
From: [REDACTED]
Sent: 3/02/2025 8:22:09 AM
To: Council Northernbeaches Mailbox
Subject: TRIMMED: Submission re Development Application DA/2024/1670, 77 Myola Road Newport.
Attachments: Submission re 77 Myola Road Newport.docx;

Please find attached our submission in relation to the above Development Application. I have requested my details are redacted due to [REDACTED] This has been addressed via the submission tab in the council planning web site.

Regards,

[REDACTED]

3 February 2025

The General Manager
Northern Beaches Council
PO Box 882
MONA VALE NSW 1660
VIA EMAIL : council@northernbeaches.nsw.gov.au

For the attention of Council Officer Brittany Harrison

**DEVELOPMENT APPLICATION DA2024/1670 – 77 MYOLA ROAD NEWPORT
ALTERATIONS AND ADDITIONS TO RESIDENTIAL DEVELOPMENT -ALTERATIONS AND ADDITIONS
TO A DWELLING HOUSE.**

We are the owners of ■ Bungan Head Road Newport and would like to make the following submission in relation to the above development application:

SITE LOCATION AND DESCRIPTION

The property, is legally described as lot 1, DP538888 and the primary dwelling, Bungania is identified as a heritage item under Part 1, Schedule 5 of the Pittwater Local Environmental Plan 2014, local significance, item No. 22700017.

Bungania is one of only 4 houses in Newport listed under schedule 5 Environmental heritage of the Pittwater Local Environmental Plan 2014. The subject property is zoned C4 Environmental Living under this LEP.

The objectives of this zone include:

- To provide for low-impact residential development in areas of special ecological, scientific or aesthetic values,
- To ensure that residential development does not have an adverse effect on those values,
- To Encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.

Bungania has, since 1990, been the subject of a number of development applications with the current floor plan approved in 2012 under N0390/11. As indicated in the Heritage Impact Statement dated November 2024 and provided by the applicant, at page 5, the author, Patrick Wilson, indicates “ ***...In recent years, works to repair Bungania and provide an improved level of amenity have been progressively undertaken by the current owners, including the provision of the front/west verandah and kitchen/bathroom fit outs (N0390/11).***”

The property also has an approved secondary dwelling as approved in DA 2018/0449.

The Pittwater Local Environmental Plan 2014 defines a dwelling house as a building containing only one dwelling, and further defines dwelling houses as a type of residential accommodation.

The Pittwater Local Environmental Plan 2014 defines residential accommodation as a building used predominately as a place of residence and includes the following:

- (a) attached dwellings,
- (b) boarding houses,
- (baa) co-living housing,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (faa) (Repealed)
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

The Pittwater Local Environmental Plan 2014 defines a secondary dwelling as the following:

secondary dwelling means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the ***principal dwelling***), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

The subject property, being zoned C4, has a dwelling house and a secondary dwelling as permissible development.

THE PROPOSAL

It is our submission that this proposed development application currently before council does not warrant support and as such our submission should constitute an objection to proposed development application as lodged.

It is our submission that this application is not alterations and additions to a dwelling house, rather an application for the construction of a third dwelling house, activity that is not permitted for this zone of land under the Pittwater Local Environmental Plan 2014.

Throughout the submitted documents and plans the proposed development has been referred to as the following: a 'new pavillion', 'pavillion' 'new wing' 'addition' 'residential linked addition' 'new addition' 'scheme' 'proposed scheme' 'additions to an existing dwelling' with these terms intent on deflecting from the true nature of the proposed works, that being a third dwelling.

The Pittwater 21 Development Control Plan (DCP) at C.14 discusses separately accessible structures. The 'outcomes' of this plan determine separately accessible structures that provide a recreational or office function for residents.

The 'Controls' portion of the Pittwater 21 DCP state the following:

A separately accessible structure may be permitted for use as a studio, home office, workshop area, rumpus room and the like, provided that:

- i. it is ancillary to a dwelling;
 - ii. it is not designed for separate habitation and does not contain any cooking facilities
- and further states:

Variations

Where the purpose of the structure or its distance from the nearest bathroom facility dictates, bathroom/toilet facilities may be allowed.

The proposed two-storey development (third dwelling- separately accessible structure) as detailed in the supplied site plan is designed for separate habitation and contains two bathrooms, a kitchen, laundry, living/dining areas, alfresco entertaining areas, lift and storage areas and clearly meets the definition of a dwelling under the Pittwater LEP 2014. This large, dominating structure, is a short distance from Bungania, a dwelling house since 1890 with renovated kitchen and bathroom facilities, in accordance with heritage requirements occurring in 2012. Bungania itself as per the supplied plans of 2011 (Appendix 1, History and Heritage Assessment of Bungania, February 2011), contains kitchen and bathroom facilities, two bedrooms, sunroom and a sitting room. This too clearly meets the definition of a dwelling house, and as indicated has done so since the late 1890's.

