

MINOR ALTERATIONS
TO EXISTING RESIDENCE AND BOATHOUSE

90 HUDSON PARADE, CLAREVILLE

FOR DANNY AND LISA GOLDBERG



DEVELOPMENT APPLICATION

STATEMENT OF ENVIRONMENTAL EFFECTS

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90 Hudson Parade, Clareville**STATEMENT OF ENVIRONMENTAL EFFECTS****1.0 Executive Summary**

This Statement has been prepared to accompany a Development Application for minor external alterations to an existing residence and boathouse at 90 Hudson Parade, Clareville.

The existing residence was constructed in approximately 2010 (DA N0194/09) and is essentially a two-storey residence on a battleaxe block with a basement storage and plant area. The basement level is barely visible above ground. The pre-existing boathouse and jetty were altered and refurbished in approximately 2012 under DA N0052/12.

It is proposed to make a number of minor alterations/improvements to the residence and boathouse to improve privacy, sunshading and natural light penetration and ventilation. It is also proposed to reduce the length of the existing swimming pool and increase the size of the existing deck commensurately, as well as to convert part of the pool into a spa pool. Other works include reconstruction of the existing driveway/kerb crossing with a safer gradient and installation of boundary fences. No expansion of or change to internal space is proposed and there is no alteration to the existing building envelope.

The proposed development has negligible environmental effects on neighbouring properties and the public domain and will result in an improvement of the amenity of the existing residence. When viewed from the water, the proposed amendments will make an incremental visual improvement without altering the existing overall character of house and boathouse.

2.0 Existing Property and Site Context

FIG. 1 AERIAL VIEW OF 90 HUDSON PARADE AND SURROUNDS

2.1 Existing Property

90 Hudson Parade is an existing two storey contemporary residence on the western side of the street and with a frontage to Clareville Beach and excellent views out over Pittwater. The property is accessed by a long moderately steep driveway from Hudson Parade to the south side of No 88 Hudson Parade, from which the subject site appears to have been subdivided. The residence includes a west facing modestly raised deck area with an existing swimming pool to the north. An existing overwater boathouse and jetty which predates the current house is also attached to the property.

Dense landscaping surrounds the house and driveway other than the northern side of the house where the swimming pool is located. Exterior finishes include timber cladding and decking, exposed painted steel framing and copper roofing.

The residence is barely visible from Hudson Parade and also has fairly minimal visual presence viewed from Pittwater. The boathouse and jetty are more prominent than the house. Surrounding houses with more elevated positions are also more prominent visually.

A right of way along the northern and southern boundaries allows for access to the beach for properties behind No 90 as well as for Sydney Water maintenance access.



FIG. 2 VIEW OF EXISTING HOUSE & BOATHOUSE FROM PITTWATER

2.2 Surrounding Properties

The residence is surrounded by similar scale houses of varying age and condition in a landscaped setting with many large established trees.

Immediately to the north is No 86, a three storey modern residence with predominantly painted exterior finishes. This house also has a beach frontage and boathouse with a deep lawn area between beach and house.

Immediately to the South is No 36 Delecta Avenue – a substantial two storey residence with predominantly timber cladding and a large covered deck and garden facing the beach.



FIG. 3 VIEW OF SURROUNDING PROPERTIES FROM PITTWATER

To the east is No 88 Hudson Parade – also a two storey residence with weatherboard and paint finishes. No 88 is situated at street level and is therefore elevated above and looks over the roof of No 90 towards Pittwater.

Clareville beach is situated to the West of the house with a strip of sand used for public access between house and boathouse.

3.0 Proposed Changes

This application is for minor alterations to the existing driveway, residence, pool and boathouse as follows.

3.1 Driveway Works

The property boundary – defined by an existing pair of gates, is approximately 8-9 m setback from Hudson Parade with a part bitumen and part concrete driveway in between. The existing driveway gradient is inconsistent and results in the undercarriage of smaller vehicles badly scraping when leaving the property.

It is proposed to address the issue by remaking this driveway after relevelling to give a more consistent gradient with a gentler grade immediately below the crest of the driveway. The replacement driveway would be finished with washed aggregate concrete. Levels at the junction of the driveway to No 88 would be maintained to avoid any negative impact to vehicles entering and leaving that property. The proposed works would be subject to detail design by a Civil Engineer prior to implementation.

