



316 HUDSON PARADE CLAREVILLE

STATEMENT OF ENVIRONMENTAL EFFECTS FOR DEMOLITION AND CONSTRUCTION OF A DWELLING HOUSE



Report prepared for
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May 2025

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1.0 Introduction

- 1.1 This is a statement of environmental effects for demolition of the existing dwelling and the construction of a new dwelling house (in the same location) at 316 Hudson Parade Clareville.
- 1.2 The report describes how the application addresses and satisfies the objectives and standards of the Pittwater Local Environmental Plan 2014, the Pittwater Development Control Plan and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).
- 1.3 This statement of environmental effects has been prepared with reference to the following:
- Site visit
 - Survey Plan prepared by LTS Lockley Registered Surveyors,
 - Architectural Plans prepared by Baxter & Jacobson,
 - Basix certificate and NatHERS prepared by Sustainable Thermal Solutions
 - Stormwater plans prepared by partridge hydraulic services,
 - Waste Management Plan
 - Cost Summary Report.
- 1.4 The proposed development is compliant with the objectives of Council controls, considerate of neighbouring residents and the waterway, and results in improved amenity for the residents of the site. It is an appropriate development worthy of Council consent.

2. The site and its locality

- 2.1 The subject site is located on the western side of Hudson Parade in Clareville, approximately 85 metres south of its intersection with Hansford Parade. . It is legally described as Lot 1 DP 827733. The site also benefits from the associated leased Lot 2 DP 827733 (waterfront lot).
- 2.2 Lot 1 is an irregular shaped lot with boundaries of 20.6 metres (east – Hudson Parade frontage), 25.1 metres (south-east - side boundary), 30.68 metres (south - side boundary), 49.68 metres (north – side boundary) and 45.97 metres (west – rear boundary). Lot2, the waterfront lot comprises a narrow access to an irregular area on the waterfront as detailed on survey.
- 2.3 The total site comprises an area of 1902m² (1960m² when the waterfront lot is also considered) and is currently occupied by a split-level brick dwelling with a tile roof, a gym / studio building and an inground swimming pool. Vehicular access to the site is obtained via a right of way over 318 and 320 Hudson Parade. Substantial commencement for alterations and additions to previous consent DA2020/1591 has occurred on the site, with some construction works commenced.
- 2.5 The site is surrounded by detached residential dwellings to the north, south and east and Pittwater to the west. It is located in close proximity to shops and services in Newport to the south-east.



Figure 1. The site and its immediate surrounds

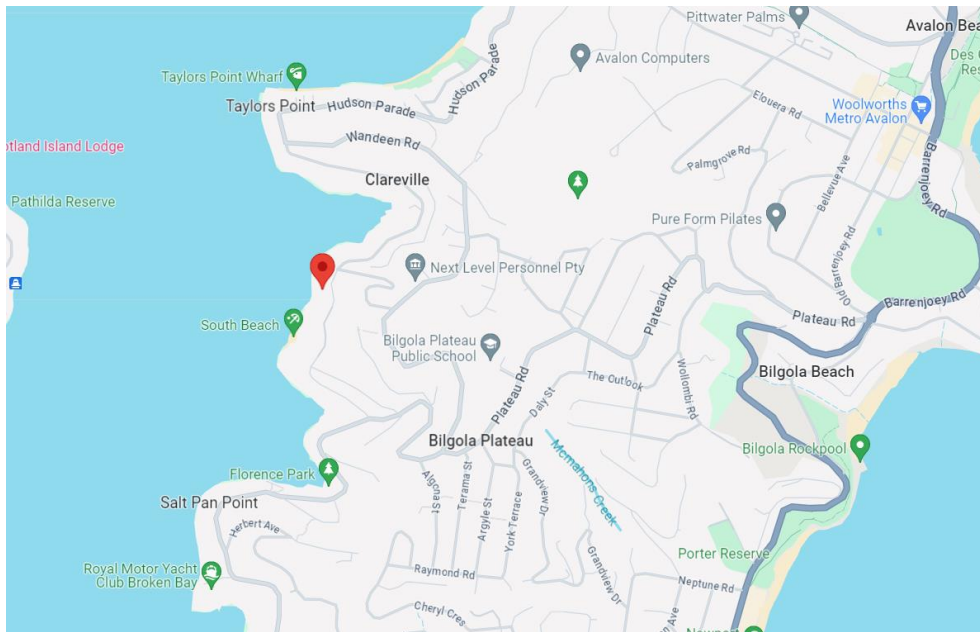


Figure 2. The site within the locality

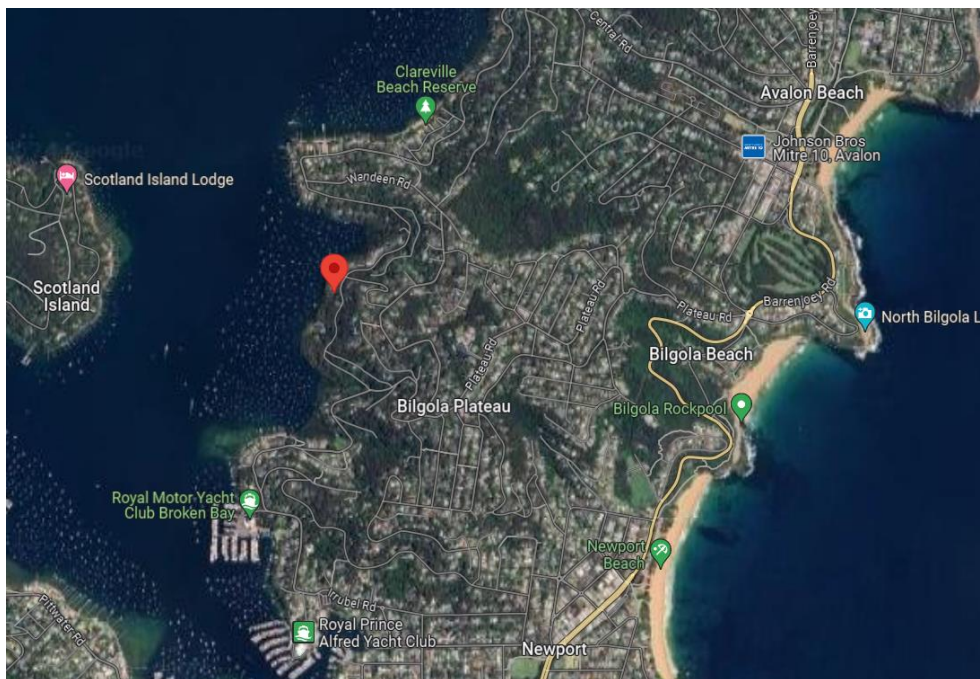


Figure 3. Aerial Image of the site within the locality

3. Site Photos



Figure 4. The access driveway to the subject site, looking north-west from Hudson Parade.