It should be noted that the supplied site plan, level 1, is inaccurate in that it has deleted the kitchen in Bungania as per development approval N0390/11. Whether this is an oversight or otherwise should be examined by council to ensure submitted documentation is an accurate reflection of the proposal.

STATEMENT OF ENVIRONMENTAL EFFECTS

The statement of environmental effects as supplied at page 17-18 attempts to justify the proposed third dwelling via C1.14 of the Pittwater 21 Development Control Plan by the following points:

- *'For Bungania to function as a modern dwelling suitable for its present aged owners and more to the point, for future families, it is proposed that an addition is required'. Our submission is that the historic property known as Bungania has and continues to function as a dwelling since the early 1900's and has had council approved improvements since 2011. The present owners of Bungania, the applicant, reside in premises in a nearby street . Any approval of the additional dwelling would provide an opportunity for additional commercial leasing or holiday letting of the third dwelling, as is the case with the current secondary dwelling.*
- *'Bungania's limitation is evident in the cottage's narrow stone staircases, various floor level changes and limited bathroom facilities. By effecting an appropriate connection to the cottage, with the addition standing slightly back from the cottage itself, a habitable modern home is created on a very large land holding without compromising the heritage values, or the single occupancy nature of the site.'* **The current Bungania cottage has performed as a dwelling since the early 1900's with improvements to the kitchen and bathroom facilities undertaken in 2012. This statement refers to a 'connection' to the cottage, again failing to highlight the independent and separate nature of the proposed dwelling (additions). We would submit that this proposal would significantly compromise the heritage significance of the site and note that no reference is made to this comment in the supplied heritage impact statement.**
- *'Within Bungania's tradition and history, the proposed uses of the small rooms in the cottage are then primarily for additional recreation, artistic, and study purposes, providing quiet and separate spaces for these pursuits away from the primary living and kitchen areas in the new addition.'* **This statement is again not reflective of the true nature and purpose of Bungania in that it is a dwelling and has been since the early 1900's. A structure, separate in nature, comprising a kitchen, bathroom, sitting room, sunroom and two bedrooms can in no way meet the intent of the controls as outlined in C1.14 of P21 DCP which only permit use of a separately accessible structure as a studio, home office, workshop area, rumpus room and the like. Again, this proposed use is not commented upon in the provided Heritage Impact Statement.**
- *'This allows the heritage structure to be virtually unchanged in its fabric and structure, thereby facilitating the conservation of the heritage values of the site when connected to the proposed addition.'* **We would submit that this comment supports the fact that Bungania remains by definition a dwelling and that the proposed 'addition' is a third dwelling on the site.**
- *'In support of this, note that C1.14 of P21DCP provides that a structure separately accessed from the primary dwelling is permitted to allow use for recreational or office functions for residents. This section of the DCP applies when a separately accessible structure is "ancillary to a dwelling" and "is not designed for separate habitation and does not contain any cooking facilities". Currently, the existing cottage contains a small kitchen. Therefore, it is proposed that the provisions of C1.14 be satisfied by decommissioning the cottage kitchen by the removal of the existing oven and cooktop. This ensures that the single occupancy nature of the development as a whole is retained, whilst avoiding any material changes to the cottage.'* **Our submission is that this proposed activity of 'decommissioning' the current kitchen by removing the existing cooktop and oven is purely a cosmetic attempt to manipulate the**

controls under C1.14 of P21DCP in an attempt to satisfy council that this is not a third dwelling. Of note, and as previously detailed above, removing the cooktop and oven from this heritage listed property, a proposal not indicated on any of the supplied plans nor commented upon in the supplied Heritage Impact Statement, does not overcome the fact that Bungania retains its definition as a dwelling by virtue of its bathroom facilities, 2 bedrooms and multiple living areas, kitchen sink and cupboards, and the structure of the kitchen. It does not meet the intent of the controls of C1.14 of P21DCP. It should be noted, the oven and cooktop can be reinstated at any time post the proposed development, allowing for the full functioning of this historic dwelling.

HERITAGE IMPACT

The proposed dwelling would dominate and adversely impact the aesthetic value of the area. It is our submission that the proposed third dwelling would have an adverse effect on those values through increased development density and would not be in keeping with the desired character of the Newport Locality.

Adverse impact upon the heritage value of Bungania

The NSW Office of Environment and Heritage, *'Statement of Heritage Impact guidelines'* indicate a number of questions to be addressed in a statement of heritage impact relating to the proposed change of use to a Heritage item which includes a new development adjacent to a heritage item (including additional buildings and dual occupancies). These include:

- Has the advice of a heritage consultant or structural engineer been sought? Has the consultants advice been implemented? If not, why not?
- Does the existing use contribute to the significance of the heritage item?
- Why does the use need to be changed?
- What changes to the site are required as a result of the change of use?
- Why is the new development required to be adjacent to a heritage item?
- Is the new development sympathetic to the heritage item?
- Will the additions visually dominate the heritage item? How has this been minimised?
- Will the public and users of the item, still be able to view and appreciate its significance?