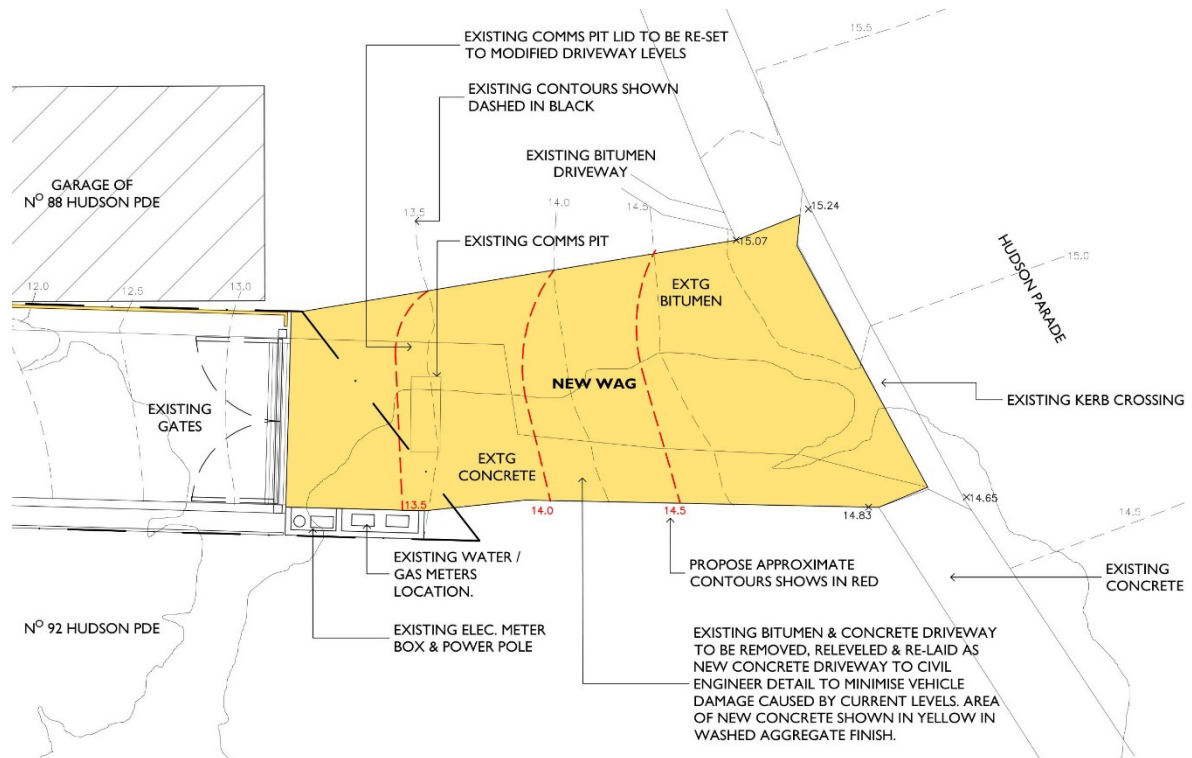


FIG. 4 PROPOSED DRIVEWAY WORKS

3.2 Fencing Works

Three areas of new and/or replacement boundary fence are proposed as follows:

- A. A new timber brush fence to the northern side of the driveway between No 90 and No 88. There is currently no fence in this location. The southern side of the driveway opposite already has a brush fence which is well integrated into the bush setting – a similar treatment is an obvious choice for the northern side of the boundary. The fence height would be expected to be 1.5m on average with a length of approximately 20 metres – starting at the existing driveway gates and ending where an existing stone retaining wall and increasing change of level already provides a clear definition of the boundary between the properties.
- B. A new lapped and capped timber paling fence and gate to replace the existing open metal boundary fence at the southwest corner of the property. The existing fence is situated within dense boundary planting and the new fence would be placed in the same location. The new fence would be 1200mm high and painted both sides with a brown or green colour to blend it in visually within the existing vegetation. A gate at the end of this fence completes the enclosure of the western garden of the house.

- C. Existing poor quality aluminium railing fence to western garden to be replaced with a solid timber batten fence in weathered hardwood finish with a height of 1000mm. A similar fence to that proposed can be found at No 26 Delecta Avenue.



