

# Northern Development Assessment

## STATEMENT OF ENVIRONMENTAL EFFECTS

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TO ACCOMPANY  
**DEVELOPMENT APPLICATION**

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FOR  
**PROPOSED DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF A NEW  
DWELLING, SECONDARY DWELLING, SWIMMING POOL, CARPORT AND BOATSHED**

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AT  
**252 HUDSON PARADE, CLAREVILLE  
LOT 59 DP 13760**

Prepared By

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## **1. INTRODUCTION**

### **1.1 Summary**

I have been commissioned to prepare a Statement of Environmental Effects (SEE) in relation to a Development Application (DA) seeking consent for the proposed demolition of an existing dwelling, construction of a new dwelling, secondary dwelling, swimming pool, carport and boatshed on land described as Lot 59 DP 13760, 252 Hudson Parade, Clareville (The site).

The proposed development is subject to assessment under Part 4 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). The following SEE will consider the potential environmental impacts of the development, having regard to the matters for consideration under Section 4.15(1) of the EP&A Act 1979.

This SEE also addresses relevant matters under the *Pittwater Local Environmental Plan 2014* and the *Pittwater 21 Development Control Plan 2013*. In the preparation of this SEE consideration has been given to the following documents:

- a) Plans of the proposed development prepared by Anne Robson Architecture dated 05 May, 2023;
- b) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- c) State Environmental Planning Policy (Biodiversity and Conservation) 2021
- d) State Environmental Planning Policy (Resilience and Hazards) 2021
- e) Pittwater Local Environmental Plan 2014 (PLEP)
- f) Pittwater 21 Development Control Plan 2013 (DCP)
- g) Planning Principles of the NSW Land and Environment Court.

During the preparation of this SEE, I have attended the subject site and the surrounding locality to gain an understanding of the proposal and its future relationship with the developing streetscape and the immediately surrounding sites.

I am satisfied that the proposal as submitted will not only offer a high standard of accommodation for future residents but will do so in a manner that respects its juxtaposition with adjacent and nearby dwellings and will provide a high standard of design and sustainability when completed.

## 1.2 Site Description



**Figure 1.2.1 – Subject Site**

The site consists of a single allotment located on the southern side of Hudson Parade, 4 lots east of the intersection with Georgia Lee Place. The subject site currently contains a single storey residential dwelling. I note that the subject site slopes steeply down from Hudson Parade to Pittwater. The existing residential dwelling is of timber clad construction with a metal roof.

The site is generally rectangular in shape and has a total site area of approximately 1015m<sup>2</sup> by Survey (1163m<sup>2</sup> by DP). The site contains landscaped areas at the front and rear of the dwelling and several canopy trees are located at the rear of the property and one tree at the front boundary.

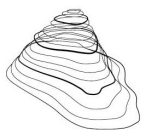
I note that Hudson Parade to the east and west of the subject site is double lined thereby restricting on-street street parking in proximity to the subject site. Furthermore, I have been advised by the Owners of the property that



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correspondence was previously received from Council advising of the further removal of on-street parking along Hudson Parade due to safety concerns.

The immediate area is characterised by 2-3 storey residential dwellings. Adjoining and surrounding development is characterised by low density residential dwellings within a bushland and waterfront setting with ancillary watercraft facilities such as jetties and boatsheds to the west.

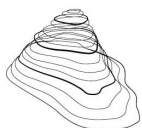


### 1.3 The Proposed Development

The proposed development involves proposed demolition of existing dwelling, construction of a new dwelling, secondary dwelling, swimming pool, carport and boatshed.

The proposed development includes the following;

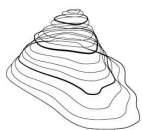
- New driveway and vehicle crossover providing access to a new 2 car carport and storage. I note that the new driveway will be partially incorporated into the driveway and vehicle cross over of 254 Hudson Parade which runs across the front of the subject site. This proposed on-site parking and vehicle access is extremely important due to the limited on-street parking available and the safety concerns associated with that on-street parking, which I have been advised has been previously raised through correspondence from Northern Beaches Council to the property owners.
- The proposed car port incorporates a vegetated edge to provide green roofing to the structure.
- Located directly beneath the proposed carport is a secondary dwelling incorporating a bedroom, study, living and kitchen area, ensuite and storage. A deck is proposed off the southern elevation with a pergola over and privacy screening at either end. The total floor area of the proposed secondary dwelling is less than 60m<sup>2</sup>.
- Water tanks are to be located beneath the proposed secondary dwelling.
- An inclinor is proposed along the western boundary of the subject site providing access across the length of the site.
- Proposed 2 storey residential dwelling incorporating the following;  
**Ground Floor** - Open plan living area incorporating lounge, formal sitting, dining, kitchen, pantry, storage, games room, bathroom and laundry.  
**First Floor** – Master Bedroom, ensuite and office, 3 bedrooms, rumpus room and bathroom.  
**Roof Level** – Vegetated green roof, 3 skylights, solar panels, terrace and access thereto.
- Proposed swimming pool, spa and alfresco area (with pergola over) accessed from the ground floor of the residential dwelling. Furthermore, I note that a water tank and the pool plant and equipment is to be located underneath the alfresco area.



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- Proposed boatshed incorporating a green roof and levelled landscaped area.

The proposed development is shown on plans prepared by *Anne Robson Architects* dated 5 May, 2023. The Architectural Plans detail the full scope of works and should be referred to in their entirety.



## 2. PLANNING INSTRUMENTS

### 2.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

#### **Aim of Policy**

- (1) Regulations under the Act have established a scheme to encourage sustainable residential development (the BASIX scheme) under which:
  - a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and*
  - b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.**
- (2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.*
- (3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.*

#### **Comment:**

The DA is accompanied by a BASIX Certificate No. 1387224M prepared by House Energy Certified dated 6 May, 2023. This BASIX Certificate confirms that the proposed alterations and additions achieve compliance with the relevant objectives and requirements of the above State Environmental Planning Policy.

## 2.2 State Environmental Planning Policy (Resilience and Hazards) 2021



### Chapter 2 Coastal Management

#### 2.1 Aim of Chapter

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- a) managing development in the coastal zone and protecting the environmental assets of the coast, and
- b) establishing a framework for land use planning to guide decision-making in the coastal zone, and



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- c) *mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

### **Comment:**

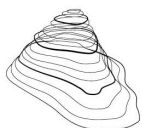
The entirety of the subject site is located within the Coastal Use Area and the Coastal Environment Area. State Environmental Planning Policy (Resilience and Hazards) 2021 relates to commitments within a proposed development as it involves managing development in the coastal zone and protecting the environmental assets of the coast.

I note that the current DA involves the proposed demolition of the existing dwelling, construction of a new dwelling, secondary dwelling, swimming pool, carport and boatshed.

The subject site is located immediately adjoining the foreshores of Pittwater to the south and the proposed development is contained wholly within the boundaries of the property with no development proposed at the land water interface. I note that the proposed boatshed is setback 2.064m to 1.936m from the rear boundary/mean high water mark, whilst the proposed swimming pool is setback a further 17.024m to 16.765m. The proposed residential dwelling is setback a significant distance from the mean high water mark/rear boundary, providing a rear setback of 24.707m to 25.043m.

In relation to development on land within the Coastal Environment Area, I wish to note the following points;

- (a) The proposed development will not impact the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
- (b) The proposed development will not impact the coastal environmental values and natural coastal processes,
- (c) The proposed development will not impact 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) No marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms will be impacted as a result of the proposed development,
- (e) No existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public,



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- including persons with a disability will be impacted as a result of the proposed development,
- (f) No Aboriginal cultural heritage, practices and places will be impacted as a result of the proposed development,
  - (g) The proposed development will not impact the use of the surf zone.

In relation to development on land within the Coastal Use Area, I wish to note the following points:

- (ii) The proposed development does not restrict any existing public access along the coastal foreshore.
- (iii) The proposed development will not result in overshadowing, wind funnelling or the loss of views from public places to the foreshores. On this point, I note that the proposed carport has been designed in such a way as to ensure that views through the structure are still obtained. Furthermore, the proposed carport has been lowered as much as possible to assist in maintaining views over the proposed carport.
- (iv) The proposed development will not impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- (v) The proposed development will not impact Aboriginal cultural heritage, practices and places, and
- (vi) The proposed development will not impact the cultural and built environment heritage.

Furthermore, I note that the proposed development is not likely to cause increased risk of coastal hazards on the subject site or adjoining properties and is considered to be in keeping with the relevant objectives of State Environmental Planning Policy (Resilience and Hazards) 2021.

