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.





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.

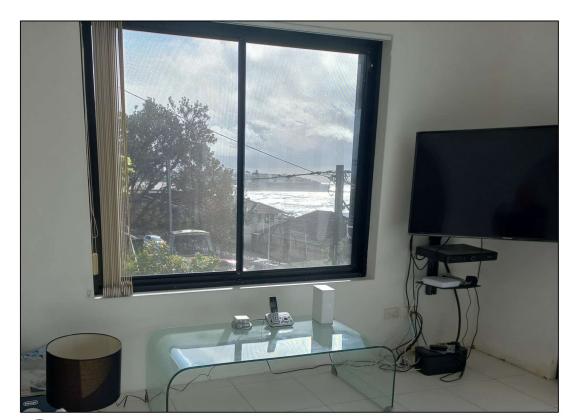


- The floor of Bedroom 5 (RL 47.33) is approx 1.8m above the natural ground level. A 1.8m high boundary fence will not prevent total overlooking of 36 The Drive's property.
- The floor of the Entertaining Area on Level 1 (RL50.80) is approx 2.8m above natural ground level at the boundary, 1m away from 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.

2023/151971



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



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



ON ORIGINAL @ A3

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

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



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

INDICATIVE PLANTING ON TOP OF GREEN ROOF

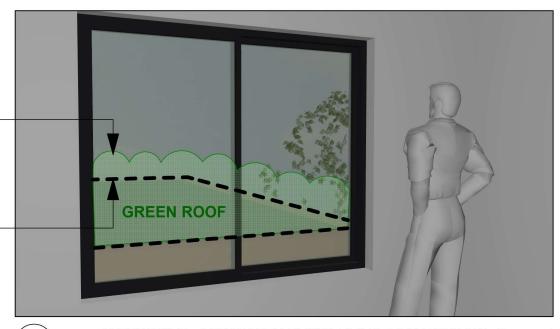
PROPOSED SECONDARY **DWELLING ROOF** PARAPET RL31.45. DOTTED LINE COPIED FROM CAD IMAGE BELOW.

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 DWELLING ROOF PARAPET RL31.45. DOTTED PARAPET EDGE MODELLED IN CAD.



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

architecture

Scott Miner - Architect NSW Reg. #9100 0409 995 974

scott@intoarchitecture.com.au

NOTE: THIS DRAWING IS FOR CONCEPT DESIGN DISCUSSION PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION.

OF INTO ARCHITECTURE AND MUST NOT BE USED

PROJECT ADDRESS 36 The Drive Freshwater NSW

LOT 11 D.P. 829988 SITE AREA: 450m²

CLIENT:

Angelo & Joy Evangelatos

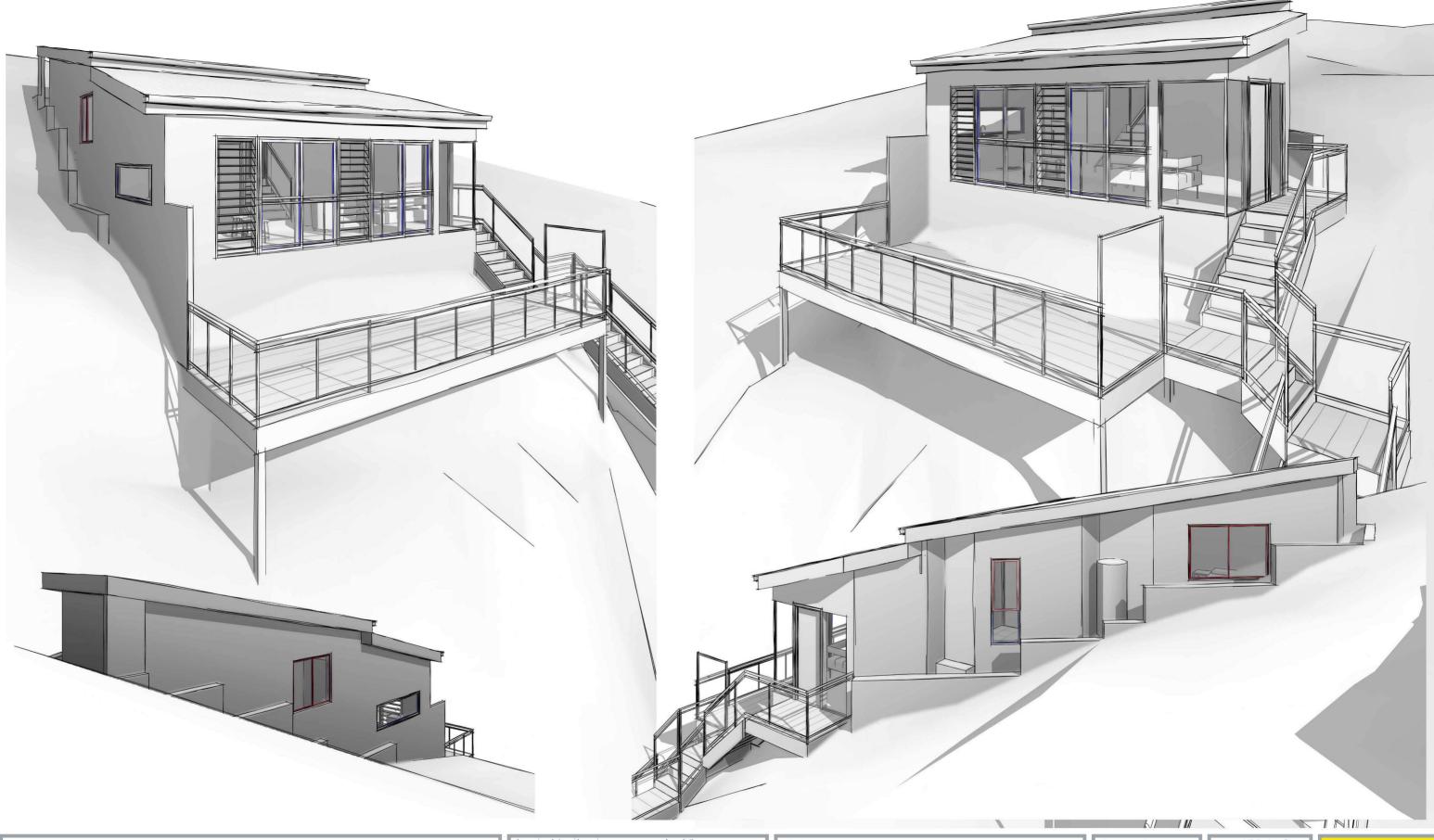
DRAWING TITLE 38 The Drive 2023 DA Objection NTS @ A3

REV. DESCRIPTION DATE DRAWING NO. & REVISION 03/03/2023 DA OBJECTION SUBMISSION

SCALE DATE DRAWN 3/03/2023 SM

OBJ-05

SKETCH DESIGN



GENERAL NOTES

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LS	20/02/23	D	FINALISED PLANS

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



6/7 Parkes Street, Parramatta NSW 2150 www.rkdesigns.com.au admin@rkdesigns.com.au 02 9633 4797 abn. 68 659 200 389

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ANGELO AND JOY EVANGELATOS





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BASIX Certificate Building Sustainability Index www.basix.nsw.gov.au

Single Dwelling

Certificate number: 1363415S

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitment set out below. Terms used in this certificate, or in the commitment commitment of the commitmen



Project name	36 THE DRIVE, FR	ESHWATER	
Street address	36 THE DRIVE Drive FRESHWATER		
Local Government Area	Northern Beaches Council		
Plan type and plan number	deposited DP8299	38	
Lotno.	11		
Section no.			
Project type	separate dwelling house - secondary dwelling		
No. of bedrooms	2		
Project score			
Water	✓ 40	Target 40	
Thermal Comfort	✓ Pass	Target Pas	
Energy	✓ 50	Target 50	

ertificate Prepared by	
ame / Company Name: rkdesigns	
BN (if applicable): 39330033053	

BASIX Planning Industry & Environment www.basix.nsw.gov.au Version; 3.0 / DARWINIA_3_20_0 Certificate No. 1363415S