FIG. 5 PROPOSED FENCING WORKS

3.3 Residence Works

A number of minor improvements to the west side of the existing house are proposed as follows:

- A. Installation of a folding arm awning to the west of the lower level outdoor living terrace. The awning will provide shade to the deck as well and the western glazing of the house. The awning will be motorised and have a wind sensor fitted.
- B. Minor modification of deck and landscaping in southwest corner of deck to improve usability.
- C. Installation of frameless glass balustrades to the existing and modified deck to prevent children falling off the edge.
- D. Installation of one window into basement to provide some natural light and direct ventilation to a space that is otherwise completely dependent on artificial light and ventilation.

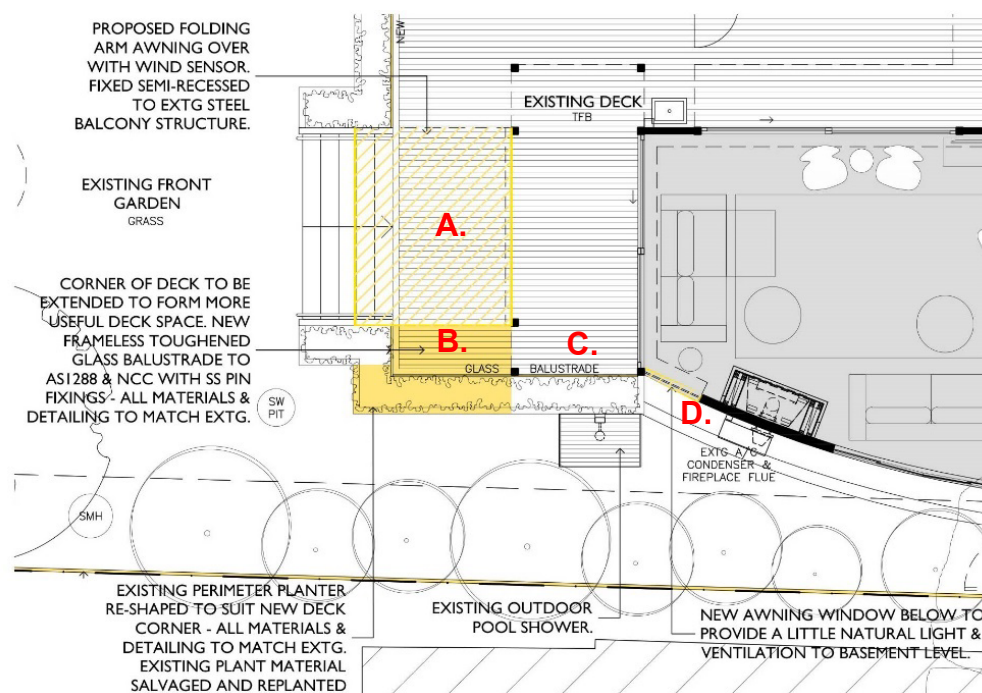


FIG. 6 PROPOSED RESIDENCE WORKS

3.4 Pool and Privacy Screening and Fencing

The existing swimming pool situated on the northern side of the property is partly elevated above the adjoining property No 86 and lacks effective privacy screening to the side boundary. A paved right of way from No 88 Hudson is situated immediately against the edge of the pool and gives rise to similar overlooking of the pool area. It is proposed to carry out the following alterations and improvements to the pool and to provide some effective privacy screening to the side boundary.

- A. Shorten the swimming pool and extend the existing timber deck area to make it more usable. The existing deck to west of pool is currently too small to be usable for furniture.
- B. Convert the western end of the shortened pool into a spa pool.
- C. Install a weathered hardwood timber batten privacy screen and pool fence in lieu of an existing open aluminium railing fence. This privacy screen is setback 1 metre from the northern property boundary.
- D. Beyond the length of the pool to the south - replace the railing fence with frameless glass.
- E. Existing planting to this side of the house retained as is.