Northern Beaches Council Frequently asked questions relating to heritage indicates 'heritage' includes any floor plan layouts, internal detailing as well as gardens, fencing and landscaping.

It is our submission that the statement of Heritage Impact has been drafted to support the application with significant examples of favourable and ambiguous statements as well as un-supported assertions.

The supplied History and Heritage assessment of Bungania 2011, at 'Treatment of the Grounds surrounding Bungania' indicates that ***'The aim is to ensure that Bungania, with all its foibles, remain intact as a living element of Pittwater history.'*** Further, the supplied National Trust Assessment and Listing, 15 December 1978, indicates that, ***'The siting of Bungania on Bungan Head is unique...The approach to the house is up a long driveway, and the house itself, made of stone quarries on site,***

now nestles in the quarry face. The feeling of Bungania is of a world totally removed from the suburbia surrounding it. To permit the proposed proposed third dwelling (additions) would further remove this most important aspect of the National Trust Assessment of Bungania, reducing Bungania to within suburbia itself. To allow this to occur to a heritage listed property, let alone any property on this zone, should not be permitted.

The supplied Heritage Impact statement (HIS) at 4.3, pg 26 indicates the following:

Accordingly, it has been proposed that a residential linked addition be erected at the place. Concentrating change within a new volume is viewed as appropriate, as it would relieve the potential adaption pressure on Bungania's footprint and fabric. A positive aspect of this scheme, as examined below, is the avoidance of any direct physical impact on the item.

This statement is ambiguous and meaningless, with no opinion from this heritage expert on how a large two storey modern building that dominates the existing heritage cottage would have no adverse impact upon it. What it does again confirm is that the proposed third dwelling (additions) is a separate entity to the heritage cottage.

At 4.4, pg26, the HIS indicates the following:

The development would not erase any significant sightline to or from Bungania. One's ability to stand on the ridgeline and look over the roofscape of the cottage is not considered of core importance to understanding its significance. Such sightlines would still be attainable from within the first-floor footprint of the new wing.

This statement fails to acknowledge that the entire view of the cottage from the south will be permanently blocked by a dominant two store structure. The current small trees and shrubs, as indicated in the Northern Beaches Council Landscape Referral Response are exempt by species and height and can be removed at any time. However they will be replaced by a overbearing dominant structure. Of note, this Landscape Referral response under reasons for referral on two occasions indicates the application seeks consent for 'new residential works with three or more dwellings' and 'mixed use developments containing three or more residential dwellings'.

At page 27 under Scale, the HIS attempts to justify the bulk and scale of the third dwelling (addition) By the following uncited statement:

It is a truism—sometimes overlooked in the heritage sector—that the siting of a taller built form in the immediate vicinity of a more modest one does not automatically equate with an undesirable dominant relationship. Other types of relationships are attainable through design measures. In this case, the addition is considered to achieve an interface with Bungania that is not overwhelming but respectful and visually complementary. Crucially, one's ability to interpret and appreciate Bungania 'in the round' with all of its eccentricities would not be weakened by the placement or character of the addition.

Again, this is a statement lacking in any evidence of support, is ambiguous, confusing and should be ignored. We would submit that to the contrary, any rational examination of the proposed third dwelling (addition) would come to the conclusion that the structure is taller, overwhelming, disrespectful, visually detracts and undesirably dominates Bungania.

The HIS uses the statement 'in the round', unfortunately I have been unable to identify in any modern dictionary what this statement means however I would submit that at its highest, it should

be considered a wavering opinion and not supportive of the construction at any evidence based level.

The HIS at its conclusion on page 29 states:

Bungania and the addition would not be defined by dominance but rather by reciprocity.

We would submit this opinion is totally incorrect, one just has to examine the supplied 'indicative photomontage' on page 24 of the HIS to observe the overbearing dominance of the third dwelling (additions).

Use of Dwelling

Any approval of the third dwelling (additions) would provide three properties available to the applicant for commercial lease, as with the current secondary dwelling. If this were to be permitted, for lease or short term rentals, it will result in significant impact on the quality of life of both ourselves and our neighbours through the noise generated by persons enjoying holiday accommodation.

CONCLUSION

Thankyou for the opportunity to comment on the development application. We strongly submit that:

1. This development application should be seen as not for alterations and additions as indicated, however as a development application for a third dwelling on the historic property of Bungania, development that is not permissible in the C4 Environmental Living Zone as set out in the Land Use Table under part 2 of the PLEP 2014.
2. That the proposed dwelling is overwhelming, disrespectful, visually detracts and undesirably dominates Bungania and it is detrimental to the preservation of this historic cottage.