
From: Scott Miner
Sent: 6/03/2023 5:42:15 PM
To: Council Northernbeaches Mailbox
Subject: Attn. Development Assessment - DA2022/1128 Objection Letter Re. 38 The Drive, Freshwater.
Attachments: OBJ-05 38 The Drive 2023 DA Objection Diagram.pdf; 36 The Drive Freshwater - CDC Secondary Dwelling Application.PDF; 36 The Drive Freshwater - CDC Secondary Dwelling Notification Letters.pdf;

Attn. Development Assessment,
DA2022/1128 - 38 The Drive, Freshwater.
Objection Letter from Scott Miner, Architect for the owners of 36 the Drive, Freshwater.

The 2023 DA re-submission has done little to address the primary concerns relating 36 The Drive's loss of amenity (Overshadowing, overlooking, loss of privacy & loss of views). As 36 The Drive sits on the South side of 38 The Drive, the overshadowing impacts are more significant than any other neighbouring property. As 38 The Drive's proposed new dwelling wraps around both the North and West Sides of 36 The Drive with an elevated position, the overlooking issues and loss of privacy are greater than any other neighbour.

We once again submit a list of objections to the Revised Feb 2023 DA as follows:

- **Secondary Dwelling above the new Garage:**

- The Front Wall of Secondary dwelling still has less of a front setback than the front wall of 36 The Drive. The proposed secondary dwelling front wall sits approx. 350mm closer to the street than 36 The Drive. If both front walls were at least aligned, overshadowing would be minimised. We urge the council to require the front wall of the Secondary Dwelling be moved back another 350mm so that it at least aligns with the front wall of 36 The Drive. We note this request concedes that the proposed granny flat North-East wall corner would be set back from the front boundary approx. 1.6m, which is closer to the front boundary than any other nearby property.
- The proposed glass balustrade to the front balcony of the Secondary Dwelling does not address the privacy concern that was raised. The slope of the natural ground does not allow for planting to provide privacy screening. It is still possible for occupants of the Secondary Dwelling to look directly across the lower balcony of 36 The Drive and into the Ground Floor Bedroom and Living. Privacy Screening will be required to prevent direct overlooking between balconies and into bedrooms. The height of such privacy screening should not cause additional overshadowing. (see *image below*).



- The Green Roof above the Secondary Dwelling is another point of objection. Whilst we welcome the lowering of the Secondary Dwelling roof height to preserve #36's existing views across the site to the beach, headland and ocean beyond, we worry that rooftop planting will quickly grow and block these established Northerly views. If council cannot condition a permanent height of green roof landscaping, we ask that the roof be changed to a medium to dark coloured roof, or concrete roof with pebble ballast would be preferred. If a green roof with soil and landscaping is to be approved, even moderate sized planting will cause substantial view loss from the only North-facing Living Room window. Without a view-loss diagram prepared by the applicant, we have prepared a diagram that attempts to illustrate the potential view loss from the secondary dwelling rooftop planting. *OBJ-05 38 The Drive 2023 DA Objection Diagram.pdf*

- **Primary Dwelling Main Pedestrian Entry Stair and Door:**

- The overlooking and privacy concerns raised with the elevation of the entry porch, stair and landings in combination with their proximity to the side boundary line remain unaddressed.
- We emphasise that the proposed Primary Dwelling additions sit no further than 1m from the rear boundary of 36 The Drive whereas the proposed secondary dwelling being constructed at the rear area of 36 The Drive sits at least 3m from the same boundary.
- The correction to DA6 now shows the pedestrian path and steps to be followed to the Front Entry Door of the Primary Dwelling, past the new elevated Deck (AHD 44.31) on DA7.
- The latest DA iteration has marginally lowered the height of the stair landing (was RL 44.31, now 44.04 on DA08). The base of the entry stair hard up against the side boundary is approx. 900mm above the adjacent surveyed natural ground level (RL43.12). A person standing on that landing will be able to look directly over a 1.8m high boundary fence. Any person descending the entry staircase as they leave via the front door will be more than 2m above the natural ground level, looking over the fenceline, directly over 36 The Drive's rear yard.
- The narrowing of the main entry stair does little to address the overlooking and loss of privacy.



image.png



image.png

- **Primary Dwelling Overlooking:**

- Whilst we welcome the increased setback to the First Floor Sitting Room glazing line and the attempt to introduce some planting, the height above natural ground

and the proximity of the Bed 5 & Living Room glazing to the boundary of 36 The Drive is unacceptable.

- We note that the extent of elevated bedroom and living room windows directly overlooking the rear yard of 36 The Drive is even more evident with the removal of the external vertical screens.



image.png

- The floor of Bedroom 5 (RL 47.33) is approx 1.8m above the natural ground level. A 1.8m high boundary fence will not prevent total overlooking of 36 The Drive's property.
- The floor of the Entertaining Area on Level 1 (RL50.80) is approx 2.8m above natural ground level at the boundary, 1m away from the window glazing. Boundary Fencing will not prevent total overlooking of 36 The Drive and no external privacy screens are proposed.
- The owners of 36 The Drive strongly object to the overwhelming loss of privacy that would be caused by the elevation, proximity and number of large windows from Bedroom, Living and Bathroom areas that totally overlook the year yard of 36 The Drive.
- It is clear that the design is seeking to maximise Easterly ocean views across the rear yard of 36 The Drive but the proposed design does nothing to prevent overlooking directly into the entirety of 36 The Drive's Private Outdoor Space.
- We wish to inform Council that #36 The Drive will be obtaining a Construction Certificate imminently for the construction of a secondary dwelling in the rear portion of the property, located in the least steep portion of the site and heavily impacted by the overshadowing and overlooking impacts of the proposed #38 The Drive primary dwelling. We attach the Complying Development Certificate drawings for #36 The Drive, for council to take into consideration in regards to specific amenity impacts that will be experienced by #38's 1m side setbacks, tall wall heights and windows being proposed so close to the future 36 The Drive's own secondary dwelling.
- The proposed primary dwelling at 38 The Drive simply remains too close (1m) from the common boundary with 36 The Drive, remains too tall, and contains too many windows sized and positioned with no regard to the privacy of neighbouring residents at 36 The Drive.