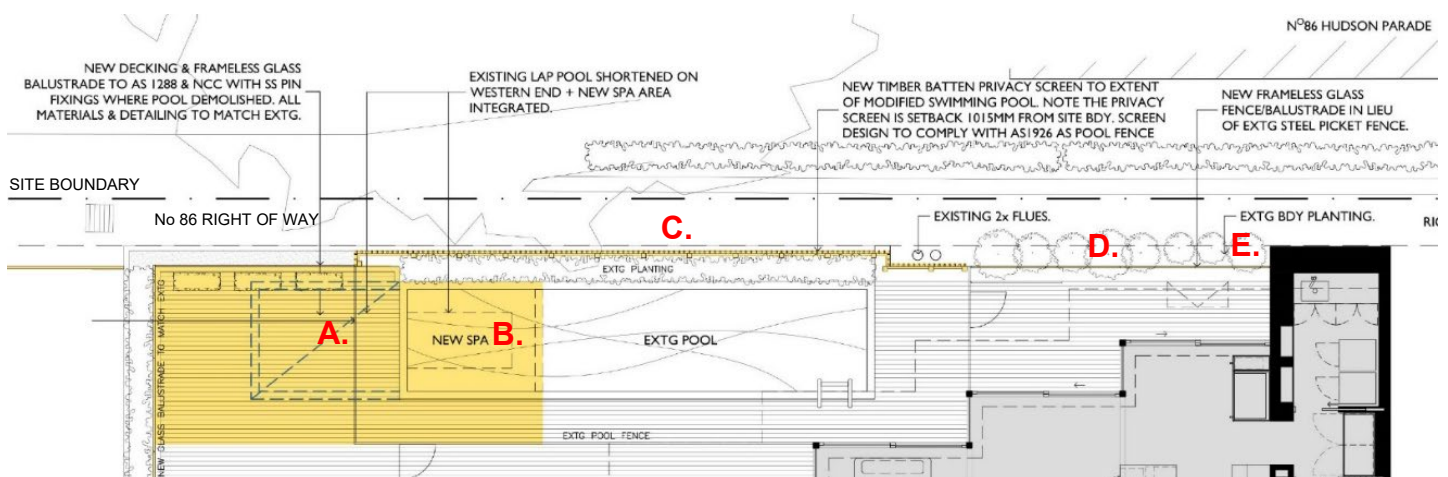


FIG. 7 - PROPOSED POOL WORKS



FIG. 8 - PROPOSED POOL PRIVACY SCREENING – EXISTING AND PROPOSED VIEWS

3.5 Boathouse Works

The existing boathouse is clad in painted timber weatherboards and has no windows. General repair works and a number of improvements to the boathouse are proposed as follows:

- A. Installation of four timber framed double hung sash windows per side to north and south elevations to allow for ventilation and increased natural light inside.
- B. Replacement of the existing heavy timber sliding doors to the water side with bi-folding timber glazed doors.
- C. The existing private jetty is frequently used by members of the public including for boat drop offs and collections as there is currently no barrier to such use other than some signage. It is proposed to install a lockable gate to each of the side ramps up to the jetty to minimise such unauthorised use. The proposed gates will not have any impact on public use of the beach strip between house garden and boathouse.