Figure 5: The subject site, looking south-east from the rear garden.



Figure 6: The dwelling and rear garden, looking south.



Figure 7: Views across Pittwater, looking west.



Figure 8: The rear of the subject site, looking north-east from Pittwater.



Figure 9: Views across Pittwater, looking west.

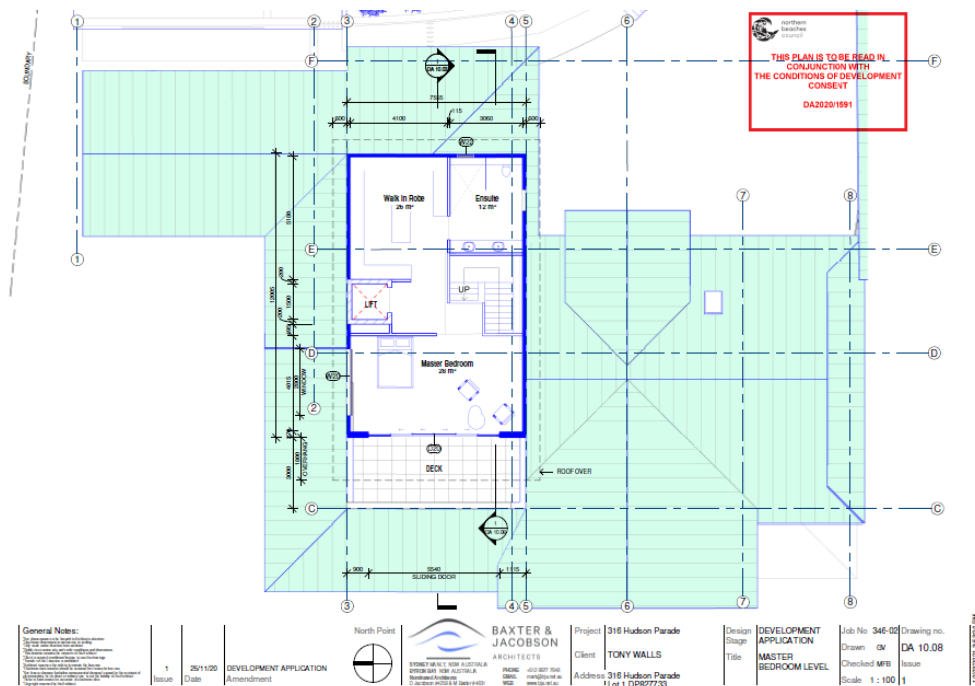


Figure 12: Plan Extract: Approved Master Bedroom Level

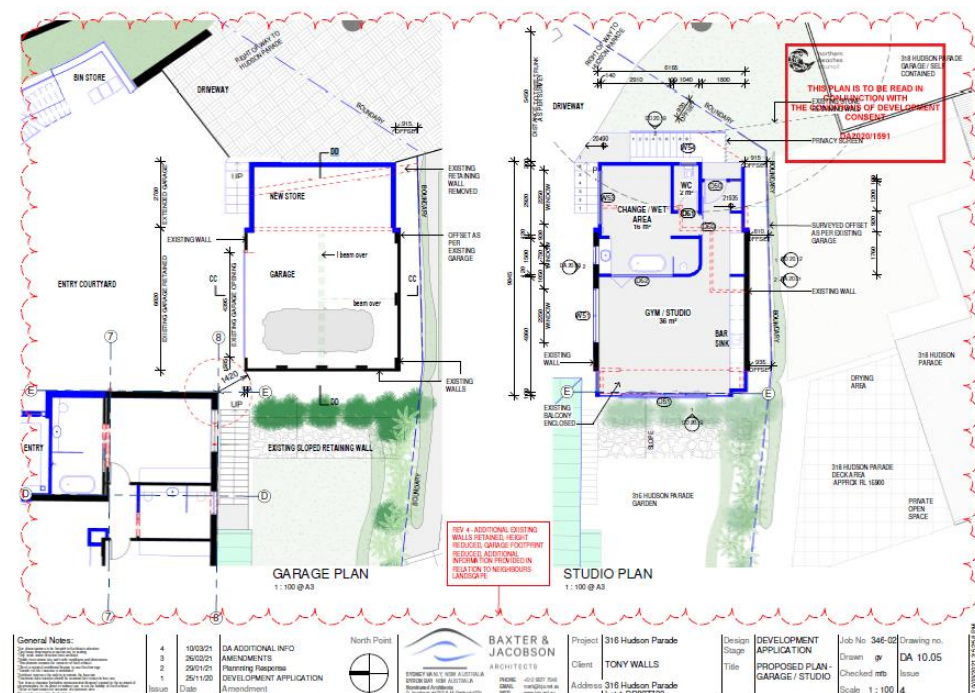


Figure 13: Plan Extract: Approved Garage and Studio Plan

- 4.3 A maximum building height of 9.331 metres (max. ridge RL 26.745) was approved by DA 2020/1591. The building height at this time was measured in accordance with the *Bettar judgement* and the same building would now be measured with a maximum height of 10.405 metres (RL26.745 ridge – RL16.34 existing ground level), in accordance with the *Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582) judgement*, as illustrated in the approved section extract below.