Simulation Method The applicant must attach the certificate referred to under "Assessor Details" on the fron Certificate") to the development application and construction certificate application for th	nt page of this BASIX certificate (the "Assessor			
Certificate") to the development application and construction certificate application for th	nt page of this BASIX certificate (the "Assessor			
applying for a complying development certificate for the proposed development, to that a Assessor Certificate to the application for an occupation certificate for the proposed devi	application). The applicant must also attach the			
The Assessor Certificate must have been issued by an Accredited Assessor in accordan	nce with the Thermal Comfort Protocol.			
The details of the proposed development on the Assessor Certificate must be consistent certificate, including the Cooling and Heating loads shown on the front page of this certif				
The applicant must show on the plans accompanying the development application for th Assessor Certificate requires to be shown on those plans. Those plans must bear a star Assessor to certify that this is the case. The applicant must show on the plans accompain certificate (or complying development certificate, if applicable), all thermal performance set certificate, and all aspects of the proposed development which were used to calculate the certificate.	np of endorsement from the Accredited nying the application for a construction specifications set out in the Assessor	~	•	~
The applicant must construct the development in accordance with all thermal performan Certificate, and in accordance with those aspects of the development application or appli which were used to calculate those specifications.			~	~
The applicant must construct the floors and walls of the dwelling in accordance with the	specifications listed in the table below.	V	~	~
Floor and wall construction	Area			
floor - concrete slab on ground	All or part of floor area square metres			

egend				
n these commitments, "applicant" means the person carryin				
Commitments identified with a 📦 in the "Show on DA plans" development application is to be lodged for the proposed de		companying the development ap	plication for the proposed developme	nt (if a
Commitments identified with a 😝 in the "Show on CC/CDC certificate / complying development certificate for the propos		n in the plans and specifications :	eccompanying the application for a co	nstruction
Commitments identified with a 💓 in the "Certifier check" col inal) for the development may be issued.	umn must be certified by a certifying aut	hority as having been fulfilled, be	fore a final occupation certificate(eithe	er interim or

Description of project Plan type and plan numb Area adjusted heating load (MJ/m².year) 32 Ceiling fan in at least one bedroom Project score ✓ 40 Target 40 Site details Thermal Comfort Target Pass Energy **✓** 50 Target 50 Conditioned floor area (m2 No. of bedrooms in the existing dwelling 4

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: electric heat pump with a performance of 31 to 35 STCs or better.	~	~	~
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning. Energy rating: EER 3.5-4.0		~	~
The bedrooms must not incorporate any cooling system, or any ducting which is designed to accommodate a cooling system.		~	V
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning. Energy rating. EER 3.5-4.0		~	~
The bedrooms must not incorporate any heating system, or any ducting which is designed to accommodate a heating system.		~	~
Ventilation			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, ducted to façade or roof; Operation control: manual switch on/off		~	-
Kitcher: individual fan, ducted to façade or roof; Operation control: manual switch on/off		~	~
Laundry: individual fan, ducted to façade or roof, Operation control: manual switch on/off		V	-
Artificial lighting			
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the olivery come, and where the world "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps.			
at least 2 of the bedrooms / study, dedicated		_	-
at least 1 of the living / dining rooms; dedicated		-	
		_	_
the kitchen; dedicated			

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

/ater Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifi
ixtures			
he applicant must install showerheads with a minimum rating of 4 star (> 4.5 but <= 6 L/min plus spray force and/or coverage tests) in I showers in the development.			
he applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.		~	V
ne applicant must install taps with a minimum rating of 3 star in the kitchen in the development.		~	
ne applicant must install basin taps with a minimum rating of 3 star in each bathroom. In the development.		~	
Iternative water			
ainwatertank			
ne applicant must install a rainwater tank of at least 3000 litres on the site. This rainwater tank must meet, and be installed in coordance with, the requirements of all applicable regulatory authorities.	V	~	
he applicant must configure the rainwater tank to collect rain runoff from at least 77 square metres of the roof area of the development xcluding the area of the roof which drains to any stormwater tank or private dam).		~	~
ne applicant must connect the rainwater tank to:			
 at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human 			

