
Sent: 6/05/2021 10:36:34 AM
Subject: SUBMISSION: DA2021/0264_34 Lumeah Avenue Elanora Heights
Attachments: Submission Re 34 Lumeah Ave.pdf;

Hello Thomas,

Our clients Andrew and Kristie Shaw have requested that we pass on the attached submission in relation to the Development Application No. DA2021/0264 at 34 Lumeah Avenue. Andrew and Kristie are the owners of No. 36 Lumeah Avenue, which adjoins the subject site. The below submission sets out a number of concerns that they would like to raise with you and to have considered as part of your assessment.

Best regards,

Paul O'Keefe
Director

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Northern Beaches Council

Attention: Mr Thomas Prosser

Development Application DA2021/0264_34 Lumeah Ave, Elanora Heights

We are the owners of No. 36 Lumeah Avenue, Elanora Heights, which adjoins the subject property. While we acknowledge the rights of the owners of 34 Lumeah Avenue to develop their property, we have what we consider to be legitimate concerns regarding adverse environmental impacts of the design as submitted. Our key concerns are set out below:

1. C1.4 Solar Access

We object to the bulk and scale of the proposed rear extension. This appears to have been arranged to maximise access to northern sun into the subject property, however, this has been achieved at the expense of solar access to our property, in particular to the bedrooms facing the northern boundary and our clothes drying area, which according to the proponents documents, will receive zero sun on 21 June.

We note that there is significant scope to reduce this impact. The proposed ceiling height within the rear extension, including to kitchen and Laundry areas, is 4.5m. This combined with the length of the rear extension, and the bulky format of the proposed overhangs and fascia, creates excessive bulk along our northern boundary. This impact could be significantly reduced through more thoughtful design of the rear extension, including through a more appropriate ceiling heights and roof form.

We request that Council require that the rear form be modified to reduce the height of the proposal adjacent our Northern Boundary.

2. C1.5 Visual Privacy; We note that proposed new windows facing our Northern boundary are elevated above the fence line and face bedroom windows on the adjoining property.

We request that Council consider the imposition of a requirement for visual screening to be applied to windows WG03 and WG04.

We note that the proposed extension of the front verandah increases overlooking onto our property.

We request that Council impose the required 2.5m setback on the front verandah and require privacy screening.

3. D5.1 Character as viewed from public space:

The proposed façade is inconsistent with the controls at D5.1 of Council's DCP. Specifically;

The proposed new front wall of the house is not articulated and is significantly longer than the 8m maximum length required under the control. The lack of articulation on the wall is compounded by the proposed new fascia which is a flat, bulky element extending across the entire frontage. The proposal significantly increases bulk and scale, rather than attempting to minimise it as required under D5.1. As the first-floor structure is all proposed to be new, there is no reason why a level of articulation is not able to be achieved.

The extension of the front verandah so that it encompass the full width of the dwelling exacerbates the flat façade. It increases its height and brings the building line forward in a flat, unmodulated plane. The extended fascia exacerbates this.

We request that Council require that the elevation be amended to incorporate appropriate modulation of the facade and that the front verandah and fascia not exceed 8m in length.

4. D5.6 Side Setbacks have not been achieved. While some elements of the existing substructure are selectively retained, the upper level is all new and should comply with Council's setbacks. The non-compliance is significantly exacerbated by increasing the height of the building at the front and sides and by extending it forward toward the front of the block. The proposed verandah extends into this setback at the frontage. The result is a significant increase in bulk and scale. This limits openings for vistas between properties, and reduces privacy.

The proponents suggest in their SEE that the retention of existing garage walls results in walls on the first floor are unable to be made comply. This is not the case. The first floor walls could be located in compliance with the DCP, in particular on the southern side of the site where the subfloor areas retained by the proponents could as well be removed, or upper level walls simply offset. We note that the proponent suggests environmental grounds for the retention of these garage structures, which appears a somewhat isolated concern given the wholesale demolition proposed through the remainder of the property.

We request that Council require that the side setback requirements be complied with for all new work.

5. D5.7 Building Envelope

The proposal exceeds the building envelope requirements. This non-compliance is linked to the proposed bulky roof form and unmodulated frontage, along with the non-compliance with side setback requirements. The proponent again claims environmental excuses to support the non-compliance. These excuses are selective in context of the remainder of the project and in any event do not in themselves result in the non-compliance. The entire upper level of the house is proposed to be new construction. Accordingly, the non-compliance is a design decision by the proponent which is quite independent of decisions relating to the existing structures below.

We request that council require that the building envelope controls be complied with.

6. D5.12 Fences: We object to the inclusion of screening on the southern boundary (our northern boundary) exceeding 1.8m in height. While the screening achieves privacy, it does so by imposing an overbearing screening structure on the northern boundary of 34 Lumeah Ave.

We request that Council condition that the screen be deleted or limited in height to 1.8m and that privacy screening is instead installed on windows facing the boundary.

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