



# Minto Planning Services

## Town Planning Consultants

**STATEMENT OF  
ENVIRONMENTAL EFFECTS**

**PROPOSED DWELLING ALTERATIONS &  
ADDITIONS**

**56 ATTUNGA ROAD, NEWPORT**

**On Behalf of  
Mr & Mrs Wearne**

**November 2021**

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**STATEMENT OF ENVIRONMENTAL EFFECTS**

**Proposed Construction of Dwelling Alterations & Additions**

**at**

**56 ATTUNGA ROAD, NEWPORT**

Prepared under instructions from

**Playoust Churcher Architects**

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## **TABLE OF CONTENTS**

<b>1.</b>	<b>INTRODUCTION</b>	<b>4</b>
<b>2.</b>	<b>THE SITE</b>	<b>5</b>
<b>3.</b>	<b>THE SURROUNDING ENVIRONMENT</b>	<b>7</b>
<b>4.</b>	<b>THE PROPOSAL</b>	<b>8</b>
<b>5.</b>	<b>ZONING &amp; DEVELOPMENT CONTROLS</b>	<b>10</b>
<b>6.</b>	<b>SECTION 4.15(1) ASSESSMENT</b>	<b>34</b>
<b>7.</b>	<b>CONCLUSION</b>	<b>36</b>

## 1. INTRODUCTION

This Statement of Environmental Effects accompanies a Development Application lodged on behalf of Mr & Mrs Wearne. The proposal seeks approval for the construction of dwelling alterations & additions upon land identified as Lot 1 in DP 124062 and which is known as 56 Attunga Road, Newport.

By way of background, it is advised that a Pre-Lodgement Meeting was held with the Council on the 19<sup>th</sup> August 2021. The minutes of that meeting were taken into consideration in the preparation of this application and report.

In consideration of this application reference has been made to:

- *Environmental Planning & Assessment Act 1979, as amended.*
- *State Environmental Planning Policy (Coastal Management) 2018*
- *Pittwater Local Environmental Plan 2014*
- *Pittwater Development Control Plan*

Additional information to support this application includes:

- Survey Plan prepared by Pinnacle Land Surveyors, Ref. No. 1554Det2 and dated 07/05/2021.
- Architectural Plans & Shadow Diagrams prepared by Playoust Churcher Architects, Revision A and dated 8/11/2021.
- Bushfire Hazard Assessment Report prepared by Building Code & Bushfire Hazard Solutions, Ref. No. 211297B and dated 17/11/21.
- BASIX Certificate #A436170 and dated 19/10/2021.
- Preliminary Geotechnical Assessment Report prepared by Ascent Geotechnical Consulting, Ref No. AG 21348 and dated 19/10/2021.
- Waste Management Plan.

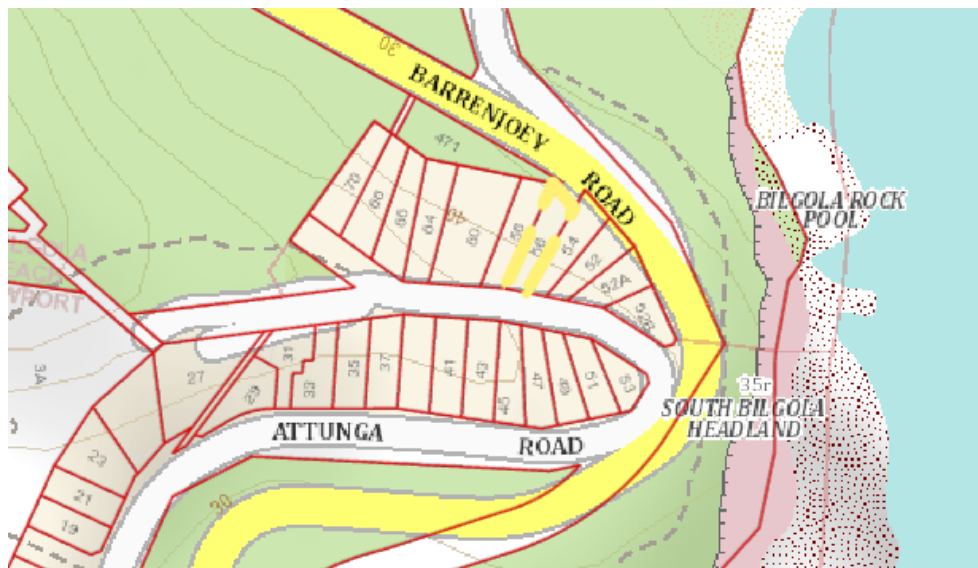
This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

As a result of that assessment, it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.

## 2. THE SITE

The subject site is identified as Lot 1 in DP 124062 and is known as 56 Attunga Road, Newport. The subject site is generally a trapezoidal shaped allotment located on the northern side of Attunga Road. The site's northern boundary fronts Barrenjoey Road. The site has an area of 592.5m<sup>2</sup> with a street frontage to Attunga Road of 10.06m and a maximum site depth of 54.325m.

The site location is depicted in the following street map extract:



Site Location Map

The property is a steeply sloping allotment having a fall from the site's front southwest corner (approx. RL 52.49) towards the rear boundary (approx. RL 39.0). The total fall over the length of the site is approximately 13.49m. Stormwater from the property is understood to currently be disposed of into the existing drainage infrastructure in Barrenjoey Road. The proposal seeks to maintain this arrangement.

The site currently supports a part two and part three storey painted and rendered masonry dwelling comprising of 3 levels with a curved metal roof and which is located on the southern portion of the site. A swimming pool is located on the rear northern portion of the site.

The existing dwelling is not heritage listed and is not considered to have any heritage significance which would prevent the proposed alterations and additions.

An existing brushwood fence with stone piers is erected along the street frontage to Attunga Road.

Vegetation located upon the property comprises of a combination of native and exotic tree/shrub species together with lawn areas. The proposal does not require the removal of any protected vegetation.