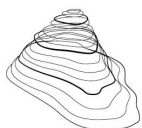
### 4.1 Object of this Chapter

*(1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.*

*(2) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—*

*(a) by specifying when consent is required, and when it is not required, for a remediation work, and*

*(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*



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*(c) by requiring that a remediation work meet certain standards and notification requirements.*

### **Comment:**

Due to the previous lengthy residential history of the subject site, the prevailing evidence does not indicate the existence of contamination on the subject site.

I have not been made aware of any evidence of previous contamination of the subject site.

Accordingly, I consider that no further assessment is required under State Environmental Planning Policy (Resilience and Hazards) 2021.

## 2.2 Pittwater Local Environmental Plan 2014 (PLEP)

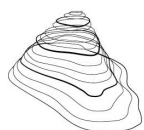
### Zone



### Zone C4 Environmental Living

#### 1 Objectives of zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on 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.



**2 Permitted without consent**

*Home businesses; Home occupations*

**3 Permitted with consent**

*Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Water recreation structures*

**4 Prohibited**

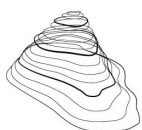
*Industries; Local distribution premises; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3*

**Comment**

The proposal, relating to demolition of the existing dwelling, construction of a new dwelling, secondary dwelling, swimming pool, carport and boatshed, are all permitted with consent within the C4 Environmental Living Zone.

The proposed development complies with the relevant Objectives of the C4 Zone as follows;

- The proposed development will result in a low impact residential development within an area of potential special ecological, scientific and aesthetic value. This is reflected in the supporting reports accompanying this DA and for the reasons outlined in this SEE. The proposed development will not result in an adverse impact on these values.
- The proposed development retains the existing low density residential nature of the site, noting that the existing single storey cottage is to be replaced by a 2 storey residential dwelling, which itself complies with the Height of Buildings Standard, front, side and rear setback controls and Landscaped Area requirements. Furthermore, the proposed cut and fill for the development has been limited in order to ensure that the proposed design responds to the topography of the subject site, ensuring it is integrated with both the landform and the landscape.





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- The proposed development will provide vehicle access and on-site parking to the subject site which is currently lacking. Furthermore, the parking and vehicle access has been designed to ensure minimal impact to the subject site and incorporates affordable housing directly below in an effort to further reduce the potential impact of the proposed development.
- The proposed development has been designed in such a way as to limit the impact on significant trees and vegetation on the subject site. I note that of the 19 trees evident on the subject site, 17 will be retained. The 2 trees to be removed are due to the proposed carport and driveway and the proposed inclinator. A number of design options were investigated in order to try and retain these trees, however, retention was ultimately not possible. I note that the removal of the tree at the front boundary is required in order to allow vehicle access to the subject site, whilst the removal of the tree at the southern end of the site is required in order that the proposed inclinator can services the entirety of the property.
- The proposed development provides a greater than required level of Landscaped Area and a significant volume of green roofed area. I note that the proposed green roofs incorporate a 400mm soil depth and seek to further offset the net loss of vegetation across the site, despite the compliant level of Landscaped Area proposed at ground level.
- Furthermore, a landscape plan was prepared by Kingfisher Urban Ecology in order to further improve the quality of landscaping on the subject site. Therefore, it is considered that the proposed development will enhance foreshore vegetation and wildlife corridors.

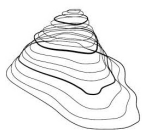
The proposed development ensures the residential dwelling remains sympathetic to the existing streetscape and the Environmental Living Zone. These design elements ensure that the proposed development, when viewed from the street, complements the identified streetscape.

#### 4.1 Minimum subdivision lot size



(1) The objectives of this clause are as follows:

- (a) to protect residential character and amenity by providing for subdivision where all resulting lots are consistent with the desired character of the locality, and the pattern, size and configuration of existing lots in the locality,
- (b) to provide for subdivision where all resulting lots are capable of providing for the construction of a building that is safe from hazards,
- (c) to provide for subdivision where all resulting lots are capable of providing for buildings that will not unacceptably impact on the natural environment or the amenity of neighbouring properties,
- (d) to provide for subdivision that does not adversely affect the heritage significance of any heritage item or heritage conservation area,
- (e) to provide for subdivision where all resulting lots can be provided with adequate and safe access and services,
- (f) to maintain the existing function and character of rural areas and minimise fragmentation of rural land,



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(g) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.

### **Comment**

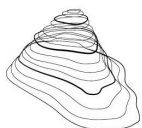
The subject site has a Minimum Lot Size Standard of 700m<sup>2</sup>. Whilst I note that the proposed development does not incorporate further subdivision, the existing lot size of the subject site (approximately 1015m<sup>2</sup> by Survey, 1163m<sup>2</sup> by DP) is significantly greater than the Minimum Lot Standard.

### **4.3 Height of buildings**



(1) The objectives of this clause 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,





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- (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.*

### **Comment**

I note that the proposed residential dwelling remains below the maximum Height of Buildings Standard of 8.5m. The proposed carport and secondary dwelling will result in breaches of the Height of Buildings Standard.

I note that an 8.5m standard applies to the carport, whilst a standard of 5.5m applies to the secondary dwelling.

The maximum RL of the proposed carport will be RL 36.365. This results in a maximum building height of 10.23m when measured from the existing ground level to the southern edge of the proposed roof form over the carport. This results in a 20.35% breach of the Height of Buildings Standard. I note that the northern edge of the proposed carport has a significantly reduced building height of only approximately 6.6m due to the significant slope of the site.

The proposed carport is located immediately adjoining the northern boundary of the subject site in order to provide vehicle access and on-site car parking. The proposed carport design has been lowered as much as possible whilst still maintaining compliant and feasible vehicle access onto the property. This will ensure that when viewed from the street, the carport will present as a single storey structure. The breaching elements of the carport emerge due to the significant slope in topography on the subject site, particularly in the northern portion of the property. I note that the slope of the land located directly beneath the proposed carport is approximately 60%.

The maximum RL of the proposed secondary dwelling is RL 33.150. This results in a maximum building height of 8.302m when measured from the southern edge of the proposed pergola over the deck and a maximum height of 7.015m when measured from the top of the external wall of the southern facade. This results in a maximum breach of 50.9% of the Height of Buildings Standard.

I note that the proposed secondary dwelling will be wholly contained beneath the carport and will not be readily visible from the street. The

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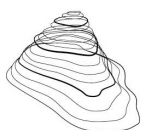
proposed pergola over the deck of the secondary dwelling, which provides the greatest level of breach of the 5.5m height standard is a light weight open structure which is not proposed to be covered. The breaching elements of the secondary dwelling emerge due to the significant slope in topography on the subject site, particularly in the northern portion of the property. I note that the slope of the land located directly beneath the proposed secondary dwelling and associated deck is approximately 65%.

Despite this breach, I consider that variation is very reasonable. I should note that the Land and Environment Court has held on previous occasions that the degree of the breach is not the ultimate determining factor in the deciding whether to support a request for variation of a Development Standard.

The proposed alterations and addition therefore require the submission of a Clause 4.6 Variation Request for Council to assess the reasonableness of the breach. This is described in the Clause 4.6 Variation Requests accompanying the DA.

Despite the breach of the Height of Buildings Development Standard, I consider that the proposed carport complies with the following relevant objectives of this clause;

- The proposed carport is considered to be consistent with the desired future character of the locality due to the following;
  - i. The combined structure remains a maximum of 2 storeys, whilst only presenting as a single storey structure to the street. This presentation ensures that the proposed development remains in keeping with the low density residential environment.
  - ii. The proposed carport will generally remain below the existing tree canopy located within the northern portion of the subject site when viewed from the streetscape. I note that the height of the proposed carport has been lowered as much as possible whilst still retaining compliant vehicle access in order to further integrate the structure into the existing landform.
  - iii. The proposed structure incorporates the design element of a flat roof with a vegetated edge in order to have the carport “harmonise with the natural environment.”
  - iv. The breaching portion of the proposed carport is located to the south and will be screened from view by the remainder of the



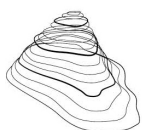


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structure when viewed from the street. In other words, the breaching portion will not be readily visible from the streetscape.

The design elements outlined above ensure that the proposed carport does not result in any unreasonable impacts on the visual amenity, natural flora and fauna, heritage and social values of the Pittwater Foreshore.

