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**Sent:** 30/07/2021 11:30:48 AM  
**Subject:** FW: DA2021/0556 - 39 Attunga Road Newport  
**Attachments:** Submission\_39 Attunga Road Newport 22 July 2021.pdf;

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**From:** Leonard Allen <[info@untappedplanning.com](mailto:info@untappedplanning.com)>  
**Sent:** Friday, 23 July 2021 4:50 PM  
**To:** Jordan Davies <[Jordan.Davies@northernbeaches.nsw.gov.au](mailto:Jordan.Davies@northernbeaches.nsw.gov.au)>  
**Cc:** Richard Cansick <[rcansick@bigpond.net.au](mailto:rcansick@bigpond.net.au)>  
**Subject:** DA2021/0556 - 39 Attunga Road Newport

Hi Jordan,

Please find attached submission to the amended plans currently before Council for assessment.

We would welcome further discussion on the impacts of the development.

Regards,  
Leonard Allen

untapped  
**PLANNING**

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Untapped Planning  
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**22 July 2021**

Northern Beaches Council  
PO Box 82  
Manly NSW 1655

Attention: Jordan Davies

Re: Development Application DA2021/0556 – Dwelling House.  
Lot 104 DP 752046, 39 Attunga Road, Newport

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Untapped Planning has been engaged by the landowners of 37 Attunga Road Newport to provide a further planning submission to the abovementioned development application at 39 Attunga Road, Newport.

Thank you for the opportunity to respond to the amended plans submitted to Council.

A full review of the development's compliance with the Pittwater Local Environmental Plan 2014 (LEP 2014) and Pittwater 21 Development Control Plan 2014 (DCP) has been undertaken having particular regards to the potential impacts on 37 Attunga Road.

Consideration of LEP and DCP requirements has shown several areas of non-compliance that contribute to the developments adverse impacts on surrounding residential dwellings. These non-compliances are discussed further in this correspondence.

While it is noted that design changes have been made, these have have only been a minor attempt to address the concerns of 37 Attunga Road and it is requested that further modifications sought to ensure compliance with both LEP and DCP 2014 and to mitigate against the adverse environmental impacts identified.

The following areas of non-compliance are of particular concern.

**Pittwater Local Environmental Plan 2014**

The development site is zoned E4 – Environmental Living. Under this zoning development for the purposes of Dwellings is permissible with the consent of Council.

Concern is raised however with the developments compliance with the zone objectives. The zone objectives state;

- *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.*

The development is considered to be inconsistent with many of the zone objectives, namely.

Impact – Given the exceedances of height and building envelope outlined in this submission, it cannot be considered that the development is low impact nor can it be considered that the development will not have an adverse impact on the aesthetic values of the area.

The scale and bulk of the wall proposed and their impacts on 37 Attunga Road are clearly indicated by the height poles erected.



Figure 1 – Height of wall in the South Western Corner of the proposed building

Figure 1 clearly shows how the proposal will physically and visually dominate the surrounding properties. This height, coupled with the building envelope encroachment serve to increase the perceived bulk of the proposal.

Scale –The amended design still breaches height, side setback and building envelope. These all combine to demonstrate that the proposal is not of low scale, nor is it integrated with the landform.

It is put to council that the development is in no way consistent with the Zone Objectives and further modifications should be sought to bring the development into line with development consistent with the E4 Zone Objectives.

### **Clause 4.3 – Height**

The subject site is mapped as having a maximum building height of 8.5m. The development exceeds this with a maximum height of 9m. This maximum height is in the south western corner of the building being the overhanging eave of the butterfly roof.

An amended roof design could alleviate this and remove the bulk from the side of the structure.

While the proponent considers this variation to be minor, the fact that the variation is on the side elevation and not centred in the middle of the roof structure only serves to maximise the impact of the exceedance.

And exceedance of height in this fashion unnecessarily adds bulk to the building. This can not be considered a minor variation and needs to be considered in conjunction with the building envelope variation requested.

### **Clause 4.6**

It is considered that the submitted clause 4.6 variation has only considered the total variation to be a “minor non-compliance” in a numerical sense.

The variation request has failed to consider the location of the noncompliance in relation to adjacent properties and how the building design has continued to the non-compliance.

Any clause 4.6 variation should include a proper assessment of the impacts of the variation on adjacent properties and how the height interacts with the building envelope.

As noted above, locating the maximum height exceedance on the side elevation, coupled with the large variation to the building envelope serve to make the height as proposed unacceptable.

## **Pittwater 21 Development Control Plan 2014**

### **C1.3 – View Sharing**

While the submitted Statement of Environmental Effects states;

*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.*

No formal analysis of this view corridor and its retention has been provided by the application. In order to assess the implications of the development on the view corridor and the reasonableness of impacting these views, an assessment should be carried out having particular regard to the Land and Environment Court Planning Principles contained within *Tenacity Consulting Pty Ltd v Warringah Council* (2004) NSWLEC 140.

It is requested that Council require this to be undertaken.

### **C1.4 – Solar Access**

The amended shadow diagrams in perspective form are not considered to adequately demonstrate the impacts of the development.

It is requested that the shadow diagrams be projected on the side elevation of 37 Attunga Road.

Concern is still raised that the large exceedance of the building envelope will adversely impact on the solar access of the side windows on 37 Attunga.

Council should not determine the application until revised plans are provided for comment that clearly show the impacts on 37 Attunga Road including but not limited to;

- Impacts on all east facing windows,
- Impacts on all areas of private open space.



### D1.11 – Building Envelope

The clause requires;

*Planes are to be projected at 45 degrees from a height of 3.5 metres above ground level (existing) at the side boundaries to the maximum building height (refer to Pittwater Local Environmental Plan 2014).*

It is noted that the amended plans have sought to;

- Reduce the roof pitch
- 1m setback of the clerestory windows
- Reduce eave overhang.

Notwithstanding these amendments, the roof still exceeds the building envelope by 2.3m on the western elevation. This is also the point of the maximum exceedance of the height controls.

The height pole, refer Figure 1, shows how this portion of the structure will dominate 37 Attunga Road.

It is disingenuous of the proponent to refer to older buildings breaching the side envelope controls, as these were not development controls at the time these dwellings were constructed. Presumably Council implemented the building envelopes to ensure residential amenity has been enhanced

The DCP states that “Where the building footprint is situated on a slope over 16.7 degrees (ie 30%), variation to this control will be considered on a merits basis.”

The site achieves a 25% grade and as such a more genuine attempt to comply with the building envelope should be made.

A redesign is requested that appropriately addresses the building envelope and height requirements and contains appropriate stepping of the design as height increases along with a redesign of the roof structure. A revised roof structure without the clerestory windows would reduce the envelope exceedance and façade height without impacting on available floor space.

The development as amended is considered to be of a scale that will dominate 37 Attunga Road in terms of;

- Over Shadowing
- Privacy
- Visual Domination and Visual amenity.
- View Loss

It is requested in its current form Council either refuse the application or seek a redesign that is more sympathetic to the natural environment and adjacent properties amenity.

Changes to the design should include a modified roof structure that reduces the bulk on the western boundary and maximising the rear setbacks.

In the event of a redesign, it is requested that a further opportunity to comment on any changes be afforded to adjacent residents.

Please do not hesitate to be in contact if you require clarification of any of the above issues.

Regards,  
Leonard Allen  
Untapped Planning