



314 Hudson Parade, Clareville

Alterations and additions to existing dwelling house

Statement of Environmental Effects

For Northern Beaches Council

**Prepared by Geoff Goodyer
February 2020**

Project No. 20-078

Symons Goodyer Pty Ltd
Town planning and
development consultants

Ph. (02) 9949 2130
Mob 0413 361 483

67a Wanganella Street
PO Box 673
Balgowlah NSW 2093

info@symonsgoodyer.com.au

www.symonsgoodyer.com.au

This page is intentionally blank

Contents

1.	Executive summary	1
2.	Introduction.....	2
3.	Description of proposal	3
4.	Description of site and locality	5
5.	Does the proposal constitute “alterations and additions”?	10
6.	Pittwater LEP 2014.....	12
6.1.	Is the proposal permissible?	12
6.2.	Aims of the LEP (clause 1.2)	12
6.3.	Objectives of the Zone.....	12
6.4.	Compliance Table	13
6.5.	Height of buildings (clause 4.3)	13
6.6.	Heritage conservation (clause 5.10)	13
6.7.	Acid sulfate soils (clause 7.1)	13
6.8.	Earthworks (clause 7.2).....	13
6.9.	Flood planning (clause 7.3).....	14
6.10.	Coastal risk planning (clause 7.5)	14
6.11.	Biodiversity (clause 7.6)	14
6.12.	Geotechnical hazards (clause 7.7)	15
6.13.	Limited development on foreshore area (clause 7.8)	16
6.14.	Essential services (clause 7.10)	17
7.	Compliance Table - Pittwater 21 DCP	18
8.	Pittwater 21 DCP	20
8.1.	Considerations before consent is granted	20
8.2.	Clause C1.1 – Landscaping	21
8.3.	Clause C1.3 – View sharing	21
8.4.	Clause C1.4 – Solar access	21
8.5.	Clause C1.5 – Visual privacy.....	21
9.	Pittwater 21 DCP – Bilgola Locality.....	22
9.1.	Clause D3.1 – Character as viewed from a public place	22
9.2.	Clause D3.2 – Scenic protection - General	22
9.3.	Clause D3.3 – Building colours and materials	22
9.4.	Clause D3.6 – Front building line	22
9.5.	Clause D3.7 – Side and rear building line	22
9.6.	Clause D3.9 – Building envelope.....	23
9.7.	Clause D3.11 – Landscaped Area – Environmentally Sensitive Land.....	23
9.8.	Clause D3.13 – Fences – Flora and Fauna Conservation Areas.....	23
10.	State Environmental Planning Policies.....	24
10.1.	SEPP No. 55 - Remediation of land	24

10.2.	SEPP (Building Sustainability Index) 2004.....	24
10.3.	SEPP (Coastal Management) 2018.....	24
10.4.	SEPP (Infrastructure) 2007	27
10.5.	SEPP (Vegetation in Non-Rural Areas) 2017	27
11.	Other matters under Section 4.15 of the Environmental Planning & Assessment Act 1979	28
11.1.	The Likely Impacts of the Development	28
11.2.	The Suitability of the Site.....	28
11.3.	Submissions	28
11.4.	The Public Interest	28
12.	Summary	29
	Appendix A – Details of the Author	30

1. Executive summary

- 1.1. The proposal is to carry out alterations and additions to the existing dwelling house at 314 Hudson Parade, Clareville.
- 1.2. The development proposal is limited to works that have not yet been carried out. The development is generally within the existing building footprint and envelope.
- 1.3. This Statement of Environmental Effects includes a detailed assessment of the proposal against the provisions of Pittwater 21 DCP and finds that all numerical controls are satisfied and that all objectives are achieved.
- 1.4. Careful consideration has been given to maintaining the amenity of neighbouring and nearby residents and the design has safeguarded privacy, views and solar access for neighbours.
- 1.5. The proposed alterations and additions are considered to be suitable for approval when assessed under the relevant town planning controls.

2. Introduction

- 2.1. This Statement of Environmental Effects has been prepared by Geoff Goodyer of Symons Goodyer Pty Limited, Balgowlah. My details are included in Appendix A of this Statement of Environmental Effects.
- 2.2. I am a town planner with over 30 years' experience in local government and private practice. I am a Registered Planner accredited by the Planning Institute of Australia.
- 2.3. This Statement of Environmental Effects assesses the impacts of a proposal to carry out alterations and additions to the existing dwelling house at 314 Hudson Parade, Clareville under section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- 2.4. In the course of preparing this Statement of Environmental Effects I have:
- inspected the site and surrounding locality;
 - taken photographs of the site and surrounding locality; and
 - reviewed relevant environmental planning instruments and Council policies, in particular *Pittwater Local Environmental Plan 2014* and *Pittwater 21 Development Control Plan*.

