

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

Proposed Use of  
Existing Detached  
Studio

4 Kemble Place,  
Bilgola Plateau

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## Statement of Environmental Effects

### Proposed Use of Existing Detached Studio

#### 4 Kemble Place, Bilgola Plateau

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## 1 Introduction

This development application seeks consent for the use of the existing detached studio that has been constructed at 4 Kemble Place, Bilgola Plateau. The studio was constructed without consent and a building information certificate has been submitted and is currently under assessment.

The proposed use of the studio does not raise any unreasonable amenity impacts with regard to views, solar access or privacy. The studio is modest in scale and does not raise any concerns with regard to bulk and scale or visual impact.

This BIC application is supported by:

- survey
- Architectural plans
- Geotechnical engineers report

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

- Environmental Planning and Assessment Act, 1979;
- Pittwater Local Environmental Plan 2014; and
- Pittwater 21 Development Control Plan 2014

## 2 Site Analysis

### 2.1 Site Description and Location

The subject property is known as Lot 70, DP 25341, No. 4 Kemble Place, Bilgola Plateau. The site is an irregular shape lot with a total site area of 1176m<sup>2</sup>. An aerial location is provided below:



**Figure 1:** Site Location (Source: Six Maps)

The existing development on site comprise a single dwelling with detached garage at the front, detached cabana to the rear and a swimming pool. The topography of the site slopes down to the rear of the site. The land falls steeply away to the rear.

Surrounding development comprises residential dwellings within informal landscape setting. No. 3 Kemble Place include a detached secondary dwelling to the rear of the primary dwelling.

The site is not heritage listed or located within a heritage conservation area or within the vicinity of any heritage items

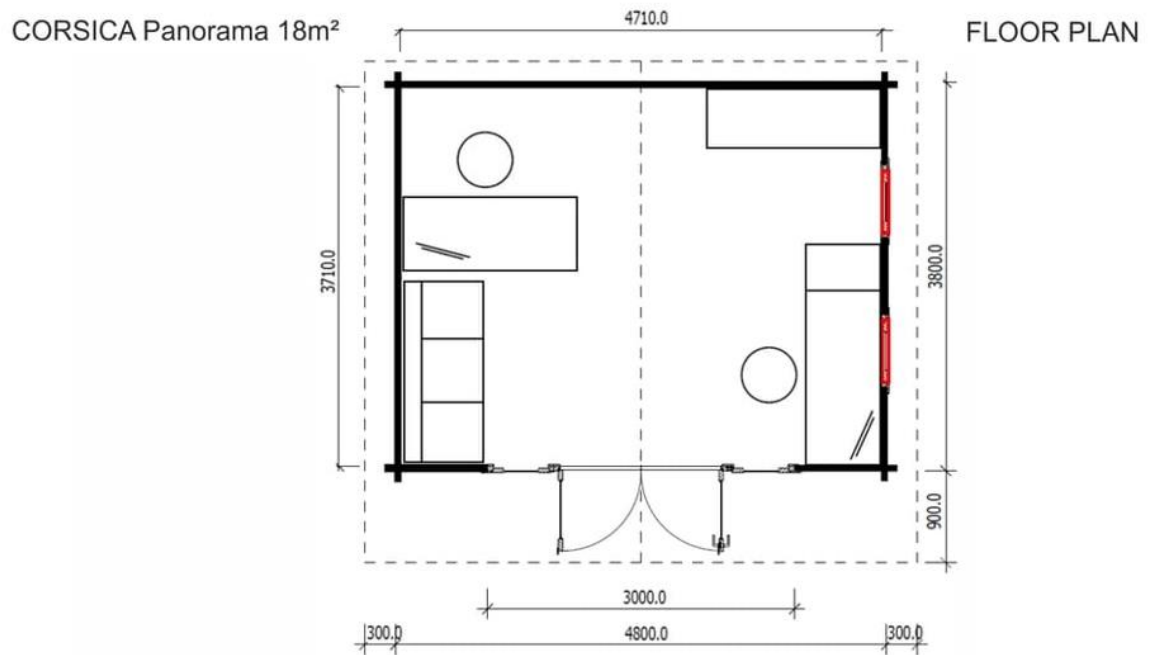
## **2.2 Zoning and Key Environmental Considerations**

The site is zoned C4 Environmental Living pursuant to the Pittwater Local Environmental Plan 2014. The key environmental considerations affecting the site are identified as geotechnical hazard area and mapped as terrestrial biodiversity.

