natural topography,*
- (f) *to minimise the adverse visual impact of development on the natural environment, heritage conservation areas and heritage items.*

Building height is defined as follows:

building height (or **height of building**) *means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like*

Ground level existing is defined as follows:

ground level (existing) *means the existing level of a site at any point.*

We note that Council has adopted the interpretation of ground level (existing) as that established in the matter of *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582 where at paragraphs 73 and 74 O'Neill C found:

73. *The existing level of the site at a point beneath the existing building is the level of the land at that point. I agree with Mr McIntyre that the ground level (existing) within the footprint of the existing building is the extant excavated ground level on the site and the proposal exceeds the height of buildings development standard in those locations where the vertical distance, measured from the excavated ground level within the footprint of the existing building, to the highest point of the proposal directly above, is greater than 10.5m. The maximum exceedance is 2.01m at the north-eastern corner of the Level 3 balcony awning.*

74. *The prior excavation of the site within the footprint of the existing building, which distorts the height of buildings development standard plane overlaid above the site when compared to the topography of the hill, can properly be described as an environmental planning ground within the meaning of cl 4.6(3)(b) of LEP 2014.*

We confirm that the proposed boat shed is compliant with the 8.5 metre building height standard and accordingly is deemed to comply with the associated objectives.

4.1.3 Acid Sulfate Soils (Clause 7.1)

Pursuant to Clause 7.1 of the LEP the site is identified as being class 1 & 5 acid sulfate soils. The majority of the site is class 5 with only a small section by the water classified as class 1. The geotechnical report prepared by Douglas Partners contains the following commentary at section 5.8 in relation to acid sulfate soil (ASS) considerations:

Reference to the Hornsby/Mona Vale Acid Sulphate Soil Risk Map (Department of Land and Water Conservation - Edition 2, dated December 1997) indicates the local area to have a "low risk" of ASS. All bulk and detailed footing excavations proposed on the site will be located upslope (east) of the existing seawall and it is not expected that they will intersect any estuarine soils along the Pittwater foreshore.

Furthermore, field screening and laboratory analysis of the soil samples collected at a similar level on the hillside during an ASS assessment on the adjacent site to south (56 Hudson Parade) did not indicate the presence of any ASS.

It is therefore considered that preparation of an Acid Sulphate Management plan is not required for the proposed development.

4.1.4 Earthworks (Clause 7.2)

Pursuant to clause 7.2 the objective states that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

A geotechnical report prepared by Douglas Partners has been provided and it is anticipated that the recommendations within that report will form part of the development consent to ensure that no detrimental impacts arise during construction.

4.1.5 Biodiversity (Clause 7.6)

The site is mapped with the LEP as being a terrestrial biodiversity area.

The application proposes the removal of a number of trees as detailed within the accompanying arborist report prepared by Martin Peacock Tree Care with such tree loss appropriately compensated for through the implementation of the integrated site landscape regime as depicted on the accompanying landscape plans prepared by Arcadia with both at-grade and roof top plantings proposed.

The application is accompanied by a Flora and Fauna Assessment Report prepared by Narla Environmental which contains the following conclusion:

The proposed development at 60 Hudson Parade, Clareville, involves the construction of a boatshed, associated site works and landscaping in the south-western corner of the Subject Property. It is expected that approximately 0.01ha of native Pittwater Spotted Gum vegetation will be impacted as a result of the proposed development. A further 0.01ha of vegetation mapped as Urban Exotic/ Native will be removed. A total of one (1) local native tree and shrubs are proposed for removal to facilitate the development (Arcadia 2023, Bennett Murada Architects 2024 and Martin Peacock Tree Care 2022). One (1) hollow-bearing tree was identified within the Subject Site however will be retained.

In total the proposed development will impact upon approximately 0.01ha of Pittwater Spotted Gum. This comprises 0.01% of the locally occurring BC Act listed EEC, Pittwater and Wagstaffe Spotted Gum Forest in the Sydney Basin Bioregion. The condition of the EEC being impacted is low and a number of impact mitigation and minimisation measures, as outlined in this report, are to be implemented to reduce impacts to native vegetation and fauna where possible. A VMP (Narla 2024) has been compiled to support the previous Development Application to ensure environmentally sensitive management of the EEC, as well as detail ongoing habitat management, weed management and revegetation across the Subject Property.

It is not anticipated that any threatened flora or fauna will be significantly impacted by the proposed development as long as the impact mitigation measures outlined in this report, are to be implemented to reduce impacts to native vegetation and fauna where possible.

