

# Statement of Environmental Effects



**Alterations and additions to  
190 Barrenjoey Road.  
Newport**  
August 2023  
Rev B

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## 1. INTRODUCTION

This report has been prepared to substantiate a development application in relation to the property at 190 Barrenjoey Road, Newport (Lot 1 DP 1203970). The development proposal is for:

- Additions to the existing viewing deck previously approved DA N0106/12 and the subsequent DA modification MOD2018/0134.
- Additions to the existing glass roof previously approved as part of DA 2017/1380

The site is located between Bungan Beach and the east side of Barrenjoey Road within C4 Environmental Living Zone and C2 Environmental Conservation Zone. The locality is characterised by single dwellings on large sites and the adjoining properties are residential.

The application is accompanied by plans prepared by A\_Studio\_Architecture Pty Ltd.

The proposed addition is compliant with the objectives of Council controls, considers the neighbours, the topography of the site and the improved amenity for the residents of the site.

The proposal is assessed in relation to the current planning controls:

- Pittwater Local Environmental Plan (LEP) 2014
- Pittwater 21 Development Control Plan (DCP)

## 2. SITE

### 2.1. Location and description

The site is located between Barrenjoey Road and Bungan Beach. It is referenced as Lot 1, DP 1203970. The site is of rectangular shape with an area of 1570 m<sup>2</sup>. The property has a frontage of 18.04 metres to Barrenjoey Road.



**FIGURE 1: SITE LOCATION**

The upper front boundary of the property (Barrenjoey Road) is on the crest of the hill with the site extending over the eastern slope falling with an average of 7 degrees.

The existing site is currently under construction finalising the work approved on DA2017/1380.

The existing dwelling is located in the middle of the site and is a three storey weatherboard and plaster house with a swimming pool to the east of the property. The lowest part of the property comprises a completed landscape area (DA N0106/12 with modifications Mod2018/0117) This area comprises retaining walls, garden and decks close to the escarpment.

### 2.2. Site context

The site is occupied by a three storey dwelling and pool. Vehicular access to the property is from Barrenjoey Road. To the rear of the site is dense vegetation adjacent to the escarpment with Bungan Beach approximately 50 meters from the site boundary.

The site is adjacent to land reserved for public open space associated with Bungan Beach. The neighbouring properties are developed with substantial dwellings.

### **2.3. Site usage**

The site is located within Zone C4 (Pittwater Local Environmental Plan LEP 2014 Zoning Map) and Zone C2 and is currently in residential use with a single dwelling on site, a garage with underground parking, a pool, landscape areas and a viewing deck that cantilevers over the escarpment overlooking Bungan Beach.

### **3. PROPOSED DEVELOPMENT**

#### **3.1. Brief description of works**

The works provide a small addition to the existing viewing deck over the escarpment.

The proposal involves the demolition of an existing staircase and the construction of a partially covered pergola and a privacy screen to the north of the existing viewing deck to provide shade and privacy to the area.



**EXIST. VIEW FROM MASTER BEDROOM**



**PROP. VIEW FROM MASTER BEDROOM**

The pergola will be constructed over the deck that is located at the lowest part of the site (RL. 36,940 AHD) with a maximum height of 2.815 metres over the deck (RL.39,755 AHD).

The structure seeks to provide shading and privacy to the viewing deck. The pergola has been designed to control the views to and from the approved additions and alterations of the neighbouring property 192 Barrenjoey Road (Approved DA N0475/17, MOD2020/0159 and MOD2020/0514).

The proposal also seeks to extend the existing glass roof over the entrance staircase between the house front verandah and the garage to allow weather protection from the south when accessing the underground parking from the house.



### 3.2. Site History

**DA N0106/12** Landscaping including a viewing deck and spa

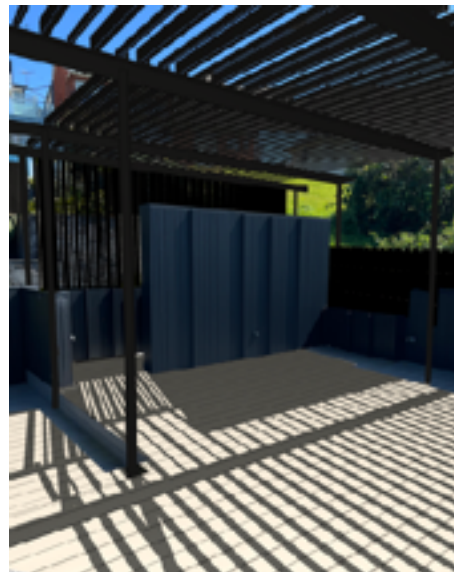
**DA 2017/1380** Construction of existing garage and construction of new garage and front fence