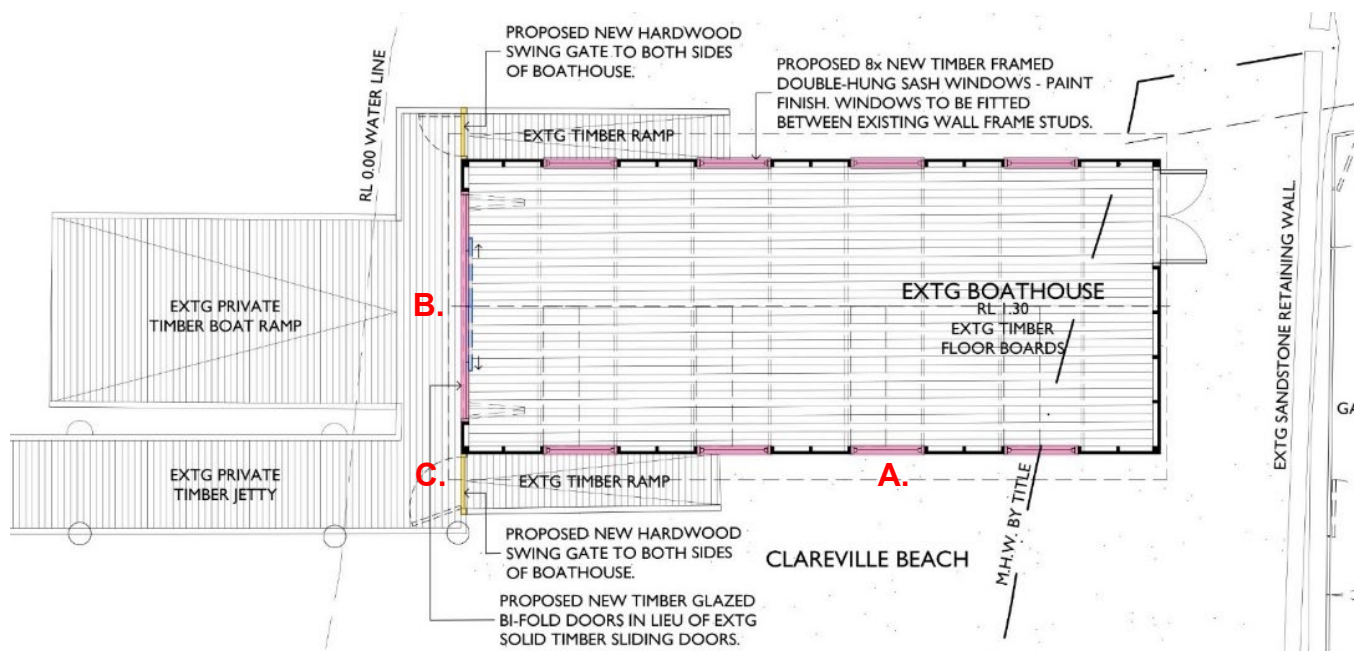


FIG. 9 - PROPOSED BOATHOUSE WORKS

4.0 Compliance with Relevant Planning Controls

The Principal Planning Instruments relevant to the site are:

- SEPP (Resilience and Hazards) 2021 Chapter 2 Coastal Management
- Pittwater LEP 2014
- Pittwater 21 DCP

4.1 SEPP (Resilience and Hazards) 2021

The subject site is located in the Coastal Environment and Coastal Use areas under the SEPP.

4.1.1 Coastal Environment Areas

The objectives of the SEPP (Clause 2.10) for development in this area are as follows:

- (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.*
- (3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of [Sydney Regional Environmental Plan \(Sydney Harbour Catchment\) 2005](#).*

It is submitted that the proposed works are minor amendments to an existing residential property that has been the subject of previous approval processes, which considered the impact of the original and altered development, and ongoing use of the site, on the coastal environment area, and found it to be satisfactory. The current minor amendments do not represent any material change in the use of the site – or its impact on the coastal environment. It is submitted therefore that the considerations to be made under the SEPP should not prevent an approval of the proposed development.

4.1.2 Coastal Use Areas

The objectives of the SEPP (Clause 2.11) for development in this area are as follows:

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following—
- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
- (iv) Aboriginal cultural heritage, practices and places,
- (v) cultural and built environment heritage, and
- (b) is satisfied that—
- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.
- (2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

It is submitted that the proposed works are minor amendments to an existing residential property that has been the subject of previous approval processes which considered the impact of the original and altered development, and ongoing use of the site, on the coastal environment area, and found it to be satisfactory. The current minor amendments do not represent any material change in the use of the site – or its impact on the coastal environment.

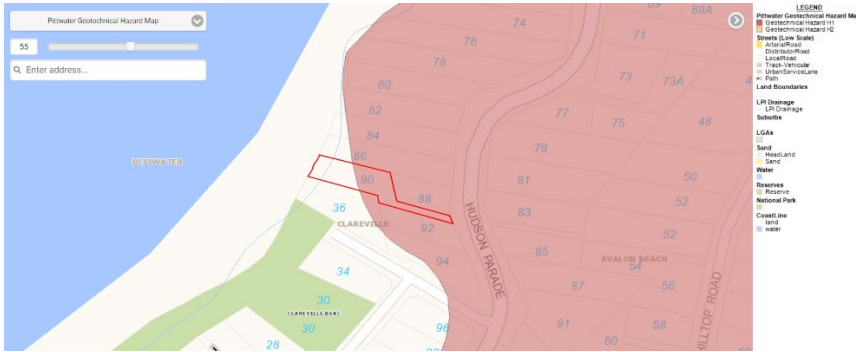
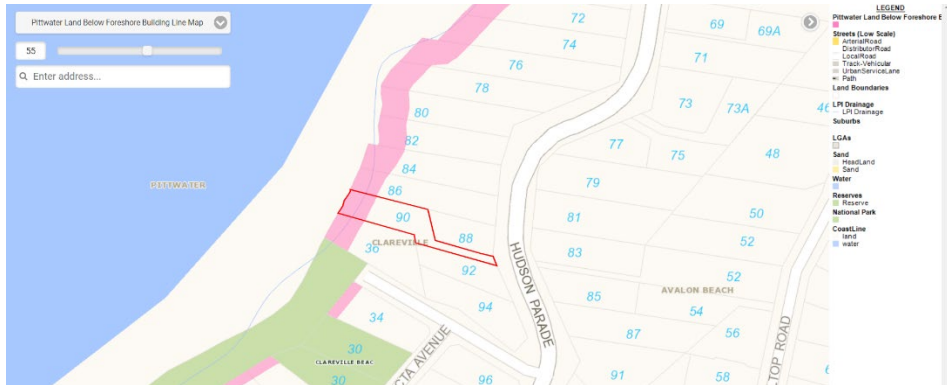
Furthermore, there is no change to public access along the beach as a result of the development. The visual impact of the proposed amendments will be very minor given that all of them occur within the envelope of existing buildings and or replace existing elements with fresh and better materials. And each amendment is deliberately designed to be integrated with the existing character of the building they relate to. It is submitted therefore that the considerations to be made under the SEPP should not prevent an approval of the proposed development.