These provisions are satisfied.

4.1.6 Geotechnical Hazards (Clause 7.7)

The site is identified as a geotechnical hazard area. A geotechnical report prepared by Douglas Partners has been provided and it is anticipated that the recommendations within that report will form part of the development consent to ensure that no detrimental impacts arise during construction.

4.1.7 Limited Development on Foreshore Area (Clause 7.8)

The subject site includes a foreshore building line which limits certain development within the foreshore area with an extract of the foreshore building line at Figure 5 over page.

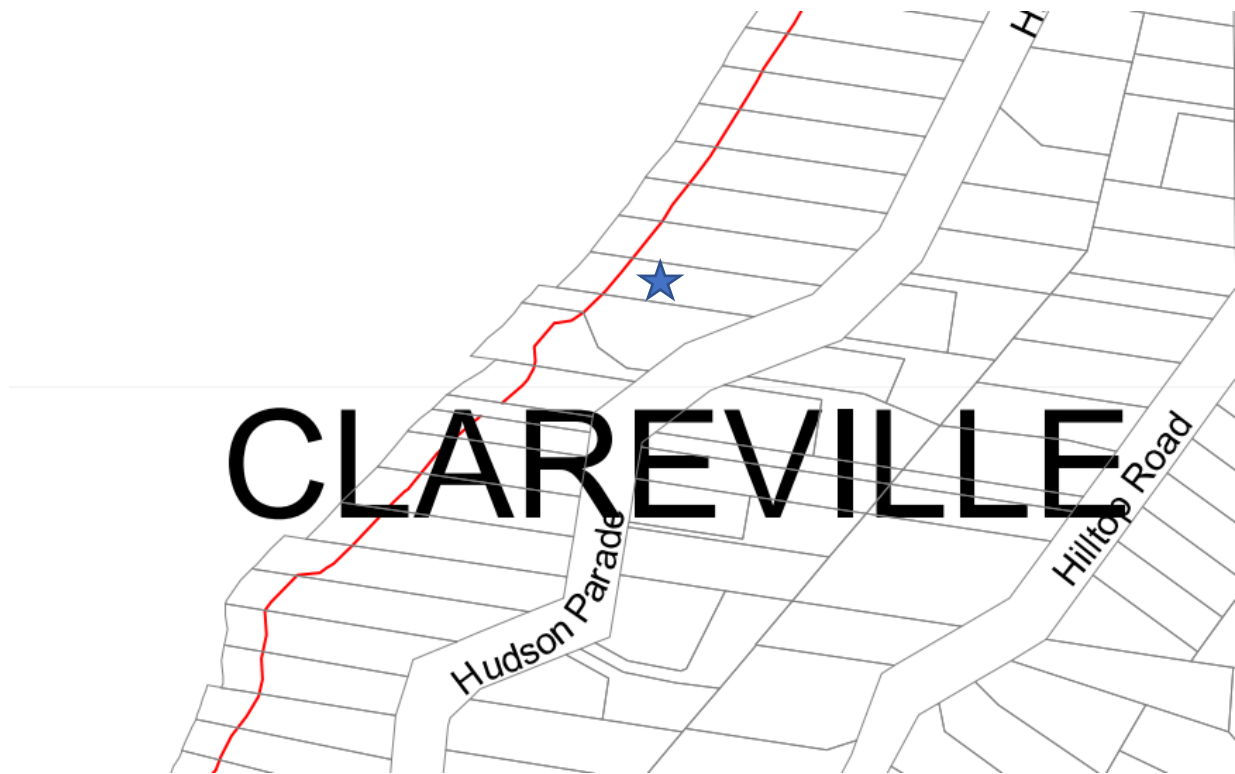


Figure 3: Foreshore building line extract PLEP 2014 (site shown with blue star)

Development consent should not be granted for development on land in the foreshore area except for the following:

- (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore area,
- (b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).

We confirm that boat sheds are permissible encroachments pursuant to these provisions.

These provisions are satisfied.

4.2 Pittwater Development Control Plan 2014

This policy document came into effect on 1 February 2004. P21 DCP contains development controls for the design and construction of buildings and the development of land in Pittwater. The proposed development has been assessed against the relevant provisions of P21 DCP as outlined in the following sections of this report.