- The proposed carport is compatible with the height and scale of surrounding and nearby development, again due to its presentation to the streetscape, as a single storey structure with a finished floor level that sits lower than the street level.
- The proposed carport does not result in any unreasonable overshadowing impact to adjoining properties as evidenced by the Shadow Diagrams accompanying this DA.
- Due to the location of the subject site, the proposed development maintains the reasonable sharing of views. I note that the properties to the east and west of the subject site are orientated to the south to capture views of Pittwater and these views are not impacted. The properties located on the opposite side of Hudson Parade sit significantly higher than the subject site and will therefore not be unreasonably impacted by the proposed development. Furthermore, the proposed carport has been designed in such a way as to ensure that the structure sits as low as possible, while still remaining compliant with vehicle access requirements. This lowering has assisted in the maintenance of views over the structure whilst also allowing for views through the structure to be maintained due to the open nature of the carport.
- The proposed carport has been designed to respond sensitively to the natural topography of a steeply sloping site. The subject site does not currently obtain vehicle access from Hudson Parade and therefore lacks any on-site parking. The proposed carport has been designed in such a way as to address the current deficiency without significant changes to the natural topography.
- The proposed carport has minimised the potential for adverse visual impact through the following design elements;
  - i. The proposed floor level of the carport has been lowered as much as possible, whilst still obtaining compliant vehicle access. Furthermore, the proposed internal floor to ceiling heights have been minimised to ensure vehicle access is obtained without excessive ceiling heights.

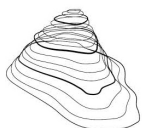


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- ii. The implementation of a flat roof incorporating a green vegetated edge are design elements which reduce the potential visual impact and soften the appearance of the structure within the natural environment.
- iii. The proposed carport provides significant openings in both the northern and southern elevation in order to further reduce the potential visual impact of the structure.
- iv. The properties to the east and west are orientated to the south to capture views of Pittwater ensuring that the potential View Impact of the structure to these properties is minimised.

Despite the breach of the Height of Buildings Development Standard, I consider that the proposed secondary dwelling complies with the following relevant objectives of this clause;

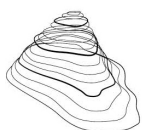
- The proposed secondary dwelling is considered to be consistent with the desired future character of the locality due to the following;
  - i. I note that the desired future character encourages secondary dwellings “for more compact and affordable housing with minimal environmental impact in appropriate locations.” The proposed secondary dwelling is to be located underneath the proposed carport in order to reduce the potential loss of landscaping through minimising site coverage, ensuring both a compact design and minimal environmental impact.
  - ii. The proposed secondary dwelling will remain below the existing tree canopy located within the northern portion of the subject site when viewed from the streetscape and adjoining properties.
  - iii. The proposed secondary dwelling is to be located underneath the proposed carport in order to assist the secondary dwelling in “harmonising with the natural environment.” The location of the secondary dwelling underneath the proposed carport ensures that no additional landscaping, trees or vegetation are required to be removed elsewhere on the property.
  - iv. The breaching portion of the proposed secondary dwelling is located to the south and will not be visible from the streetscape, in fact, the entirety of the secondary dwelling will not be readily visible from the streetscape.
  - v. The proposed pergola over the deck of the secondary dwelling, whilst resulting in the greatest level of breach of the 5.5m Height Standard, provides facade modulation as requested in the Desired Future character of the Area. The proposed pergola is a light weight open structure which will not enclose the deck.



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The design elements outlined above ensure that the proposed secondary dwelling does not result in any unreasonable impacts on the visual amenity, natural flora and fauna, heritage and social values of the Pittwater Foreshore.

- The proposed secondary dwelling is compatible with the height and scale of surrounding and nearby development. I note that the secondary dwelling provides a height of only 3.24m from finished floor level to the top of the proposed pergola (or floor level of the carport above). The breach in height is a result of the topography of the site only.
- The proposed secondary dwelling, contained entirely underneath the proposed carport does not result in any unreasonable overshadowing impact to adjoining properties as evidenced by the Shadow Diagrams accompanying this DA.
- Due to the location of the subject site, the proposed development maintains the reasonable sharing of views. I note that the properties to the east and west of the subject site are orientated to the south to capture views of Pittwater and these views are not impacted. The properties located on the opposite side of Hudson Parade sit significantly higher than the subject site and will therefore not be unreasonably impacted by the proposed development. Furthermore, the proposed breaching portions of the secondary dwelling are situated lower than the street level, to assist in the maintenance of views over the structure. The proposed secondary dwelling will not be visible from properties on the opposite side of Hudson Parade.
- The proposed secondary dwelling has been designed to respond sensitively to the natural topography of a steeply sloping site by locating the structure immediately underneath the proposed carport, whilst being elevated on 'stilts; to reduce the built form and to ensure no significant changes to the natural topography.
- The proposed secondary dwelling has minimised the potential for adverse visual impact due to its location immediately underneath the proposed carport, with the only extension of this footprint being the proposed elevated deck with open pergola over. Furthermore, the properties to the east and west are orientated to the south to capture views of Pittwater ensuring that the potential View Impact of the structure to these properties is minimised.
- Despite the orientation of the adjoining properties facing south, the proposed deck of the secondary dwelling has incorporated privacy



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screening to the eastern and western elevation in order to further reduce any potential perceived Overlooking Impact.

### **5.9 Preservation of trees or vegetation**

*(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.*

*(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.*

#### **Comment**

The proposal only requires the removal of 2 trees (being Trees 35 and 47), thereby retaining 17 of the 19 trees currently present on the subject site. I note that both trees have been identified as 'B' Retention Value as trees of moderate quality. I note that the 6 trees of high retention value on the subject site will not be unreasonably impacted by the proposed development.

I note that 2 replacement trees are proposed in order to offset those lost as a result of the proposed development.

A number of design options were investigated in order to try and retain these trees, however, retention was ultimately not possible. I note that the removal of the tree at the front boundary is required in order to allow vehicle access to the subject site, whilst the removal of the tree at the southern end of the site is required in order that the proposed inclinor can services the entirety of the property.

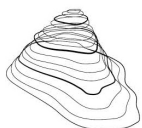
The proposed development provides a greater than required level of Landscaped Area and a significant volume of green roofed area. I note that the proposed green roofs incorporate a 400mm soil depth and seek to further offset the net loss of vegetation across the site, despite the compliant level of Landscaped Area proposed at ground level.

Please refer to the supporting Arborist Report accompanying the DA.

### **5.10 Heritage conservation**

#### **(1) Objectives**

*The objectives of this clause are as follows:*



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- (a) to conserve the environmental heritage of Pittwater,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

### **Comment**

The subject site is not located within a Heritage Conservation area, nor does the subject site contain any Item of Heritage Significance or Environmental Heritage.

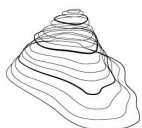
### **5.21 Flood planning**

*(1) The objectives of this clause are as follows—*

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

### **Comment**

The subject site is not identified as being located within Flood Prone Land.





### 7.1 Acid sulfate soils



1. The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
2. Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

#### **Comment**

The subject site is located in a Class 5 Acid Sulfate area. It is not considered that the proposed development will unreasonably disturb, expose or drain acid sulfate soils throughout construction and any associated excavation.

### 7.2 Earthworks

1. The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on

## Statement of Environmental Effects – 252 Hudson Parade, Clareville

*environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*

### **Comment**

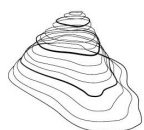
The proposed development incorporates only minor excavation works in order to construct the residential dwelling.

All earthworks associated with the proposed development will be undertaken in a manner that meets the objectives and achieves compliance with the requirements of this clause.

### **7.6 Biodiversity protection**



1. The objective of this clause is to maintain terrestrial, riparian and aquatic biodiversity by:
  - a) protecting native fauna and flora, and
  - b) protecting the ecological processes necessary for their continued existence, and



## Statement of Environmental Effects – 252 Hudson Parade, Clareville

- c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*

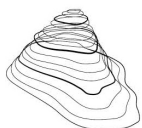
### **Comment**

The site is identified as “Biodiversity” on the Biodiversity Map of PLEP 2014. The proposed development has been designed and sited with input from Kingfisher Urban Ecology in order to avoid any significant adverse environmental impacts and to ensure that the proposed development is consistent with the provisions of the above clause.

The proposed development also triggers the Biodiversity Values Map threshold as per the BOS entry requirements.