3. Description of proposal

- 3.1. The proposal is to carry out alterations and additions to the existing dwelling house at 314 Hudson Parade, Clareville.
- 3.2. The proposed works are generally within the envelope of the existing dwelling house. They seek to improve the amenity of the dwelling house and upgrade its external appearance.
- 3.3. The architect has prepared the following description of the proposed development:

*Roof ridge height: no change.
Eaves height increased
Tiled Roof to be replaced with copper cladding
External face brickwork to be rendered and painted*

Lower level

- *Internal reconfiguration of kitchen dining living areas*
- *Minor increase and reduction of floor area to central stairs. Total increase: 156.4m² to 157m² nett.*
- *Changes to external windows and doors*
- *Minor changes to external verandah awnings*
- *Removal of fireplace*

Upper level

- *Garage: changes to roof form within overall height*
- *House Floor area increased within the overall roof form. Total increase: Existing floor area: 109m². Proposed floor area: 130m².*
- *Changes to external window and door openings*
- *Balcony width off bedrooms 2,3,4 decreased and bedrooms increased*
- *Master bedroom: minor changes to plan and ensuite*
- *Central Entry and stair: redesign of stair and balcony and façade*
- *Removal of chimney*

- 3.4. The proposal is limited to works that have not yet been carried out.
- 3.5. The proposal is shown on the following plans:

No.	Drawing	Drawn by
DA101/A	Survey	Baxter & Jacobson Architects
DA102/C	Site plan	Baxter & Jacobson Architects
DA115/D	Demolished and new works plan – level 1	Baxter & Jacobson Architects
DA116/D	Demolished and new works plan – lower level	Baxter & Jacobson Architects
DA122/E	Roof plan	Baxter & Jacobson Architects

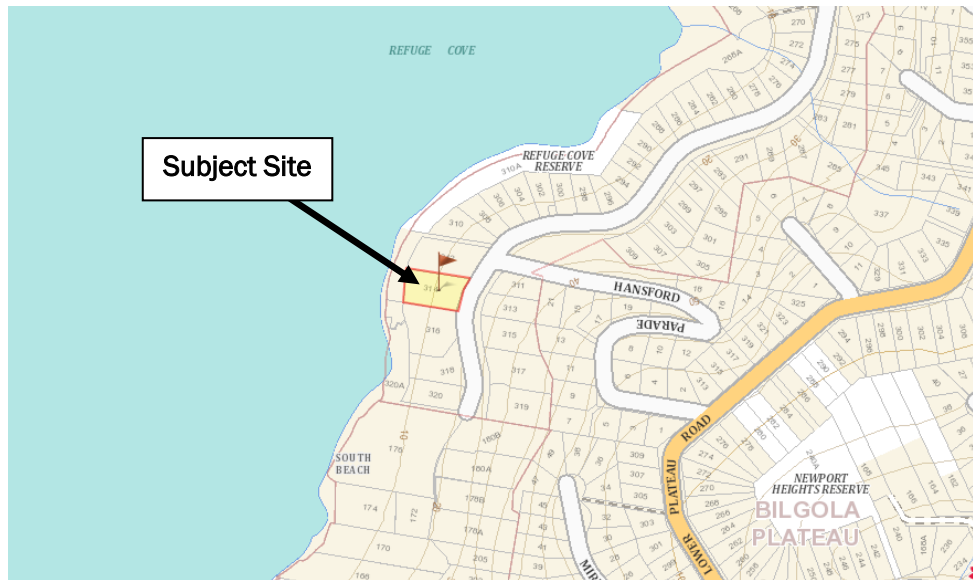
No.	Drawing	Drawn by
DA123/G	Structural set out plan – level 1	Baxter & Jacobson Architects
DA124/G	Structural set out plan – lower level	Baxter & Jacobson Architects
DA140/C	Elevation east – Entry	Baxter & Jacobson Architects
DA141/C	Elevation south – facing 316	Baxter & Jacobson Architects
DA142/C	Elevation west – picture window	Baxter & Jacobson Architects
DA151/F	Section – guest bedroom	Baxter & Jacobson Architects
DA152/F	Section – entry	Baxter & Jacobson Architects
42235 005DT	Detail survey	LTS Surveyors

3.6. The proposal is supported by the following documentation:

Title	Date	By
BASIX Certificate No. A365278	3.12.2019	Baxter & Jacobson Architects
Statement of Environmental Effects	December 2019	Symons Goodyer
Waste Management Plan	3.12.2019	Baxter & Jacobson Architects

4. Description of site and locality

- 4.1. The subject site comprises Lot 32 DP 233469. It is known as 314 Hudson Parade, Clareville. It is located on the western side of Hudson Parade Street to the south of its intersection with Hansford Parade. The location of the site is shown in the following maps:



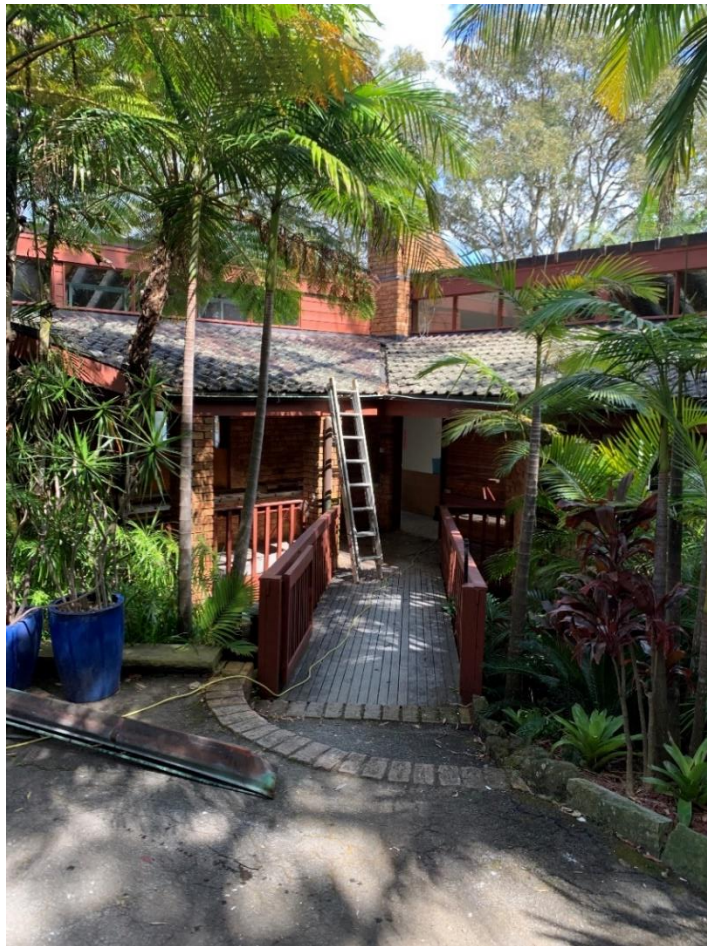
Map 1 - Location (Source: sixmaps)



Map 2 - Aerial photo (Source: sixmaps)

- 4.2. The site is irregular in shape. It has a frontage of 31.475m to Hudson Parade to the east and 30.585m to a public reserve to the west. The site has side boundaries of 58.11m to the north and 49.68m to the south.
- 4.3. The site area is approximately 1,540m².

- 4.4. The site slopes steeply down from its Hudson Parade frontage to its boundary, with the existing dwelling house set on a bench on the western portion of the site. The area between the dwelling house and the street slopes steeply and has been landscaped. To the west of the dwelling house the site comprises lawns with a row of trees adjacent to the western site boundary.
- 4.5. The site is currently occupied by a 2-storey dwelling house in a landscaped setting. The dwelling house has been partly demolished after the photographs appearing below were taken. I have been advised by the project architect that the demolition was carried out due to white ant infestation. There is a double garage attached to the dwelling house with access via a driveway from Hudson Parade.
- 4.6. The site adjoins dwelling houses within landscaped settings to the north and south. Adjoining the site to the west is a public reserve beyond which is Pittwater. The locality is characterised by dwelling houses in landscaped settings.
- 4.7. The following photographs show the site and surrounding area.



Photograph 1: The dwelling house on the subject site, viewed from the east as at 10/10/2019.



Photograph 2: The development on the site, viewed from the south, as at 10/10/2019.



Photograph 3: The view from the site over Pittwater.



Photograph 4: The neighbouring dwelling house to the south, 316 Hudson Parade.



Photograph 5: The neighbouring dwelling house to the north, 312 Hudson Parade.



Photograph 6: Existing development on the opposite (eastern) side of Hudson Parade.

5. Does the proposal constitute “alterations and additions”?

- 5.1. In *Coorey v Municipality of Hunters Hill* [2013] NSWLEC 1187 the Land and Environment Court established a planning principle for characterising whether a proposal constitutes additions and/or alterations to an existing structure rather than a new structure.
- 5.2. The planning principle states that the first question to be considered is “what is the purpose” of determining how the proposal should be characterised. In this case the purpose is to clarify the weight to be given to the existing elements of the building, which was constructed prior to contemporary planning controls, when assessing the performance of the proposal against contemporary planning controls. In this regard it is not reasonable to apply contemporary planning controls to elements of an existing structure, constructed under a different planning regime, when a proposal constitutes alterations and/or additions to that structure.
- 5.3. The Court has listed the following matters for consideration (although the judgement notes that other matters may be relevant depending upon the circumstances of the case):

Qualitative issues	Comment
How is the appearance of the existing building to be changed when viewed from public places?	The building will remain essentially the same, being a 2-storey dwelling house. The appearance is being upgraded with a more contemporary styling.
To what extent, if any, will existing landscaping be removed and how will that affect the setting of the building when viewed from public places?	Existing landscaping is maintained and there is nothing proposed that will affect the setting of the building when viewed from any public place.
To what extent, if any, will the proposal impact on a heritage item, the curtilage of a heritage item or a heritage conservation area?	The site does not contain a heritage item, is not in the vicinity of any heritage items, and is not within a conservation area. The proposal has no impact on the heritage significance of any items.
What additional structures, if any, in the curtilage of the existing building will be demolished or altered if the proposal is approved?	There are no other structures on the site affected by the proposal.
What is the extent, if any, of any proposed change to the use of the building?	No change is proposed.
To what extent, if any, will the proposed development result in any change to the streetscape in which the building is located?	The building is not visible from the street.
To what extent, if any, are the existing access arrangements for the building proposed to be altered?	NO change is proposed with regards to access to the site.
To what extent, if any, will the outlook from within the existing building be altered as a consequence the proposed development?	The outlook from the existing building is generally the same as existing.