Regards,
Scott Miner
NSW Architect #9100



EXISTING VIEW

From 36 The Drive's only North-Facing Living Room Window



36 THE DRIVE - ONLY NORTH-FACING LIVING ROOM WINDOW PHOTO: Existing



36 THE DRIVE - ONLY NORTH-FACING LIVING ROOM WINDOW - Existing

INDICATIVE PLANTING
ON TOP OF GREEN ROOF

PROPOSED SECONDARY
DWELLING ROOF
PARAPET RL31.45.
DOTTED LINE COPIED
FROM CAD IMAGE
BELOW.

**CONCERN OVER VIEW
LOSS FROM
LANDSCAPING AND
PLANTS GROWING ON
THE PROPOSED GREEN
ROOF TOP.**

A pebble ballast concrete
roof or non-reflective metal
roof would ensure
Northerly ocean views are
not lost over time from #36

INDICATIVE PLANTING
ON TOP OF GREEN ROOF

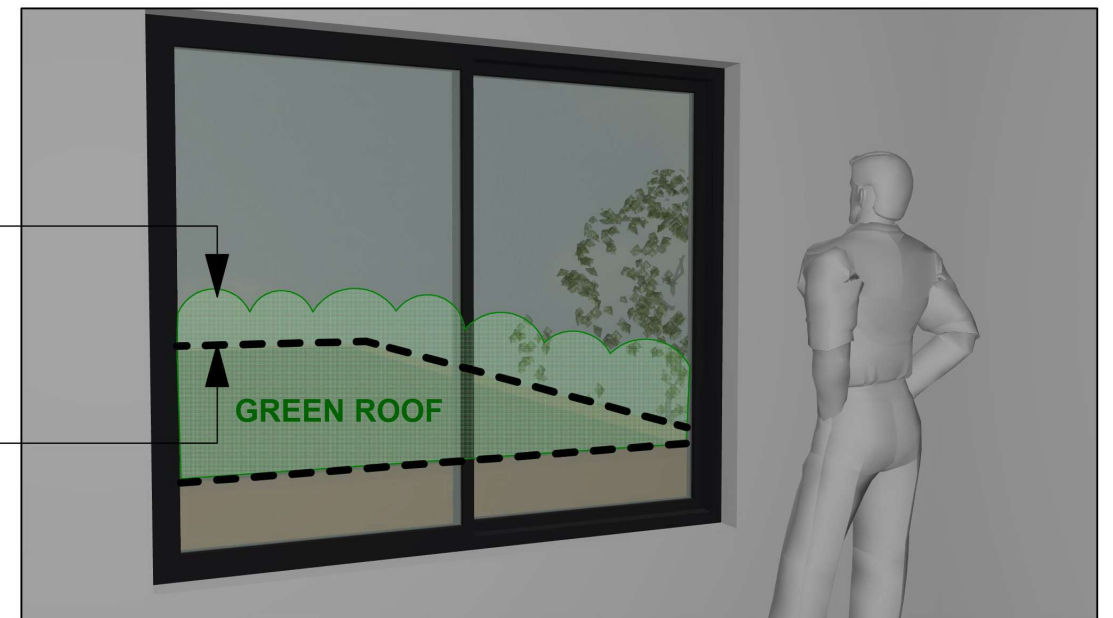
PROPOSED SECONDARY
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DOTTED PARAPET EDGE
MODELLED IN CAD.