The site is depicted in the following photos:



**View of the Subject Property from Attunga Road**



**An aerial view of the subject site**



### 3. THE SURROUNDING LOCALITY

The subject property is located in a low density residential locality comprising of a combination of traditional cottages and recently constructed contemporary two and three storey dwellings.

The subject site and adjoining properties enjoy views to the north over Bilgola Beach and Bilgola Headland.

In addition to the built form the area is also characterised by steeply sloping sites with informal landscaped gardens supporting mainly native vegetation including tall native trees.

Attunga Reserve and which supports native vegetation is located to the west of the site.



An aerial view of the subject and adjoining properties

Barrenjoey Road adjoins the northern (rear) boundary of the site and provides access to Palm Beach to the north and to Narrabeen and surrounding suburbs to the south.

#### 4. THE PROPOSAL

The proposal seeks approval for the construction of alterations and additions to an existing dwelling.

The proposed additions comprise the following:

##### Lower Floor

Alterations to the existing subfloor area and storage area to create bedroom, laundry, bathroom and powder room

No change is proposed to the existing building setbacks.

##### Mid-Level

Reconfigure existing floor plan and extend bathroom into existing subfloor area.

No change is proposed to the existing building setbacks.

##### Street Level

Additions to create a formal entry, master bedroom with ensuite and robe, together with a double garage.

The proposed garage will provide for a setback to the street frontage ranging from 4.65m to 6.675m. A setback of 1.205m is provided to the eastern side boundary with a setback of 1.07m provided to the western boundary.

There are no changes proposed to the existing basement level.

The proposed dwelling alterations and additions are to generally be of lightweight construction and are to include weatherboard cladding, aluminium windows and metal roof.

A new driveway and crossover will be constructed to provide vehicular access to the garage. A new pedestrian pathway is provided adjacent to the western boundary and provides access to the main entry.

The proposed dwelling once completed will comprise the following:

<b>Basement Floor:</b>	Bedroom (with bathroom) and rumpus.
<b>Lower Level:</b>	Kitchen, living/dining room, bedroom, laundry, bathroom, powder room and store.
<b>Mid-Level:</b>	Two bedrooms and bathroom



**Street Level:** Entry, bedroom with ensuite and robe and double garage.

All stormwater from the proposal is to be disposed of to the existing stormwater system and which discharges to the existing drainage infrastructure in Barrenjoey Road.

The development indices for the proposal are as follows:

**Site Area:** 592.5m<sup>2</sup>

**Proposed Landscaped Area:** 326.597m<sup>2</sup> or 55.12%

## 5. ZONING & DEVELOPMENT CONTROLS

The proposed development is identified as development permissible with the consent of the Council under the provisions of the Environmental Planning and Assessment Act 1979 and the Pittwater Local Environmental Plan 2014.

The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of Northern Beaches Council.

### 5.1 State Environmental Planning Policy (Coastal Management) 2018

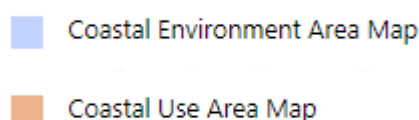
The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

The site is located within the Coastal Use Area Map and an assessment against Division 4 of the SEPP below demonstrates compliance with the aims of this policy.



Figure 1: Extract of SEPP (Coastal Management) 2018



## **Division 4 - Coastal Use Area**

An assessment of the proposal against Clause 14 is provided in the table below.

<b>SEPP Requirement</b>	<b>Response</b>
<p>1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</p> <p>a) has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <p>i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p> <p>iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</p> <p>iv) Aboriginal cultural heritage, practices and places,</p> <p>v) cultural and built environment heritage, and</p>	<p><i>With regard to Clause (a)(i), the proposed development is located entirely on private property and will not affect public foreshore, beach, headland or rock platform access.</i></p> <p><i>Clauses (a)(ii) and a(iii) are not coastal engineering matters so are not considered herein.</i></p> <p><i>With regard to (a)(iv), as noted in Section 7.2.2, there are no Aboriginal sites or Aboriginal places recorded or declared within 200m of the subject property.</i></p> <p><i>With regard to (a)(v), the site is not located within proximity of any identified heritage items. The proposed development would not be expected to impact on these heritage items.</i></p>
<p>b) is satisfied that:</p> <p>i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</p> <p>ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p>	<p><i>With regard to (b), the proposed development has been designed and sited to avoid any potential adverse impacts referred to in Clause 14(1) for the matters considered herein.</i></p>

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.	Clause (c) is further addressed in the DCP assessment below.  <i>The proposal is considered to be consistent with the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i>
2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.	<i>The SREP (Sydney Harbour Catchment) 2005 does not apply to the subject site.</i>

## **Division 5 - General**

### **Clause 15**

The proposal is accompanied by a Geotechnical Assessment Report which considers the development to be low risk. It is considered that the design will not result in an increased risk of geotechnical hazards to the subject site, surrounding properties or foreshore area.

### **Clause 17**

The proposed additions are permissible with the consent of the Council under the Pittwater Local Environmental Plan 2014.

## **Summary**

It is my opinion based upon this assessment that the proposal satisfies the requirements of State Environmental Planning Policy (Coastal Management) 2018.