Qualitative issues	Comment
Is the proposed demolition so extensive to cause that which remains to lose the characteristics of the form of the existing structure?	No, the characteristics of the form of the existing building will be retained.

Quantitative issues	Comments
To what extent is the site coverage proposed to be changed?	The site coverage is unchanged.
To what extent are any existing non-compliances with numerical controls either increased or diminished by the proposal?	The existing building complies with the relevant built form controls and the proposal will maintain compliance with those controls.
To what extent is the building envelope proposed to be changed?	The building envelope is essentially unchanged with a minor increase for bedrooms 2, 3 and 4 and a change to the roof form.
To what extent are boundary setbacks proposed to be changed?	Existing boundary setbacks are maintained.
To what extent will the present numerical degree of landscaping on the site be changed?	Existing areas of landscaping area maintained.
To what extent will the existing floor space ratio be altered?	There is an increase of 21.6m ² in the gross floor area of the building. There is no floor space ratio control applying to the site.
To what extent will there be changes in the roof form?	The roof form is being changed. A hipped and gabled roof form is proposed.
To what extent will there be alterations to car parking/garaging on the site and/or within the building?	The existing double garage is retained and upgraded.
To what extent is the existing landform proposed to be changed by cut and/or fill to give effect to the proposed development?	No cut or fill is proposed.
What relationship does the proportion of the retained building bear to the proposed new development?	The proposal retains a greater proportion of existing material than new material. The floor on the lowest level is retained but the roof is replaced, these have essentially equal areas. The majority of existing external walls are retained but existing fenestration is replaced.

- 5.4. Based on the above analysis the proposal is considered to constitute alterations and additions to the existing structure. The Statement of Environmental Effects assesses the proposal accordingly.

6. Pittwater LEP 2014

6.1. Is the proposal permissible?

- 6.1.1. The land is zoned E4 Environmental Living under PLEP 2014. The proposal is permissible with development consent as a “*dwelling house*”.

6.2. Aims of the LEP (clause 1.2)

- 6.2.1. The proposal is consistent with the relevant aims of PLEP 2014 at Clause 1.2 in that it:

- ✓ Is economically, environmentally and socially sustainable.
- ✓ Is consistent with the desired future character of the neighbourhood.
- ✓ Contributes to the range of housing to provide for the needs of the community both now and in the future.
- ✓ Protects Pittwater’s natural areas.
- ✓ Has no impact on European and Aboriginal heritage.
- ✓ Is on a site that is not subject to environmental hazards.
- ✓ Enhances the health and well-being of the residents.

6.3. Objectives of the Zone

- 6.3.1. The proposal is consistent with the relevant objectives of the E4 Environmental Living zone in that it:

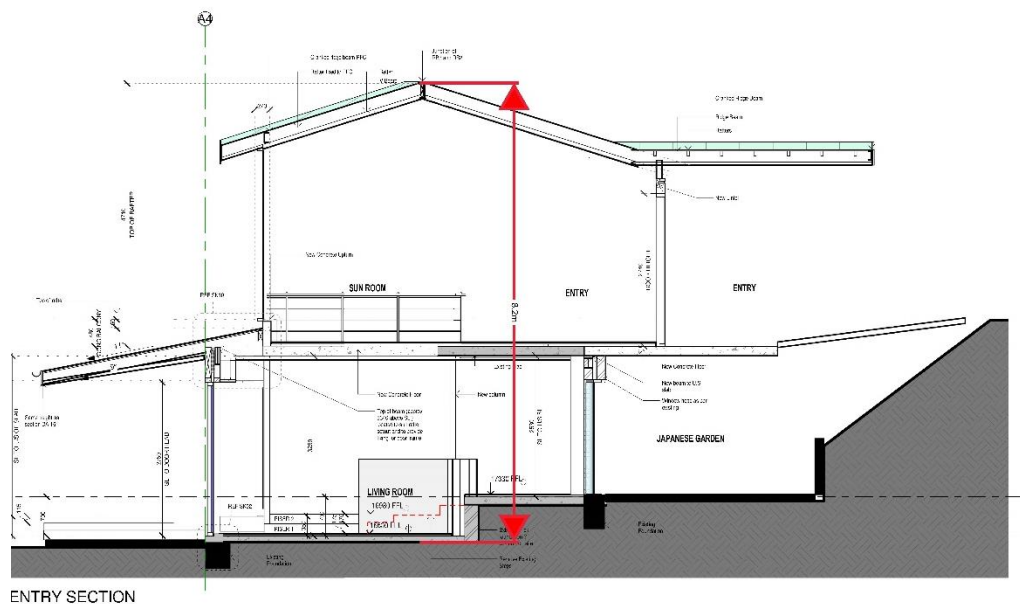
- ✓ Provides for low-impact residential development, occupying essentially the same building footprint and envelope as the existing dwelling house.
- ✓ Because the alterations and additions maintain the existing building footprint and envelope the development has no adverse effect on ecological, scientific or aesthetic values of the area.
- ✓ The development does not increase the existing density and scale of the development and remains integrated with the landform and landscape.
- ✓ Because the works are within the existing building footprint there is no impact on riparian and foreshore vegetation and wildlife corridors.