4.2.1 Avalon Beach Locality

The property is located within the Avalon Beach Locality. The desired future character of the Avalon Beach Locality will remain primarily a low-density residential area. The key objectives for the desired future character are identified as follows:

“The most important desired future character is that Avalon Beach will continue to provide an informal relaxed casual seaside environment. The locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations.

Any dual occupancies will be located on the valley floor and lower slopes that have less tree canopy coverage, species and habitat diversity, fewer hazards and other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, commercial, community and recreational facilities will serve the community.

Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with development. The objective is that there will be houses amongst the trees and not trees amongst the houses.

Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

Most houses are set back from the street with low or no fencing and vegetation is used extensively to delineate boundary lines. Special front building line setbacks have been implemented along Avalon Parade to maintain the unique character of this street. This, coupled with the extensive street planting of canopy trees, gives the locality a leafy character that should be maintained and enhanced.

The design, scale and treatment of future development within the Avalon Beach Village will reflect the 'seaside-village' character of older buildings within the centre, and reflect principles of good urban design. External materials and finishes shall be natural with smooth shiny surfaces avoided. Landscaping will be incorporated into building design. Outdoor cafe seating will be encouraged.

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 development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors"

The boatshed has been integrated into the landform provided with a green roof to reduce its visual impact whilst providing for the retention of significant tree to the north of the structure.

The design, scale and treatment of the proposed boat shed results in a development that is compatible with other foreshore structures along this section of foreshore. External materials and finishes will be consistent with the colours and materials of surrounding dwellings and will enable the development to blend into the vegetated escarpment which forms a backdrop to the site. In this regard the development responds positively to the desired future character of the locality and will contribute to the visual amenity of the foreshore.

4.2.2 Pittwater 21 Development Control Plan Compliance Table

A table demonstrating compliance with the relevant numerical provisions of the Pittwater 21 DCP 2014 is detailed as follows:

Control	Requirement	Proposed	Compliance
General Controls			
Landslip Risk B3.1	Protection of people. Protection of the natural environment. Protection of private and public infrastructure and assets	A geotechnical report has been provided with this application.	Yes
B4 Controls Relating to the Natural Environment	The long-term viability of locally native flora and fauna and their habitats and the retention and enhancement of wildlife corridors in the Pittwater LGA.	This application is accompanied with an arborist report detailing the trees to be removed and those to be protected during construction. A detailed landscape plan include new native tree plantings and range of native shrubs and vegetation. The landscaping proposed is an enhancement to the biodiversity value of the local environment. The accompanying Flora and Fauna Report confirms no unacceptable flora and fauna impact	Yes
B4.22	To protect and enhance the urban	This application is supported by an arborist report. The report details the trees to be	Yes

Control	Requirement	Proposed	Compliance
Preservation of Trees and Bushland Vegetation	<p>forest of the Northern Beaches.</p> <p>To effectively manage the risks that come with an established urban forest through professional management of trees.</p> <p>To minimise soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.</p> <p>To protect, enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.</p> <p>To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long-term.</p> <p>To protect and enhance the scenic value and character</p>	<p>removed and tree protection measures to be in place to ensure retained trees are protected during construction.</p>	

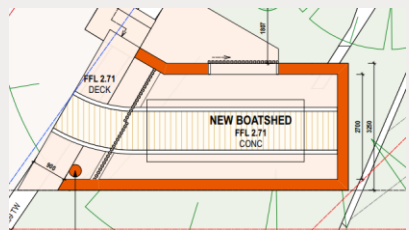
Control	Requirement	Proposed	Compliance
	that trees and/or bushland vegetation provide.		
B5.15 Stormwater	The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	Stormwater Management Plans prepared by NB Consulting have been provided with this application.	Yes
B6.3 Off-street Parking Requirements	2 spaces	No change.	Yes
B8 Site works Management	<p>Site disturbance is minimised. (En)</p> <p>Excavation, landfill and construction not to have an adverse impact. (En)</p> <p>Excavation and landfill operations not to cause damage on the development or adjoining property.</p>	<p>In accordance with the control appropriate measures are to be undertaken to address the issues of construction and demolition impacts, erosion and sedimentation management, waste minimisation, site fencing and security, works in the public domain and traffic management where required.</p> <p>Normal site management practices will be adopted to prevent public access during demolition and construction and to prevent erosion and sedimentation. As the site is</p>	Yes