Thinling Industry & Elitholinia Williams 1977 97-100 177-177-177-177-177-177-177-177-177-177	Planning, Industry & Environment	www.basix.nsw.gov.au	Version: 3.0 / DARWINIA_3_20_0	Certificate No.: 13634158	Tuesday, 28 February 2023	
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Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifie check
all bathrooms/toilets; dedicated			_
the laundry, dedicated			0
all hallways; dedicated			-
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	v		V
The applicant must install a window and/or skylight in 1 bathroom(s)tollet(s) in the development for natural lighting.	~	~	-
Other	*		
The applicant must construct each refrigerator space in the development so that it is "well ventilated", as defined in the BASIX definitions.		~	
The applicant must install a fixed outdoor clothes drying line as part of the development.		v	

BASIX Planning Industry & Environment www.basik.nsw.gov.au Version: 3.0 / DARWINIA_3_20_0 Certificate No.: 1363415S Tuesday, 28 February 2023

04/08/22 A ISSUE FOR CDC LS 27/11/22 LS 23/01/23 LS 20/02/23

drawn date issue

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



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sheet no. scale @ A3 issue checked

2	В	ISSUE FOR CDC
3	С	ISSUE FOR CDC
3	D	FINALISED PLANS

description

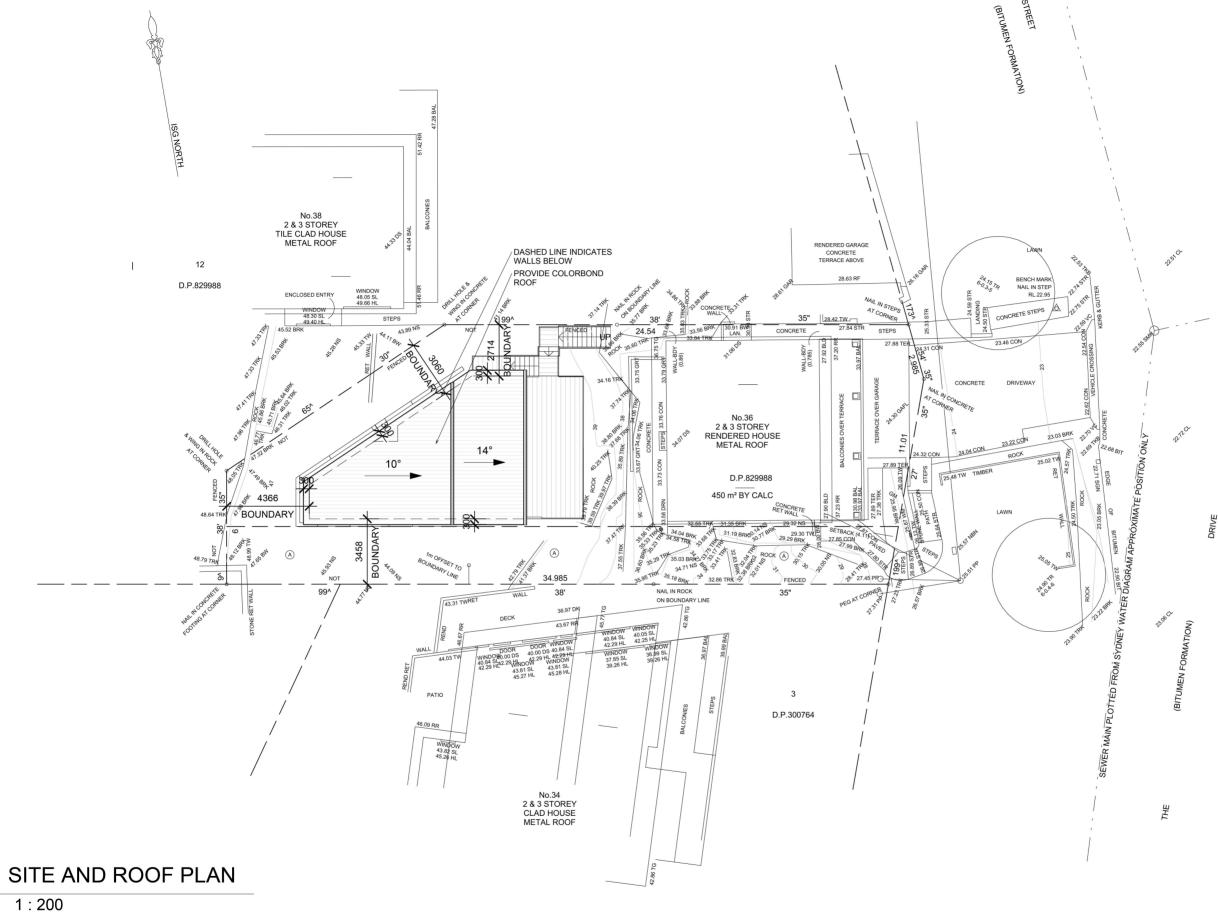
ANGELO AND JOY EVANGELATOS

true north drawing **BASIX** project no date 22-76 04/08/22 00

" Bungalow Homes

-1	GENERAL NOTES	ı
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2023/151971



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ı	client	true north	drawing
ı	ANGELO AND JOY EVANGELATOS		SITE A
ı	^	KT	project no
ı	Bungalow Homes		22-76

SITE AND ROOF PLAN project no date sheet no. scale @ A3 issue checked 22-76 04/08/22 1

WINDOW SCHEDULE

MARK	LEVEL	HEIGHT	WIDTH	SILL	HEAD
W1	GROUND FLOOR	2100	800	1050	3150
W2	GROUND FLOOR	2100	800	1050	3150
W3	GROUND FLOOR	700	2400	900	1600
W4	UPPER LEVEL 1	1200	1450	900	2100
W5	UPPER LEVEL 2	1200	1810	900	2100
W6	UPPER LEVEL 1	1800	610	300	2100
W7	GROUND FLOOR	2100	890	0	2100
W8	GROUND FLOOR	2100	890	0	2100
W9	GROUND FLOOR	2100	1200	0	2100