For these reasons, the DA is accompanied by a BDAR Report prepared by Kingfisher Urban Ecology and Wetlands. The BDAR Report makes the following conclusions and recommendations;

- *The proposed development will have an approximate impact area of 0.08 ha on PSGF (PCT 3234). This vegetation has been significantly altered and degraded from its natural state.*
- *The site has been managed for at least the past 70 years. The site has a history of vegetation clearing, habitat fragmentation and on-going disturbance, via development. A majority of vegetation on site is exotic weed species.*
- *The total cost to offset both ecosystem credits generated by this development is TBC by the BCF Charge System upon submission of the BDAR to the consent authority.*
- *Key mitigation measures include but are not limited to delineation of work areas, vegetation clearing control measures, tree protection, wildlife corridor and revegetation, native species landscaping, weed management, weed removal, installing a nest box, and pathogen prevention should be used to mitigate the impacts associated with the proposal and increase habitat opportunities in the area.*





## 7.7 Geotechnical hazards



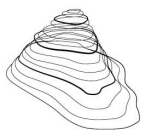
- (1) The objectives of this clause are to ensure that development on land susceptible to geotechnical hazards:
- a. matches the underlying geotechnical conditions of the land, and*
  - b. is restricted on unsuitable land, and*
  - c. does not endanger life or property.*

### **Comment**

The subject site is identified as Geotechnical Hazard 1 and therefore, a Geotechnical Report prepared by ASCENTGEO accompanies this DA. It is not considered that the proposed development will endanger life or property. I note that the report provides the following commentary on the potential geotechnical hazards for the subject site;

### **3.5 Geotechnical Hazards and Risk Analysis**

*The slope across the subject site is ~25 degrees. The soil profile is interpreted to be comprised of shallow uncontrolled silty fill/topsoil, with clayey sand and*



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silty clay overlying weathered low strength bedrock at depths anticipated to be 0.80 to 2.50 metres in the area of the proposed works, and possibly deeper where filling has been carried out.

The likelihood of the existing slope failing is assessed as '**UNLIKELY**'; the consequences of such a failure are assessed as '**MINOR**'. The risk to property is '**LOW**'. The existing conditions and proposed development are considered to constitute an '**ACCEPTABLE**' risk to life and a '**LOW**' risk to property provided that the recommendations outlined in **Table 4** in **Section 3.6** below are adhered to during design and construction.

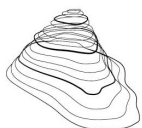
### 3.6 Recommendations

The proposed development is considered to be suitable for the site. No significant geotechnical hazards will result from the completion of the proposed development **provided the recommendations presented in Table 4 are adhered to during design and construction.**

### 7.8 Limited development on foreshore area



(1) The objectives of this clause are as follows—



## Statement of Environmental Effects – 252 Hudson Parade, Clareville

*(a) to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,*

*(b) to ensure continuous public access along the foreshore area and to the waterway.*

### **Comment**

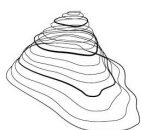
I note that under Clause 7.8(2) development is permitted within the foreshore area for the purpose of a boatshed, as proposed under the current DA. I note that the proposed boat shed is wholly contained within the subject site and set back from 2.064m to 1.936m from the mean high-water mark. Furthermore, the swimming pool/waterway access stairs result in a minor encroachment within the foreshore area, noting that the proposed swimming pool is setback 17.024m to 16.765m from the mean high-water mark.

The proposed inclinorail is a low-lying structure and provides access across the entirety of the subject site and is proposed to extend within the foreshore area. I note that inclinorails are the equivalent to waterway access stairs which are permitted within the foreshore area under Clause 7.8(2)(b).

The proposed boatshed, swimming pool/waterway access stairs and inclinorail are considered to be consistent with the objectives of the C4 zone, ensuring that there is no unreasonable impact on the special ecological, scientific or aesthetic values, as confirmed within the report prepared by Kingfisher Urban Ecology and Wetlands. I note that the proposed boatshed nor the swimming pool/waterway access stairs necessitate the removal of any significant trees or vegetation from the foreshore area.

The proposed inclinorail requires the removal of a single tree within the foreshore building area. I note that design options were investigated to attempt to locate the inclinorail around the tree, allowing its retention, however, the owners were ultimately advised this was not possible. The proposed tree removal was required in order to provide access from the front boundary of the site down to Pittwater.

The proposed structures within the foreshore area are of a low density and scale and are integrated with the existing landform. The proposed development will not unreasonably impact riparian and foreshore vegetation and wildlife corridors and will not restrict public access of the foreshores.





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The proposed boat shed is a relatively minor structure, having a floor area of only 18.8m<sup>2</sup> and a maximum height of less than 3.44m when taken from existing ground level, which is significantly reduced to the north due to the structure being partially excavated into the topography of the subject site. Furthermore, the boatshed incorporates a flat, green roof to further integrate the structure into the landscape.

These design elements ensure that the appearance of the proposed structures, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area.

The proposed boatshed, swimming pool/waterway access stairs and inclinor will not cause any environmental harm in relation to the following;

- (i) pollution or siltation of the waterway, or
- (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or
- (iii) an adverse effect on drainage patterns, or
- (iv) the removal or disturbance of remnant riparian vegetation

The proposed development will not cause congestion or generate conflict between people using open space areas or the waterway, and will not inhibit the potential for continuous public access along the foreshore and to the waterway.

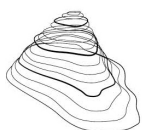
### **7.10 Essential services**

1. *Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:*

- 1. *the supply of water,*
- 2. *the supply of electricity,*
- 3. *the disposal and management of sewage,*
- 4. *stormwater drainage or on-site conservation,*
- 5. *Suitable vehicular access.*

### **Comment**

The subject site is already serviced by essential services.



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### SUMMARY

Table 2.1 provides a summary of the relevant provisions of the LEP and outlines their relationship with the proposed development;

**Table 2.1 – LEP Compliance Summary**

<b>Clause</b>	<b>Control</b>	<b>Comment</b>
<b>4.1: Minimum Subdivision Lot Size</b>	700m <sup>2</sup> minimum	N/A
<b>4.3 Height of Buildings</b>	8.5 metres maximum	Refer to Clause 4.6 Request
<b>4.4 Floor Space Ratio</b>	N/A	N/A
<b>5.10 Heritage</b>	Consider Objectives	N/A
<b>5.21 Flood planning</b>	Consider Objectives	N/A
<b>7.1 Acid Sulfate Soils</b>	Consider Objectives	Complies
<b>7.2 Earthworks</b>	Consider Objectives	Complies
<b>7.4 Floodplain Risk Management</b>	Consider Objectives	N/A
<b>7.5 Coastal Risk Planning</b>	Consider Objectives	N/A
<b>7.6 Biodiversity</b>	Consider Objectives	Complies, please refer to report prepared by Kingfisher Urban Ecology and Wetlands.
<b>6.6 Riparian land and watercourses</b>	Consider Objectives	N/A

<b>7.7 Geotechnical Hazards</b>	Consider Objectives	Complies, please refer to report prepared by ASCENTGEO
<b>7.8 Limited development on Foreshore area</b>	Consider Objectives	Complies

### 2.3 Pittwater 21 Development Control Plan 2013

#### ***Bilgola Locality***

##### *Desired Character*

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 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

## Statement of Environmental Effects – 252 Hudson Parade, Clareville

*environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.*

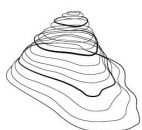
*Natural scenic views from the Bicentennial Walkway will be preserved. Heritage items and conservation areas indicative of the Guringai Aboriginal people and of early settlement in the locality will be conserved. Vehicular, pedestrian and cycle access within and through the locality will be maintained and upgraded. The design and construction of roads will manage local traffic needs, minimise harm to people and fauna, and facilitate co-location of services and utilities.*

### **Comment**

The proposed development is in keeping with the desired character of the locality. I wish to note the following points;

- The proposed development remains low density residential development with a maximum height of 2 storeys.
- The proposed development retains its landscaped setting, requiring the removal of only 2 trees. The proposal is integrated into the existing land form and landscape, evidenced through the relatively minor excavation work proposed and through design elements such as the vegetated green roofs over the dwelling and boatshed and the vegetated edge around the proposed carport.
- I note that the desired future character encourages secondary dwellings “for more compact and affordable housing with minimal environmental impact in appropriate locations.” The proposed secondary dwelling is to be located underneath the proposed carport in order to reduce the potential loss of landscaping through minimising site coverage, ensuring both a compact design and minimal environmental impact.
- The proposed development is considered to retain the visual amenity, natural flora and fauna, heritage and social values of the Pittwater Foreshore.
- The proposed design incorporates façade modulation through the use of pergolas and the proposed vegetated green roofs will further assist in reducing the visual impact of the proposed development.
- The proposed development has been designed in such a way as to ensure the design has been integrated with the landform and landscape, and minimises site disturbance.

### **B2.2 Subdivision - Low Density Residential Areas Outcomes**



Northern  
Development  
Assessment

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*Achieve the desired future character of the locality.*

*Maintenance of the existing environment.*

*Equitable preservation of views and vistas to and/or from public/private places.*

*The built form does not dominate the natural setting.*

*Population density does not exceed the capacity of local and regional infrastructure and community services.*

*Population density does not exceed the capacity of local and regional transport facilities.*

### **Comment**

No further subdivision of the subject site is proposed.

### **B3.2 Bushfire Hazard**

#### **Outcomes**

*Protection of people.*

*Protection of the natural environment.*

*Protection of private and public infrastructure and assets.*

### **Comment**

The subject site is not identified as containing Bushfire Prone Land.