PROPOSED VIEW

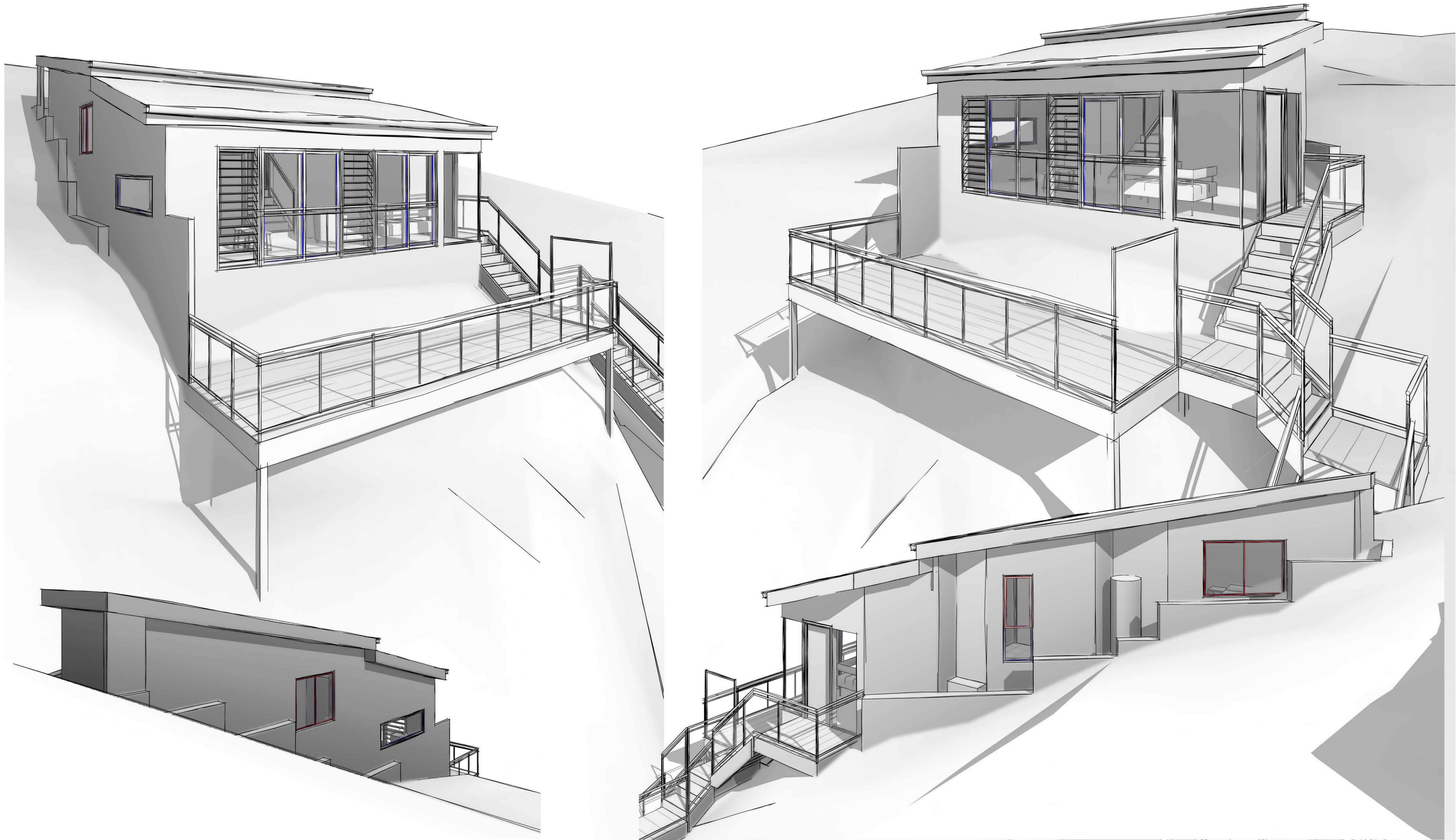
From 36 The Drive's only North-Facing Living Room Window



36 THE DRIVE - ONLY NORTH-FACING LIVING ROOM WINDOW PHOTO: Proposed



36 THE DRIVE - ONLY NORTH-FACING LIVING ROOM WINDOW - Proposed



GENERAL NOTES

. All dimensions are to be confirmed on site by the builder/subcontractor, any incongruities must be reported to the Designer before commencement of any work.

. No Survey has been made on the boundaries, all bearings, distances and areas have been taken from the contour survey plan. A Survey must be carried out to confirm the exact boundary locations.

. No construction work shall commence until a site survey confirming the site boundaries has been completed. The contractor is to ensure that the boundary setbacks are confirmed and used, the boundary setbacks take precedence over all other dimensions. The Survey work must be performed by a registered Surveyor.

. In the event of encountering any discrepancies on these drawings, specification or subsequent instructions issued, the Builder/Subcontractor shall contact the designer before proceeding further with any work.

. All construction, control joints and expansion joints in the wall, floors, other locations shall be in strict accordance with the Structural Engineering details. No joints or breaks other than specified, are allowed without written permission from the Engineer.

. Measurements for the fabrication of secondary components such as, windows, doors, internal frames, structural steel components and the like, are not to be taken from these documents. Measurements must be taken on site to suit the work as constructed.

. All structural components shall be in strict accordance to details and specifications as prepared by a structural engineer.

. All existing structures need to be examined for structural adequacy, and it is the Contractor's responsibility to ensure that a certificate of structural adequacy is available prior to the start of any work.

drawn	date	issue	description
LS	04/08/22	A	ISSUE FOR CDC
LS	27/11/22	B	ISSUE FOR CDC
LS	23/01/23	C	ISSUE FOR CDC
LS	20/02/23	D	FINALISED PLANS

project

PROPOSED CONSTRUCTION OF A GRANNY FLAT AT 36 THE DRIVE, FRESHWATER 2096 LOT 11 DP 829988.

client

ANGELO AND JOY EVANGELATOS

drawing

3D VIEWS

project no

22-76

date

04/08/22

sheet no.

