

**STATEMENT OF ENVIRONMENTAL EFFECTS
DEVELOPMENT APPLICATION**

**NEW DWELLING
39 ATTUNGA ROAD NEWPORT**

Submitted to
NORTHERN BEACHES COUNCIL

On behalf of
MR L HORTON

Prepared by
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Date
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1.0 INTRODUCTION

This report provides a summary of the proposed development at 39 Attunga Road Newport and an analysis of the development against planning issues.

This submission has been prepared by Mark Hurcum Design Practice on behalf of the applicant and owner Mr Lance Horton. The report contains a description of the proposal and a Statement of Environmental Effects.

The proposal has been developed in consultation with council's officers and their feedback and input has been incorporated from the Pre-DA meeting (PLM2020/0118) dated 18 June 2020.

The following amendments were made to accommodate council's requests from the meeting:

- Removal of secondary dwelling
- Decreasing the extent of the first floor from the predominant building line

The proposed works were developed with consideration of the impact of neighbouring properties with regard to existing sunlight access, views and privacy. It is submitted that this is a quality development that successfully achieves the aims and objectives of council's statutory codes.

It is noted that detailed negotiations have been held with both neighbours that resulted in amendments to the proposed design prior to DA lodgement. In particular, the neighbour at No. 37 expressed a desire to retain their East-facing view across No. 39 and this set a limit on the footprint accordingly. View poles were installed to confirm this view angle as shown on the Site Analysis drawing. Several site meetings have been held to review the proposal.

The following amendments were made to accommodate the neighbour's request:

- First Floor relocated further back towards the northern boundary
- South-east corner of the builder on the lower ground floor is setback 3m from the predominant building line
- Setback towards the west increased
- Extent of footprint towards the south limited

2.0 SITE DESCRIPTION

The subject site is identified as Lot 104 DP 752046 and is known as 39 Attunga Road Newport. The property has two street frontages of approximately 15.2m to Attunga Road along its northern (rear) and southern (front) boundaries and its sides boundaries measure approximately 45.1m to the east and 44.1m to the west. The site is a regular lot with a north-south orientation. The site slopes downwards across its length and falls 19° from its northern boundary to its southern boundary. The total site area is approximately 678.5m².

The site is currently occupied by a two storey fibre cement dwelling and a fibre cement garage. The dwelling and garage are located on the upper part of the site with the garage situated forward of the existing building alignment along the northern (rear) street frontage to Attunga Road. There is one Norfolk Island pine close to the southern boundary.

3.0 PROPOSED DEVELOPMENT

The proposed development will involve the demolition of the existing dwelling and garage and the construction of a new dwelling, garage, and pool. The building footprint of the proposed design has been developed with consideration to neighbours' access to sunlight, views and amenity. For clarity going forward, the front boundary is considered to be the southern boundary and the rear boundary is subsequently the northern boundary.

The proposed building footprint of the dwelling is set well back from the prevailing front (southern) building line to maintain the cross views and sunlight to the living room windows of the neighbouring dwelling to the west, No. 37 Attunga Road. In addition, the proposed building footprint has been pulled back on its north-eastern side to improve the sunlight access of the neighbouring property to the east, No. 41 Attunga Road.

The proposed first floor contains the master bedroom suite with an ensuite facing south and a north-facing balcony with planters.

The proposed ground floor has an attached two car garage to the main living level which contains the kitchen, dining and living room with a south facing balcony and service areas. The main entry steps onto the outdoor entertainment area with a BBQ and garden as well as stairs leading down to the outdoor lower ground floor where the pool, spa and rear lawn is located.

The lower ground level will require some excavation at its northern end and will contain bedrooms and a lounge leading out to a landscaped area with the new pool and spa.

The development proposed a detached secondary dwelling during the Pre DA meeting. The dwelling was situated above a basement garage on the southern boundary. It has been acknowledged that the design would require a substantial amount of excavation as well as having an undesirable impact on the streetscape. The current proposal has accepted council's advice to remove the secondary dwelling and garage, retaining the site's existing southern landscape.