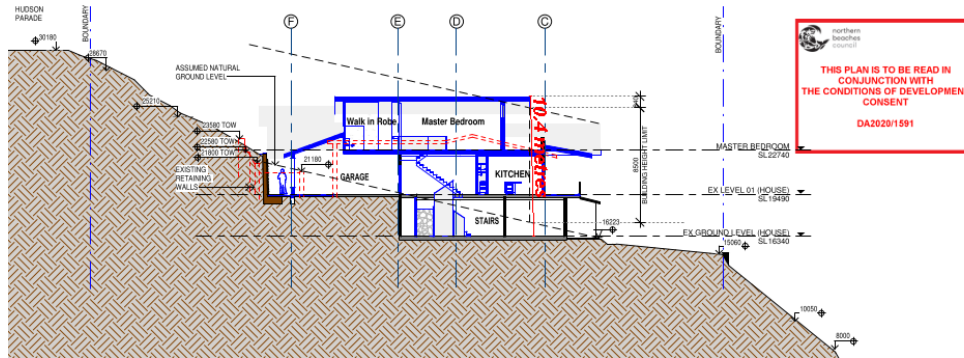


Figure 14: Plan Extract: Approved Long Section

- 4.4 Modifications to DA2020/1591 were approved by MOD2022/0643, allowing for minor alterations to the approved design (while retaining the approved maximum building height) as illustrated on the plan extracts below.

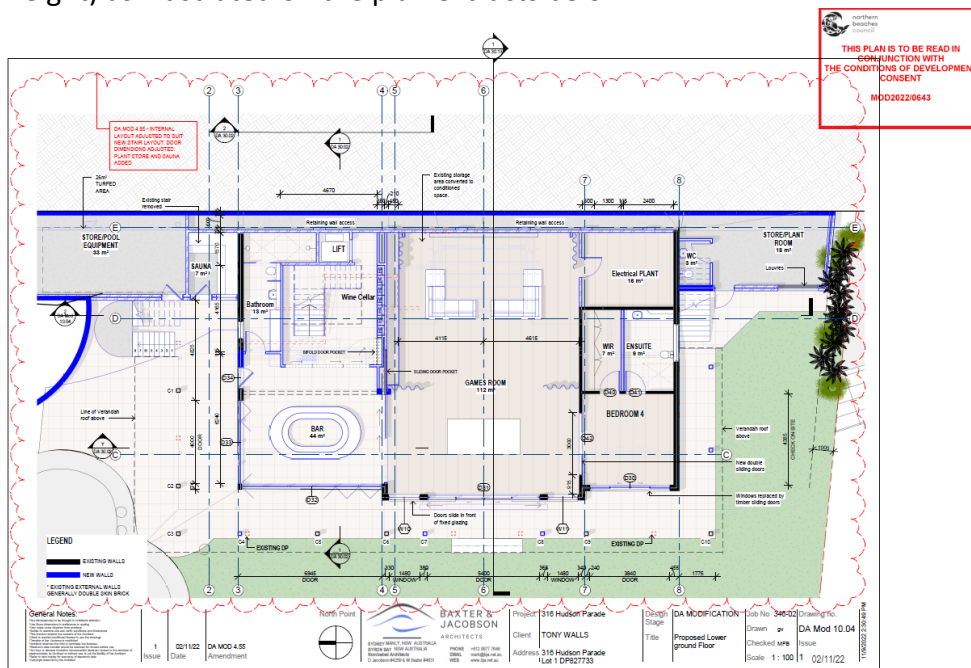


Figure 15: Plan Extract: Modified Lower Ground Floor Plan.

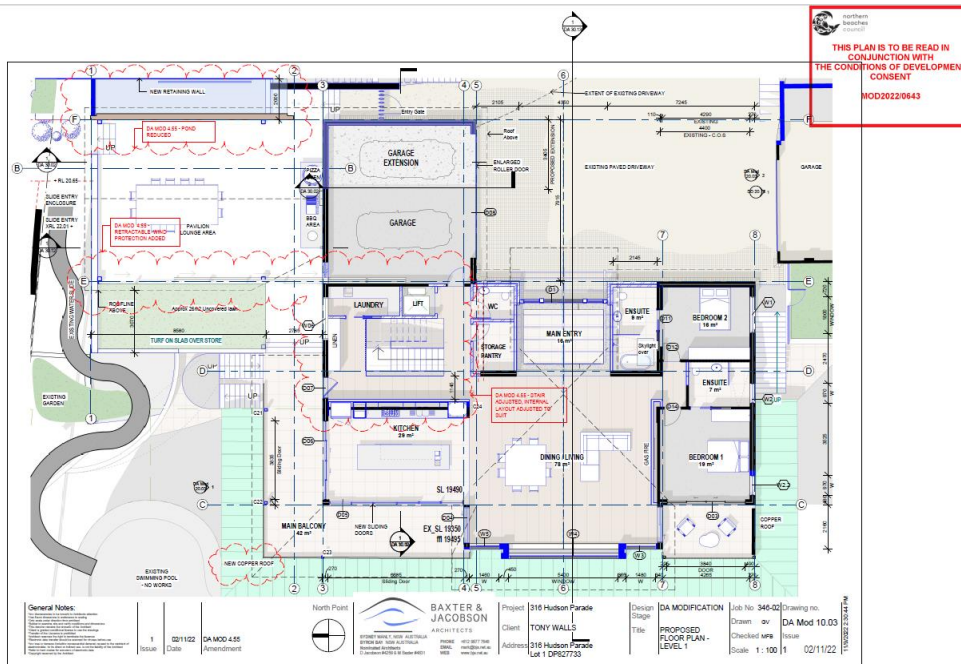


Figure 16: Plan Extract: Modified Level 1 Plan.