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scale @ A3

issue

checked

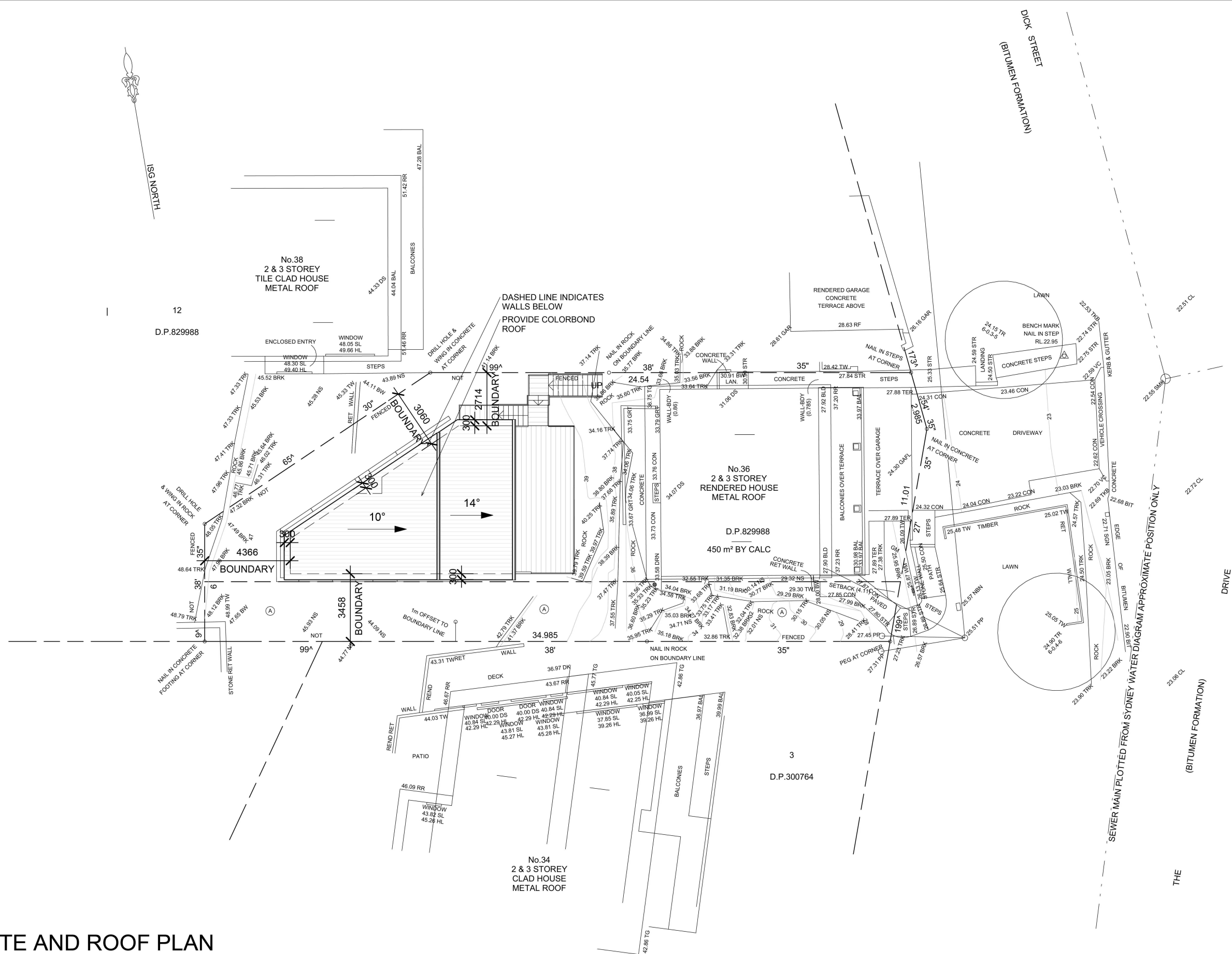
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true north