**MOD 2018/0117** Modification of the consent N0106/12

**DA 2020/0179** Alterations and additions to the dwelling.



**EXIST. VIEW TO 192 BARRENJOEY ROAD**



**VIEW TO 192 BARRENJOEY RD. WITH  
PRIVACY SCREEN AND PERGOLA**



**EXIST. VIEW TO 188 BARRENJOEY RD.  
FROM ENTRY STAIR**



**PROP. VIEW TO 188 BARRENJOEY RD.  
FROM ENTRY STAIR**

### **3.3. Council's further information request.**

A letter was received on the 16th of August 2023 from the Council Planner Mark Milton who issued a Further Information Request in relation to DA2023/0852.

The issues identified are:

#### **1. 'Foreshore Building Line'**

- *'Your property is subject to the foreshore building control. The Statement of Environmental Effects is required to address the provision of this control.'*
- *A clause 4.6 Variation to Development Standard is required if your works are in the foreshore area and if 2a or 2b of clause 7.8 of PLEP - Limited development on foreshore area does not apply to your viewing deck. Please discuss this (whether 2a/b do apply or not) in the SoEE and provide relevant accompanying documentation if necessary.*
- *Architectural Plans will also need to clearly show the Foreshore Building Line in relation to the development and proposal. Specifically, the site plan and floor plan should clearly show this line.*

#### **Comment:**

- Please refer to section 4.1 for the assessment addressing the provision of Clause 7.8 Limited Development on foreshore area. The section addresses the provision of this control and demonstrates that the proposed pergola is compatible with the objectives of the clause as it will not impact on natural foreshore process and is complementary to the existing recreational facility (existing viewing deck).
- A clause 4.6 Variation to the Development Standard will not be required as the pergola will not increase the footprint of the building or extend further into the foreshore. It is an outdoor facility as only a small portion of the open pergola is within the Foreshore Building Line and it is located on private land and will not impact public access along the foreshore area.
- New site and floor plans will be submitted with the response showing the location of the Foreshore Building Line.



## 4. ENVIRONMENTAL PLANNING ASSESSMENT

The subject site is zoned:

C4 Environmental Living

C2 Environmental Conservation

### 4.1. Statutory Planning Framework:

#### **Pittwater Local Environmental Plan (LEP), 2014**

The subject site is zoned C4 Environmental Living and C2 Environmental Conservation. The proposal is low in impact and scale and it is within the objectives of the zone. The land is within an identified Geotechnical Hazard area and within a Coastal Bluff Management Area.

Part of the works proposed are over the existing deck in proximity to the Regional open Space C2 Environmental Conservation .

The other part of the works proposed is between the existing house verandah and the existing underground garage.

The property is **not** heritage listed, and is not located within a heritage conservation area or located within the vicinity of a heritage item.

	<b>Planning Control</b>	<b>Comments</b>	<b>Compliance</b>
<b>Pittwater , Local Environmental Plan (LEP), 2014</b>			
<b>Height of Buildings</b>	<b>8.5 m.</b>	Existing overall building will not change.	YES
<b>Acid Sulfate Soils</b>	<b>Class of Land 5</b>	No excavation is proposed	YES
<b>Earthworks</b>		No earthworks are associated with the additions. Pergola will be fixed to the existing deck structure.	YES
<b>Coastal Risk Planning</b>		The development is unlikely to cause an increase on coastal hazard	YES

<b>Biodiversity protection</b>		The development is unlikely to cause any adverse impact on the existing conditions.	YES
<b>Lot size Map</b>	Minimum 700 sqm	Existing site is 1570 sqm	YES

### Clause 7.8 - Limited Development on foreshore area.

Clause 7.8(1) states the following:

*(1) The objectives of this clause are as follows -*

- (a) To ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area,*
- (b) To ensure continuous public access along the foreshore area and to the waterway.*

**Comment:** The proposed pergola and private screen are mostly above the Foreshore Building Line and only a small portion of the open pergola is located over the FBL. The works are on private land, over an existing viewing deck and are unlikely to negatively impact the natural foreshore processes or the amenity of the area.

The public access of the foreshore area will not be impacted as works are on private land.