## 5.2 Planning for Bushfire Protection

The subject site is identified as bushfire prone land on Council's Bushfire Prone Land Map. A Bushfire Assessment Report has been prepared by Building Code & Bushfire Hazard Solutions which in summary provides:

*Given that the property is deemed bushfire prone under Northern Beaches Council's Bushfire Prone Land Map any development would need to meet the requirements of Planning for Bush Fire Protection - 2019 and of the construction requirements of AS3959 - 2018. The determination of any bushfire hazard must be made on a site-specific basis that includes an assessment of the local bushland area and its possible impact to the subject property.*

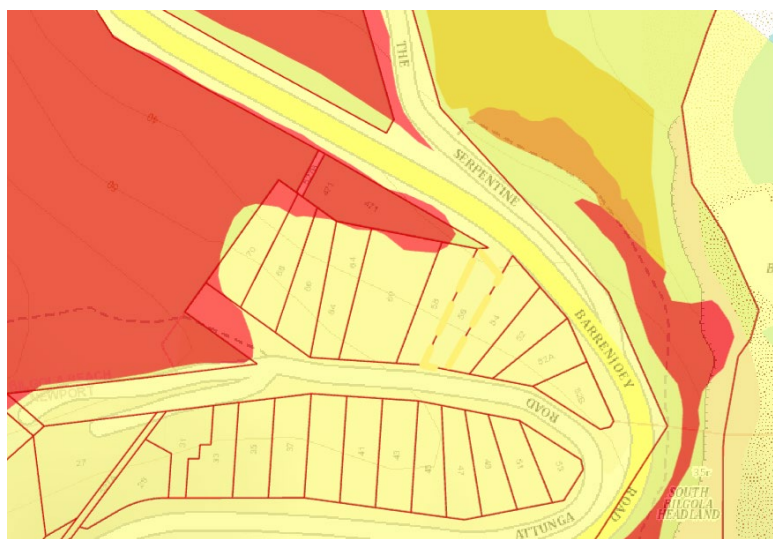
*The subject property is a residential allotment within an area of similar properties. The vegetation identified as being the hazard is located within Eric Green Reserve to the north, Attunga Reserve to the northwest and west and within the unformed portion of the Barrenjoey Road reserve and Eric Green Reserve to the east of the subject dwelling.*

*The highest Bushfire Attack Level to the proposed works was determined from Table A1.12.5 of PBP to be 'BAL 12.5'. The proposed works must be constructed to sections 3 & 5 (BAL 12.5) under AS 3959 - 2018 and the additional construction requirements detailed in section 7.5 of PBP 2019.*

*The existing water supply and access provisions are considered adequate.*

*In accordance with the bushfire safety measures contained in this report, and consideration of the site specific bushfire risk assessment it is our opinion that when combined, they will provide a reasonable and satisfactory level of bushfire protection to the subject development.*

*We are therefore in support of the development application.*



Extract of Bushfire Map

On the basis of the above assessment, it is my opinion that the proposal will provide for an acceptable outcome in relation to the issue of bushfire safety.

### 5.3 Pittwater Local Environmental Plan 2014

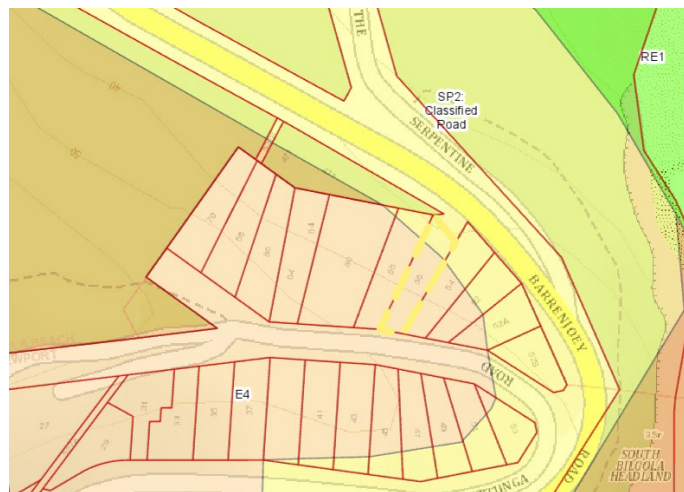
The subject land is zoned E4 - Environmental Living with the northern portion of the site zoned SP2 infrastructure under the provisions of the Pittwater Local Environmental Plan 2014. All works proposed are located on the portion of land zoned E4 - Environmental Living.

The objectives for development within the E4 zone are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To provide for residential development of a low density and scale integrated with the landform and landscape.*
- *To encourage development that retains and enhances riparian and foreshore vegetation and wildlife corridors.*

Under the E4 - Environmental Living zone a range of uses including that of a *dwelling house* are permissible with the consent of the Council.

The proposal which seeks to construct alterations and additions to an existing dwelling house and ancillary works upon the site is considered to be consistent with the above objectives and is development permissible with the consent of the Council.



Extract from Council Zoning Map



The following provisions of the Pittwater Local Environmental Plan 2014 are considered applicable to the subject site.

#### **Clause 4.3 - Height of Buildings**

The subject site is located within Building Height Area “H” and is therefore subject to a maximum building height control of 8.0m.

The proposal as detailed on the architectural plans provides for a maximum height of 8.0m which complies with this clause.

It is therefore considered that the proposal satisfies the requirements of this clause of the LEP.



Extract of Council Height of Buildings Map

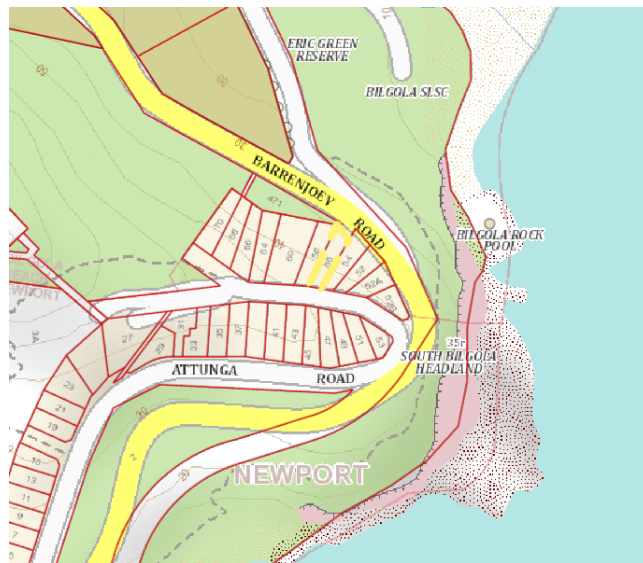
#### **Clause 4.4 - Floor Space Ratio**

There is no floor space ratio control applicable to the subject site.