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RK
DESIGNS



①

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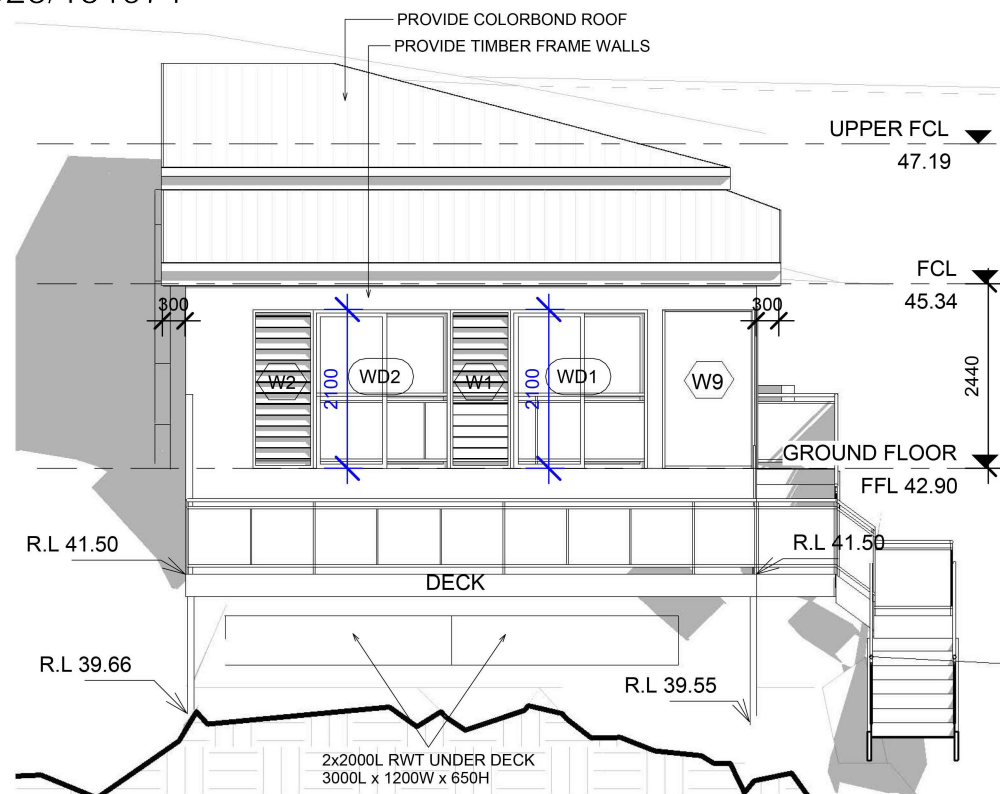
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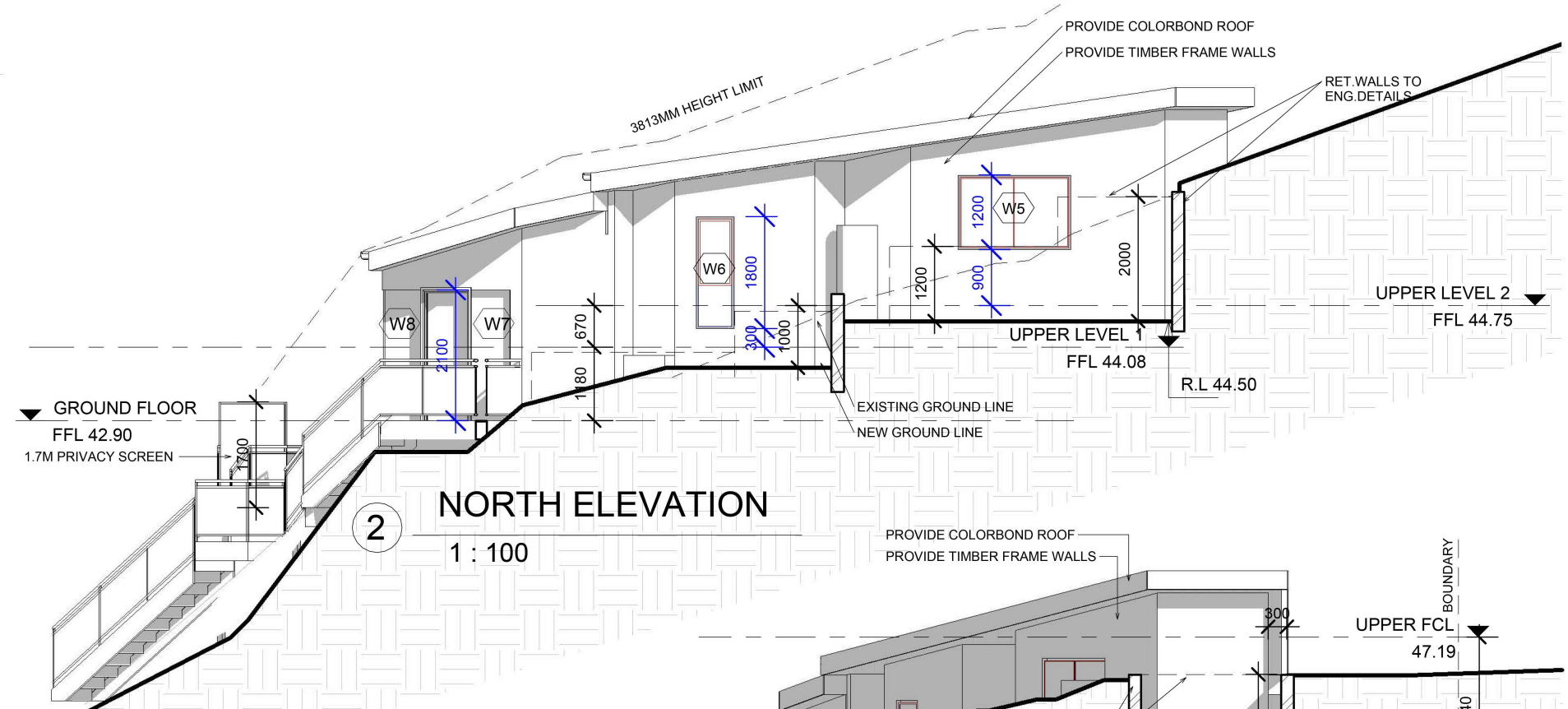


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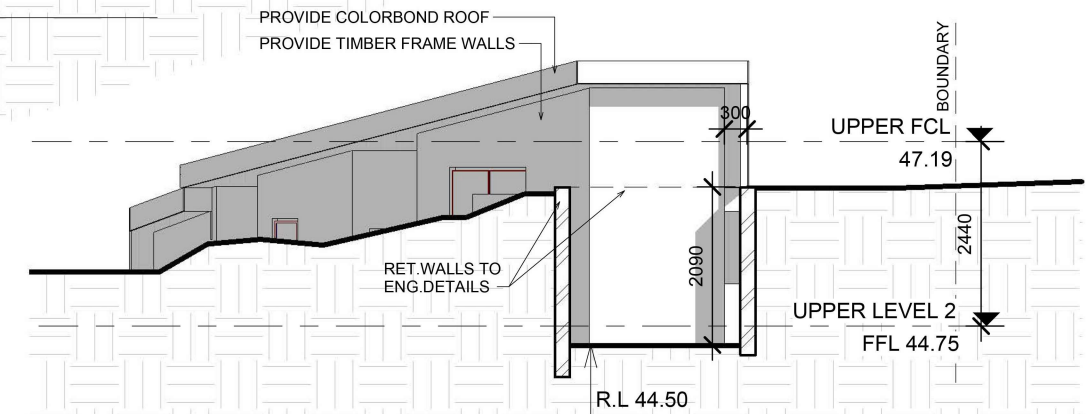
RK
DESIGNS