Clause 7.8(2) states:

*(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes-*

- (a) The extension, alteration or rebuilding of an existing building wholly or partially in the foreshore area, but only if the development will not result in the footprint of the building extending further into the foreshore sea,*
- (b) Boat sheds, sea retaining walls, wharves slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors)*

**Comment:** The proposed works are an alteration over the existing viewing deck providing shade for better use of the amenity.

The pergola is classified as outdoor and complimentary to the existing viewing deck. It is clear that pergola is an outdoor facility over an existing viewing deck and is not increasing the footprint of a building or extending further into the foreshore- Clause 4.6 Variation is **not** required

In addition, it is noted that generally the works are above the Foreshore Building Area except for less than 1.3 m<sup>2</sup> of pergola.

Furthermore Clause 7.8(3) states:

*(3) Development consent must not be granted under this clause unless the consent authority is satisfy that-*

- (a) The development will contribute to achieving the objectives for the zone in which the land is located, and*
- (b) The appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*
- (c) The development will not cause environmental harm such as-*
  - (i) Pollution or siltation of the waterway, or*
  - (ii) And adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats or*
  - (iii) And adverse effect on drainage patterns, or*
  - (iv) The removal or disturbance of remnant riparian vegetation, and*
- (d) The development will not cause congestion or generate conflict between people using open space areas or the waterways, and*
- (e) Opportunities to provide continuous public access along the foreshore and the the waterway will not be compromised, and*
- (f) Any historic, scientific, cultural, social archeological, architectural, natural or aesthetic significance of the land on which the development*
- (g) In the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alterations or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and*
- (h) See level rise, coastal erosion and recession, or change of flooding patterns as a result of climate change, have been considered.*

**Comment:** The proposal contributes to achieve the objectives of Zone C4 environmental Living and the appearance of the timber pergola is compatible with the surrounding area and hardly visible from Bungan Beach. The open structure will have no impact or cause any harm to the environment.

Currently is no public access to Bungan Beach from the subject property, the viewing deck is located above an escarpment without pedestrian access to the beach, and furthermore the proposal is on private land.

The Pergola appearance and the timber material have been carefully considered to blend with the surrounding coastal area.

Coastal erosion, and sea level rise have been considered in the proposal. The location above the beach and the already considered methods to mitigate possible erosion were implemented when the existing viewing deck was constructed therefore the pergola is unlikely to have a negative impact.

*(4) In deciding whether to grant consent for the development in the foreshore area, the consent authority must consider whether and to what extent the development would encourage the following-*

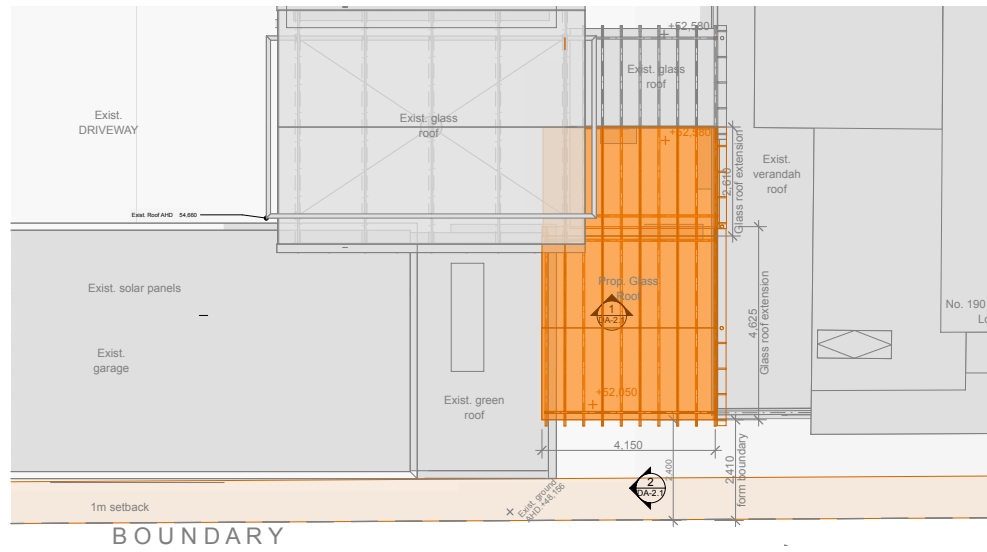
- (a) Continuous public access to and along the foreshore through or adjacent to the proposed development,*
- (b) Public access to link with existing or proposed open space.*
- (c) Public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,*
- (d) Public access to be located above mean high water mark,*
- (e) The reinforcing of the foreshore character and respect for the existing environmental conditions.*

**Comment:** The existing site does not have direct access to the beach as the location of the existing viewing deck is over an escarpment and it is physically impossible to access the beach. The pergola is not changing existing conditions and is encouraging the use of the open space.