#### **Clause 5.10 - Heritage Conservation**

The subject site is not identified as comprising a heritage item nor is it located within a heritage conservation area. It is not considered to have any heritage significance which would prevent the subject application from proceeding.

The proposal is therefore considered to satisfy the requirements of this Clause.



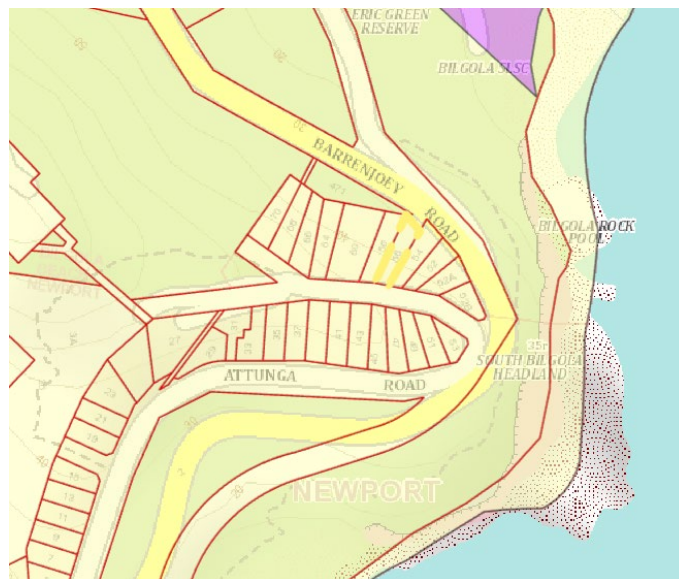
Extract from Council Heritage Map

### Clause 7.1 - Acid Sulfate Soils

The subject site is identified as containing Class 5 Acid Sulfate soils.

It is not considered that the proposal includes works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

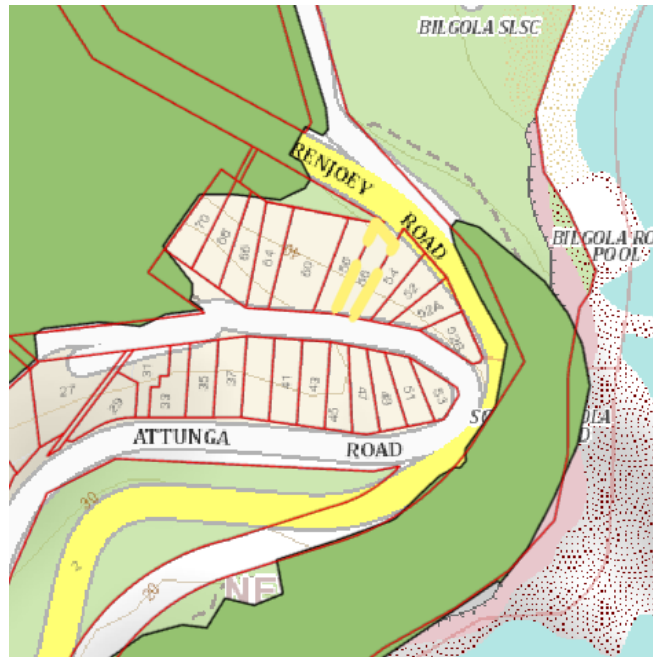
On this basis the proposal is considered to satisfy the requirements of this Clause of the LEP.



Extract of Council Acid Sulfate Map

### Clause 7.6 - Biodiversity protection

The site is not mapped as containing land of biodiversity significance. The proposal does not require the removal of any protected vegetation. The proposal complies with this clause.



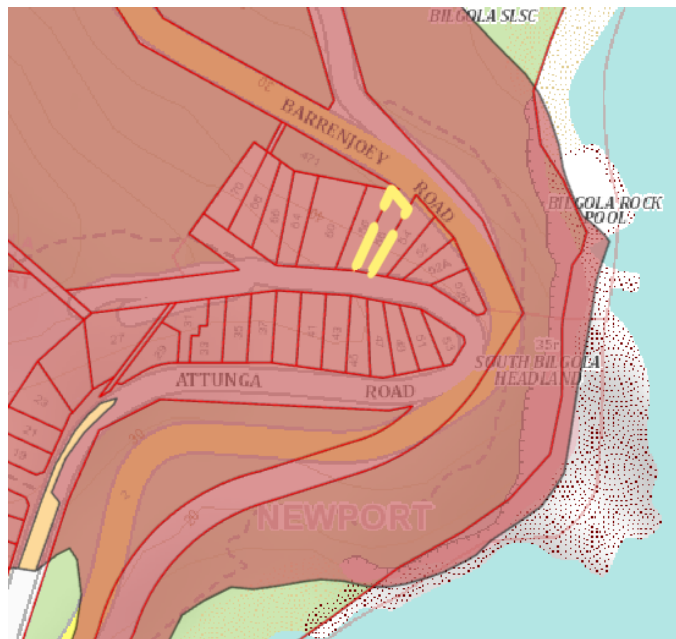
Extract of Council Biodiversity Map

### Clause 7.7 - Geotechnical Hazards

The subject site is identified as being subject to Category W - Geotechnical Hazard H1.

A Geotechnical Investigation Report has been prepared by Ascent Geotechnical Consulting and forms part of the information accompanying this application.

It is considered that subject to compliance with the recommendations of the Geotechnical Report that the proposal will not result in any unreasonable geotechnical impacts and satisfies the requirements of Clause 7.7 of the LEP.



Extract of Council Geotechnical Hazard Map

## Summary

There are no other provisions of the LEP which it is considered are relevant to the proposal.

It is my opinion based upon this assessment that the proposal is compliant with the aims, objectives and the applicable prescriptive requirements of the Pittwater LEP and is therefore permissible upon the subject site with the consent of the Council.

## 5.2 Pittwater 21 Development Control Plan 2014

Council's Development Control Plan applies to all forms of development with Sections B, C and D being specifically applicable to residential development.