4.0 DEVELOPMENT CONTROLS

The following legislation and planning documents are relevant to the assessment of the subject DA:

- Coastal Management Act 2016 and State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy (BASIX) 2004;
- Pittwater Local Environmental Plan 2014;
- Pittwater 21 Development Control Plan.

5.1 ENVIRONMENTAL PLANNING INSTRUMENTS

5.1.1 SEPP (COASTAL MANAGEMENT) 2018

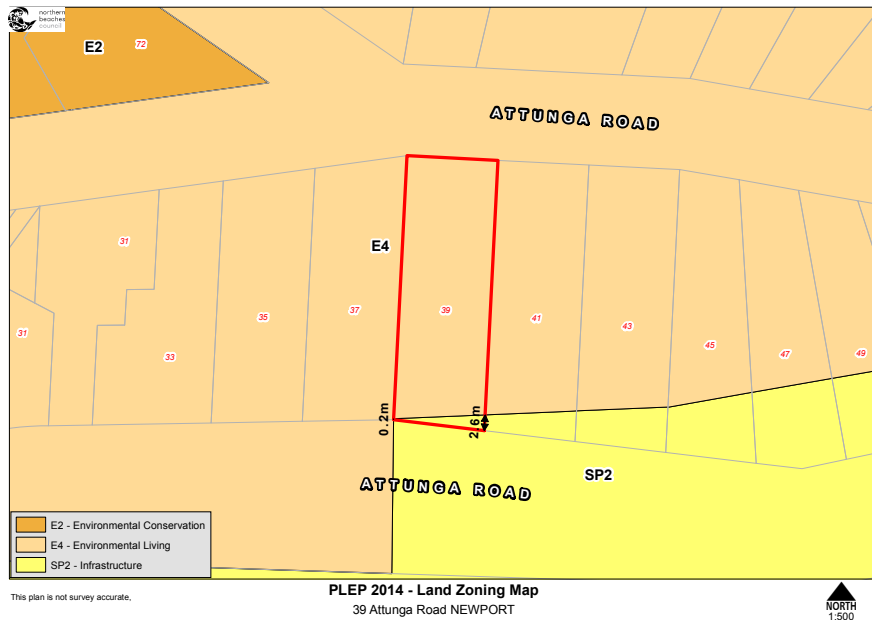
The subject land is identified as being within the 'Coastal Environment Area' and the 'Coastal Use Area' on the relevant maps. As these areas comprise the 'Coastal Zone' the provisions of the Coastal Management Act 2015 (CMA) apply. These provisions are generally addressed by the relevant clauses of the SEPP and generally relate to foreshore access and the protection of the environment. As the proposed development is not situated along the foreshore it will not restrict the public's access to it. The proposed building will have minimal environmental impact.

5.1.2 PITTWATER LOCAL ENVIRONMENT PLAN 2014

The proposed development has been assessed against the clauses of the Pittwater LEP and the relevant clauses have been discussed below.

Zone of land

As shown below, the majority of the site is zoned E4 Environmental Living under the Pittwater LEP whilst a small triangular wedge located along the sites southern boundary is zoned SP2 Classified Road. Dwelling houses and Secondary dwellings are permitted uses within the E4 Environmental zoning with consent. The southern alignment of the proposed secondary dwelling and underground garage will be setback 20mm from the northern edge of the SP2 Zone as set out below.



LEP Clause 4.3 – Height of buildings

As identified on the Pittwater LEP Height of Buildings Map the maximum height of buildings permitted is 8.5m from the natural ground level.

Primary Dwelling	
Maximum Building Height Permitted	= 8.5m
Existing Maximum Building Height	= 6.52m
Proposed Maximum Building Height (PLM 2020/0118)	= 9.25m
	MINOR NON-COMPLIANCE
Proposed Maximum Building Height	= 9.2m
	MINOR NON-COMPLIANCE

This minor non-compliance is less than a 10% variation to the control and due to the considerate design of the building footprint setbacks, will not substantially impact the views and sunlight access of the neighbouring dwellings. It is also noted that the proposed building is less impacting to the neighbours' view and solar access than a fully compliant design on the predominant building line.