The application has been assessed having regard to the relevant provision of the Foreshore Building Line of the PLEP and is acceptable for the reasons discussed.



**PROPOSED PERGOLA LOCATION**



## PROPOSED GLASS ROOF EXTENSION

## Compliance Table

Clause	Compliance with Requirements	Compliance with Requirements
A 5.1 Exhibition, Advertisement and notification of Application	Yes	Yes
B 3.1 Landslip hazard	Yes	Yes
B 3.4 Coastline (Bluff) Hazard	Yes	Yes
B 3.6 Contaminates Land and Potentially Contaminated Land	N/A	
B4.4 Flora and Fauna Habitat	N/A	Yes
B 5.4 Stormwater Harvesting	N/A	Yes
B 5.10 Stormwater Discharge into Public Drainage System	N/A	Yes
B6.1 Access driveways and works on the Public road reserve	N/A	
B6.2 Internal Driveways	N/A	
B6.3 Off street vehicle parking requirements	N/A	
B8.1 Construction and Demolition - Excavation and landfill	N/A	
B8.2 Construction and Demolition - Erosion and Sediment Management	N/A	
B8.4 Construction and Demolition - Site Fencing and Security	N/A	
B8.6 Construction and Demolition - Traffic Management Plan		
C1.1 Landscaping	N/A	
C1.2 Safety and Security	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.5 Visual Privacy	Yes	Yes
C1.6 Acoustic Privacy	Yes	Yes
C1.7 Private open space	Yes	Yes
C1.10 Building Facades	N/A	
C1.23 Eaves	N/A	



Clause	Compliance with Requirements	Compliance with Requirements
D9.17 Scenic Protection Category One areas	Yes	Yes
D10.1 Character as viewed from a public place	Yes	Yes
D10.4 Building Colour and materials	Yes	Yes
D10.7 Front building line (excluding Newport Commercial Centre)	N/A	
D10.8 Side and rear building line (excluding Newport Commercial centre)	Yes	Yes
D10.11 Building Envelope	Yes	Yes
D10.13 Landscaped Area - Environmentally Sensitivity Land	Yes	Yes
D10.15 Fences - Flora and Fauna Conservation Areas	Yes	Yes
D10.16 Construction Retaining walls, terracing and undercroft areas	Yes	Yes
D10.18 Scenic Protection Category One Areas	N/A	

## 4.2. Environmental Impacts – S79(1)(b)

### (i) *Natural environment impacts*

The proposal is not likely to generate any liquid waste, odour or fumes and is therefore not likely to have adverse impact on the locality in terms of air or water quality. Appropriate measures will be taken during construction to control temporary natural environment impacts through erosion and sediment control and waste management.

The proposal will not have excavation and the proposed pergola will be fixed to the existing deck structure

The proposal relates favourably to the site, to the existing structure and locality.

- **Building construction – Galvanised steel and Hardwood timber**
- **Insulation**  
Not applicable - outdoor open structure.
- **Natural ventilation**  
Not applicable - outdoor open structure.
- **Heating and cooling**  
Not applicable - outdoor open structure.

**(ii) Built environment impacts**

The section will address issues relating to the external appearance and relationship to the character of the surrounding properties.

- **External appearance and relationship to the character of the area**

Alterations and additions to the dwelling are hardly visible from public domain. The character will be maintained with no impact anticipated to Barrenjoey Road or Bungan Beach.

- **Heritage impact**

The building is NOT a heritage item.

- **Relationship to neighbouring properties**

- **Privacy**

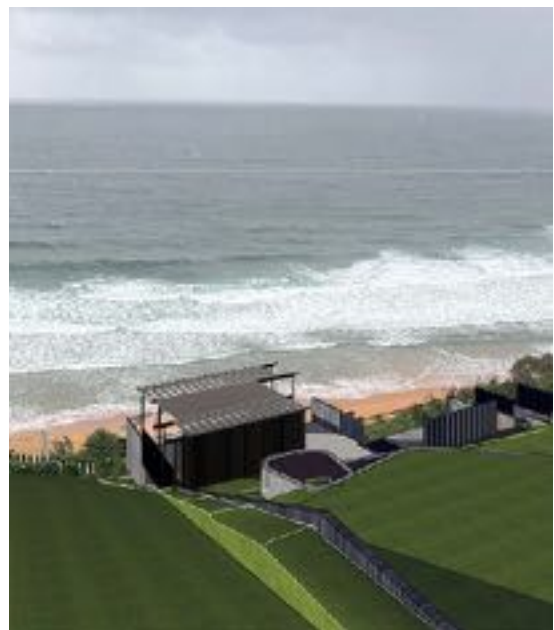
The additions aim to improve privacy to the existing amenities with minimal impact perceivable from neighbouring properties.