An assessment of the proposal against the applicable provisions of the DCP has been undertaken and the following comments are made.

Section	Control	Response	Compliance
B3.1 - Landslip Hazard	<p>All development on land to which this control applies must comply with the requirements of the Geotechnical Risk Management Policy for Pittwater (see Appendix 5).</p> <p>Development must be designed and constructed to ensure that every reasonable and practical means available is used to remove risk to an acceptable level as defined by the Geotechnical Risk Management Policy for Pittwater (see Appendix 5) for the life of the development.</p> <p>The development must not adversely affect or be adversely affected by geotechnical processes nor must it increase the level of risk for any people, assets and infrastructure in the vicinity due to geotechnical hazards.</p>	Refer to the Geotechnical Report prepared by Ascent Geotechnical Consulting.	✓
B4.5 - Landscape and Flora and Fauna Enhancement Category 3 Land	<p>Development shall retain and enhance habitat for threatened species, endangered populations, endangered ecological communities and locally native species.</p> <p>Development shall provide flora and fauna habitat by active restoration, regeneration, and / or creation.</p> <p>Development shall result in no significant onsite loss of canopy cover or a net loss in native canopy trees.</p> <p>Landscaping is not to include environmental weeds.</p>	The proposal does not require the removal of any protected vegetation.	✓

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Section	Control	Response	Compliance
B5.15 Stormwater	Stormwater runoff must not cause downstream flooding and must have minimal environmental impact on any receiving stormwater infrastructure, watercourse, stream, lagoon, lake and waterway or the like. The stormwater drainage systems for all developments are to be designed, installed and maintained in accordance with Council's Water Management for Development Policy.	All stormwater from the proposal is to be disposed of to the existing stormwater system.	✓
B6.3 -Off Street Parking Requirements - Scotland Island	2 Spaces to be provided per dwelling	The proposal provides for two parking spaces on site and within an attached garage.	✓
C1.1 - Landscaping	<p>All canopy trees, and a majority (more than 50%) of other vegetation, shall be locally native species. Species selection and area of landscape to be locally native species is determined by extent of existing native vegetation and presence of an Endangered Ecological Community. Note if the land is within an Endangered Ecological Community there will be a Development Control specifically covering the requirements for Landscaping in an Endangered Ecological Community.</p> <p>In all development a range of low-lying shrubs, medium-high shrubs and canopy trees shall be retained or provided to soften the built form.</p> <p>At least 2 canopy trees in the front yard and 1 canopy tree in the rear yard are to be provided on site. Where there are existing canopy trees, but no natural tree regeneration, tree species are to be planted to ensure that the canopy is retained over the long-term. Where there are no canopy trees the trees to be planted are to be of sufficient scale to immediately add to the tree canopy of Pittwater and soften the built form.</p> <p>Each tree planted is to have a minimum area of 3 metres x 3 metres and a minimum 8m<sup>3</sup> within this area to ensure</p>	<p>The proposal does not require the removal of any vegetation.</p> <p>Sufficient canopy trees existing on site.</p>	<p>✓</p> <p>✓</p>



Section	Control	Response	Compliance
	<p>growth is not restricted.</p> <p>The following soil depths are required in order to be counted as landscaping:</p> <p>300mm for lawn 600mm for shrubs 1metre for trees</p> <p>The front of buildings (between the front boundary and any built structures) shall be landscaped to screen those buildings from the street as follows:</p> <p>A planter or landscaped area with minimum dimensions of 4m<sup>2</sup> for shop top housing developments, 60% for a single dwelling house, secondary dwelling, rural workers' dwellings, or dual occupancy, and 50% for all other forms of residential development.</p> <p>Screening shall be of vegetation (not built items), and shall be calculated when viewed directly onto the site.</p> <p>In bushfire prone areas, species shall be appropriate to the bushfire hazard.</p> <p>Landscaping shall not unreasonably obstruct driver and pedestrian visibility.</p> <p>Development shall provide for the reasonable retention and protection of existing significant trees, especially near property boundaries, and retention of natural features such as rock outcrops.</p>		<p>✓</p> <p>✓</p>

Section	Control	Response	Compliance
	<p>Canopy trees are to be located a minimum of 5 metres from existing and proposed built structures, or minimum of 3 metres where pier and beam footings are used.</p> <p>Noxious and undesirable plants must be removed from the site (<a href="http://www.pittwater.nsw.gov.au/environment/noxious_weeds/a-z_list_of_weeds">www.pittwater.nsw.gov.au/environment/noxious_weeds/a-z_list_of_weeds</a>)</p>		
C1.2 - Safety & Security	<p>1. Surveillance</p> <ul style="list-style-type: none"> <li>• Building design should allow visitors who approach the front door to be seen without the need to open the door.</li> <li>• Buildings and the public domain are to be designed to allow occupants to overlook public places (streets, parking, open space etc) and communal areas to maximise casual surveillance.</li> <li>• Development design and design of the public domain (including landscaping) is to minimise opportunities for concealment and avoid blind corners.</li> <li>• Adequate lighting must be provided according to the intended use of the development. Lighting must be designed and located so that it minimises the possibility of vandalism or damage. Security lighting must meet Australian Standard AS 4282-1997: Control of the obtrusive effects of outdoor lighting.</li> <li>• Lighting is to be designed to minimise electricity consumption, and to minimise annoyance to neighbours.</li> <li>• Where provided, public facilities (toilets, telephone, ATMs, etc) are to be located so as to have direct access and to be clearly visible from well-trafficked public spaces.</li> <li>• Design landscaping and materials around dwellings and buildings, so that when it is mature it does not</li> </ul>	<p>The proposal provides good visual surveillance of the dwelling and site approach from the street. The new entry is easily identifiable and allows for views and casual surveillance of the dwelling approach.</p>	✓