### **B3.6 Contaminated Land and Potentially Contaminated Land**

#### **Outcomes**

*Protection of public health.*

*Protection of the natural environment.*

*Successful remediation of contaminated land.*

### **Comment**

Due to the historic residential use of the subject site it is not considered that there is any contaminated land on the subject site.

However, should any potentially contaminated land be uncovered during development it will be handled in accordance with this clause.

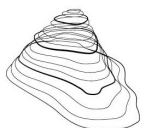
### **B3.11 Flood Prone Land**

#### **Objectives**

*Protection of people.*

*Protection of the natural environment.*

*Protection of private and public infrastructure and assets.*





**Comment**

The proposed development is not identified as Flood Prone Land.

**B4.6 Wildlife Corridors**

**Outcomes**

*Retention and enhancement of wildlife corridors ensuring/providing the connection of flora and fauna habitats.*

**Comment**

The proposed alterations and additions do not impact any identified wildlife corridors. The subject site is not located within a Flora and Fauna Conservation Category 1 nor a Flora and Fauna Habitat Enhancement Category 2.

**B5.13 Development on Waterfront Land**

**Outcomes**

*Protection of waterways and improved riparian health  
Stormwater and creek flows are safely managed.  
Appropriate setback between waterways and development*

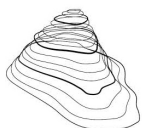
**Comment**

The proposal will ensure the protection of waterways and that stormwater run-off is well managed. The residential dwelling maintains a significant setback from the mean high water mark.

**B5.15 Stormwater**

**Outcomes**

- *Improve the quality of water discharged to our natural areas to protect and improve the ecological and recreational condition of our beaches, waterways, riparian areas and bushland;*
- *Minimise the risk to public health and safety;*
- *Reduce the risk to life and property from any flooding and groundwater damage;*
- *Integrate Water Sensitive Urban Design measures in new developments to address stormwater and floodplain management issues, maximise liveability and reduce the impacts of climate change.*
- *Mimic natural stormwater flows by minimising impervious areas, reusing rainwater and stormwater and providing treatment measures that replicate the natural water cycle*



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- *Reduce the consumption of potable water by encouraging water efficiency, the reuse of water and use of alternative water sources*
- *Protect Council's stormwater drainage assets during development works and to ensure Council's drainage rights are not compromised by development activities.*

### **Comment**

Please refer to the Stormwater Management Plan prepared by Taylor Consulting which accompanies the DA. The plan shows collected flows from the proposed roofed areas, along with the surrounding hardstand areas, being discharged into the Pittwater at the rear of the site.

### **B6.1 Access driveways and Works on the Public Road Reserve**

#### **Outcomes**

*Safe and convenient access.*

*Adverse visual impact of driveways is reduced.*

*Pedestrian safety.*

*An effective road drainage system.*

*Maximise the retention of trees and native vegetation in the road reserve.*

### **Comment**

The proposed development will provide vehicle access to the subject site which is currently not available. Please refer to the Civil Engineering plans prepared by Taylor Consulting and confirms that the proposed driveway has been designed in accordance with the Council's Maximum Low Standard Driveway profile.

I note that the new access will be partially incorporated into the driveway and vehicle cross over of 254 Hudson Parade which runs across the front of the subject site.

### **B6.2 Internal Driveways**

#### **Outcomes**

*Safe and convenient access.*

*Reduce visual impact of driveways.*

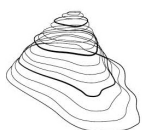
*Pedestrian safety.*

*An effective road drainage system.*

*Maximise the retention of trees and native vegetation.*

*Reduce contaminate run-off from driveways.*

### **Comment**



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The proposed development will provide vehicle access to the subject site where currently none is available. Please refer to the Civil Engineering plans prepared by Taylor Consulting and confirms that the proposed driveway has been designed in accordance with the Council's Maximum Low Standard Driveway profile.

The proposed carport and associated structure were lowered as much as possible whilst still ensuring compliant vehicle access can be achieved on the internal driveway.

I note that Hudson Parade to the east and west of the subject site is double lined thereby restricting on-street street parking in proximity to the subject site. Furthermore, I have been advised by the Owners of the property that correspondence was previously received from Council advising of the further removal of on-street parking along Hudson Parade due to safety concerns. This further highlights the importance of the proposed on-site parking and vehicle access.

### **B6.3 Off-Street Vehicle Parking Requirements**

#### **Outcomes**

*An adequate number of parking and service spaces that meets the demands generated by the development.*

*Functional parking that minimises rainwater runoff and adverse visual or environmental impacts while maximising pedestrian and vehicle safety.*

*Safe and convenient parking.*

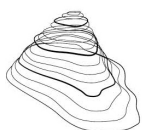
#### **Comment**

The proposed development incorporates a 2 car carport providing on-site carparking and vehicle access which is currently lacking on the subject site. The provision of the on-site carparking will comply with Council's minimum parking requirements for a residential dwelling.

I note that Hudson Parade to the east and west of the subject site is double lined thereby restricting on-street street parking in proximity to the subject site. Furthermore, I have been advised by the Owners of the property that correspondence was previously received from Council advising of the further removal of on-street parking along Hudson Parade due to safety concerns.

### **B6.7 Transport and Traffic Management**

#### **Outcomes**



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*Safe and orderly traffic, pedestrian and cyclist access to and from all development via the surrounding road network and transport infrastructure. The developer meets the cost of upgrading the surrounding road, and traffic and transport infrastructure to meet the needs generated by the development.*

### **Comment**

It is not considered that the proposed development will have an unreasonable adverse impact on the surrounding road work, being of a residential nature. In fact, the proposed on-site carparking and vehicle access is seen as a much needed positive element due to the nature of Hudson Parade.

The proposed development does not result in an increase in development density on the subject site and it is considered that existing levels can be easily managed by the existing network.

### **B8.1 Construction and Demolition - Excavation and Landfill Outcomes**

*Site disturbance is minimised.*

*Excavation, landfill and construction not to have an adverse impact.*

*Excavation and landfill operations not to cause damage on the development or adjoining property.*

### **Comment**

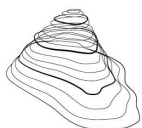
The proposed construction will carry out the minimum required site disturbance during building works.

### **B8.3 Construction and Demolition - Waste Minimisation Outcomes**

*Reduction management of demolition, excavation and construction works is to be minimised by reuse on-site, recycling, or disposal at an appropriate waste facility.*

### **Comment**

All waste generated by construction of the residential dwellings will be carried out in accordance with this clause with all waste being disposed of correctly and re-used on site where possible.



A Waste Management Plan accompanies this DA.

**B8.4 Construction and Demolition - Site Fencing and Security**

**Outcomes**

*Ensuring public safety.*

*Protection of public domain.*

**Comment**

The subject site will implement site fencing and security throughout the construction period.

**B8.5 Construction and Demolition - Works in the Public Domain**

**Outcomes**

*Protection of Infrastructure.*

*Ensuring Public Safety.*

*Compliance with the Roads Act 1993.*

**Comment**

All works carried out in the public domain will be carried out in accordance with this clause ensuring that all existing infrastructure is protected and safe work practices are implemented.

**B8.6 Construction and Demolition - Traffic Management Plan**

**Outcomes**

*Minimal disturbance to the residential community.*

*Protection of Roads.*

**Comment**

It is not considered that the proposed works will cause unreasonable disturbance on the existing road network.

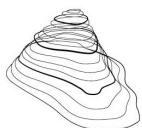
**C1.1 Landscaping**

**Outcomes**

*A built form softened and complemented by landscaping.*

*Landscaping reflects the scale and form of development.*

*Retention of canopy trees by encouraging the use of pier and beam*





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*footings.*

*Development results in retention of existing native vegetation.*

*Landscaping results in the long-term retention of Pittwater's locally native tree canopy.*

*Landscaping retains and enhances Pittwater's biodiversity by using locally native plant species*

*Landscaping enhances habitat and amenity value.*

*Landscaping results in reduced risk of landslip.*

*Landscaping results in low watering requirement.*

### **Comment**

The proposed development will be landscaped in accordance with this clause. The proposed residential development is to be 'complimented by landscaping with existing vegetation being retained where possible'. Please refer to the Landscape Plan accompanying this DA.

I note that the proposed green roofs incorporate a 400mm soil depth and seek to further offset the net loss of vegetation across the site, despite the compliant level of Landscaped Area proposed at ground level.

Furthermore, a landscape plan was prepared by Kingfisher Urban Ecology in order to further improve the quality of landscaping on the subject site. Therefore, it is considered that the proposed development will enhance foreshore vegetation and wildlife corridors.