The following measures have been taken to increase the level of privacy:

- Pergola and privacy screen



**VIEW FROM 192 BARRENJOEY RD.  
R.L. 48,020 A.H.D.**



**VIEW OF PROPOSAL FROM 192 BARRENJOEY RD.  
R.L. 48,020 A.H.D.**

- **Overshadowing** – The proposal does not provide an increase in shadows to the neighbouring properties as it is located south of 192 Barrenjoey Road.

- **Noise**

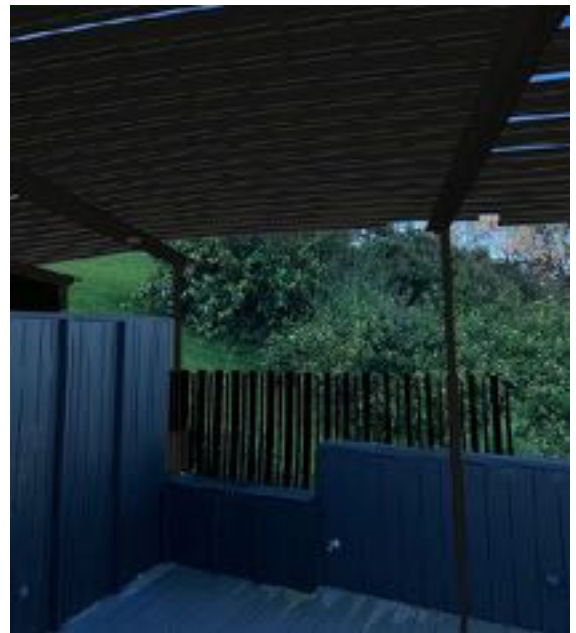
Any domestic noise generated would be minimal. The additional landscaping and screening to the boundaries of the site will further enhance the acoustic privacy.

- **Views**

The highest point of the pergola will be located 8.9 metres below and 35 metres away from the existing neighbours lowest floor plan level and their view will not be impaired. The screen and pergola will improve the privacy to both properties and specially to the viewing deck. The beach and sea views will not be dramatically affected.



**VIEW FROM DECK LOOKING NORTH TO 192  
BARRENJOEY RD**



**VIEW FROM DECK WITH PROPOSAL**

#### **4.3. Social and Economic Impacts – S79(1)(b)**

The proposed works are unlikely to result in any adverse social or economic effects in the locality.

#### **4.4. Site Suitability – S79(1)(c)**

- **Proximity to services and infrastructure**

The existing site and configuration will not be affected and no new connection to existing infrastructure is required

- **Stormwater drainage design/ OSD – see Section 5.5**

No additional built-upon area is proposed.

- **Site constraints**

- Slope– the site falls across the property towards the east. The proposal location is to the lower part of the site.
- Flooding – there is no anticipated flooding danger
- Geotechnical – no additional excavation is proposed
- Groundwater – there are no anticipated groundwater issues

- **Contaminated land – see Section 5.5**

There is no history of high risk uses likely to cause contamination for the site, and hence, a Stage 1 Preliminary Investigation is not required.

#### **4.5. The Public Interest – S79(1)(c)**

As summarised, the proposed alterations and additions are consistent with the surrounding and proposed future desired character of the area. The proposal is on private land and is hardly visible from public domain.

## 5. Conclusion

The proposed pergola and privacy screen addition represent a rational approach to the current needs of the property owner by providing privacy for the site and improving the existing amenities. The addition is well considered in siting and scale, and responds thoughtfully to the existing deck and topography of the site as well as the neighbouring property of 192 Barrenjoey Road

The proposal complies with the required acts and planning instruments with the exception of an encroachment into the North setback as discussed above. This does not negatively affect neighbouring properties.

We therefore ask Council to favourably consider this application.

Yours faithfully,



Andres Suarez Ruiz

Architect NSW ARBN 11302 RAIA

B. Arch,

M. Arch Sustainable Design