GLAZED DOOR SCHEDULE

MARK	LEVEL	HEIGHT	WIDTH
WD1	GROUND FLOOR	2100	1810
WD2	GROUND FLOOR	2100	1810

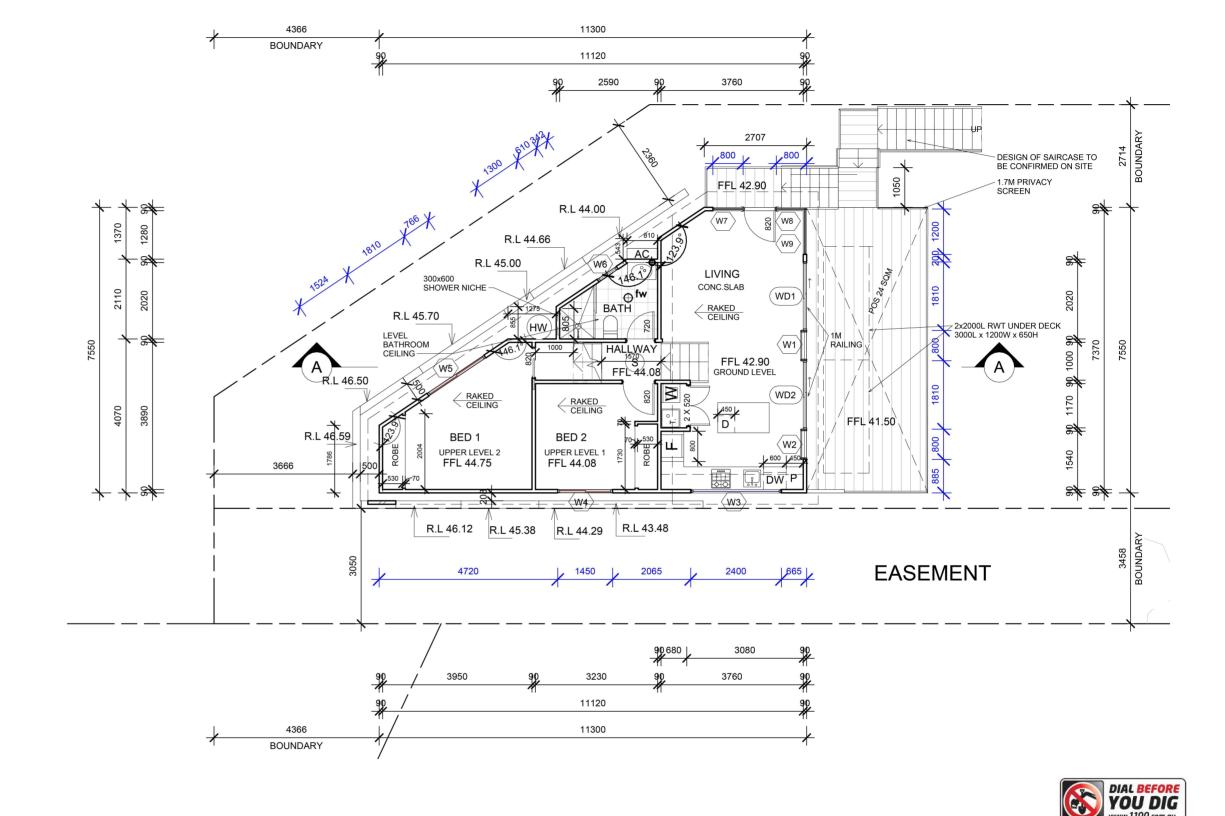
LEGEND

FLOOR WASTE

fw⊕

SMOKE ALARM

(HARD WIRED PHOTO-ELECTRIC SMOKE ALARMS TO BE INSTALLED IN ACCORDANCE WITH NCC PART 3.7.5 & AS 3786)