6.4. Compliance Table

LEP CONTROLS	CONTROL	PROPOSED	COMPLIANCE
Clause 4.3(2) – Height of Buildings	8.5m	8.2m	Yes

6.5. Height of buildings (clause 4.3)

- 6.5.1. The proposal complies with the 8.5m height limit that applies to the site.
- 6.5.2. The maximum height of the building is 8.2m, measured from the underside of the floor slab to the ridge of the roof, as shown in the following diagram:



6.6. Heritage conservation (clause 5.10)

- 6.6.1. The site does not contain a heritage item, is not in the vicinity of any heritage items and is not within a conservation area.

6.7. Acid sulfate soils (clause 7.1)

- 6.7.1. The site is within Class 5 Acid Sulfate Soil area. No excavation is proposed. No works are proposed below AHD5.0 and no further investigation is required with regards to acid sulfate soils.

6.8. Earthworks (clause 7.2)

- 6.8.1. No earthworks are proposed.

6.9. Flood planning (clause 7.3)

6.9.1. The subject site is not identified as flood prone land.

6.10. Coastal risk planning (clause 7.5)

6.10.1. The site is not affected by any coastline hazards as shown on the Coastal Risk Planning map.

6.11. Biodiversity (clause 7.6)

6.11.1. The site is within an area of sensitive biodiversity as shown on the Biodiversity map. Under clause 7.6(3) of PLE 2014, Council must consider:

- (a) *whether the development is likely to have—*
- (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*

Comment: The works are almost entirely within the existing building footprint and envelope and, as such, will have no impact on the condition, ecological value and significance of any fauna and flora on the land.

- (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*

Comment: The proposal retains all existing vegetation on the land. The landscaped area is generous (67.7%) and provides habitat for native fauna.

- (iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*

Comment: The works are almost entirely within the existing building footprint and envelope and, as such, will not fragment, disturb or diminish the biodiversity structure, function and composition of the land.

- (iv) *any adverse impact on the habitat elements providing connectivity on the land, and*

Comment: The works are almost entirely within the existing building footprint and envelope and, as such, will have no impact on habitat elements providing connectivity on the land.

- (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment: No mitigation measures are required or proposed because no impacts arise as a result of the development.

6.11.2. Under Clause 7.6(4) of PLEP 2014, consent must not be granted to the proposal unless Council is satisfied that:

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*

Comment: The works are almost entirely within the existing building footprint and envelope and, as such, will have no significant adverse environmental impact.

- (b) *if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*

Comment: No alternatives are necessary as the proposal has no significant adverse environmental impact.

- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment: No management is required as the proposal has no significant adverse environmental impact.

6.12. Geotechnical hazards (clause 7.7)

6.12.1. The site is not within the Geotechnical Hazard H1 area as shown on the Geotechnical Hazard Map.

6.12.2. Under Clause 7.7(3) of PLE 2014, Council must consider the following matters to decide whether or not the development takes into account all geotechnical risks:

- (a) *site layout, including access,*

Comment: No change to the site layout and access is proposed.

- (b) *the development's design and construction methods,*

Comment: No specific design methods are required as the proposal is for alterations to an existing building on the same building footprint utilising and existing structure.

- (c) *the amount of cut and fill that will be required for the development,*

Comment: No cut or fill is proposed.

- (d) *waste water management, stormwater and drainage across the land,*

Comment: Stormwater will continue to be collected and piped directly to the adjacent waterway.

- (e) *the geotechnical constraints of the site,*

Comment: The development, utilising the existing building structure and footprint, recognises the geotechnical constraints of the site.

- (f) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Comment: No specific measures are required or proposed.

6.12.3. Under Clause 7.7(4) of PLE 2014, Council must not grant consent to the development unless the following matters to decide whether or not the development takes into account all geotechnical risks:

- (a) *the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*

Comment: No increase in hard surface areas is proposed so there is no increase in the rate at which stormwater flows across the site. Stormwater will continue to be managed as currently exists.

- (b) *the consent authority is satisfied that—*

- (i) *the development is designed, sited and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or*

Comment: No management is required as the proposal utilises the existing structure and does not create a geotechnical risk.

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

Comment: No measures are required as the proposal creates no significant geotechnical risk.

- (iii) *if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.*

Comment: No management is required as the proposal creates no significant geotechnical risk.