4.2 Pittwater LEP 2014

4.2.1 LEP Compliance Table

GENERAL SITE INFORMATION		
Real Property	Lot A, DP 376415	Note Only
Council	Northern Beaches (Ex Pittwater LGA)	Note Only
Site Area	822.2 sqm by Survey, 815.7 sqm by Title.	Note Only

PITTWATER LEP 2014 (RELEVANT PROVISIONS)			
CLAUSE	REQUIREMENT	DESCRIPTION	COMPLIANCE
2.1 Land Use Zones	Zone C4 – Environmental Living	Proposed development is permissible with Council consent. Existing uses also approved in previous DA's.	YES
4.1 Minimum Lot Size	700 sqm	Existing Lot Size is 822.2 sqm by survey. 130.1 sqm is contained within the access handle of the battle-axe block. The remaining 692.1 sqm <u>is slightly under the</u> minimum 700 sqm requirement. However, the lot size was clearly created many years ago and has been previously judged to be satisfactory. And the proposed amendments are minor and make no change to the Lot size, the extent of residential accommodation provided and/or the intensity of development. It is submitted minimum lot size is therefore of no relevance to the current application.	N/A
4.3 Height of Buildings	8.5m	The house is existing and no change to building envelope is proposed. Maximum height of existing building is approximately 7.7m and hence complies.	YES
4.4 Max. Floor Space Ratio	No Maximum FSR Shown on FSR Map	The proposed development does not give rise to any additional GFA and in any case there is no maximum FSR control for the site.	N/A
5.7 Development Below mean high water mark	Development Consent is Required	The proposed amendments to the Boathouse apply to land below the mean high water mark and hence a DA is being submitted.	YES
5.10 Heritage Conservation	Consideration of Heritage Impact.	The proposed development <u>is not</u> within a Heritage Conservation Area and <u>is not</u> an item of environmental heritage.	N/A
7.1 Acid Sulphate Soils	Possible preparation of Acid Sulphate Soils Assessment	The proposed development is mostly in a Class 5 Acid Sulphate Soils area - with the central portion of the site identified as Class 3 Acid Sulphate Soils. The proposed works do not involve any excavation and will have no impact of the existing water table. An Acid Sulphate Soils Management Plan has therefore not been prepared.	YES
			
7.5 Coastal Risk Planning	Consideration of Risk Management re Coastal Hazards	The proposed development is NOT identified as being in an area of coastal risk.	N/A

7.6 Biodiversity	Consideration of Impact on Biodiversity, ecology, fauna and flora.	The proposed development is identified to be in a biodiversity sensitive area. The proposed amendments are minor and do not result in any material change to the surrounding natural environment, ecology or vegetation on either land or water. There is no conceivable impact on local fauna.	YES
			
7.7 Geotechnical Hazards	Consideration of Geotechnical Hazards	The proposed development is partially identified to be in an area of HI geotechnical hazard. However no significant excavation or construction are proposed. The proposed driveway resurfacing will involve very shallow excavation only. There is no change to stormwater management proposed. A geotechnical report has therefore not been submitted.	YES
			
7.8 Limited Development on Foreshore Area	Only certain uses permitted in the Foreshore Area.	The proposed development is partially within the foreshore area. The existing house is setback behind the foreshore area but the boathouse is within or beyond the foreshore area. The clause permits boathouse uses within the foreshore area and the proposed amendments to the existing boathouse building are minor and have no impact on public beach access and/or natural foreshore processes.	YES
			

4.2.2 LEP Compliance Discussion

The proposed development consists of minor alterations only to an existing residential property. There are no proposed changes to lot size, site boundary, building envelope, height, bulk or scale. It is not surprising that assessment of the proposed works against the LEP planning controls does not reveal any meaningful areas of non compliance.