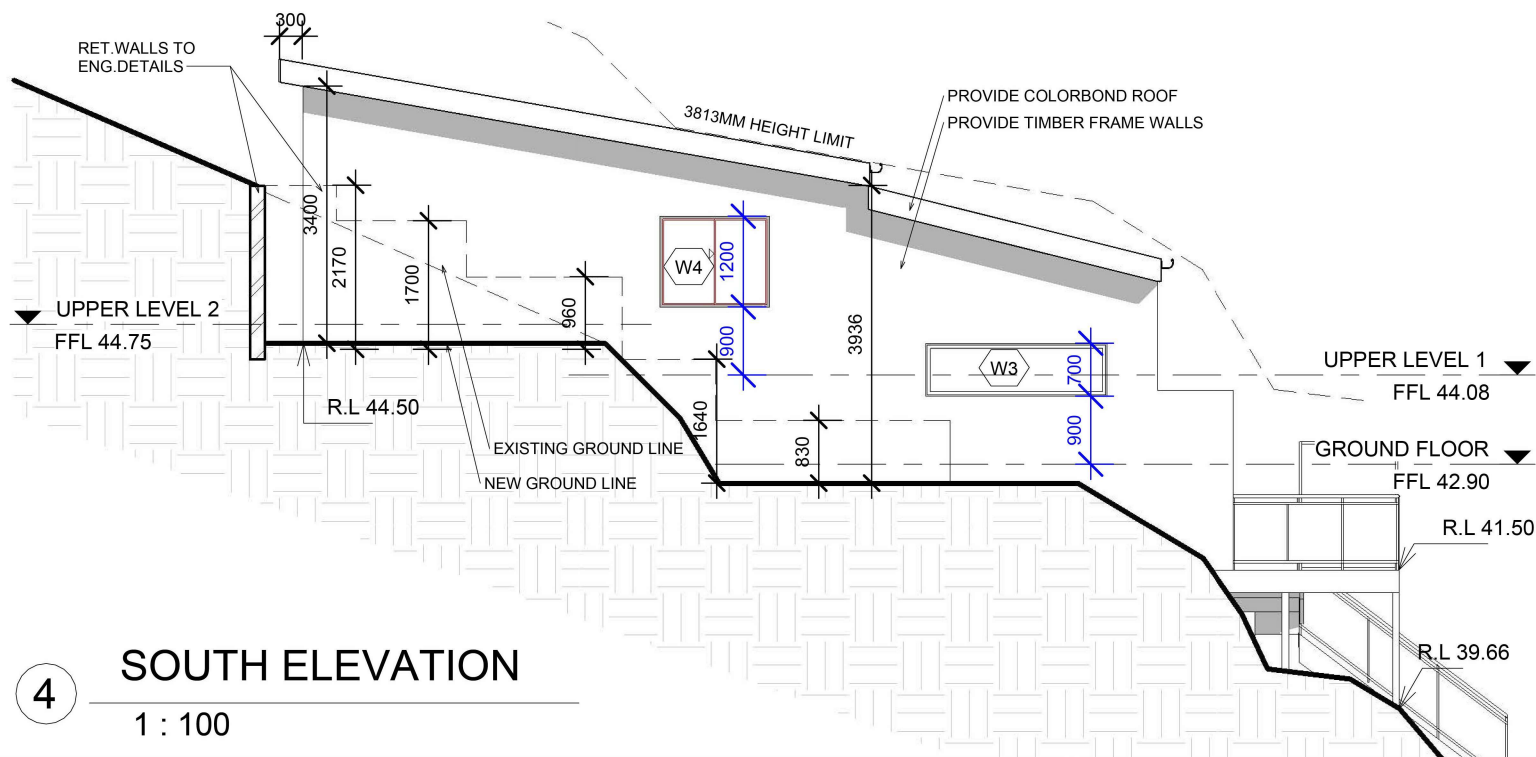
1 EAST ELEVATION
1 : 100



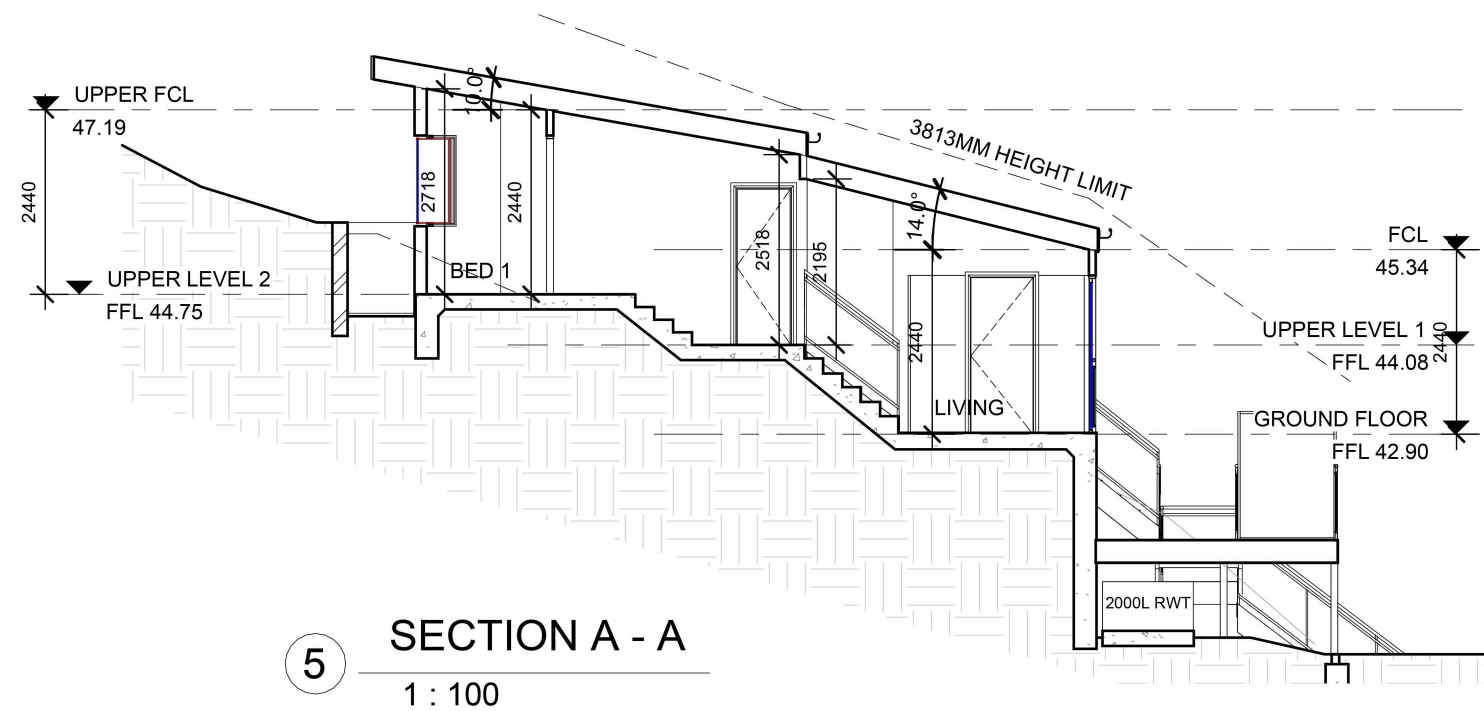
2 NORTH ELEVATION
1 : 100



3 WEST ELEVATION
1 : 100



4 SOUTH ELEVATION
1 : 100



5 SECTION A - A
1 : 100

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PROPOSED