LEP Clause 5.10 – Heritage Conservation

The subject site is not a heritage item and not located within a heritage conservation area.

LEP Clause 7.1 – Acid Sulfate Soils

The site is identified as containing Class 5 acid sulfate soils.

LEP Clause 7.2 – Earthworks

The proposed dwelling and driveway will require some excavation on site. Care has been taken to reduce the amount of excavation around the structural root zones of the Norfolk Island Pine at the southern end of the site.

LEP Clause 7.3 – Flood Planning

The lot is not identified on the Northern Beaches Council Flood Hazard Map and is not subject to flood risk.

LEP Clause 7.5 – Coastal Risk Planning

The subject site is not identified as being at risk on the Pittwater LEP Coastal Risk Map.

LEP Clause 7.6 – Biodiversity

The lot is not identified on the Pittwater LEP Biodiversity Map.

LEP Clause 7.7 – Geotechnical Hazards

The subject site is identified as Geotechnical Hazard H1. A Geotechnical Report is submitted with the Development Application to satisfy the objectives of this clause and minimise any geotechnical risk.

5.2 PITTWATER DEVELOPMENT CONTROL PLAN**DCP Clause A3.4 – Key objectives of the Pittwater DCP**

The proposed development achieves the applicable key environmental and social objectives of the Pittwater DCP.

DCP Clause A4.10 - Newport Locality

The proposed development achieves the desired future character of the Newport Locality in which it is located. The proposed dwelling is of a similar scale to neighbouring properties and is designed to step down the slope of the land to integrate with the landform and landscape. While the proposed design is three storeys at its southern end it has a highly articulated rear elevation that reduce the appearance of bulk when viewed from Attunga Road below. Three and four storey developments are common along Attunga Road, with many being more prominent than the proposed development which is set well back from the predominant southern (front) building line and will be screened by the existing Norfolk Island Pine to be retained on site.

DCP Clause B1.4 – Aboriginal Heritage Significance

The site is not identified as one of Aboriginal archaeological significance.

DCP Clause B3.1 – Landslip Hazard

The proposed development fulfils the outcomes of this clause and is accompanied by a Geotechnical Report prepared in accordance with the Geotechnical Risk Management Policy for Pittwater.

DCP Clause B3.2 – Bushfire Hazard

The subject site is identified as being in the buffer zone - 100-30m on the Pittwater DCP Bush Fire Prone Land Map 2013 and is identified as being in the vegetation buffer zone on the Final Draft Northern Beaches Bush Fire Prone Land Map. A Bushfire Report and Bushfire Risk Assessment Certificate is submitted with the development application. Based on the report prepared, a BAL-19 and BAL-29 rating is recommended for the proposed development.

DCP Clause B3.6 – Contaminated Land

The land is unlikely to have been used for any use that could cause contamination.

DCP Clause B4 – Controls Relating to the Natural Environment

The proposed development will not adversely impact the natural environment. There is one Norfolk Island Pine on the site. The development proposes the retention of the Norfolk Island Pine. An Arborist Report is submitted with the Development Application. The proposed dwelling and pool have been designed to sit outside the structural root zone of the adjacent tree. Detailed root mapping has been conducted prior to the DA submission to confirm they can be retained. A concept landscape plan is also submitted with the DA.

DCP Clause B5 – Water Management

As the development results in an additional hard (impervious) surface area of greater than 50m², an On-Site Detention (OSD) facility will be required and a stormwater plan is submitted with the DA.

DCP Clause B6 - Off-street Vehicle Parking requirements

The existing single car garage is located on the upper part of the site and is situated to the north of the existing building alignment along the northern (rear) street frontage to Attunga Road. This garage will be demolished and replaced with a two car garage in the same location to meet the requirements of the DCP for a primary dwelling with 2 bedrooms or more. The existing setback of the garage from the northern boundary along Attunga Road is 1.5m. The design proposed in PLM2020/0118 has the garage on the northern boundary. The current proposal has acknowledged council's advice to maintain at least a 1m setback from the boundary and therefore has retained the existing 1.5m setback. Additionally, the balcony above the garage has been substantially reduced in size and further set back from the northern boundary.