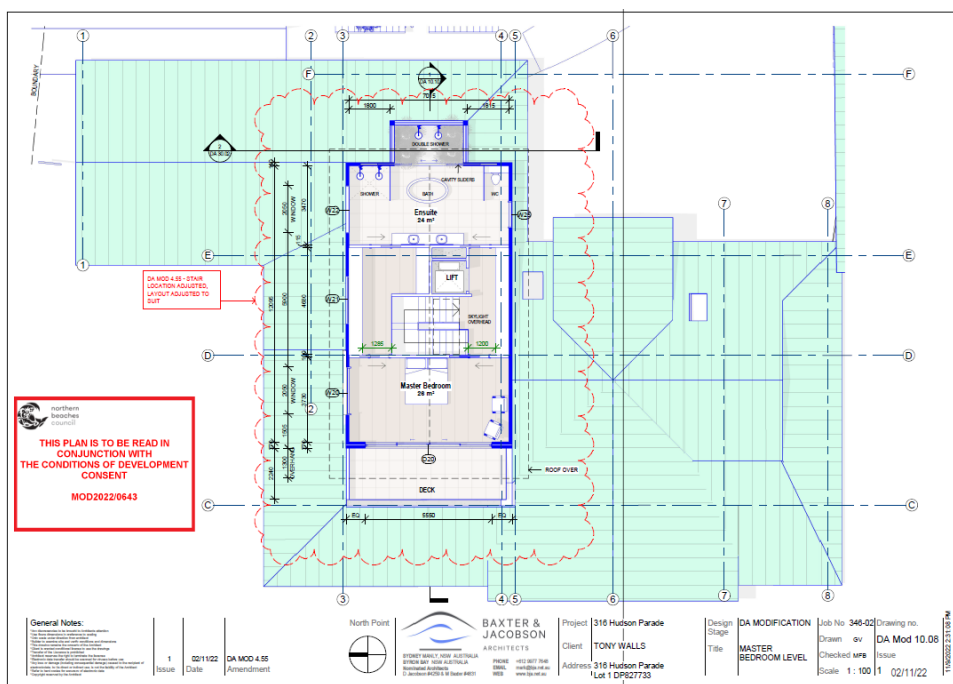


Figure 17: Plan Extract: Modified Master Bedroom Level Plan.

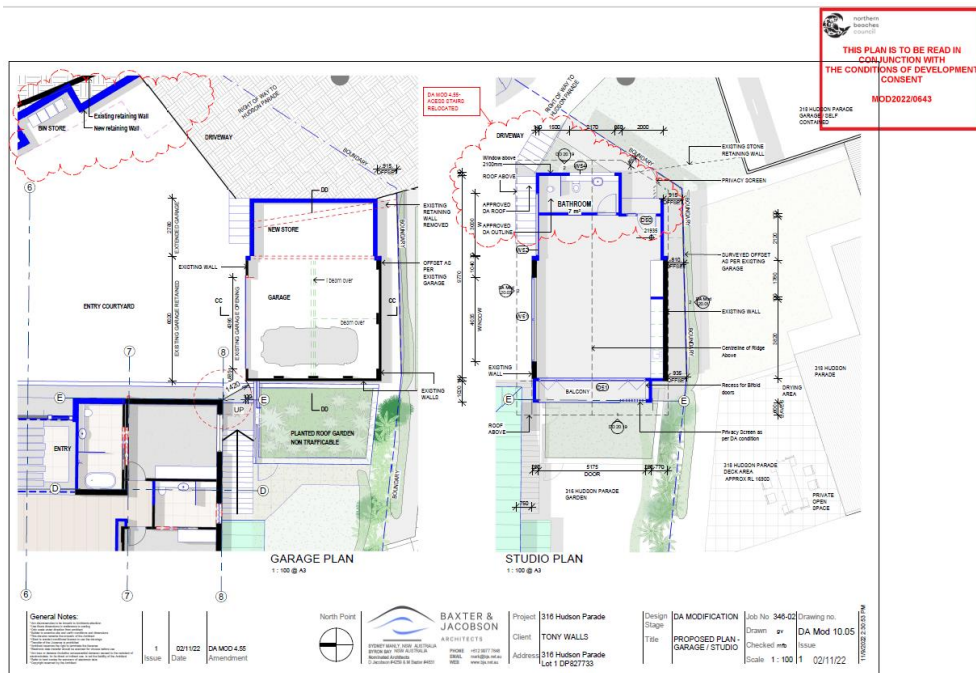


Figure 18: Plan Extract: Modified Garage / Studio Plan.

4.5

This new dwelling application now seeks consent for the demolition of the existing dwelling and the construction of a new dwelling house (of a design consistent with the current approved alterations and additions), with a maximum height of 10.4 metres (RL 26.74). A new DA is sought as the construction of the approved alterations and additions includes additional subfloor works, and it is impractical to build without necessitating additional demolition works. However, we reiterate that the design is essentially the same as the substantially commenced works, with the exception of the additional subfloor works that are proposed.

5. Proposed Development

- 5.1 This proposed development is for the demolition of the existing dwelling and the construction of a new dwelling house, largely consistent with the alterations and additions approved by DA2020/1591 and MOD2022/0643.
- 5.2 The development remains consistent with the streetscape and the locality. The proposal is consistent with Council controls and ensures privacy, solar access and the visual amenity of the waterway are maintained.
- 5.3 The development proposed to demolish the existing dwelling, garage and retaining walls and construct:

Level 1

- Den with car lift,
- Games room,
- Cellar and bar,
- Bathroom,
- Lift and staircase,
- Electrical room,
- Bedroom 1 with WIR and ensuite,
- Store / plant room,
- WC,
- Patio,
- Retaining walls and landscaping.

Level 2

- Pond and pump room,
- Pavillion,
- Garages,
- Deck,
- Lift and staircase,
- Pantry and laundry,
- Open plan kitchen, dining and living rooms,
- Bedroom 2 with ensuite,
- WC,
- Bedroom 3 with ensuite and deck,
- Retaining walls and landscaping.

Level 3

- Bedroom 4 with deck,
- Robes 1 & 2,
- Lift and staircase,
- Ensuite with deck.

Gym / Studio

- Gym / studio above the garage with bathroom and balcony.

6. Statutory Framework

6.1 Biodiversity Conservation Act 2016 and Regulations 2017

The Biodiversity Conservation Act 2016 and Regulations 2017 aim to provide a balanced approach to land management and biodiversity conservation for identified land in NSW. The legislation sets out impact thresholds which trigger the Biodiversity Offsets Scheme (BOS). If it is determined that the BOS is triggered, an accredited assessor must prepare a Biodiversity Development Assessment Report (BDAR), which sets out impacts and offset obligations. The subject site is identified on the biodiversity values map, as illustrated below.



Figure 19: Extract – Biodiversity Values Map

The BOS threshold triggers are set out in Part 7 of the regulations and include:

1. Whether the amount of native vegetation being cleared exceeds a threshold area set out in the table below, or

Minimum lot size associated with the property	Threshold for clearing above which the offsets scheme applies
Less than 1 hectare	0.25 hectares or more
1 hectare to less than 40 hectares	0.5 hectares or more
40 hectares to less than 1000 hectares	1 hectare or more
1000 hectares or more	2 hectares or more

2. Whether the area being cleared is identified on the Biodiversity Values Map, or
3. Whether a significant impact is likely according to a threatened species 'test of significance' (where threatened species or communities are likely to occur on the site, an ecologist must undertake the 'test of significance').