The proposed development is consistent with and does not contravene the requirements of the LEP.

4.3 Pittwater 21 DCP

4.3.1 DCP Compliance Table

PITTWATER 21 DCP (RELEVANT PROVISIONS)			
PROVISIONS	REQUIREMENT	DESCRIPTION	COMPLIANCE
B General Controls			
B3.7 Estuarine Hazard	Consider Estuarine Risk Including Wave Inundation.	The subject site is identified on the Estuarine Hazards Map as being potentially subject to wave action and tidal inundation. However, the proposed development consists of minor alterations only to an existing residence and boathouse. There are no major building works involved and no new structures or buildings. There are no works proposed that could conceivably effect estuarine processes and no works that would make any material difference in relation to estuarine risks. It is submitted therefore that while the development is technically within an Estuarine Hazard area, the very minor scope of the proposed works does not warrant an engineering assessment.	N/A
			

C Development Type Controls – Section C1 – Residential Development			
I.1 Landscaping	Landscape Plan may be required.	- When is a Landscaping plan NOT REQUIRED ? Where a proposal : - • Does not involve changes to the external appearance, or increase the footprint of an existing building and / or • Does not cause any substantial change to the visual character of the site. • A landscaping plan is not required provided trees and vegetation are to be retained, and proposed canopy tree planting and screen planting details are shown on the ground floor plans. The proposed development satisfies the above criteria and hence a Landscape Plan has not been submitted. No material changes to landscaping are proposed and no impact on any trees or significant vegetation are contemplated. Some very minor landscaping alterations are required where the shape of the existing timber deck is to be altered. In this case the same plant material will either be relocated or re-established in the slightly modified alignment of the subject planting area.	YES
C1.5 Visual Privacy	Private Outdoor Space and swimming pools should have screening devices to provide for visual privacy between properties across side boundaries.	- Private open space areas including swimming pools and living rooms of proposed and any existing adjoining dwellings are to be protected from direct overlooking within 9 metres by building layout, landscaping, screening devices or greater spatial separation as shown in the diagram below. - Elevated decks and pools, verandahs and balconies should incorporate privacy screens where necessary and should be located at the front or rear of the building. The existing swimming pool does not have effective privacy screening from a right of way on the same property and from/to the garden/lawn area of the adjoining property at No 86 Hudson Parade. The DA includes the installation of a vertical weathered hardwood batten privacy screen to 1.5m height above the swimming pool level – to reduce cross viewing in both directions between properties. The proposed screen will be to will replace an existing aluminium pool fence outside of existing landscaping - allowing that landscaping to continue growing and over time to increase the effective screening element. The proposed screen is setback 1 metre from the site boundary and has a maximum height of 2.5m above finished ground level, owing to swimming pool being elevated at house floor level.	YES

CI.17 Swimming Pool Safety	Swimming Pool fences and resuscitation signage shall comply with AS 1926.	The proposed development includes a new privacy screen in lieu of part of the existing pool fence provided by an aluminium railing fence. The new privacy screen will have vertical timber battens and will comply as a pool fence with AS 1926. The remainder of the pool fence is maintained or modified to match existing in frameless glass – all specified to comply with AS 1926. Permanent Resuscitation signage will be installed where indicated on the drawings.	YES
D Locality Specific Development Controls – DI – Avalon Beach Locality			
DI.1 Character viewed from a public place.	Consider visual appearance/impact of proposed works in the context of the street and public places.	The subject site is on a battle axe block – the residence is not visible from the street. The residence is visible from Clareville Beach – but the proposed amendments are all minor alteration to an existing residence and boathouse which are consistent with character of the existing buildings.	YES
DI.4 Scenic Protection	Consider any Impact on Scenic Values	The proposed development consists of only minor alterations to an existing residence, previously approved by Council. The amendments are all consistent with existing character and are not of a scale where there could be any meaningful impact on the scenic values of the Pittwater area.	YES
DI.5 Building Colours and Materials	Controls to maintain consistent colours of buildings and facades to blend them into the natural environment.	The proposed alterations do not alter the extg colour/materials palette of the existing house, other than adding a layer of natural weathered timber batten fence and screens. A materials board drawing has been provided. Materials are all natural and unreflective (other than frameless glass).	YES
DI.14 Landscape Area Sensitive	Controls relating to size and coverage of landscaped area.	The subject site residence and pool are existing, with their relationship to site area previously approved. No material change in landscaping is proposed. A very minor realignment of the deck perimeter in southwest corner will result in a very minor realignment of landscaping. This minor change will have no material impact on the existing landscaped setting.	YES
DI.15 Fences	Controls relating to fence types and heights.	The proposed alterations include 2 areas of side boundary fence and one rear fence which may be considered a front fence given it defines the frontage with Clareville Beach. A. Brush fencing to driveway – effectively a side boundary fence not within the front setback – maximum height 1.5m. This fence is consistent with existing fencing to the opposite side of the driveway and is behind the front gates and barely visible from the street. B. A small area of lap and cap timber fencing at southwest boundary corner in between established hedging plants along that	YES