DCP Clause C1.3 – View Sharing

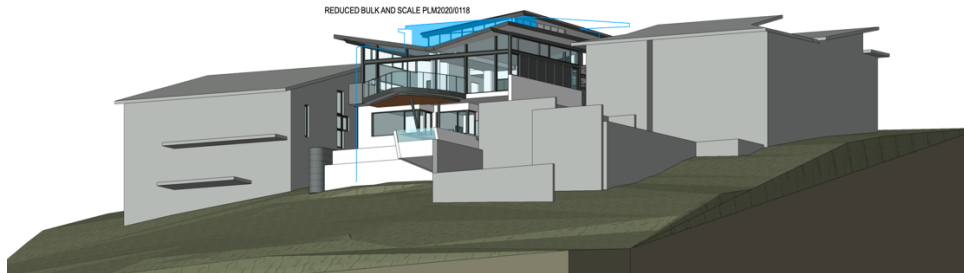
The issue of view sharing was a major aspect in the development of this design. The footprint of the proposed dwelling is set well back from the predominant front building line to the south in order to preserve the views of the adjacent properties. The first floor bedroom has been further set back from the proposed design of PLM2020/0118 to reduce bulk and scale. No. 37 Attunga Road currently enjoys cross views from the living room windows on its eastern side towards Newport Beach and these will be preserved. Similarly, there will be minimal impact on the views of No.41 Attunga Road as the proposed building footprint sits behind the southern alignment of this property.

It is noted that amendments have been made to the proposed design prior to DA lodgement following results of meetings with both neighbours. The neighbour at No. 37 requested to maintain their East-facing view across the subject site. View poles were installed to confirm this view angle as shown on the Site Analysis drawing.

The following amendments were made to suit neighbour issues:

- First Floor relocated further back towards the northern boundary
- South-east corner of the builder on the lower ground floor is setback 3.9m from the predominant building line

- Setback towards the west increased
- Extent of footprint towards the south limited



Cross views from Living Room windows of No. 37 Attunga Road (left of proposed building) towards Newport Beach retained. Design proposed in PLM2020/0118 outlined in blue.

DCP Clause C1.4 – Solar Access

The proposed building has been designed to minimise the impact of overshadowing on neighbours. To achieve this, the proposed building envelope is situated behind the predominant building line to the south and has been pulled back on its north-eastern side.

The controls for solar access restrict blocking of sunlight to neighbouring living areas in Winter so that neighbours retain 3 hours of sunlight. Elevational shadow diagrams to No.37 have been prepared. The elevational diagrams show that while there is shadow impact, sunlight is still achieved post-development around 10.30-11.30. But the existing sunlight to these windows is only achieved due to being next door to an essentially under-developed block of land. Development of the lot at No.39 was always going to have some impact to the neighbour's eastern and western windows. It is noted, however that the neighbour at 37 have north-facing windows that cast light into the study mezzanine and down into the living areas. These windows are unimpacted by the proposed development.

The shadow diagrams show the proposed design achieves the controls although the sunlight access to the living rooms windows along the eastern side of 37 Attunga Road is impacted.

DCP Clause C1.5 – Visual Privacy

The proposed development has been designed to minimise any overlooking of the adjoining properties. Windows to the side boundaries have been minimised and are located to provide natural light to the rooms they serve. In the main living area, the butterfly roof form allows high-level windows to the side boundaries, giving light without overlooking.

The elevated ground and first floor balconies to the south have been designed so that they are well back from the side boundaries to limit any overlooking of the neighbouring properties. The rear terrace will have screen planting as shown.

Planters for screening are incorporated in the design of the balcony on the first floor balcony above the garage and also on the pool deck in order to minimise any overlooking of the front yard of No. 37 and No. 41 Attunga Road.

DCP Clause D10.1 – Character as viewed from a public place

The proposed dwelling fronts Attunga Road on its northern (rear) and southern (front) boundary. As the building’s footprint is located behind the front building line of the adjacent properties it will not dominate its surroundings. In addition to this, the Norfolk Island Pine to be retained will substantially screen the building from view when viewed from a public place, as shown below.