6.13. Limited development on foreshore area (clause 7.8)

6.13.1. The proposed development is not located within the foreshore area.

6.14. Essential services (clause 7.10)

6.14.1. The site is connected to all essential services.

7. Compliance Table - Pittwater 21 DCP

ITEM	STANDARD	PROPOSED	COMPLIANCE	PERFORMANCE
PITTWATER 21 DCP - Part B				
Heritage controls	Consider heritage impacts	Not affected	YES	YES
Landslip hazard	Comply with the requirements of the Geotechnical Risk Management Policy for Pittwater	Minor works on existing building footprint	YES	YES
Contaminated land and potentially contaminated land	Comply with <i>SEPP 55 – Remediation of Land</i>	Land used historically for residential purposes	YES	YES
Flood prone land	Satisfy Floodplain Development Manual, 2005 and Northern Beaches Council's Guidelines for preparing a Flood Management Report.	Land is not identified as being flood prone.	YES	YES
Flora and Fauna Conservation and Wildlife Corridors	Development shall not impact threatened species, etc or result in significant loss of native canopy trees.	All existing vegetation retained. No impact on flora or fauna.	YES	YES
Preservation of Trees and Bushland Vegetation	Permit required to clear vegetation	All trees retained.	YES	YES
Off-street Vehicle Parking Requirements	2 spaces per dwelling	2 spaces	YES	YES
PITTWATER 21 DCP - Part C				
Landscaping	50% of front setback to be landscaped	90% of front landscaped	YES	YES
Safety and security	Adequate lighting and surveillance		YES	YES
View sharing	Reasonable sharing of views		YES	YES
Solar Access	3 hours sunlight between 9am and 3pm on 21 June		YES	YES
Privacy	Private areas to be protected from direct overlooking		YES	YES
Private open space	80 m ² , minimum dimension 3 metres for ground floor units	>80 m ² for ground floor units, dimension >3m	YES	YES
PITTWATER 21 DCP - Part D3 Clareville Locality				
Character	Walls facing street > 8m must be articulated.	Walls facing the street are all articulated.	YES	YES
Scenic protection	Minimise visual impact on the natural environment	Visual impact minimised with landscaping, etc.	YES	YES

ITEM	STANDARD	PROPOSED	COMPLIANCE	PERFORMANCE
Building materials	External colours and materials must be of a dark and earthy tone	Colours and materials to be dark and earthy tone	YES	YES
Boundary Setbacks				
Front	6.5m	17.0m	YES	YES
Side (north)	2.5m	4.7m	YES	YES
Side (south)	1.0m	1.3m	YES	YES
Rear	6.5m	8.4m	YES	YES
Building envelope				
North	3.5m + 45°	Inside envelope	YES	YES
South	3.5m + 45°	Inside envelope	YES	YES
Landscaped area	Minimum 60% (926m ²), including impervious areas <1m in width (eg: pathways and the like)	67.7% (1,043m ²)	YES	YES
Retaining walls	Kept to a minimum	Kept to a minimum	YES	YES

8. Pittwater 21 DCP

8.1. Considerations before consent is granted

8.1.1. Under Clause A1.7 of Pittwater 21 DCP, prior to granting development consent, the Council must be satisfied that the development is consistent with:

- (i) Pittwater LEP 2014; and
- (ii) The desired character of the Locality; and
- (iii) The development controls applicable to the development

8.1.2. Council may also consider the provisions of a neighbouring Locality to the extent to which it may affect the subject site.

8.1.3. Under Clause A4.12, the subject site is within the Clareville locality.

8.1.4. The desired character of the Clareville locality is as follows:

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

The three distinct areas within the Bilgola locality (as identified in Bilgola Locality Map 2) will, by their unique differences, require differing and distinct degrees of control to ensure the individual characteristics and essence of each area are maintained and enhanced:

The Pittwater Foreshore Area:

Contains areas of visual significance when viewed from the public open space of Pittwater. The visual amenity, natural flora and fauna, heritage and social values of the Pittwater Foreshore should be retained and protected.

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 the development. 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.

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.

Natural scenic views from the Bicentennial Walkway will be preserved.

Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved.

Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate colocation of services and utilities.

- 8.1.5. The proposal is considered to be consistent with the desired character of the locality as it maintains the low-density residential character and the two-storey scale of development. All existing trees are retained and the dwelling house sits below the tree canopy. The building facades are modulated and the views of the foreshore from the waterway are enhanced.

8.2. Clause C1.1 – Landscaping

- 8.2.1. The area of the front setbacks that is landscaped exceeds 50%. All of the front setback is landscaped other than the pedestrian entry structure and pathway.

8.3. Clause C1.3 – View sharing

- 8.3.1. The proposal is for alterations and additions to the existing dwelling house generally within the existing building envelope. There is no impact on existing private views and the proposal provides reasonable view sharing in accordance with the Land and Environment Court's planning principle (*Tenacity Consulting v Warringah Council* [2004] NSWLEC 140).

8.4. Clause C1.4 – Solar access

- 8.4.1. The proposal is for alterations and additions to the existing dwelling house almost entirely within the existing building envelope. Any change to existing solar access will be minimal and, considering the siting and orientation of adjoining development, the proposal will retain solar access to neighbouring development for in excess of 3 hours in midwinter.