### 3 Description of Proposal

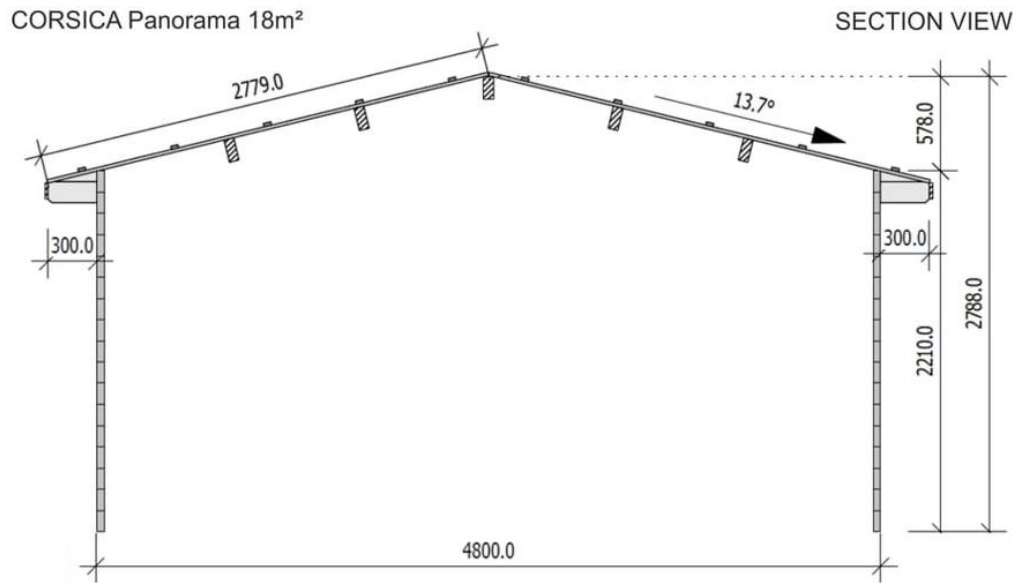
#### 3.1 Details of the proposal

No physical works are proposed with the studio and this application is related to seeking consent for the use as an office space. The Studio dimensions are provided below:



**Image 2: Floor Plan**





**Image 3: Section**



**Image 4: Photo of Studio**





**Image 5: Internal**



**Image 6: Studio**

## 4 Statutory Planning Framework

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

### 4.1 Pittwater Local Environmental Plan 2014

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

#### 4.1.1 Zoning and Permissibility

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

- *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.*

The Studio is in relation to a dwelling house and is permissible with consent in the zone. No cooking facilities are located within the studio and there is no intention to use it as a separate dwelling.

#### 4.1.2 Height of Buildings

Pursuant to clause 4.3 PLEP the height of any building on the land shall not exceed 8.5m above existing ground level. The stated 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,*

- 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.*

Based on surveyed levels the Studio is approximately 5.3m from ground level existing and consistent with the development standard.

We note that clause 4.3(2FA) relates to secondary dwellings and rural works dwellings and has a height control of 5.5m. While the proposed use is neither it is considered that the height is appropriate for the detached studio which complies with the 5.5m.

#### **4.1.3 Development on Sloping Land**

The site is identified as a geotechnical hazard class (w). The objectives of Clause 7.7 seek to:

- a) *matches the underlying geotechnical conditions of the land, and*
- b) *is restricted on unsuitable land, and*
- c) *does not endanger life or property.*

A geotechnical report prepared by AscentGeo who have inspected the works. The report states that:

*It is our opinion that the as-built studio has been well-constructed and does not constitute a significant geotechnical risk to either property or life. The studio has been constructed appropriately with respect to the specific geological and geotechnical context of the site, and the requirements of the structure.*

*We recommend that sandstone landscaping boulders leaning against some of the steel post footings be removed, to eliminate point loads from landscaping materials impacting on the posts.*

We note that the landscaping boulders have been removed from leaning against the steel posts per the recommendation above.

#### **4.1.4 Biodiversity**

The site is mapped as being in a terrestrial biodiversity area. The Studio has not resulted in any unreasonable impacts on the biodiversity value of the local area. No trees have been impacted by the development. The Studio sits on steel posts and has little impact on the natural ground level.

## 4.2 Pittwater 21 Development Control Plan 2014

The BIC application relates to an unauthorised detached Studio.