The site currently has a garage just off its northern boundary that is forward of the building line, similar to the adjacent property to the east, No. 41 Attunga Road and No.’s 31, 35, 47and 49 Attunga Road. The proposed garage has a width of less than 50% of the lot frontage and will dominate the street frontage.



Subject site (behind Norfolk Island Pine at centre) as seen from Newport Beach.

DCP Clause D10.3 – Scenic protection – General

The proposed dwelling will have a minimal visual impact on the surrounding natural environment as shown above. The development will not dominate the site and will be screened by the Norfolk Island Pine to be retained. The articulation and stepping in the front façade will ensure the proposed development will not appear bulky.

DCP Clause D10.7 – Front building line

DCP Clause D10.8 – Side and rear building line

The existing single car garage at the northern (rear) street boundary is to be replaced with a two car garage. The existing setback of the garage from the northern boundary along Attunga Road is 1.5m. The design proposed in PLM2020/0118 has the garage on the northern boundary. The current proposal has acknowledged council’s advice to maintain at least a 1m setback from the boundary and therefore has retained the existing 1.5m setback. Additionally, the balcony above the garage has been substantially reduced in size and further set back from the northern boundary. It is important to note that the proposed attached primary dwelling is located behind the 18.5m rear setback.

The side setbacks of the proposed building are 1m, opening to 1.9m to the west and 2.6m to the east, complying with DCP Setback controls. The existing dwelling does not comply with the controls requiring setbacks of 1m and 2.5m.

DCP Clause D10.11 – Building envelope

The development controls specify a building envelope to the side boundary 45 degrees extending from 3.5m above existing ground level to the maximum building height. The proposed dwelling with its butterfly roof does not comply with this control and is non-compliant on both of its side boundaries. Equally, were this control to be applied to the adjacent properties they would also be non-compliant due to the nature of the topography. This non-compliance is considered with every dwelling constructed on this hill in the last 10 years.

The proposed dwelling is also non-compliant with the control due to the sloping nature of the site but has been designed to minimise the degree of non-compliance. In addition, the footprint of the first floor steps in on its south-western corner to reduce the impact of overshadowing on No. 37 Attunga Road.

DCP Clause D10.13 – Landscaped Area - Environmentally Sensitive Land

Please refer to *Planning Compliance - Landscaped Area A003A*.

Site Area

Lot Area	= 678.5m ²
<u>SP2 Infrastructure Zone</u>	<u>= 15.8m²</u>
Site Area (Lot Area - SP2 Zone)	= 662.7m ²

Required Landscaped Area

60% of Site Area	= 397.6 m ²
PLM 2020/0118	= 397.9m ²

Proposed Landscape Area

Landscaped Area	= 360.1m ²
Variation – 6% of site area for impervious landscape treatments for outdoor recreation	= 39.8m ²
<u>Total Landscape Area (including Variation)</u>	<u>= 399.9m² (60% of Site Area)</u>
	= COMPLIES

The proposed development provides landscaped area that is 60% of the site area and therefore complies with this control. The proposed development retains the Norfolk Island Pine on site. To achieve this the southern portion of the pool has been cantilevered above the existing ground level.

The development proposed a detached secondary dwelling during the Pre DA meeting. The dwelling was situated above a basement garage on the southern boundary. It has been acknowledged that the design would require a substantial amount of excavation as well as having an undesirable impact on the streetscape. The current proposal has taken council’s advice to remove the secondary dwelling and garage, retaining the site’s existing southern landscape.

6.0 CONCLUSION

It is submitted that the proposed new dwelling at 39 Attunga Road is both reasonable and appropriate and in accordance with the desired future character of the Newport locality. The proposed development is designed to minimise its impact on the amenity of neighbours and the local environment with regard to solar access, privacy and views. This is a carefully considered design and addresses the interests of council, neighbours and the public, while providing amenity for the occupants of the home.

We believe this is a quality addition to the Newport locality, no person will be prejudiced by its approval and that consent should be given to this Application.