CONSTRUCTION OF A GRANNY FLAT AT 36 THE DRIVE, FRESHWATER 2096 LOT 11 DP 829988.

client

ANGELO AND JOY EVANGELATOS



true north

drawing

ELEVATIONS AND SECTION

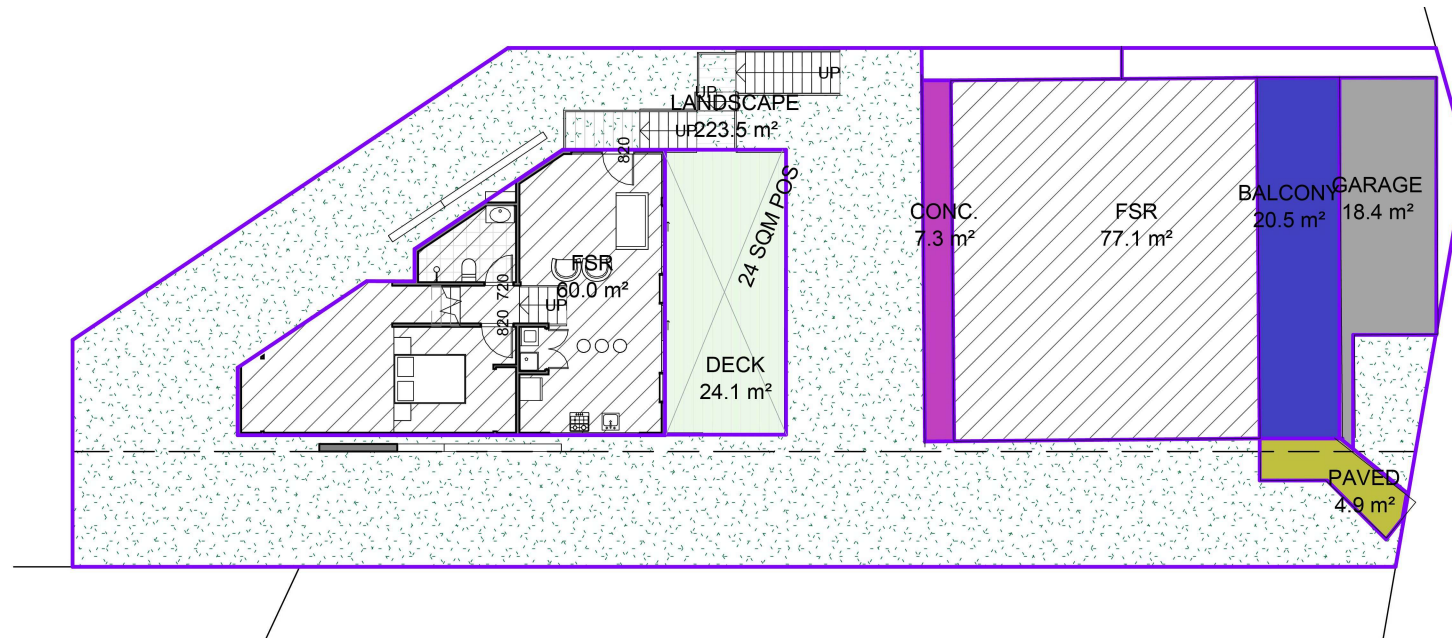
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22-76	04/08/22	3	1 : 100	D	EU