The proposed works remain consistent with the controls as no tree removal is proposed, and the development will have no impact on the surrounding natural environment. See attached letter specifically identifying that the site does not trigger a BDAR assessment.

6.2 State Environmental Planning Policies

State Environmental Planning Policy (Sustainable Buildings) 2022

Schedule 1 of SEPP (Sustainable Buildings) 2022 sets out the standards for thermal performance and energy requirements for BASIX development in NSW. The proposal is BASIX development (as defined by the EPA Regulation 2021), and a compliant BASIX certificate is provided with this application.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. The development remains consistent with the provisions of the SEPP as it does not propose to remove any trees.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

The site is mapped as 'Coastal Environment Area' and 'Coastal Use Area' and accordingly the consent authority must consider clause 2.10, 2.11 and 2.12 of the SEPP.



Figure 20: Extract – SEPP (Resilience and Hazards) Coastal Management.

2.10 Development on land within the coastal environment area

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

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

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The proposed development will not result in any adverse impacts, as the development is for a new dwelling house, consistent with the works approved by DA2020/1591 and MOD 2022/0643. Works are largely located within the footprint of the existing dwelling and generally within the disturbed portion of the site.

2.11 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

The proposed development will not result in any change to the existing access to and along the foreshore.

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

The proposed development will not result in an unreasonable increase to shadowing or wind funnelling. There will be no loss of views from public places to foreshores.

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

The consistent nature of the proposal with surrounding development, ensures the scenic quality of the coast is maintained, with the scale, materials and colours consistent with the locality and the development approved by DA2020/1591 and MOD 2022/0643.

*(iv) Aboriginal cultural heritage, practices and places,
(v) cultural and built environment heritage, and*

The proposed development is located on a disturbed portion of the site. There will be no significant impacts on the heritage item.

(b) is satisfied that:

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

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

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

As described above the proposed development is located on the disturbed area of the site, as such it is concluded that there will be no adverse impacts as referred to in (a).

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

The appearance of the proposed development is consistent with the surrounding coastal and built environment. The bulk and scale is appropriate and of a consistent scale with the alterations and additions approved by DA2020/1591 and MOD 2022/0643 and other properties in the locality.

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

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

The proposed development will not increase the risk of coastal hazards on the subject site.

Chapter 4 Remediation of Land

The subject site has historically been used for residential purposes and no change of use is proposed. There is no known reason to suspect the site may be contaminated and the consent authority can be satisfied that the land is suitable for the continued residential use.

6.3 Pittwater Local Environment Plan 2014

The relevant clauses of the Pittwater Local Environmental Plan 2014 are addressed below.

Zoning

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

The proposed development is for the demolition of the existing dwelling and the construction of a new dwelling house, and dwelling houses are permitted with consent in the C4 zone.



Figure 21: Extract from the Pittwater LEP 2014 zoning map

Demolition

This application seeks consent for the demolition of the existing dwelling to allow for the construction of the new dwelling.

Minimum Lot Size

The site is mapped with a minimum subdivision lot size of 700m². The site comprises a compliant area of 1902m² and no subdivision is proposed.

Height of Buildings

The subject site is mapped with a maximum building height of 8.5 metres.

As described above DA2020/1591 and MOD 2022/0643 approved a maximum building height of 9.331 metres (max. ridge RL 26.745). The building height at this time was measured in accordance with the *Bettar judgement* and the same building would now be measured with a maximum height of 10.405 metres (RL26.745 ridge – RL16.34 existing ground level), in accordance with the *Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582 judgement*.

This application seeks consent for a maximum building height of 10.4 metres, proposing a maximum ridge of RL26.74, consistent with the height approved by DA2020/1591, which has substantial commencement. A clause 4.6 variation request is provided with this application.

Floor Space Ratio

The site is not identified on the floor space ratio map.

Heritage Conservation

The site is not a heritage item, is not located within a heritage conservation area and is not located in proximity to any heritage items.

Flood Planning

The site is not identified on the NBC flood hazard map.

Acid Sulfate Soils

The site is mapped with class 5 acid sulfate soils. The subject site is not located below 5 metres AHD and the proposed works are not likely to lower the watertable below 1 metre AHD on adjacent class 1,2,3 or 4 land.

Earthworks

Earthworks are proposed to prepare the site for construction and to excavate the den. All works will be undertaken in accordance with engineering specifications, Councils controls and any consent conditions.

Biodiversity

The subject site is mapped as Terrestrial Biodiversity, as such the consent authority must consider:

(a) *whether the development is likely to have:*

(i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*

The proposed development will have a minimal impact on the existing environment, as it is generally located within the disturbed portion of the site and no tree removal is proposed.

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

There will be no adverse impact on any vegetation on the site.

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

Biodiversity will be unaffected by the proposed development as the works will occur on the already disturbed areas on the site.

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

No adverse impact on habitat will result from the development proposed.

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

The dwelling is appropriate as proposed.

Council must also consider and be satisfied of the following:

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

The development is appropriate for the already disturbed site. It will not be to the detriment of the environmental qualities of the location.

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

There are no detrimental impacts as a result of the proposed dwelling.

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

There are no detrimental impacts.

We note that the site forms part of a substantially commenced development site and no additional vegetation will be lost as a result of this proposal. Consideration under the Northern Beaches Council “Biodiversity Requirements for Development Applications” has also been considered and the site does not require additional consideration, as detailed above.

Geotechnical Hazard

The site is located within the geotechnical hazard zone H1 mapped by Council’s LEP. Accordingly, clause 7.7 of Councils LEP must be considered regarding the site:

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether the development takes into account all geotechnical risks:

- (a) site layout, including access,*
- (b) the development’s design and construction methods,*
- (c) the amount of cut and fill that will be required for the development,*
- (d) wastewater management, stormwater, and drainage across the land,*
- (e) the geotechnical constraints of the site,*
- (f) any appropriate measures proposed to avoid, minimise, or mitigate the impacts of the development.*

(4) Development consent must not be granted to development on land to which this clause applies unless:

- (a) the consent authority is satisfied that the development will appropriately manage wastewater, stormwater, and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and*
- (b) the consent authority is satisfied that:*
 - (i) the development is designed, sited, and will be managed to avoid any geotechnical risk or significant adverse impact on the development and the land surrounding the development, or*
 - (ii) if that risk or impact cannot be reasonably avoided—the development is designed, sited, and will be managed to minimise that risk or impact, or*
 - (iii) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.*

A Geotechnical Report provided with this application, demonstrates compliance with this clause.