GROUND FLOOR PLAN

1:100

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C ISSUE FOR CDC

LS

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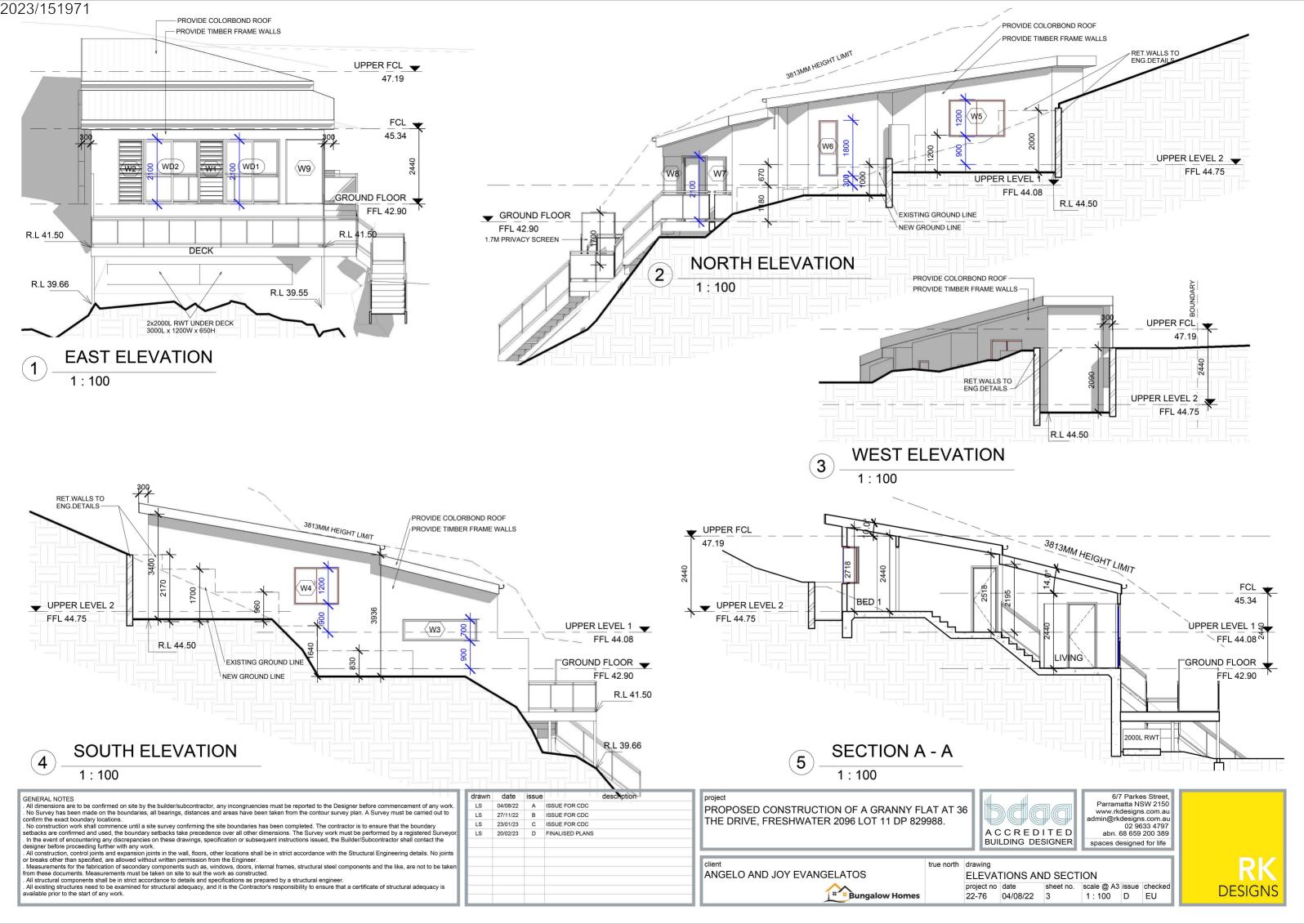
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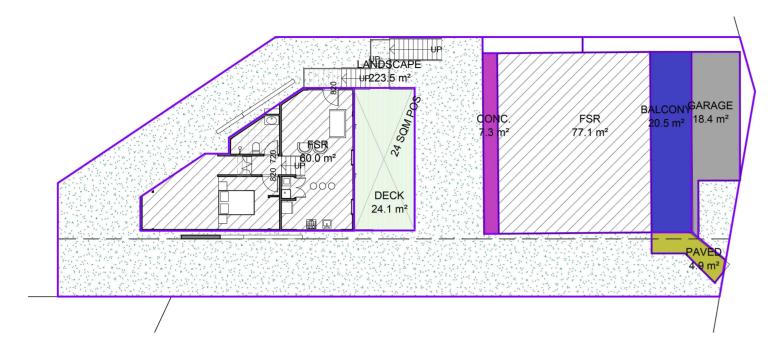
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ANGELO AND JOY EVANGELATOS Bungalow Homes

true north drawing **GROUND FLOOR PLAN** project no date sheet no. scale @ A3 issue checked 22-76 04/08/22 2 1:100 D EU







AREA CALCULATION

SITE AREA = 450 sqm MAXIMUM SITE COVERAGE 50% FOR SITES BETWEEN 450 - 900sqm MAXIMUM ALLOWABLE SITE COVERAGE = 225 sqm PROPOSED SITE COVERAGE = 176 sqm (COMPLIES)

MAXIMUM ALLOWABLE FLOOR AREA 330sqm FOR SITES BETWEEN 450 - 600sqm EXISTING FLOOR AREA = 154.2 sqm PROPOSED GRANNY FLAT GROSS FLOOR AREA = 60 sqm (COMPLIES) PROPOSED TOTAL FLOOR AREA = 223.5 sqm (COMPLIES)

REQUIRED LANDSCAPING 20% FOR SITES BETWEEN 450 - 600sqm MINIMUM REQUIRED = 90 sqm PROPOSED LANDSCAPE = 229.3sqm (COMPLIES)

MORE THAN 50% OF THE LANDSCAPED AREA IS BEHIND THE BUILDING LINE AND MINIMUM DIMENSION OF LANDSCAPE INCLUDED IS 2.5m

POS MINIMUM AREA OF 24sqm

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

FSR 77.3 m²

FIRST FLOOR

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



6/7 Parkes Street. Parramatta NSW 2150 www.rkdesigns.com.au dmin@rkdesigns.com.au 02 9633 4797 abn. 68 659 200 389 spaces designed for life

ANGELO AND JOY EVANGELATOS









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



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