		boundary. Proposed to be 1.2m high and painted out in a colour that will visually blend this fence into the background. The fence is effectively a side boundary fence not visible from the front setback or from the rear boundary.	
		C. Timber batten fencing to the rear garden facing the beach. This fence will be a maximum of 1m high and permit vision over and through the fence towards and from the water. The fence will be similar to the extg beach frontage fence at No 26 Delecta Avenue which is a highly appropriate low barrier made from solid natural hardwood materials. Note this fence is to replace an existing poor quality aluminium fence and will be installed in the same position above a low stone retaining wall. The fence is well setback from the property boundary which is at the mean high-water mark. The setback varies from 3m approximately at the northern side of the site to 6.5 m at the southern side.	

4.3.2 Pittwater 21 DCP Discussion

The proposed development complies with or is consistent with the majority of DCP requirements. The development is minor and consistent with the character of the exiting building. It will have virtually no impact on the surrounding area.

There are no bulk, scale, height, privacy, view loss or overshadowing impacts created by the proposed amendments.

4.4.1 Visual Privacy

The one planning issue of real relevance that arises from consideration of the DCP is visual privacy between properties. The southern side boundary is well screened with established hedging and bamboo vegetation and there is consequently very good visual privacy between the properties in this direction. However, on the northern side of the site, the existing planting - setback inside a paved right of way, does not provide effective visual privacy between No 86 and No 90 Hudson Parade, particularly as the swimming pool of No 90 is modestly elevated as the natural ground falls away from the main house floor level which is also the coping level of the swimming pool.

It is proposed to install a timber batten privacy screen/pool fence in lieu of the extg low black aluminium pool fence. The screen is setback 1m from the northern boundary and will allow the extg vegetation to

increase in height over time enhancing the visual privacy between properties. Maximum height of the screen at the western end would be 2.5 metres above path level.

The existing photograph from the beach and proposed photomontage view below demonstrate the existing privacy issues and show the proposed screen is of a reasonable scale in the circumstances and will provide effective visual screening.



FIG. 10 – EXISTING NORTHERN BOUNDARY & POOL PRIVACY ISSUES



FIG. 11 – PROPOSED NORTHERN BOUNDARY WITH PRIVACY SCREEN

5.0 SECTION 79(C) OF THE EPA

In assessing Development Applications, reference must be made to the planning criteria contained in Section 79C of the Environmental Planning and Assessment Act 1979.

The proposed development, as shown in this Statement, achieves a high degree of compliance with Pittwater LEP 2014 and DCP 21, which should ensure compliance with the principal matters for consideration under Section 79C of the Act.

There are a few non-compliance issues such as minimum lot size stemming from the fact that the existing building was approved and built before the existing planning controls came into effect or otherwise were considered satisfactory at the time of original approval. The proposed development does not alter the lot, site, use or existing buildings in any significant way.

The site is clearly suitable for the proposed development as it is zoned C4 Environmental Living and already contains a residence constructed in the late 2010's which is proposed to be altered to a minor extent. The site also houses an existing boathouse and jetty which predate the house, and which were altered and refurbished in 2012. The development has been shown to have no detrimental amenity impacts on adjoining properties or the local area.

The development is in the Public Interest as it represents an orderly and incremental development of the land which will improve the amenity of the existing buildings by addressing existing issues with access and visual privacy, providing better usable outdoor space, improving sun-shading and natural light provision.

6.0 CONCLUSION

The proposed development complies with or is consistent with the overwhelming majority of LEP and DCP requirements. Any areas of non-compliance are minor and do not lead to any environmental effects of detriment or significance.

Therefore, it is submitted the Development Application represents an appropriate incremental development which is in the Public Interest.