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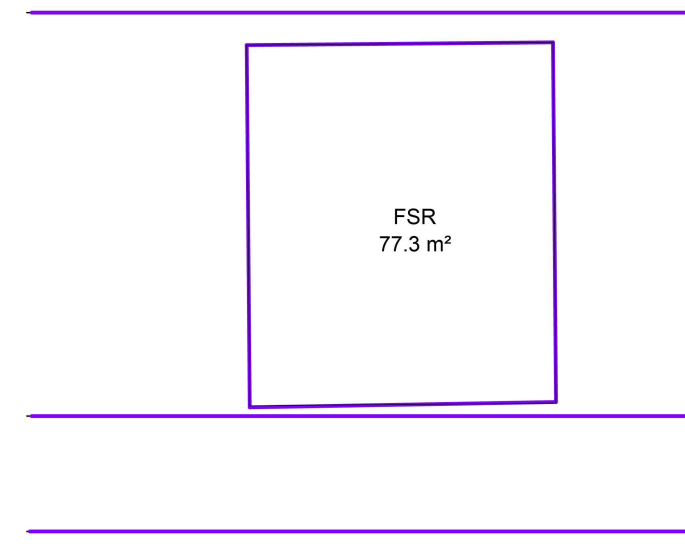
RK
DESIGNS

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2

1 : 200



POS AREA HAS TO BE MINIMUM DIMENSION OF 4M AND FROM GRANNY FLAT HABITABLE ROOM (PERGOLA IS INCLUDED)

RK
DESIGNS

NOTICE OF APPLICATION FOR A COMPLYING DEVELOPMENT CERTIFICATE

Under Clause 130AB of the Environmental Planning and Assessment Regulation 2000

8/02/2023
3 Seddon Hill Road
Freshwater NSW 2096

Dear Sir/Madam,

On 8/02/2023, United Building Certifiers received an application for a complying development certificate (CDC) that relates to a property close to your address at Lot 11, DP 829988, 36 The Drive, Freshwater NSW 2096.

We are writing to advise you that we are in receipt of an application for a Complying Development Certificate and will determine the application in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and it will be approved no sooner than 14 days from the date of this letter.

The proposed development is for the following works: Construction of a secondary dwelling

This 14 day pre-approval period is an opportunity for you to discuss the proposed building works with the applicant. Please note that we will be in a position to determine this Complying Development application within 16 days from the date of this letter. Although, should you make any representations to the applicant, it is important to note they are under no obligation to make changes to the development. Similarly, as the Certifying Authority for the project the amended legislation does not make provisions that allow United Building Certifiers to provide further assistance in this matter or enforce a change in these plans.

Complying developments mean a faster approval process for the applicant, whilst ensuring stringent planning and environmental requirements are met.

If you wish to review and discuss the development plans, please contact the applicant.

Applicant's Name: Angelo and Joy Evangelatos
Applicant's Address: Lot 11, DP 829988, 36 The Drive, Freshwater NSW 2096
Applicant's Contact: 0418 444 800
Local Government Area: Northern Beaches Council

Once the application has been approved under a CDC, a copy of the approved CDC with the relevant plans and specifications will be available for inspection at the offices of Northern Beaches Council, free of charge, during their normal office hours.

You will be advised in writing by the applicant, seven days before commencement of the approved works.

Yours faithfully,



Luke Glavas

Registration No - BDC 2462

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We are writing to advise you that we are in receipt of an application for a Complying Development Certificate and will determine the application in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and it will be approved no sooner than 14 days from the date of this letter.

The proposed development is for the following works: Construction of a secondary dwelling

This 14 day pre-approval period is an opportunity for you to discuss the proposed building works with the applicant. Please note that we will be in a position to determine this Complying Development application within 16 days from the date of this letter. Although, should you make any representations to the applicant, it is important to note they are under no obligation to make changes to the development. Similarly, as the Certifying Authority for the project the amended legislation does not make provisions that allow United Building Certifiers to provide further assistance in this matter or enforce a change in these plans.

Complying developments mean a faster approval process for the applicant, whilst ensuring stringent planning and environmental requirements are met.

If you wish to review and discuss the development plans, please contact the applicant.

Applicant's Name: Angelo and Joy Evangelatos
Applicant's Address: Lot 11, DP 829988, 36 The Drive, Freshwater NSW 2096
Applicant's Contact: 0418 444 800
Local Government Area: Northern Beaches Council

Once the application has been approved under a CDC, a copy of the approved CDC with the relevant plans and specifications will be available for inspection at the offices of Northern Beaches Council, free of charge, during their normal office hours.

You will be advised in writing by the applicant, seven days before commencement of the approved works.

Yours faithfully,



Luke Glavas

Registration No - BDC 2462

NOTICE OF APPLICATION FOR A COMPLYING DEVELOPMENT CERTIFICATE

Under Clause 130AB of the Environmental Planning and Assessment Regulation 2000

8/02/2023
36 Coastview Place
Freshwater NSW 2096

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Yours faithfully,



Luke Glavas

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