Foreshore Building Line

The subject site is mapped with a foreshore building line.



Figure 22: Extract from the Pittwater LEP 2014 foreshore building line map

The proposed dwelling remains consistent with the LEP as no building works are proposed in the mapped area.

Essential services

All services are existing on the site.

6.4 Pittwater 21 Development Control Plan

The relevant sections of the DCP are addressed below.

Objectives

The proposed development is entirely consistent with the ecologically sustainable, environmental, social and economic objectives as specified in the DCP. The proposal is appropriate to the site and the locality and has been designed with fulfilment of these objectives as essential criteria.

Section A Shaping Development in Pittwater

A4 Localities

Bilgola Locality

The sites are located within the Bilgola Locality.

The desired character statement for the area is:

The Bilgola locality will remain primarily a low-density residential area with dwelling houses a maximum of two storeys in any one place in a landscaped setting, integrated with the landform and landscape. Secondary Dwellings can be established in conjunction with another dwelling to encourage additional opportunities for more compact and affordable housing with minimal environmental impact in appropriate locations. Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.

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

The Bilgola Beach Area:

Is a visual catchment that is environmentally significant and extremely susceptible to degradation. Its unique local and regional significance requires protection and preservation, and further investigation for listing as an environmental protection and/or conservation area. Strict development controls will apply to this area (including a reduced building height limit to 8m) to ensure that its unique qualities are preserved through development that is sensitive to the area's characteristics. A Visual Protection Area (as identified in Bilgola Locality Map 3) contains particular controls to minimise the impact of development that is visible from public places. The beach, valley and headlands represent a quiet uncrowded environment with no formal commercial activity. Its unique natural, unspoilt, non-commercial character makes it attractive to

local residents and visitors alike and reflects the relaxed beach lifestyle. The local topography and natural features, notably the beachfront, headlands and stands of cabbage tree palms in the valley demand different sets of constraints on building design.

The Plateau Area:

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.

The Pittwater Foreshore Area:

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

Future development will maintain a building height limit below the tree canopy, and minimise bulk and scale. Existing and new native vegetation, including canopy trees, will be integrated with the development. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, to provide feed trees and undergrowth for koalas and other animals, and to enhance wildlife corridors.

Natural scenic views from the Bicentennial Walkway will be preserved.

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

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

The proposed development has been designed taking into consideration the desired character of the location. The scale of the proposal is well designed to ensure retention of the character sought by Council, improving amenity for the residents, whilst being

mindful of the natural environment. The dwelling retains a design consistent with that approved by DA2020/1591.

Section B General Controls

Heritage Controls

The site is not a heritage item, is not located within a heritage conservation area and are not located in proximity to any heritage items.

Aboriginal Heritage Significance

The site is not known or anticipated to be home to any aboriginal relics. Should any objects be discovered during construction, appropriate measures will be taken according to NSW Office of Environment and Heritage.

Hazard Controls

Landslip Hazard

The site is located within the Geotechnical Hazard H1 zone and a Geotechnical Report is provided with this application, demonstrating compliance with this clause.

Bushfire Hazard

The site is not mapped as bushfire prone.

Contaminated and potentially contaminated lands

The site is not known to be contaminated and to our best knowledge has only ever been developed for low density residential uses.

Estuarine Hazard

The rear of the subject site is mapped as Estuarine Hazard and the proposed development is located outside of the mapped area.

Flood Hazard

The site is not identified on the NBC flood hazard map.

Controls relating to the natural environment

As described above the subject site is identified on biodiversity maps. The proposed works remain consistent with the controls as no tree removal is proposed and the development will have no impact on the surrounding natural environment.

Water management

The site is connected to the reticulated sewer system. The architectural plans demonstrate that the proposed development will not increase the hard surface area by more than 50m², as such onsite detention is not required.

Stormwater from the site will be directed to existing drainage infrastructure on the site.

Access and parking

The subject site is accessed via the existing, shared driveway from Hudson Parade.

The DCP requires a minimum 2 carparking spaces per dwelling (2 or more bedrooms). The development proposes compliant onsite carparking in the 2 x 2garages and the dwelling will not result in any additional traffic movements.

We note that the car lift to the lower level is to allow for display cars in the den.

Site works and management

All site works will be undertaken as required by Council controls and compliant with any relevant conditions of consent. Appropriate devices will be used during the construction process to ensure no issues arise in regard to erosion and sedimentation.

Section C – Development Type Controls

Design Criteria for Residential Development

Landscaping

The DCP requires 60% landscaping on the site which is equivalent to 1141m² for the site area of 1902m² (of which 6% can be impervious area).

The existing soft landscaped area on the site is non-compliant at 52% or 999m² and the development proposes to minimally decrease the landscaped area to 51% or 974m².

If the entire site, including the waterfront lot 2 is included, then this is equivalent to 1176m² for the site area of 1960m² (of which 6% can be impervious area).

The existing soft landscaped area on the site is non-compliant at 54% or 1060m² and the development proposes to minimally decrease the landscaped area to of 53% or 1035.6m².

A merit assessment is provided below.

Safety and Security

The development will not alter the existing, adequate safety and security of the site.

View Sharing

The subject site and surrounding properties enjoy broad water views across Pittwater to the west.

A site visit has been undertaken and it is concluded that the new dwelling will have no impact on views from surrounding properties. The subject site is located well below street level and is not visible from the street or dwellings to the east, ensuring views are retained for the subject site and surrounding properties.

Solar Access

The DCP requires 3 hours of solar access is maintained for the windows to principal living areas, solar collectors and private open space of the site and adjoining properties, between 9am and 3pm on 21 June.

The following observations are made of the shadow diagrams provided with this application:

9am: The development will result in a minor increase and minor decrease in shadowing across the subject site and a very minor increase in shadowing across 318A Hudson Parade at 9am.