Section	Control	Response	Compliance
	<p>unreasonably restrict views of pathways, parking and open space areas.</p> <p>2. Access Control</p> <ul style="list-style-type: none"> <li>Shared entries must be able to be locked and incorporate an intercom system or the like to allow visitors to gain entry.</li> <li>Building entrances are to be clearly visible from the street, easily identifiable and appropriately lit.</li> <li>Where provided, pedestrian access through a site and through the public domain is to be clearly defined, signposted, appropriately lit, visible and give direct access to building from parking and other areas likely to be used at night.</li> <li>The street number of the property is to be clearly identifiable.</li> <li>Pedestrian access along the street frontage shall not be impeded by landscaping, street furniture or other restrictions.</li> </ul> <p>3. Territorial reinforcement</p> <ul style="list-style-type: none"> <li>Walkways and landscaping should be used to delineate site boundaries and direct visitors to the correct entrance and away from private areas.</li> <li>Where a retail/commercial use and residential dwellings are provided in the same development, separate entries for the different uses are to be provided.</li> <li>Blank walls along all public places (streets, open space etc) shall be minimised.</li> </ul>	<p>The building entrance will be clearly visible from the street.</p> <p>Existing boundary fencing to be maintained.</p>	<p>✓</p> <p>✓</p>

Section	Control	Response	Compliance
	<p>4. Space management</p> <ul style="list-style-type: none"> <li>Popular public space is often attractive, well maintained and a well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for.</li> <li>Space management strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.</li> <li>A crime risk assessment is a systematic evaluation of the potential for crime in an area. It provides an indication of both the likely magnitude of crime and likely crime type. The consideration of these dimensions (crime amount and type) will determine the choice and approximate mix of Crime Prevention through Environmental Design (CPTED) strategies.</li> </ul>	N/A for dwelling houses.	✓
C1.3 - View Sharing	<ul style="list-style-type: none"> <li>All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.</li> <li>The proposal must demonstrate that view sharing is achieved through the application of the Land and Environment Court's planning principles for view sharing.</li> <li>Where a view may be obstructed, built structures within the setback areas are to maximise visual access through the structure e.g. by the provision of an open structure or transparent building materials.</li> <li>Views are not to be obtained at the expense of native vegetation.</li> </ul>	<p>The primary view from the subject and adjoining properties is to the north, primarily towards Bilgola Headland.</p> <p>It is my opinion that the proposal will not unreasonably impact upon any views with the adjoining properties located to either side of the property maintaining their views.</p> <p>The proposal has been designed to comply with the maximum building height control to ensure appropriate view sharing. The non-compliance with the side boundary setbacks will not result in a loss of views as the additions retain the existing boundary setbacks.</p> <p>A more detailed assessment is provided at Section 6 of this report.</p>	✓

Section	Control	Response	Compliance
C1.4 - Solar Access	<p>The main private open space of each dwelling and the main private open space of any adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st.</p> <p>Windows to the principal living area of the proposal, and windows to the principal living area of adjoining dwellings, are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21st (that is, to at least 50% of the glazed area of those windows).</p> <p>Solar collectors for hot water or electricity shall receive at least 6 hours of sunshine between 8.00am and 4.00pm during mid winter.</p> <p>Developments should maximise sunshine to clothes drying areas of the proposed development or adjoining dwellings. The proposal must demonstrate that appropriate solar access is achieved through the application of the Land and Environment Court planning principle for solar access.</p>	<p>The proposal will not result in any unreasonable overshadowing of any adjoining dwelling or usable private open space.</p>	✓
C1.5 - Visual Privacy	<p>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 (measured from a height of 1.7 metres above floor level).</p> <p>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.</p> <p>Direct views from an upper level dwelling shall be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below.</p>	<p>The proposal has been designed so as to ensure that the proposal does not result in any unreasonable loss of privacy for the adjoining property.</p> <p>This has been achieved by providing a primary orientation of windows and living spaces to the north east, towards Bilgola Beach. All high use living areas are retained on the lower and basement levels with the upper levels providing for only bedrooms and bathrooms.</p>	✓

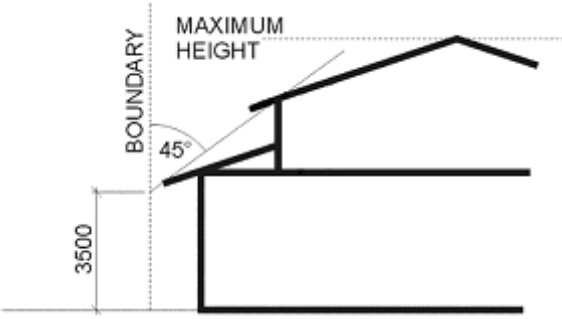
Section	Control	Response	Compliance
	<p>Direct views of private open space or any habitable room window within 9m can be restricted (see diagram below) by:</p> <ul style="list-style-type: none"> <li>• vegetation/landscaping</li> <li>• a window sill height 1.7 metres above floor level, or</li> <li>• offset windows</li> <li>• fixed translucent glazing in any part below 1.7 metres above floor level, or</li> <li>• solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are: <ul style="list-style-type: none"> <li>• permanent and fixed;</li> <li>• made of durable materials; and</li> <li>• designed and painted or coloured to blend in with the dwelling.</li> </ul> </li> </ul>		
C1.6 - Acoustic Privacy	<p>Noise-sensitive rooms, such as bedrooms, should be located away from noise sources, including main roads, parking areas, living areas and communal and private open space areas and the like.</p> <p>Walls and/or ceilings of dwellings that are attached to another dwelling/s shall have a noise transmission rating in accordance with Part F(5) of the Building Code of Australia. (Walls and ceilings of attached dwellings must also comply with the fire rating provisions of the Building Code of Australia).</p> <p>Noise generating plants including pool/spa motors, air conditioning units and the like shall not produce noise levels that exceed 5dBA above the background noise when measured from the nearest property boundary.</p> <p>Developments must comply in all respects with the Protection of the Environment Operations Act 1997, and other relevant legislation.</p>	<p>There are no unreasonable noise sources that will affect the proposal.</p> <p>The pool plant equipment will be located away from all property boundaries and will be housed in a soundproof enclosure.</p>	<p>✓</p> <p>✓</p>