### **C1.2 Safety and Security**

#### **Outcomes**

*On-going safety and security of the Pittwater community.*

*Opportunities for vandalism are minimised.*

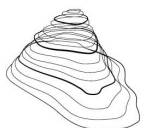
*Inform applicant's of Council's requirements for crime and safety management for new development.*

*Improve community awareness in relation to Crime Prevention through Environmental Design (CPTED), its principle strategies and legislative requirements*

*Identify crime and safety priority areas in Pittwater LGA*

*Improve community safety and reduce the fear of crime in the Pittwater LGA*

*Develop and sustain partnerships with key stakeholders in the local area who are involved in community safety.*



**Comment**

The proposed development will result in an improvement in CPTED design principals.

**C1.3 View Sharing**

**Outcomes**

*A reasonable sharing of views amongst dwellings.*

*Views and vistas from roads and public places to water, headland, beach and/or bush views are to be protected, maintained and where possible, enhanced.*

*Canopy trees take priority over views.*

**Comment**

Due to the topography of the subject site, the proposed development will maintain the reasonable sharing of views. I note that properties to the north are situated significantly upslope in order to ensure no unreasonable impact on existing views.

Furthermore, the proposed carport has been designed in such a way as to ensure that the structure sits as low as possible, while still remaining compliant with vehicle access requirements to assist in the maintenance of views over the structure whilst also allows for views through the structure to be maintained.

I note that the properties to the east and west of the subject site are orientated to the south to capture views of Pittwater and these views are not impacted. The properties located on the opposite side of Hudson Parade sit significantly higher than the subject site and will therefore not be unreasonably impacted by the proposed development.

**C1.4 Solar Access**

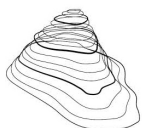
**Outcomes**

*Residential development is sited and designed to maximise solar access during mid-winter.*

*A reasonable level of solar access is maintained to existing residential properties, unhindered by adjoining development.*

*Reduce usage and/dependence for artificial lighting.*

**Comment**



## Statement of Environmental Effects – 252 Hudson Parade, Clareville

As evidenced by the Shadow Diagrams accompanying this DA, the proposed development will not result in any unreasonable overshadowing to adjoining properties and complies with the requirements of this clause.

I note the Shadow Diagrams confirm that the proposed development will result in additional overshadowing to the neighbour to the west at 9am only, primarily over the parking structure on the property. The Shadow Diagrams confirm that the proposed development will result in additional overshadowing to the neighbour to the east at 3pm only.

### **C1.5 Visual Privacy**

#### **Outcomes**

*Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.*

*A sense of territory and safety is provided for residents.*

#### **Comment**

Through good design principals the proposed development will have a good level of visual privacy whilst also ensuring that visual privacy to adjoining properties is maintained. This is achieved through a number of design elements such as privacy screens and highlight windows.

Despite the orientation of the adjoining properties facing south, the proposed deck of the secondary dwelling has incorporated privacy screening to the eastern and western elevation in order to further reduce any potential perceived Overlooking Impact.

### **C1.6 Acoustic Privacy**

#### **Outcomes**

*Noise is substantially contained within each dwelling and noise from any communal or private open space areas are limited.*

*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*

#### **Comment**

It is not considered that the acoustic privacy of adjoining dwellings or the proposed development will be adversely affected by residential noise generated by the proposal.



## Statement of Environmental Effects – 252 Hudson Parade, Clareville

Proposed swimming pool plant and equipment will be contained within an acoustically treated enclosure.

### **C1.7 Private Open Space**

#### **Outcomes**

*Dwellings are provided with a private, usable and well-located area of private open space for the use and enjoyment of the occupants.*

*Private open space is integrated with, and directly accessible from, the living areas of dwellings.*

*Private open space receives sufficient solar access and privacy.*

#### **Comment**

The proposed development will provide a level of private open space significantly in excess of the requirements outlined in this clause, providing functional areas that are directly accessible from living areas of the dwelling.

### **C1.11 Secondary Dwellings and Rural Worker's Dwellings**

#### **Outcomes**

*Limitation of the visual bulk and scale of development.*

*Provision of design flexibility for second storey development.*

*Restriction of the footprint of development site.*

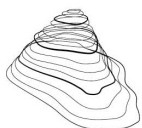
*Retention of natural vegetation and facilitation planting of additional landscaping.*

*Provision of rental accommodation.*

#### **Comment**

The proposed secondary dwelling is consistent with the objectives of this clause, noting that the visual bulk and scale of the structure has been limited due to its location underneath the proposed carport, restricting the footprint of the secondary dwelling whilst ensuring site coverage is reduced and landscaped area maximised.

I note that the Desired Future Character of Bilgola encourages secondary dwellings “for more compact and affordable housing with minimal environmental impact in appropriate locations.” The provision of this additional rental accommodation will achieve this aspect of the desired future character.



**C1.12 Waste and Recycling Facilities**

**Outcomes**

*Waste and recycling facilities are accessible and convenient, and integrate with the development.*

*Waste and recycling facilities are located such that they do not adversely impact upon amenity of the adjoining development or natural environment.*

**Comment**

Waste and recycling facilities have been incorporated into the design of the residential dwelling. Please refer to the Architectural Plans and Waste Management Plan accompanying this DA.

I note that due to the current lack of vehicle access, on-site parking and the steeply sloping nature of the site, the bins are currently stored adjoining the front boundary. Designated waste storage area has been incorporated into the design of the carport.

**C1.13 Pollution Control**

**Outcomes**

*Development that does not adversely impact on public health, the environment or other lands.*

**Comment**

The proposed residential development is not considered to cause unreasonable pollution levels, however design measures are to be implemented into the build to ensure compliance with this control.

**C1.17 Swimming Pool Safety**

**Outcomes**

*The promotion of personal safety.*

*Compliance with Swimming Pools Act 1992 and Regulations*

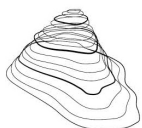
**Comment**

The proposed swimming pool has been designed in accordance with relevant Australian Standards and in keeping with Council's controls.

**C1.19 Incline Passenger Lifts and Stairways**

**Outcomes**

*Incline passenger lifts and stairways that cause minimal visual and acoustic disturbance to the environment and neighbours.*





### **Comment**

The proposed inclinor has been designed in such a way as to ensure compliance with the outcomes of this clause maintaining minimal visual and acoustic disturbance to the environment and neighbours.

Furthermore, I note that the proposed inclinor has been designed to ensure no excessive excavation and is erected as near as possible to ground level. I have been advised that the inclinor noise level shall not exceed 60dB(A), when measured one metre from any adjoining premises. This requirement should be imposed as a Condition of Consent in order to ensure ongoing maintenance and compliance.

### **C1.23 Eaves**

#### **Outcomes**

*Housing that reflects the coastal heritage and character of Pittwater.*

*Optimise roof forms.*

*Appropriate solar access and shading is achieved*

### **Comment**

The proposed development has been designed to remain in keeping with the character of the surrounding area implementing eaves whilst ensuring appropriate solar access and shading is achieved.

### **C1.24 Public Road Reserve - Landscaping and Infrastructure**

#### **Outcomes**

*Desirable character of the Pittwater streetscape.*

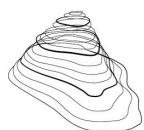
*Consistency in the design and construction of landscape works in the road reserve.*

### **Comment**

The proposed works within the road reserve will be carried out in accordance with the requirements of this clause.

### **C1.25 Plant, Equipment Boxes and Lift Over-Run**

#### **Outcomes**



## Statement of Environmental Effects – 252 Hudson Parade, Clareville

*To achieve the desired future character of the Locality.*

*The bulk and scale of the built form is minimised.*

*Equitable preservation of views and vistas to and/or from public/private places.*

*To achieve reduction in visual clutter.*

*The appropriate location and design of noise generating equipment.*

### **Comment**

All plant and equipment boxes shall be visually and acoustically treated to ensure minimal impact on surrounding new and existing development.

### **D3 BILGOLA LOCALITY**

#### **D3.1 Character as viewed from a public place**

##### **Outcomes**

*To achieve the desired future character of the Locality.*

*To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment.*

*To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

*The visual impact of the built form is secondary to landscaping and vegetation, or in commercial areas and the like, is softened by landscaping and vegetation.*

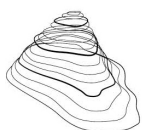
*High quality buildings designed and built for the natural context and any natural hazards. Buildings do not dominate the streetscape and are at 'human scale'.*

*To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context.*

### **Comment**

As previously outlined in this SEE, the proposed development is in keeping with the desired future character of the area.

The proposed development is considered “responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment.” This is evidenced through the residential dwelling which complies with Council's Height of Buildings Standard, setback controls and Landscaped Area requirements.