Control	Requirement	Proposed	Compliance
		<p>of adequate size, it is envisaged that all construction materials will be stored on site throughout the construction processes.</p> <p>A waste management plan has been provided with this application.</p>	
Development Type Controls			
C1.1 Landscaping	<p>A built form softened and complemented by landscaping. (En)</p> <p>Landscaping reflects the scale and form of development. (En)</p> <p>Retention of canopy trees by encouraging the use of pier and beam footings. (En)</p> <p>Development results in retention of existing native vegetation. (En)</p> <p>Landscaping results in the long-term retention of Pittwater's locally native tree canopy. (En)</p> <p>Landscaping retains and enhances Pittwater's biodiversity by using</p>	<p>A landscape plan is provided with this application.</p> <p>The landscape plan utilises a range of native trees, shrubs and plants to complement the boatshed and enhance the biodiversity value of this sensitive locality.</p> <p>The landscaping and proposed and existing trees will ensure the boatshed will be secondary to the landscape character of the local area. The landscaping will continue to soften and screen the development when viewed from the public domain.</p> <p>A schedule of plants and trees is shown on the landscape plan and utilises a range of native species to enhance the biodiversity on site.</p>	Yes

Control	Requirement	Proposed	Compliance
	<p>locally native plant species (En)</p> <p>Landscaping enhances habitat and amenity value. (En, S)</p> <p>Landscaping results in reduced risk of landslip. (En, Ec)</p> <p>Landscaping results in low watering requirement. (En)</p>		
<p>C1.3</p> <p>View Sharing</p>	<p>The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.</p>	<p>It is indicated in clause C1.3 that building lines and height are to be sympathetic to the topography of the site and to maintain a reasonable sharing of views available from surrounding and nearby properties, and those available to the public from nearby public domain areas.</p> <p>Given the topography of the site and juxtaposition of the works relative to adjoining development we have formed the considered opinion that there will be no view affectation as a consequence of the works proposed having regard to the view sharing principles established in the matter of Tenacity Consulting Pty Ltd v Pittwater Council [2004].</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
		All properties in this locality are oriented to the west to capture the water views and those westerly views will not be impacted.	
Solar Access Clause C1.4	Main private open space of the 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. Windows to the principal living areas 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 to at least 50% of the glazed area.	No adverse shadowing impacts will arise.	Yes
C1.5 Visual Privacy	Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design. (S) A sense of territory and safety is provided for residents	The boatshed will not give rise to adverse visual privacy impacts.	Yes

Control	Requirement	Proposed	Compliance
C1.6 Acoustic Privacy	<p>Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited. (S)</p> <p>Noise is not to be offensive as defined by the Protection of the Environment Operations Act 1997, including noise from plant, equipment and communal or private open space areas</p>	<p>The proposed boatshed will not give rise to adverse acoustic privacy impacts.</p>	<p>Yes</p>
Private Open Space Clause C1.7	<p>Minimum area of 80sqm 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</p>	<p>N/A</p>	<p>N/A</p>
Avalon Beach Locality Specific Development Controls			
Front Building Line D1.8	<p>Development is to maintain a front building line of 6.5 metres or the established building line, whichever is greater.</p>	<p>The proposed boatshed complies with the front building line control.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
Side and Rear Building Line D1.9	<p>Development is to maintain a minimum side building line of 2.5 metres to one side and 1 metre to the other side.</p> <p>6.5 metre rear building line.</p>	<p>The proposed boatshed maintains a minimum 1 m setback to the southern boundary of the allotment in strict accordance with the control.</p>	Yes
Building Envelope D1.11	<p>Projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height.</p>	<p>Proposed boatshed complies with the building envelope control.</p>	Yes
Landscaped Area Environmentally Sensitive Land D12.10	<p>Total Landscaped Area is 60% of the total site area.</p>	60%	Yes
Waterfront Development D15.15	<p>Part C of this control relates to boat sheds and details the requirements.</p> <p>Boatsheds shall be one storey and no greater than 4.5 metres in building height above the platform on which it is built, 4.0 metres in width and 6.0 metres in length, as</p>	<p>A boat shed is proposed which will have the following dimensions, shown below:</p>  <p>While not in strict accordance with the dimension it is considered reasonable in this instance. Its presentation and</p>	No – worthy on merit