12pm: The development will result in a minor increase in shadowing across the subject site and a minor increase and decrease in shadowing across 318A Hudson Parade at 12pm.

3pm: The development will result in a minor increase in shadowing across the subject site and a very minor increase in shadowing across 318A Hudson Parade at 3pm.

It is concluded the subject site and adjoining properties retain compliant solar access from 10am – 3pm on 21 June.

Visual Privacy

Privacy will be retained for neighbours as the dwelling will not increase overlooking to any key living areas or private open space.

The site is visually separated from neighbouring dwellings by existing landscaping and as a result of the large lot size. It is noted there is some existing overlooking between the subject site and the dwelling to the north.

A number of privacy measures have been incorporated into the design, including orienting larger glazing to the rear of the site, opaque glazing, the use of skylights and privacy screening.

Acoustic Privacy

The development will not result in noise levels inappropriate to a residential area and the site is not located in close proximity to a noise generating activity.

Private Open Space

The DCP requires a minimum private open space requirement of 80sqm and the development retains a compliant area in the rear yard.

Waste and Recycling Facilities

Appropriate waste management will be undertaken during the demolition and construction process. All demolished materials will be recycled where possible which is detailed in the accompanying Waste Management Plan.

A new bin storage area is proposed below the new access stairs, with waste to be collected by Councils regular service.

Section D – Bilgola Locality

The site is located in the Bilgola Locality and the proposed development is consistent with the desired character, built form and natural environment criteria as specified in the DCP. The proposed development is considered appropriate within residential and natural setting.

Character

The dwelling is an appropriate design for the locality. Materials and colours complement the area and are consistent with the site, while sitting comfortably in the locality.

Scenic Protection

The proposed development is consistent with this clause, in that there will be no negative visual impacts from a waterway, road or public reserve, as a result of the development.

Building colours, materials and construction

The works propose materials and colours consistent with the existing dwelling and the residential setting.

Front Building Line

The DCP requires a front building setback of 6.5 metres and the dwelling will result in a compliant front setback of 13 metres from Hudson Parade.

Side and rear building line

The DCP requires side setbacks of 2.5 metres one side and 1 metre the other side and a rear setback of 6.5 metres.

The dwelling proposes side setbacks of:

Level 1 – merit assessment

1.49 metres (north)

1 metre (south)

Level 2 – merit assessment

0m (pump room – north)

1.9 metres (pavilion - north)

0.9 metre (south)

Level 3 – compliant

13.6 metres (north)

900mm metre (gym / studio - south) - merit

A variation to the side setback control is considered appropriate, in this case, as the proposed setbacks are consistent with the existing dwelling. In addition, the development remains consistent with the objectives of the control, as addressed below:

Outcomes

To achieve the desired future character of the Locality.

Comment

Consistent. The design of the development has taken the desired character of the location into consideration and the development will remain consistent with the approved alterations and additions and compatible with other dwellings in the locality.

The bulk and scale of the built form is minimised.

Comment

Consistent. The development proposes a building height consistent with the height approved by DA2020/1591. The resulting dwelling is an appropriate bulk and scale for the site which is located well below street level.

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

Comment

Consistent. A site visit has been undertaken and it is concluded that the development will not result in any view loss impacts to or from public or private places.

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

Comment

Consistent. A site visit has been undertaken and it is concluded that the proposed development will not result in any view loss impacts.

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

Comment

Consistent. Privacy will be retained for neighbours as the dwelling will not increase overlooking to any key living areas or private open space.

The site is visually separated from neighbouring dwellings by existing landscaping and as a result of the large lot size. It is noted there is some existing overlooking between the subject site and the dwelling to the north. A number of privacy measures have been incorporated into the design, including orienting larger glazing to the rear of the site, opaque glazing, the use of skylights and privacy screening.

As assessed above, the subject site and neighbouring dwellings retain compliant solar access from 10am – 3pm.

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

Comment

Consistent. The site will retain ample tree coverage and also abuts a significant area of bushland, which adds to the landscaped environment.

Flexibility in the siting of buildings and access.

Comment

Consistent. It is considered the site characteristics warrant the support of a variation to the side setback control, as the location of the new works is consistent with the built form of the existing dwelling on the site and the alterations and additions approved by DA2020/1591.

The proposed variation will not result in any unreasonable impacts on neighbouring properties.

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

Comment

Consistent. The development will improve the existing non-compliant landscaped area and does not propose to remove any significant native trees.

To preserve and enhance the rural and bushland character of the locality.

Comment

Consistent. The development will have no impact on the rural or bushland character of the locality.

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

Comment

Not relevant. The site is not located between a commercial and residential zone.

As the site is mapped with a foreshore building line, the rear setback control does not apply.

Building envelope

A building envelope of 45° measured at a height of 3.5 metres applies to the site.

The dwelling will result in a minor variation to the building envelope control on the upper level of the gym / studio, which remains consistent with the design approved by

DA2020/1591 and MOD 2022/0643. The minor variation is of negligible impact on the neighbour and result in no privacy concerns. Bulk and scale is achieved at an appropriate level as on average the development far exceeds the requirements, with only the small corner area impacted.

Landscaped Area – Environmentally Sensitive Land

The DCP requires 60% landscaping on the site which is equivalent to 1141m² for the site area of 1902m² (of which 6% can be impervious area).

The existing soft landscaped area on the site is non-compliant at 52% or 999m² and the development proposes to minimally decrease the landscaped area to 51% or 974m².

If the entire site, including the waterfront lot 2 is included, then this is equivalent to 1176m² for the site area of 1960m² (of which 6% can be impervious area).

The existing soft landscaped area on the site is non-compliant at 54% or 1060m² and the development proposes to minimally decrease the landscaped area to of 53% or 1035.6m².

The substantially commenced DA2020/1591 is approved with a landscaped area of 46.5% according to the Council report.

A variation to the landscaped area is considered appropriate, as the works have minimal change to the existing non-compliance. In addition, the development remains consistent with the objectives of the control, despite the variation, as assessed below:

Achieve the desired future character of the Locality.

Comment

Consistent. The proposed development has been designed taking into consideration the desired character of the location.

The proposed works will result in a small change the existing landscaped area on the site and the minor variation will have no material impact to the existing landscape and natural setting, with the site bounded by bushland on the waterfront.