The proposed carport and secondary dwelling, whilst breaching the Height of Buildings Standard and Front Setback Control have been designed to respond to the spatial characteristics of the existing built and natural environment, providing much needed vehicle access and parking without the removal of significant areas of trees and vegetation, significant earthworks and minimizing site coverage.

I note that the proposed residential dwelling will not be readily visible from the streetscape and incorporates significant areas of green vegetated roof in order to further soften the built form. The proposed carport, whilst introducing a new element at the street frontage, also incorporates a flat roof with a green vegetated edge to assist in further enhancing the street scape. Furthermore, as previously raised throughout this report, the proposed carport has been lowered as much as possible, whilst still allowing for compliant vehicle access and incorporates significant openings in the northern and southern elevation.

The design element outlined above ensure that the visual impact of the built form is secondary to landscaping and vegetation ensuring the structure does not dominate the streetscape and are at a 'human scale.' These design elements also ensure that district and local views are preserved and protect the Pittwater's natural context.

### **D3.3 Building colours and materials**

#### **Outcomes**

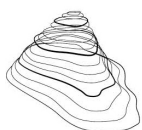
*Achieve the desired future character of the Locality.*

*The development enhances the visual quality and identity of the streetscape.*

*To provide attractive building facades which establish identity and contribute to the streetscape.*

*To ensure building colours and materials compliments and enhances the visual character its location with the natural landscapes of Pittwater. The colours and materials of the development harmonise with the natural environment.*

*The visual prominence of the development is minimised. Damage to existing native vegetation and habitat is minimised.*



### **Comment**

The proposed residential dwelling incorporates an attractive schedule of materials and finishes. The proposed development is of a high quality of architectural design and incorporates significant vegetated green roofs to further integrate the building colours and materials into the natural environment.

### **D3.6 Front building line**

#### **Outcomes**

*Achieve the desired future character of the Locality.*

*Equitable preservation of views and vistas to and/or from public/private places. The amenity of residential development adjoining a main road is maintained.*

*Vegetation is retained and enhanced to visually reduce the built form.*

*Vehicle maneuvering in a forward direction is facilitated. To preserve and enhance the rural and bushland character of the locality.*

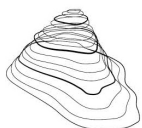
*To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.*

*To encourage attractive street frontages and improve pedestrian amenity.*

*To ensure new development responds to, reinforces and sensitively relates to the spatial characteristics of the existing urban environment.*

### **Comment**

The proposed carport (and secondary dwelling located directly underneath) are located immediately adjoining the front boundary with only a 320mm setback. However, there are expressed variations that permit lesser setbacks where it is difficult to achieve acceptable levels for parking structures on steeply sloping or constrained sites. I note that Council's DCP advises that "Where carparking is to be provided on steeply sloping sites, reduced or nil setbacks for carparking structures and spaces may be considered, however all other structures on the site must satisfy or exceed the minimum building line applicable." It is noted that the slope of the land located directly below the carport structure is 60% whilst when the deck associated with the secondary dwelling is included, the slope is increased to 65%.



The proposed residential dwelling significantly exceeds the front setback control thereby further supporting the above variation. These variations are considered to be supported under the current DA, as the 60% slope actively restricts compliance in this regard, and the relevant outcomes of the control are achieved as outlined below.

The proposed development is considered to satisfy the following relevant Outcomes;

- As outlined throughout this SEE, the proposed development achieves the desired future character of the locality.
- The proposed development ensures the equitable preservation of views and vistas to and/or from public/private places. This is achieved through the design of the proposed carport which ensures that views from the streetscape, through the structure are still obtained. Furthermore, the proposed carport has been lowered as much as possible to assist in maintaining views over the proposed carport.
- The proposed secondary dwelling is located entirely beneath the proposed carport and will not be readily visible from the street frontage. The location of the proposed secondary dwelling reduces any additional site coverage and ensures the structure responds sensitively to the natural topography of a steeply sloping site.
- A single tree is required to be removed in order to facilitate the proposed carport and vehicle access. I note that replacement planting is proposed to offset the loss of this tree. Furthermore, the proposed carport incorporates a vegetated green edge to assist in further reducing the potential visual impact of the built form.
- The proposed design will provide an attractive street frontage incorporating a vegetated edge and flat roof.
- The proposed carport responds to the spatial characteristics of the existing urban environment, utilizing the existing access servicing the neighbours vehicles in front of the subject site.

The identified non-compliance with the front setback requirement has been acknowledged and appropriately justified. I note that variation of this Planning Control is supported pursuant to section 4.15(3A)(b) of the EP&A Act which requires Council to be flexible in applying such provisions and allow





## Statement of Environmental Effects – 252 Hudson Parade, Clareville

reasonable alternative solutions that achieve the objectives of the relevant Planning Control.

### **D3.7 Side and rear building line.**

#### **Outcomes**

*To achieve the desired future character of the Locality.*

*The bulk and scale of the built form is minimised.*

*Equitable preservation of views and vistas to and/or from public/private places.*

*To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

*To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to residential properties.*

*Substantial landscaping, a mature tree canopy and an attractive streetscape.*

*Flexibility in the siting of buildings and access.*

*Vegetation is retained and enhanced to visually reduce the built form.*

*To ensure a landscaped buffer between commercial and residential zones is established.*

#### **Controls**

*The minimum side and rear building line for built structures including pools and parking structures other than driveways, fences and retaining walls, shall be in accordance with the following -*

*2.5 at least to one side;*

*1.0 for other side*

*6.5 rear*

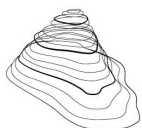
#### **Comment**

The proposal has been crafted to ensure the proposed residential dwelling, secondary dwelling, carport and boatshed all comply with Council's side and rear setback controls.

### **D3.9 Building envelope**

#### **Outcomes**

*To achieve the desired future character of the Locality.*



## Statement of Environmental Effects – 252 Hudson Parade, Clareville

*To enhance the existing streetscapes and promote a building scale and density that is below the height of the trees of the natural environment. To ensure new development responds to, reinforces and sensitively relates to spatial characteristics of the existing natural environment.*

*The bulk and scale of the built form is minimised.*

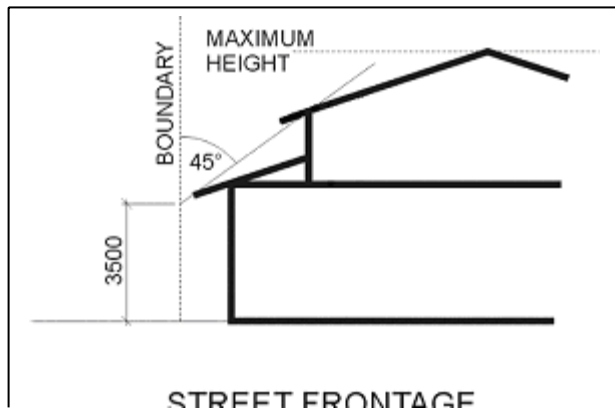
*Equitable preservation of views and vistas to and/or from public/private places.*

*To ensure a reasonable level of privacy, amenity and solar access is provided within the development site and maintained to neighbouring properties.*

*Vegetation is retained and enhanced to visually reduce the built form.*

**Controls**

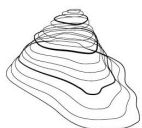
*Buildings are to be sited within the following envelope:*



### **Comment**

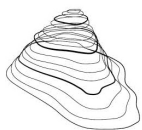
The proposal provides a significantly greater than required level of compliance with the Building Envelope Control at the northern façade due to the topography of the subject site. When the Building Envelope is measured from the southern façade, the proposed development results in very minor breach of the south western corner of the roof form and a minor breach of the south eastern corner of the roof form.

The breach is considered acceptable due to the proposed development achieving compliance with the outcomes of this control as outlined below;



## Statement of Environmental Effects – 252 Hudson Parade, Clareville

- As evidenced throughout this SEE, the proposed development achieves the desired future character of the locality.
- The proposed development is considered to enhance the existing streetscape and is of a scale and density that is below the height of the trees of the natural environment. I note that the proposed carport will generally remain below the existing tree canopy located within the norther portion of the subject site when viewed from the streetscape. I note that the height of the proposed carport has been lowered as much as possible whilst still retaining compliant vehicle access in order to further integrate the structure into the existing landform.
- The proposed development is considered to “respond to, reinforce and sensitively relate to the spatial characteristics of the existing built and natural environment.” This is evidenced through the residential dwelling which complies with Council's Height of Buildings Standard, setback controls and Landscaped Area requirements.
- The proposed carport and secondary dwelling have been designed to respond to the spatial characteristics of the existing built and natural environment, providing much needed vehicle access and parking without the removal of significant areas of trees and vegetation, significant earthworks and minimizing site coverage.
- As outlined throughout this SEE, the bulk and scale of the built form has been minimised through skilful design.
- In relation to the equitable sharing of views, due to the location of the subject site, the proposed development maintains the reasonable sharing of views. I note that the properties to the east and west of the subject site are orientated to the south to capture views of Pittwater and these views are not impacted. The properties located on the opposite side of Hudson Parade sit significantly higher than the subject site and will therefore not be unreasonably impacted by the proposed development. Furthermore, the proposed carport has been designed in such a way as to ensure that the structure sits as low as possible, while still remaining compliant with vehicle access requirements. This lowering has assisted in the maintenance of views over the structure whilst also allowing for views through the structure to be maintained due to the open nature of the carport.
- The proposed development does not result in any unreasonable impacts on privacy, amenity or solar access to adjoining properties. Despite the orientation of the adjoining properties facing south, the



proposed deck of the secondary dwelling has incorporated privacy screening to the eastern and western elevation in order to further reduce any potential perceived Overlooking Impact. Furthermore, the eastern and western façade of the secondary dwelling only incorporate a single window each, relating to the proposed ensuite and storage.