8.5. Clause C1.5 – Visual privacy

The proposal is for minor alterations and additions to the existing dwelling house. It does not result in any additional overlooking opportunities of neighbouring properties. It is considered that reasonable privacy is maintained for neighbouring residents, consistent with the existing situation.

9. Pittwater 21 DCP – Bilgola Locality

9.1. Clause D3.1 – Character as viewed from a public place

- 9.1.1. This clause requires that all buildings achieve the desired future character for the locality and that the visual impact of the built form be secondary to landscaping and vegetation. Buildings should not dominate the streetscape and parking structures are to be minimised.
- 9.1.2. The dwelling house is not visible from Hudson Parade as it is sited well below the street and screened by vegetation. There is no impact on the streetscape.
- 9.1.3. For the above reasons it is considered that the proposal satisfies this element of P21 DCP.

9.2. Clause D3.2 – Scenic protection - General

- 9.2.1. This clause provides that development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.
- 9.2.2. The building is well articulated and set back from the western boundary. Existing canopy trees are retained and the view to the site from the waterway is enhanced.
- 9.2.3. The proposal complies with Clause D10.3 – Scenic protection – General.

9.3. Clause D3.3 – Building colours and materials

- 9.3.1. This clause requires building materials which enhance the visual quality and identity of the streetscape and harmonise with the natural environment.
- 9.3.2. The finished surface materials have been chosen to complement the environment. The colours are earthy tones, with a copper finish to the roof and the use of timber interspersed with rendered brick.
- 9.3.3. The proposal complies with Clause D3.3 – Building Colours Materials and Construction.

9.4. Clause D3.6 – Front building line

- 9.4.1. The control requires a 6.5m front building setback to Hudson Parade. The building is set back approximately 17.0m from Hudson Parade and complies comfortably with this control.

9.5. Clause D3.7 – Side and rear building line

- 9.5.1. Clause D10.8 of the P21 DCP requires a side boundary setback of 1.0m from one side boundary and 2.5m from the other. The proposal maintains side

boundary setbacks of 4.7m (north) and 1.3m (south) and complies with the control.

- 9.5.2. The rear setback of 8.4m exceeds the minimum requirement of 6.5m. Note that the DCP refers to the Bilgola “Visual Protection Area” as shown on Bilgola Locality Map 3. The author of this Statement of Environmental Effects was unable to locate this map in any published source.

9.6. Clause D3.9 – Building envelope

- 9.6.1. Clause D3.9 of the P21 DCP requires that buildings be sited within an envelope established at a height of 3.5m on the side boundaries extending into the site at 45°. The proposal complies with this control.

9.7. Clause D3.11 – Landscaped Area – Environmentally Sensitive Land

- 9.7.1. This clause requires a minimum landscaped area of 60% of the site area. The proposal complies with this requirement, with a total of 1,043m² or 67.7% of the site area provided as landscaped area according to calculations by the project architect.

9.8. Clause D3.13 – Fences – Flora and Fauna Conservation Areas

- 9.8.1. No fences are proposed as part of this development application.

10. State Environmental Planning Policies

10.1. SEPP No. 55 - Remediation of land

- 10.1.1. Clause 7 of *State Environmental Planning Policy No. 55 – Remediation of Land* (“SEPP 55”) requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.
- 10.1.2. The site has been used for residential and child care purposes for approximately 50 years prior to which it was probably vacant. It is considered unlikely that the site has experienced any contamination, and no further assessment is considered necessary.

10.2. SEPP (Building Sustainability Index) 2004

- 10.2.1. The proposal is for “BASIX affected development” for the purposes of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* (“SEPP (BASIX)”).
- 10.2.2. Under clauses 8 and 9 of SEPP BASIX, other planning instruments and DCP’s do not apply to BASIX commitments.
- 10.2.3. A BASIX Certificate has been provided demonstrating that the proposal satisfies the State Government’s energy and water conservation policies.

10.3. SEPP (Coastal Management) 2018

- 10.3.1. The site is located within the Coastal Environment and the Coastal Use Areas as identified in SEPP (Coastal Management) 2018.
- 10.3.2. Under clause 13(1) Council must consider 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,*

Comment: The proposal will have no impacts in this regard as it is within the existing building footprint.
 - (b) *coastal environmental values and natural coastal processes,*

Comment: The proposal will have no impacts in this regard as it is within the existing building footprint.
 - (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,*

Comment: The proposal is connected to all relevant infrastructure including sewerage services and will have no impact on the water quality of the marine estate.

- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

Comment: The site is not located in proximity to any undeveloped headlands or rock platforms and the proposal will have no impact on marine vegetation, native vegetation and fauna and their habitats.

- (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,*

Comment: The proposal will have minimal impact on any public open space. All access to public open space is maintained.

- (f) *Aboriginal cultural heritage, practices and places,*

Comment: No impact.

- (g) *the use of the surf zone.*

Comment: No impact.

10.3.3. Under clause 13(2) Council must be satisfied of the following matters before granting consent to the development:

- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*

Comment: The proposal will have no impacts in this regard as it is located on the existing building footprint.