### 4.2.1 DCP Compliance Table

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

Control	Requirement	Proposed	Compliance
<p><b>Bilgola Locality</b></p> <p><b>A4.3</b></p>	<p>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.</p> <p>The three distinct areas within the Bilgola locality (as identified in Bilgola Locality Map 2) will, by their unique differences, require differing and distinct degrees of control to ensure the individual characteristics and essence of</p>	<p>The Studio sits behind the main dwelling and is not readily visible from the street.</p> <p>The Studio is modest and size and blends in with existing development as viewed from the rear boundary. We note that 3 Kemble Place have completed a detached secondary dwelling built on steel posts that is of a larger scale than the Studio in question. In that regard, the Studio would not be seen as jarring or out of place within the landscape.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
	<p>each area are maintained and enhanced:</p> <p><u>The Plateau Area:</u></p> <p>Will provide for some dual occupancies, on land that does not have tree canopy coverage, species and habitat diversity, or other constraints to development. Any medium density housing will be located within and around commercial centres, public transport and community facilities. Retail, community and recreational facilities will serve the community.</p>		
<p><b>Landslip Hazard</b></p> <p><b>B3.1</b></p>	<p>Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater for the life of the development.</p> <p>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</p>	<p>A geotechnical report is provided.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
<p><b>Preservation of Trees and Bushland Vegetation</b></p> <p><b>B4.22</b></p>	<p>Development shall not directly negatively impact on threatened species, endangered populations or endangered ecological communities.</p> <p>Development shall retain and enhance habitat for locally native species, threatened species, endangered populations or endangered ecological communities.</p> <p>Development shall result in no significant onsite loss of canopy cover and no net loss in native canopy trees.</p> <p>Development shall ensure that at least 80% of any new planting incorporates native vegetation (as per species listed in <i>Native Plants for Your Garden</i> available on the Pittwater Council website). Landscaping is to be outside areas of core bushland and not include environmental weeds.</p> <p>Caretakers of domestic animals shall prevent them from entering wildlife habitat areas.</p> <p>Fencing, where permitted, shall be passable by native wildlife.</p>	<p>No trees were impacted or removed to facilitate the development.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
<p><b>View Sharing</b></p> <p><b>C1.3</b></p>	<p>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</p> <p>The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.</p> <p>Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</p> <p>Views are not to be obtained at the expense of native vegetation.</p>	<p>No views from adjoining properties were impacted by the development.</p>	<p>Yes</p>
<p><b>Solar Access</b></p> <p><b>C1.4</b></p>	<p>The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</p> <p>Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3</p>	<p>The site runs predominately north to south with the Studio being centrally located along the rear boundary.</p> <p>The small scale nature of the development does not create any unreasonable overshadowing impacts.</p> <p>The studio is an existing structure.</p>	<p>Yes</p>



Control	Requirement	Proposed	Compliance
	hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).		
<b>Visual Privacy</b> <b>C1.5</b>	Habitable rooms and outdoor living areas of dwellings optimise visual privacy through good design.  A sense of territory and safety is provided for residents	The Studio is significantly distanced from adjoining development that no unreasonable privacy impacts occur.	Yes
<b>Acoustic Privacy</b> <b>C1.6</b>	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 <i>Protection of the Environment Operations Act 1997</i> , including noise from plant, equipment and communal or private open space areas (S)	No unreasonable noise impacts are attributed to the Studio. It is small scale and predominately used as an office or spare bedroom.	Yes
<b>Private Open Space</b> <b>C1.7</b>	80m2	The site affords compliant levels of private open space.	Yes
<b>Character as viewed from a public place</b>	To achieve the desired future character of the Locality.  To ensure new development	The proposed development is consistent with the desired future character of the Bilgola locality.	Yes

Control	Requirement	Proposed	Compliance
<p><b>D3.1</b></p>	<p>responds to, reinforces and sensitively relates to the spatial characteristics of the existing built and natural environment.</p> <p>To enhance the existing streetscapes and promote a scale and density that is in keeping with the height of the natural environment.</p> <p>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.</p> <p>High quality buildings designed and built for the natural context and any natural hazards.</p> <p>Buildings do not dominate the streetscape and are at 'human scale'. Within residential areas, buildings give the appearance of being two-storey maximum.</p> <p>To preserve and enhance district and local views which reinforce and protect the Pittwater's natural context. To enhance the bushland vista of Pittwater as the predominant feature of the landscape with built form,</p>	<p>The Studio sits below the existing tree canopy and is located behind the main dwelling so it will not impact on the existing streetscape.</p> <p>When viewed from below from Cheryl Crescent the Studio will not be seen as inconsistent with development generally. As mentioned, a larger detached secondary dwelling has been constructed at 3 Kemble Place As such, the Studio would not be seen as jarring within its context with surrounding development.</p>	