Section	Control	Response	Compliance
C1.7 - Private Open Space	Minimum 80m <sup>2</sup> of private open space per dwelling at ground level, with no dimension less than 3 metres. No more than 75% of this private open space is to be provided in the front yard.	The proposal has a private open space area in excess of 80m <sup>2</sup> .	✓
	Within the private open space area, a minimum principal area of 16m <sup>2</sup> with a minimum dimension of 4m and grade no steeper than 1 in 20 (5%).		
	Dwellings are to be designed so that private open space is directly accessible from living areas enabling it to function as an extension of internal living areas.	The private open space areas are accessible from the living areas.	✓
	Private open space areas are to have good solar orientation (i.e. orientated to the north-east or north-west where possible). Where site or slope constraints limit optimisation of orientation, the private open space area must have access to some direct sunlight throughout the year (see Solar Access).	The principal private open spaces orientated to the north east will receive good solar access.	✓
	Private open space should be located to the rear of the dwelling to maximise privacy for occupants.		
	Where this open space needs to be provided to the front of the dwelling, the area should be screened from the street to ensure that the area is private.	The proposal includes fixed privacy screens to ensure that these spaces remain private.	✓
	A balcony located above ground level, but which has access off living areas of dwellings, can be included as private open space. The dimensions should be sufficient so that the area can be usable for recreational purposes (i.e. a minimum width of 2.4m). First floor balconies along the side boundary must be designed to limit overlooking and maintain privacy of adjoining residential properties.	Complies.	✓

Section	Control	Response	Compliance
C.12 - Waste and Recycling Facilities	All development that is, or includes, demolition and/or construction, must comply with the appropriate sections of the Waste Management Guidelines and all relevant Development Applications must be accompanied by a Waste Management Plan	Refer to the accompanying Waste Management Plan.	✓
C1.17 - Swimming Pool Safety	Swimming pool fencing and warning notices (resuscitation chart) shall be manufactured, designed, constructed, located and maintained in accordance with the Swimming Pools Act 1992 and regulations. The fencing and warning notices (resuscitation chart) shall be permanent structures.	No change to existing pool.	✓
D3.1 - Character as Viewed from a Public Place	Buildings which front the street, and are not obscured by vegetation or topographical features, must have a street presence appropriate to predominantly pedestrian traffic. Buildings should incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality. Blank street frontage facades without windows shall not be permitted.	The additions maintain a setback of between 4.65m to 6.675m to the street frontage which is compatible with the existing surrounding development. The proposal incorporates an entry on the front façade which is well articulated.	✓
	Walls without articulation shall not have a length greater than 8 metres to any street frontage.	The proposal is well articulated and provided with a substantial setback from the street frontage.	✓
	Any building facade to a public place must incorporate at least two of the following design features:  1. entry feature or portico; 2. awnings or other features over windows; 3. verandahs or balconies to any first floor element; 4. recessing or projecting architectural elements; 5. open, deep verandahs; or 6. verandahs, pergolas or similar features above ancillary structures.	The dwelling presents as a single storey dwelling when viewed from Attunga Road. Due to the slope of the site and existing vegetation, the works will not be visible from Barrenjoey Road.	✓

Section	Control	Response	Compliance
	<p>The bulk and scale of buildings must be minimised.</p> <p>Garages, carports and other parking structures including hardstand areas should not be the dominant site feature when viewed from a public place. Parking structures must be located behind the front building line, preferably set back further than the primary building, and be no greater in width than 50% of the lot frontage, or 7.5 metres, whichever is the lesser.</p> <p>Landscaping is to be integrated with the building design to screen the visual impact of the built form. In residential areas, buildings are to give the appearance of being secondary to landscaping and vegetation.</p> <p>Television antennas, satellite dishes and other telecommunications equipment must be minimised and screened as far as possible from public view.</p> <p>On Scotland Island, garages, carports and other parking structures including hardstand areas must not be the dominant site features when viewed from a public place.</p> <p>General service facilities must be located underground.</p> <p>Attempts should be made to conceal all electrical cabling and the like. No conduit or sanitary plumbing is allowed on facades of buildings visible from a public space.</p>	<p>The development is well articulated and has been designed to step down the site to minimise bulk and scale.</p> <p>The proposal provides for a new double garage to replace the existing garage on site. The setback is considered appropriate as there is no alternative for parking on site, it is a single storey structure and is compatible with other garages on the northern side of Attunga Road.</p>	<p>Variation Required</p> <p>✓</p>
D3.3 - Building Colours and Materials	<p>External colours and materials shall be dark and earthy tones.</p> <p>White, light coloured, red or orange roofs and walls are not permitted.</p> <p>Finishes are to be of a low reflectivity.</p>	<p>The proposed additions are to be constructed of lightweight construction and which is to comprise of weatherboards and a colourbond roof with aluminium windows.</p>	<p>✓</p>

Section	Control	Response	Compliance
D3.6 - Front Building Line	6.5m or established building line, whichever is the greater  Built structures, other than driveways, fences and retaining walls are not permitted within the front building setback.	The proposal provides for a new garage to replace to the existing garage. The new garage is provided with a setback ranging from 4.65m to 6.675m. This setback is considered appropriate for the following reasons: <ul style="list-style-type: none"> <li>The site is constrained by a significant slope and the location of the existing dwelling. There is no alternative for parking on site.</li> <li>The setbacks provided are compatible with the established building line in this portion of Attunga Road. There are a number of parking structures within the front setbacks of properties with frontage to Attunga Road.</li> <li>The garage is single storey and is not dominant in the streetscape.</li> </ul>	✓
D3.7 - Side and Rear Building Line	2.5m to at least one side 1.0m for other side  Rear setback to comply with the foreshore building line.	The proposal provides for a setback of 1.205m to the eastern boundary and 1.12m. Whilst not strictly complying with the numerical controls of this clause, the proposal maintains the setbacks provided by the existing dwelling.  N/A	✓  ✓
D3.9 - Building Envelopes		The proposed additions are considered to satisfy council's envelope requirement.	✓

