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**Sent:** 2/06/2021 10:21:37 AM  
**Subject:** Submission - DA2021/0556 - 39 Attunga Road Newport  
**Attachments:** Submission\_39 Attunga Rad Newport Rev C.pdf;

Hi Jordan,

Please find attached a submission objecting to the proposed dwelling at 39 Attunga Road Newport.

If you have any questions, please do not hesitate to be in contact.

Regards,  
Leonard Allen

untapped  
**PLANNING**

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Untapped Planning  
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**31 May 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 planning submission to the abovementioned development application at 39 Attunga Road, Newport.

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.

It is requested that the development application be refused, or 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 given their impacts on surrounding properties, particularly 37 Attunga Road.

Concern is also raised in that there is a discrepancy in the plans. The Lower Ground Floor Plan indicates a rear setback of 3m to behind the building line, while the set back on the ground floor plan is 4.095m. This indicates the lower ground floor protruding from the ground floor. This is consistent with the East Elevation, but contrary to the west elevation that shows the lower ground and ground floors with a consistent setback. Confirmation is sought as to the setback of the lower ground floor.

The owners of 37 Attunga have indicated that during consultation with the designers that they were advised that the lower ground floor would be pulled in to have a consistent setback between the lower ground and ground floor levels.

We understand that amended elevations have been submitted to Council. We object to the lower ground floor protruding beyond the upper storey.

### **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.

Scale – The breaches in height, side setback and building envelope 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 in no way is consistent with the Zone Objectives and 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 9.2m.

While the submitted statement of environmental effects (MHDP Architects, Dated April 2021), states that this is a minor non-compliance of less than 10%, it fails to take into account that as the proposed roof structure is of a butterfly

design, the impacts are concentrated top the side elevations, not to the centre pf the building.

This effectively shifts the impacts of the variation to the side of the building maximising bulk, visual impact and overshadowing of adjoining properties.

It would appear this roof design has been utilised to maximise the views and light to the proposed upper storey with no consideration of the concentration of the impact on adjoining properties.

Solar impacts are discussed elsewhere in this submission, but it is requested that the height variation, being maximised on the side elevations should not be supported and a redesign be requested by Council

### **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.

### **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 submitted shadow diagrams are insufficient in that they do not show the location of adjacent windows and principle open space areas of 37 Attunga Road.

It is requested that revised shadow diagrams be submitted that clearly show the existing situation in regards to overshadowing and the proposed increase in overshadowing of both east facing windows and principle open space areas.

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.

An assessment of the overshadowing diagrams provided with the application have been reviewed by Instyle Solar who have stated that there will be losses of 25% in efficiency of proposed roof mounted solar panels should the application be approved in its current form.

It is requested that this overshadowing of the roof in the morning hours be considered by Council.

#### **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).*

Given the proposed maximum height of the wall on the western elevation of 9.2m, this would require a setback of 5.7m, the development is non-compliant.

Assuming a maximum wall height of 8.5m, the development would still be required on this elevation to be set back 5m on the upper levels.

The actual setback proposed on the southern elevation is 1.8m, the theoretical maximum height of the wall on this setback should be 5.3m. the development grossly exceeds the building envelope requirements. The setback and height combine to increase the bulk, visual dominance, privacy and overshadowing impacts.

A redesign is requested that appropriately addresses the building envelope requirements and contains appropriate stepping of the design as height increases along with a redesign of the roof structure. The resubmitted plans should show the building envelope at the points of maximum exceedance.

The owners of 37 Atunga Road are not adverse to the redevelopment of the adjacent property, they do however request that further consideration be given in the design as to the impacts on their property.

The development as proposed 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