Control	Requirement	Proposed	Compliance
	<p>illustrated in Diagram 4. The use of lofts or similar design concepts shall not be permitted.</p> <p>Boatsheds cannot be used for any other purpose than the storage of small boats and/or boating equipment. The incorporation of any internal kitchen facilities, habitable rooms, shower or toilet facilities shall not be permitted.</p> <p>Roof areas of boatsheds shall not be used for recreational or observational purposes.</p> <p>Boatsheds shall be able to be entirely enclosed. Boatsheds which either partially or wholly do not incorporate appropriate wall cladding shall not be permitted, as such structures tend to become visually obtrusive when viewed from the waterway.</p>	<p>visual impact is minimised by it being set into the slope. This ensures the structure will be less obtrusive when viewed from neighbouring properties or the waterways.</p> <p>The boat shed will be able to be fully enclosed. Large water facing doors will accommodate storage of a watercraft.</p> <p>The architecturally designed boat shed is considered appropriate in this instance and consistent with the scale of boat shed developments along the foreshore.</p> <p>The green roof will enable it to blend into the landform and surrounding landscape setting.</p>	

4.3 State Environmental Planning Policy (Hazards & Resilience) 2021

The site is identified on the SEPP Coastal Management map as being within the Coastal Environmental Area Map and Coastal Use Area Map.

Part 2.2, division 3, of the SEPP, coastal environmental area, states the following:

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

The site is situated on the developed foreshore area surrounding Pittwater. The proposed development will have no impact on the natural coastal processes and environment, marine flora and fauna, public access to the beach and is not within the surf zone.

Division 4 of the SEPP, Coastal Use Area, states the following:

(1) 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) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

(b) is satisfied that:

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The proposed boatshed is to integrate with the existing development along the foreshore and set within an enhanced landscaped setting. The boatshed will incorporate a landscaped green roof to ensure the landscape character remains the dominant feature of the area and when viewed from the water. In this regard, any adverse amenity impacts in terms of visual impact or scenic quality are minimised. The proposal will have no impact on the coastal environment and its processes.

Clause 15 of the SEPP states:

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The consent authority can be satisfied that proposed works will not risk coastal hazards on the site or in the local area. This application is accompanied by a geotechnical report which states the risk associated with the development is acceptable.

4.4 Matters for Consideration Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Guidelines (in *italic*) to help identify the issues to be considered have been prepared by the Department of Planning and Environment. The relevant issues are:

(i) The provision of any planning instrument

The proposal is permissible and generally in conformity with the General, Development Type and Locality Specific Controls contained within Pittwater 21 Development Control Plan.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent.

(ii) Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

N/A

(iii) Any development control plan

Pittwater DCP applies

(iiia) Any Planning Agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under Section 7.4, and

N/A

(iv) The Regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

N/A

(v) Any Coastal Zone Management Plan (within the meaning of the Coastal Protection Act 1979)

N/A

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,

N/A

Context and Setting

i. What is the relationship to the region and local context in terms of:

- *The scenic qualities and features of the landscape*
- *The character and amenity of the locality and streetscape*
- *The scale, bulk, height, mass, form, character, density and design of development in the locality*
- *The previous and existing land uses and activities in the locality*

The proposed works are entirely commensurate with that established by adjoining development and development generally within the sites visual catchment with no adverse residential amenity impacts in terms of views, privacy or overshadowing.

ii. What are the potential impacts on adjacent properties in terms of:

- *Relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)*
- *visual and acoustic privacy*
- *views and vistas*
- *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report. The works have been designed such that potential impacts are minimal and within the scope of the built form controls.

Access, transport and traffic:

Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:

- *Travel Demand*
- *dependency on motor vehicles*
- *traffic generation and the capacity of the local and arterial road network*
- *public transport availability and use (including freight rail where relevant)*

- *conflicts within and between transport modes*
- *Traffic management schemes*
- *Vehicular parking spaces*

N/A

Public Domain

The proposed development will have no unacceptable visual impact as viewed from the public domain given the design initiatives adopted to minimise the visual prominence of the boat shed.

Utilities

Existing utility services will continue to service the dwelling house.

Flora and Fauna

The application is accompanied by a landscape plan, flora and fauna report and arborist report

Waste Collection

Normal domestic waste collection applies to the existing dwelling house.

Natural hazards

The application is accompanied by a geotechnical report.

Economic Impact in the locality

The proposed development will not have any significant impact on economic factors within the area notwithstanding that it will generate additional employment opportunities through the construction period with respect to the proposed works.