Section	Control	Response	Compliance
D3.11 - Landscaped Area	<p>The total landscaped area on land zoned R2 Low Density Residential, R3 Medium Density Residential or E4 Environmental Living shall be 60% of the site area.</p> <p>The use of porous materials and finishes is encouraged where appropriate.</p> <p>Any alterations or additions to an existing dwelling are to provide a minimum 60% of the site area as landscaped area.</p>	<p>The subject site currently provides for a landscape area of 56.37%. The proposal seeks to marginally reduce this to 55.12% of the site area.</p> <p>In relation to the proposed non-compliance it is considered that the departure is minor in nature and result in an outcome whereby the proposal continues to provide for a landscape outcome consistent with the objectives of the council.</p>	✓
D3.15 - Scenic Protection Category One Areas	<p>Screen planting shall be located between structures and boundaries facing waterways.</p> <p>Canopy trees are required between dwellings and boundaries facing waterways and waterfront reserves.</p> <p>Development is to minimise the impact on existing significant vegetation.</p> <p>The applicant shall demonstrate the retention and regeneration of existing native vegetation outside of the immediate area required to carry out the development.</p> <p>The development is to incorporate measures for planting and maintenance of native vegetation within those areas which are already cleared, and which are not required to be cleared to allow for the development.</p> <p>The siting, building form, orientation and scale of the development shall not compromise the visual integrity of the site by removal of canopy trees along ridges and upper slopes.</p>	<p>The proposal does not require the removal of any protected vegetation. The proposal is considered to provide for a landscape response which is consistent with the requirements of the Council.</p>	✓

Section	Control	Response	Compliance
	<p>The development must incorporate the use of unobtrusive and non-reflective materials and the colours of exterior surfaces shall help blend structures into the natural environment.</p> <p>Applicants are to demonstrate that proposed colours and materials will be dark and earthy</p>		



## **Summary**

There are no other provisions of the DCP which it is considered are relevant to the proposal.

On the basis of the above the proposal is considered to achieve appropriate compliance with the requirements of Council's DCP and where a variation is proposed it is considered to be consistent with the aims and objectives of the relevant provision.

The proposal is therefore considered to be worthy of the support of the Council.

## **6. SECTION 4.15(1) ASSESSMENT**

### **Environmental Planning Instruments - Section 4.15(1)(a)**

The subject site is zoned E4 - Environmental Living under the provisions of the Pittwater Local Environmental Plan 2014. The proposed dwelling alterations & additions and ancillary structures are permissible with the consent of Council. The proposal has been assessed against the objectives and provisions of both the Pittwater LEP 2015 and the Pittwater Development Control Plan as detailed within this report.

The proposal was found to generally satisfy the requirements of both policy documents. Where a variation is proposed it is considered to be consistent with the aims and objectives of the relevant provision.

### **Impacts of the Development - Section 4.15(1)(b)**

It is not considered that the proposal will result in any unreasonable detrimental impacts upon the amenity of the adjoining properties or upon the character of the surrounding area.

The proposed dwelling is considered to be of a design, which is in keeping with the character of the surrounding area and the desired future characteristics identified for this locality.

### View Loss

In relation to the issue of view loss it is advised that an assessment has been undertaken from the properties located opposite the site on Attunga Road, being No. 43 & 45 Attunga Road. Reference is made to Architectural Drawings A401 to A403.

These plans demonstrate that both properties currently enjoy views from their north facing first floor balconies of the northern part of Bilgola Beach in relation to No. 45 and the wave zone and Bilgola headland in relation to No. 43.

In relation to No.43, it is noted that they do appear to currently have a view of a small section of sand at the far northern end of Bilgola Beach. This thin slither of sand is visible immediately above the existing roof of the existing dwelling at No.56. This view will be lost as a result of the proposal, although noting that their existing view located to the east of the existing private power pole located upon the subject site, will be unaffected by the proposal.

In support of the proposal, it is submitted that:

1. No.43 will retain their primary view of Bilgola Headland, the land/water interface and the wave zone.

2. The existing beach view is directly over the existing dwelling and is located such that any increase in the existing building height will impact this view.
3. The proposed addition is fully compliant with Council's height of building controls.
4. It is my opinion that a more skilful design does not exist in that any increase in the existing building height would impact the view of the existing minimal beach view.

On the basis of the above it is my opinion that the proposal will not result in any unreasonable view loss impacts and provides for an outcome consistent with that required by *Tenacity Consulting v Warringah Council*.

#### **Suitability of the Site - Section 4.15(1)(c)**

The subject site is zoned E4 - Environmental Living under the Pittwater Local Environmental Plan 2014. The construction dwelling alterations/additions and associated works having a height of less than 8.0 metres is permissible with the consent of Council.

The subject site currently supports a dwelling house and in the absence of any unreasonable detrimental impact is thus considered suitable for the proposed development.

## **7. CONCLUSION**

The proposed development is development permissible with the consent of the Council under the terms of the Environmental Planning and Assessment Act 1979 and the Pittwater Local Environmental Plan 2014 and has been assessed against the requirements of Section 4.15(1) of the Act and the Pittwater LEP & DCP. In this regard it is considered that this Statement of Environmental Effects has demonstrated that the proposal satisfies the aims and objectives and the applicable prescriptive requirements of the above controls.

It is considered that the proposal will not unreasonably impact upon the amenity of adjoining properties or upon the character of the surrounding area.

It is therefore considered that the proposed construction of dwelling alterations & additions and ancillary works upon land at 56 Attunga Road, Newport is worthy of the support of Council.

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