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

Comment: No adverse impacts arise as a result of the development.

- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact*

Comment: No adverse impacts arise as a result of the development.

10.3.4. Under clause 14(1)(a) Council must consider 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,*

Comment: The proposal maintains public access to the foreshore and beach.

- (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*

Comment: The proposal has minimal impacts with regards to overshadowing, wind funnelling and view from public places to foreshores.

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

Comment: The alterations and additions are generally within the existing building envelope and have minimal impact on the visual amenity and scenic qualities of the coast.

- (iv) *Aboriginal cultural heritage, practices and places,*

Comment: The proposal will have no impact on aboriginal heritage, practices and places.

- (v) *cultural and built environment heritage*

Comment: The proposal has minimal impact on heritage items in the vicinity of the site.

10.3.5. Under clause 14(1)(b) Council must be satisfied of the following matters before granting consent to the development:

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

Comment: No adverse impacts arise as a result of the development.

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

Comment: No adverse impacts arise as a result of the development.

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

Comment: No adverse impacts arise as a result of the development.

10.3.6. Under clause 14(c) Council must take into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development. In this regard, the proposal is recessed on the upper level of the building and will have minimal impact on the coastal and built environment.

10.4. SEPP (Infrastructure) 2007

10.4.1. Clause 45 of SEPP Infrastructure requires the Consent Authority to notify the electricity supply authority of any development application (or an application for modification of consent) for any development proposal:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
- immediately adjacent to an electricity substation,
- within 5m of an overhead power line
- that includes installation of a swimming pool any part of which is within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line

10.4.2. It is anticipated that Council will refer this development proposal to the electricity supply authority in accordance with its usual practice.

10.5. SEPP (Vegetation in Non-Rural Areas) 2017

10.5.1. Under clause 10 of SEPP (Vegetation in Non-Rural Areas) 2017, Council may issue a permit to clear vegetation in any non-rural area of the State. The proposal retains all existing trees on site.

11. Other matters under Section 4.15 of the Environmental Planning & Assessment Act 1979

11.1. The Likely Impacts of the Development

11.1.1. These have been addressed above.

11.2. The Suitability of the Site

11.2.1. The site is located within the E4 Environmental Living zone and has been identified as being suitable for the type of development that is proposed. It has access to all the necessary services and infrastructure.

11.2.2. The site does not have a history of use that would result in land contamination (per SEPP 55).

11.2.3. The site is not subject to environmental hazards that would constrain development such as flooding or bush fire.

11.2.4. In summary the site is considered to be suitable for the type of development proposed.

11.3. Submissions

11.3.1. None at this time. The proposal will be advertised and notified in accordance with the requirements of the P21 DCP.

11.4. The Public Interest

11.4.1. The public interest is served by developing the land in an efficient and economic way that maintains the character of the area and the amenity of the neighbourhood. The Council's planning controls encourage such development in this locality.

12. Summary

- 12.1. The merits of this application have been identified in this assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Pittwater LEP 2014 and Pittwater 21 DCP.
- 12.2. The proposed development is for relatively minor alterations and additions to an existing dwelling house that are almost entirely within the existing building footprint and envelope.
- 12.3. The proposal represents an economic and efficient use of the land, in accordance with the objectives of the *Environmental Planning and Assessment Act 1979*. It will extend the usable life of the building in a way that is consistent with the principles of environmentally sustainable development.
- 12.4. Overall the aims and objectives of Council's development controls are achieved and there is no planning reason why this application should not be approved.

Appendix A – Details of the Author

ACADEMIC QUALIFICATIONS

Bachelor of Town Planning (Honours), University of New South Wales (1988).
Master of Professional Accounting (Distinction), University of Southern Queensland (1999).

PROFESSIONAL EXPERIENCE

1997 to present SYMONS GOODYER PTY LTD

Principal town planning consultant responsible for providing expert town planning advice to a diverse range of clients.

Expert witness in the Land and Environment Court.

Statutory and strategic projects within numerous Council areas, including Ashfield, Bankstown, Canterbury, Hornsby, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Mosman, North Sydney, Pittwater, Randwick, Rockdale, Sutherland, Warringah, Waverley, and Woollahra.

1988 to 1997 WARRINGAH COUNCIL

Manager, Planning and Urban Design Branch (1994-7). Responsible for drafting of operative provisions of the Warringah Local Environmental Plan 2000.

Senior Strategic Planner (1993-1994)

Development Assessment Officer (1988-1993)

1986 to 1988 MARRICKVILLE MUNICIPAL COUNCIL

Town Planner

1986 EDWARDS MADIGAN TORZILLO BRIGGS INTERNATIONAL PTY LTD

Town Planner

1984 RYDE MUNICIPAL COUNCIL

Student Town Planner

PUBLICATIONS

Goodyer, G (1988)

Retail and office activities in industrial areas in the Sydney region. University of New South Wales.

Goodyer, G (1989)

Hi-tech industry. Planning Law and Practice, UNSW, 1989.

Goodyer, G (1995)

Modern Planning Instruments. Health and Building Surveyors' Association (NSW) Conference, 1995.