Control	Requirement	Proposed	Compliance
	<p>including parking structures, being a secondary component.</p> <p>To ensure that development adjacent to public domain elements such as waterways, streets, parks, bushland reserves and other public open spaces, compliments the landscape character, public use and enjoyment of that land.</p>		
<p><b>Side and Rear Building Line</b></p> <p><b>D3.7</b></p>	<p>Secondary Dwelling: 2.5 to at least one side; 1.0 for other side</p> <p>6.5 rear (other than where the foreshore building line applies)</p>	<p>The studio is an existing structure and located within the rear setback.</p>	<p>Yes</p> <p>No – worthy on merit</p>
<p><b>Building Envelope</b></p> <p><b>D3.9</b></p>	<p>Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height (refer to <i>Pittwater Local Environmental Plan 2014</i>).</p>	<p>The proposal will sit comfortably within the building envelope with generous side setbacks proposed.</p>	<p>Yes</p>
<p><b>Landscaped Area</b></p>	<p>60% of the site area</p>	<p>Existing landscape area is maintained.</p>	<p>Yes</p>

Control	Requirement	Proposed	Compliance
D3.11			

**4.3 Matters for Consideration pursuant to section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended**

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15(1) of the EP&A Act (as amended):

- (i) *any environmental planning instrument*

The proposed dwelling is permissible and consistent with the objectives of PLEP 2014 and P21 DCP as they are reasonably applied to the proposed works given the constraints imposed by the site's location, environmental and topographical characteristics.

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

There are no draft instruments that are applicable in relation to the proposed development.

- (iii) *Any development control plan*

P21 DCP applies and the relevant provisions have been considered in this statement.

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

N/A

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

N/A

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

N/A

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

[The assessment considers the Guidelines (in italics) prepared by the Department of Planning and Environment in this regard].

*Context and Setting*

- i. *What is the relationship to the region and local context in terms of:*
1. *The scenic qualities and features of the landscape*
  2. *The character and amenity of the locality and streetscape*
  3. *The scale, bulk, height, mass, form, character, density and design of development in the locality*
  4. *The previous and existing land uses and activities in the locality*

These matters have been discussed in the body of this report.

- ii. *What are the potential impacts on adjacent properties in terms of:*
5. *Relationship and compatibility of adjacent land uses?*
  6. *sunlight access (overshadowing)*
  7. *visual and acoustic privacy*
  8. *views and vistas*
  9. *edge conditions such as boundary treatments and fencing*

These matters have been discussed in detail earlier in this report.

*Access, transport and traffic:*

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

10. *Travel Demand*
11. *dependency on motor vehicles*
12. *traffic generation and the capacity of the local and arterial road network*
13. *public transport availability and use (including freight rail where relevant)*
14. *conflicts within and between transport modes*
15. *Traffic management schemes*

## *16. Vehicular parking spaces*

The development provides adequate carparking facilities in conformity with the objectives of P21 DCP.

### *Public Domain*

The proposed development will have no adverse impact on the public domain.

### *Utilities*

This matter has been discussed in detail in the body of this report.

### *Flora and Fauna*

The proposal will result not result in any unreasonable impacts upon flora and fauna.

### *Waste Collection*

The proposed development provides appropriate onsite waste storage, with waste to be collected from the street weekly by Council's contractors.

### *Natural hazards*

The application is supported by technical reports addressing the natural hazards that affect the site.

### *Economic Impact in the locality*

The proposed development will generate temporary employment during construction, which is appropriate given the residential nature of the site.

### *Site Design and Internal Design*

i) *Is the development design sensitive to environmental considerations and site attributes including:*

*17. size, shape and design of allotments*

*18. The proportion of site covered by buildings*

*19. the position of buildings*

*20. the size (bulk, height, mass), form, appearance and design of buildings*

*21. the amount, location, design, use and management of private and communal open space*

*22. Landscaping*

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

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

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

The proposed development will comply with the provisions of the Building Code of Australia. The proposal complies with the relevant standards pertaining to health and safety and will not have any detrimental effect on the occupants.

#### *Construction*

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

- 29. The environmental planning issues listed above*
- 30. Site safety*

Normal site safety measures and procedures will ensure that no safety or environmental impacts will arise during construction.

*(c) The suitability of the site for the development*

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

The adjacent development does not impose any unusual or impossible development constraints. The site is well located with regards to utility services. The development will not cause excessive or unmanageable levels of transport demand.



The development responds to the topography and constraints of the site, is of adequate area, and is a suitable design solution for the context of the site.

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

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

(e) *The public interest*

The proposed works are permissible and consistent with the intent of the PLEP 2014 and P21 DCP standards and controls as they are reasonably applied to the proposed development. The development would not be contrary to the public interest.

## 5 Conclusion

The proposal is permissible and in conformity with the objectives of PLEP 2014 as they reasonably relate to this form of development on this particular site, and the guidelines contained within the P21 DCP.

The use of the existing studio does not raise any unreasonable amenity impacts or visual impacts for adjoining properties.

Having given due consideration to the matters pursuant to Section 4.15(1) of the EP&A Act as amended, it is considered that there are no matters which would prevent Council from granting consent to this proposal in this instance, and that the development is appropriate on merit and worthy of approval.