The dwelling remains consistent with the character of the area and is appropriate for the locality.

The bulk and scale of the built form is minimised.

Comment

Consistent. The development remains consistent with the bulk and scale of the alterations and additions approved by DA2020/1591. In addition, the significant setbacks and existing natural vegetation softens the impact of the dwelling when viewed from Hudson Parade and the Pittwater waterway.

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

Comment

Consistent. As outlined above, privacy and amenity is retained for neighbours and the subject site, with existing privacy measures retained.

Appropriate and compliant solar access is retained for the subject site and adjoining properties.

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

Comment

Consistent. The development largely retains the building footprint approved by DA2020/1591, with no trees proposed for removal. In addition, the proposed landscaped area is an improvement to the existing landscaped area on the site.

Conservation of natural vegetation and biodiversity.

Comment

Consistent. No native vegetation will be impacted by the proposal.

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

Comment

Consistent. Stormwater from the site will be managed in accordance with Councils controls, with water directed to existing drainage infrastructure on the site.

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

Comment

Consistent. The proposed development retains the character of the approved alterations and additions and will result in an increase to the existing landscaped area, ensuring the character of the locality is retained.

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

Comment

Consistent. The development retains and enhances the soft landscaped area on the site, assisting in the infiltration of water and stormwater management.

Fences

New piles on the boundary are to be installed and rendered with planters added to provide landscape screening. This is detailed on the plans and will be a positive addition to the site.

7. Numerical Control Table

	Standard	Proposed	Compliance
Pittwater LEP 2014			
Zone	C4 Environmental Living C2 Environmental Conservation (waterfront area)	Dwelling house	Yes. Dwelling houses are permitted with consent in the C4 Zone.
Lot Size	700m ²	1902m ²	Yes - no change to existing
Building Height	8.5 metres	10.4m (Max. ridge RL26.74, consistent with approved max. ridge height of RL26.745m by DA 2020/1591)	Clause 4.6 variation request provided
Heritage Conservation	Not a heritage item, not located in a heritage conservation area and not located in close proximity to any heritage items.		Yes
Flood Planning	Not identified on the NBC flood hazard map		Yes
Acid Sulfate Soils	Mapped as Class 5		Yes
Biodiversity	The site is mapped as biodiversity.	No tree removal or environmental impact	Yes
Geotechnical Hazards	Mapped as geotechnical hazard – H1		Geotechnical report provided.
Foreshore Area	The rear of the site is mapped as foreshore building line.	Works are located outside of the mapped area.	Yes
Pittwater DCP 2014			
Localities	Bilgola Locality		Yes
Water Management	All development creating an additional impervious surface area >50sqm must provide a rainwater tank.	Impervious area increase <50m ² – onsite detention not required.	Yes
Access and Parking	Min. 2 spaces per dwelling	>2 spaces	Yes
Solar Access	3 hours sunlight to 50% of POS of both subject	Complies from 10am - 3pm	Yes

	Standard	Proposed	Compliance
	site and adjoining properties between 9am and 3pm on June 21.		
Private Open Space	80m ²	>80m ²	Yes
Front setback	6.5m or established building line	13m	Yes
Side Boundary Setbacks	2.5m on one side and 1m on the other side	<u>Level 1</u> 1.49m (north) 1m (south) <u>Level 2</u> 0m (pump room – north) 1.9m (pavilion - north) 0.9m (south) <u>Level 3</u> 13.6m (north) 900mm (gym / studio - south)	Merit assessment Merit assessment Yes Merit assessment
Rear Boundary Setbacks	6.5m	N/A (Foreshore building line applies)	N/A
Side Boundary Envelope	3.5 metres / 45 degrees	Dwelling Gym	Yes Merit assessment
Landscape Area – environmentally sensitive land	60% of site area = 1141.2m ² for site area of 1902m ²	53% or 1035.6m ²	Merit assessment

8. Section 4.15 Considerations

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

8.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed land use is complimentary and compatible with adjoining development. The proposal achieves the aims of the Pittwater LEP and DCP.

The development is permissible in the zone.

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

Context and Setting

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

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

These matters have been discussed in detail in the body of the statement, appendices and attached specialist reports.

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

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

The proposed development has been designed to complement the sites and their surrounds. The proposal is appropriate and will have negligible impact on adjacent properties.

Access, transport and traffic

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

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

No conflict or issues will arise as a result of the proposed development.

Public domain

There will be no impact.

Utilities

There will be no impact on the site, which is already serviced.

Flora and fauna

There will be no impact.

Waste

There will be no impact.

Natural hazards

The natural hazard of acid sulfate soils can be effectively managed to permit the development to proceed in its current form.

Economic impact in the locality

There will be no impact, other than the possibility of a small amount of employment during construction.

Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

The proposed development is appropriate to the sites with regards to all of the above factors. The development fits well within the context of the surrounds and the development is well suited to the residential surrounds.

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

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

The proposed development will comply with the provisions of the Building Code of Australia and all relevant Council controls.

Construction

What would be the impacts of construction activities in terms of:

- *the environmental planning issues listed above?*
- *site safety?*

Site safety measures and procedures compliant with relevant legislation will ensure that no site safety or environmental impacts will arise during construction.

8.3 The suitability of the site for the development

Does the proposal fit in the locality?

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The adjacent development does not impose any unusual development constraints.

Are the site attributes conducive to development?

The site is appropriate for the proposed development.

8.4 Any submissions received in accordance with this Act or the regulations

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.

8.5 The public interest

It is considered that the proposal is in the public interest as it allows for appropriate use of the residential site.

Section 4.15(1) of the Environmental Planning and Assessment Act has been considered and the development is considered to fully comply with all relevant elements of this section of the Environmental Planning and Assessment Act 1979.

9. Conclusions

- 9.1 The proposed development for the demolition of the existing dwelling and the construction of a new dwelling house, at 316 Hudson Parade, Clareville, is appropriate considering all State and Council controls.
- 9.2 When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 9.3 Considering all the issues, the development is considered worthy of Council's consent.

Planner Declaration

This report was prepared by:

Senior Planner: Naomi Lyons

Document Control Table

Document Purpose:	Statement of Environmental Effects	
Date	Prepared by	Approved by
20 May 2025	Naomi Lyons Senior Planner	Sarah McNeilly Director

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