Site Design and Internal Design

- i) *Is the development design sensitive to environmental considerations and site attributes including:*
 - *size, shape and design of allotments*
 - *The proportion of site covered by buildings*
 - *the position of buildings*
 - *the size (bulk, height, mass), form, appearance and design of buildings*
 - *the amount, location, design, use and management of private and communal open space*
 - *Landscaping*

These matters have been discussed in detail earlier in this report. The potential impacts are minimal and within the scope of the general principles, desired future character and built form controls.

ii) *How would the development affect the health and safety of the occupants in terms of:*

- *lighting, ventilation and insulation*
- *building fire risk – prevention and suppression*
- *building materials and finishes*
- *a common wall structure and design*
- *access and facilities for the disabled*
- *likely compliance with the Building Code of Australia*

The proposed development will comply with the provisions of the Building Code of Australia as required by Clause 98 of the Environmental Planning and Assessment Regulation 2000. There will be no detrimental effects on the occupants through the building design which will achieve the relevant standards pertaining to health and safety.

Construction

i) *What would be the impacts of construction activities in terms of:*

- *The environmental planning issues listed above*
- *Site safety*

The development will be carried out in accordance with the provisions of the Protection of the Environment Operations Act 1997. Normal site safety measures and procedures will ensure that no site safety or environmental impacts will arise during construction.

(c) The suitability of the site for the development

- *Does the proposal fit in the locality*
- *Are the constraints posed by adjacent development prohibitive*
- *Would development lead to unmanageable transport demands and are there adequate transport facilities in the area*
- *Are utilities and services available to the site adequate for the development*
- *Are the site attributes conducive to development*

The site is located in an established residential area. The adjacent development does not impose any unusual or impossible development constraints. The proposed development will not cause excessive or unmanageable levels of transport demand.

The site being of moderate grade, adequate area, and having no special physical or engineering constraints is suitable for the proposed works.

(d) Any submissions received in accordance with this act or regulations

It is envisaged that Council will appropriately consider any submissions received during the notification period.

(e) The public interest

The architect has responded to the client brief to provide for a boat shed of design merit whilst appropriately addressing the sites setting and maintaining the amenity of the nearby residential properties. The development will provide a quality built form outcome on the site. Under such circumstances, approval of the application will not be antipathetic to the public interest.

5 Conclusion

This document forms a component of a development application proposing the construction of a new boat shed with green roof on the subject allotment. The boatshed has been integrated into the landform provided with a green roof to reduce its visual impact whilst providing for the retention of significant tree to the north of the structure. All proposed works are located above mean high water mark.

In the development of the scheme particular attention has been given to the minutes arising from formal pre-lodgement discussions with Council (PLM2024/0038) including the desire to retain Tree T16. The accompanying arborist report prepared by Martin Peacock Tree Care confirms that:

internal diagnostic testing of the trunk of the tree was undertaken using a Resistograph, and resonance sounding of the first order branches was undertaken using a nylon mallet. Test results determined that a continuous column of decay is likely present that links the cavities in the trunk and western first order branch. When interpreting the Resistograph test results in accordance with the t/R ratio model¹, decay at two of the four points tested in the trunk exceeded the minimum 'safe' ratio of healthy tissue to decayed tissue/hollowness. Where the trunk of a tree becomes more than two thirds hollow the potential for torsional fracturing and cross sectional flattening of the trunk significantly increases, particularly during high winds². Based on the test results the trees ULE was estimated at <5 years, and the tree was allocated a Retention Category of Priority for Removal.

That said, the application proposes to retain Tree T16 with appropriate tree protection measures during construction including supervision by a qualified arborist.

We confirm that other locations for the boat shed were investigated and deemed less suitable in terms of tree retention and protection and visual impacts as viewed from the neighbouring property at 58 Hudson Parade. The chosen location enables the boat shed to be buried back into the hillside with a green roof ensuring that it has minimal impact as viewed from the adjoining residential properties and from the public domain.

This report demonstrates that the proposed works are permissible with consent and consistent with the legislative framework as it relates to this form of development on this particular site. The completed boat shed will contribute positively to the built form quality of development along the foreshore.

The proposal succeeds when assessed against the Heads of Consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended. It is considered that the application, the subject of this document, is appropriate on merit and is worthy of the granting of development consent for the following reasons:

- The application has considered and satisfies the various relevant planning controls applicable to the proposed use and associated works have regard to the objectives of the standards/ controls and the applicable variation provisions/ considerations.
- The site is assessed as suitable for the proposal, having regard to the relevant land use and planning requirements.
- The proposal will not give rise to any unacceptable streetscape or residential amenity impacts.