- The proposed development provides a greater than required level of Landscaped Area and a significant volume of green roofed area. I note that the proposed green roofs incorporate a 400mm soil depth and seek to further offset the net loss of vegetation across the site, despite the compliant level of Landscaped Area proposed at ground level. These design elements ensure that the proposed development provides a greater than required level of Landscaped Area and a significant volume of green roofed area. I note that the proposed green roofs incorporate a 400mm soil depth and seek to further offset the net loss of vegetation across the site, despite the compliant level of Landscaped Area proposed at ground level.

**D3.11 Landscaped Area – Environmentally Sensitive Land**

*Achieve the desired future character of the Locality. The bulk and scale of the built form is minimised.*

*A reasonable level of amenity and solar access is provided and maintained.*

*Vegetation is retained and enhanced to visually reduce the built form.*

*Conservation of natural vegetation and biodiversity.*

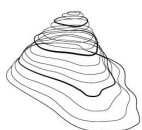
*Stormwater runoff is reduced, preventing soil erosion and siltation of natural drainage channels.*

*To preserve and enhance the rural and bushland character of the area.*

*Soft surface is maximised to provide for infiltration of water to the water table, minimise run-off and assist with stormwater management*

**Comment**

The proposal provides a compliant level of Landscaped Area, being 611.6m<sup>2</sup> (60.23%). Furthermore, the proposed development incorporates significant vegetated green roof over the residential dwelling and a green vegetated roof over the proposed boatshed. I note the proposed carport also incorporates a green vegetated edge around the entirety of the structure. Whilst these areas have not been included in the Landscaped Area



## Statement of Environmental Effects – 252 Hudson Parade, Clareville

calculations, they provide a further 148m<sup>2</sup> of landscaped area on the subject site with a soil depth of 400mm. The combined total would be significantly in excess of that required under Council's DCP.

I note that a Landscape Plan has been prepared by Kingfisher Urban Ecology in order to ensure that the quality of landscaped area on the subject site is improved.

### **D3.14 Construction, Retaining walls, terracing and undercroft areas** **Outcomes**

*To achieve the desired future character of the Locality. To protect and minimize disturbance to natural landforms.*

*To encourage building design to respond sensitively to natural topography*

### **Comment**

The proposed development achieves compliance with the requirements of this clause.

### **D3.15 Scenic Protection Category One Areas**

#### **Outcomes**

*To achieve the desired future character of the Locality.*

*Achieve the desired future character of the Locality.*

*To preserve and enhance the visual significance of district and local views of Pittwater's natural topographical features such as, ridges, upper slopes and the waterfront.*

*Maintenance and enhancement of the tree canopy.*

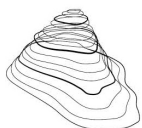
*Colours and materials recede into a well vegetated natural environment.*

*To maintain and enhance the natural environment of Pittwater as the predominant feature of the landscape with built form being a secondary component.*

*To preserve and enhance district and local views which reinforce and protect the Pittwater's bushland landscape and urban form to enhance legibility.*

*To encourage view sharing through complimentary siting of buildings, responsive design and well-positioned landscaping.*

*To ensure sites are designed in scale with Pittwater's bushland setting and encourages visual integration and connectivity to natural environment.*



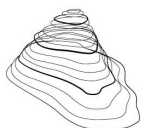


## Statement of Environmental Effects – 252 Hudson Parade, Clareville

*Development shall minimise any visual impact on the natural environment when viewed from any waterway, road or public reserve.*

### **Comment**

The proposed development achieves compliance with the requirements of this clause.



### 3. SECTION 4.15 ASSESSMENT

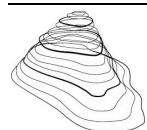
Assessment of the current DA requires consideration under the provisions of Section 4.15 of the Environmental Planning and Assessment Act in terms of the merits of the proposal.

Previous sections of this SEE have addressed relevant matters to be considered under Section 4.15, in particular the relevant environmental Planning Instruments and Development Control Plan.

The following additional comments are provided for assessment: -

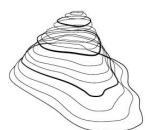
**Table 3.1: Section 4.15 Summary**

<b>Impact on the Natural Environment</b>	
<b>Matter</b>	<b>Potential Impact?</b>
<b>Acid Sulfate Soils</b>	The proposed development does not require any significant excavation works which would impact potential acid sulfate soils.
<b>Flooding</b>	The site is not subject to flooding.
<b>Bushfire</b>	The site is not mapped as bushfire prone land.
<b>Drainage</b>	This matter has been addressed within the SEE.
<b>Flora &amp; Fauna</b>	Please refer to previous comments contained in this SEE and the report prepared by Kingfisher Urban Ecology.
<b>Impact on the Built Environment</b>	
<b>Matter</b>	<b>Potential Impact?</b>
<b>Aboriginal Cultural Heritage</b>	A search of the AHIMS concludes that there are no known records of Aboriginal sites or places within the immediate vicinity of the subject site. Based on the disturbed nature of the site, and having regard to the considerations in the Code, it is considered that the presence of artefacts and or sites of Aboriginal heritage value would be highly unlikely.
<b>Environmental Heritage</b>	The site does not contain any known items of environmental heritage.
<b>Traffic</b>	Traffic generation will not be increased and will be easily accommodated within the existing road network.
<b>Scenic qualities</b>	The proposed development is consistent with the current and future character of the locality as expressed within the provisions of LEP 2014 and the DCP.



## Statement of Environmental Effects – 252 Hudson Parade, Clareville

	For the reasons outlined in this SEE, I consider that the proposed development will not have an adverse impact on the scenic qualities of the area.
<b>Compatibility with adjacent land uses</b>	The proposed development is compatible with adjoining residential dwellings.
<b>Height, Bulk and Scale</b>	The proposed height, bulk and scale are considered eminently reasonable for the reasons outlined in this SEE.
<b>Overshadowing</b>	Please refer to previous comments in relation to Overshadowing Impact.
<b>Overlooking</b>	Please refer to previous comments in relation to Overlooking Impact.
<b>Acoustic</b>	Please refer to previous comments in relation to Acoustic Impact.
<b>Views and vistas</b>	For the reasons outlined in this SEE, the proposed development will not have an adverse impact on views and vistas from private properties or the public domain.
<b>Site design</b>	The site design has been configured to ensure that no unreasonable impacts will result.
<b>Public domain</b>	As previously noted, there will be no adverse impact on the public domain.



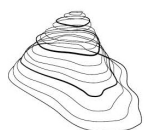
#### **4. SUITABILITY OF THE SITE & THE PUBLIC INTEREST**

The proposed development will provide a significantly improved residential dwelling and access thereto, without unreasonable amenity impacts on adjoining lands and without representing an overdevelopment of the site.

The proposal will not result in any negative social or economic impacts.

The site is suitable to accommodate the proposed development.

Approval of the development does not raise any issues contrary to the public interest.



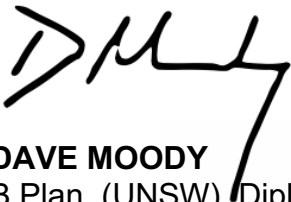
## **5. CONCLUSION**

The proposed development involves proposed demolition of existing dwelling, construction of a new dwelling, secondary dwelling, swimming pool, carport and boatshed.

The proposal is consistent with the relevant objectives of the C4 Zone and is in keeping with the relevant provisions of the *Local Environmental Plan*. Furthermore, the proposal complies with the relevant Objectives and is consistent with appropriate controls contained within the *Development Control Plan*.

The proposed development will not result in unacceptable ecological impacts or amenity impacts to adjoining properties.

As stipulated previously in this report, the matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* have been satisfactorily addressed demonstrating the proposed development is compatible with the surrounding environment.



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