
Sent: 19/05/2019 8:14:54 PM
Subject: Attention Alex Keller, Planner, Mod2019/0172-DA2015/1258
Attachments: ObjectionToMod2019_0172Palme.pdf; Submission_-
_on_behalf_of_Palme.pdf;

Good morning,

Please pass this email onto your planner, Alex Keller.

We have made a submission using the Council's online process but just in case it does not come through or is unable to be read, we are asking that our emailed submission be provided for Alex Keller.

Regards,
Joanne & Michael Palme
64 Evans Street.
Freshwater, 2096
Mob. 0401452936

Re: Proposed Development.
Modification No: Mod2019/0172 – DA2015/1258

Dear Sir/madam,

Thank you for notifying us about the proposed development. There are a number of issues which we have with the proposed modifications, most notably the overlooking of the living areas within our home as well as the need for increased size in the supporting columns at the front of the building.

On 16 April, 2019 we lodged our concerns about the construction work being undertaken at 62 Evans Street – Council ID no. BLD2019/00833. Upon returning to Council two weeks later to enquire about how this matter was proceeding, we were told that it was still with the Building section of Council and that no other information could be provided as to where the investigation might be. Building has continued apace and if any aspects of our concerns prove true, while a fine for incorrect work will provide Council with additional funds, it will not give us back our quality of lifestyle. We are now acutely aware of how big this new building has become when we are being constantly overlooked and overshadowed for a large part of the day. We are concerned that this new construction has created a 4 storey building comprising the garage level, the granny flat level and then the two levels of their home. The excavation for the block has gone all the way through to the north of the block on the same level as the road, creating a space which runs the entire length of the block, underneath the other three levels above. This has involved much more excavation than was shown on the original plans. When we enquired about excavating under our own home for our own recent renovations, we were told we could not go as far as we wanted to into our block because it would create a 3 storey building which is not allowed.

Firstly we should deal with the one aspect of the modification with which we have no problem, as we believe it will not impact our home nor our way of life.

Item 4 is the addition of an awning at the front of the building for weather protection. We are surprised that the owner is identifying this as the ground floor of the construction when in it is actually on the first floor of the building with the garage taking up the street-level ground floor of the new construction. This will not impact us so we are prepared to let this section of the modification proceed.

We do have concerns with all of the 3 other aspects of the modification.

Item 1 is the modification of the windows with some being reduced, others enlarged and with the addition of two new windows. The affect that the placement of these windows will have seems to be being minimised by the inclusion of a 1.8 metre high fence. If there was an expectation that the owners of 62 Evans Street were required to install privacy screens then there would be no need for such a tall fence. In our own recent renovations, privacy screens were an additional factor that needed to be included for our work to proceed.

Our concerns are not only with the windows being modified but also with the materials being used in the construction of certain parts of the eastern side of the development. When the original plans DA2015/1258 were lodged, we objected to a number of factors through Nolan Planning Consultants on 28 January 2016. In that objection we raised concerns with the “the large wrap around balconies and living area windows” but our concerns were disregarded by the Council representative when making their determination. We are now seeing the unpleasant effect of that decision when we have construction workers looking directly into both our bathroom, outside deck and kitchen area. We invite you to come to our home and see for yourselves the way in which our lifestyle has been damaged by that decision.

While window (I) is listed as being reduced in size, the space in which this window will be positioned on the south-eastern corner of this part of the building is extremely large. As the wall in which this “reduced” window is going to be positioned is all glass, it makes no difference that it is being reduced. Regardless of the size of the “window”, it is just more space through which the occupants can directly overlook our property. As this is one of the items to which we objected when the original plans were lodged, we also object to any modification to this same area of the build now, regardless of whether it is being reduced or enlarged.

There is a sliding door (P) being positioned on the north façade of the building and as this does not affect us, we have no concern with it being included in the modification proposal.

Item 2 is the Flipping around of the internal layout of the Granny Flat. We object to this being allowed to proceed because we do not know what types of rooms will be on our eastern boundary and whether the occupants will be able to overlook us. When we contacted Council about the new development back in 2015, we asked if we could view the building plans to ascertain the types of living spaces which were going to be positioned on the eastern side of the build. The use to which these rooms will be put will then determine whether the occupant will be able to overlook our home. Unfortunately we were told by the Council representative that we were not allowed to see those plans because of privacy concerns. We are now seeing that there will be a direct line of sight into our kitchen and we are unsure of what affect this change to the Granny Flat will have because of a lack of information. If the new window (F) for a robe/study is to be allowed to proceed, it really should only be a highlight window to allow in light but to stop the occupant looking onto us and to stop us looking in on the occupant.

In regards to all the windows on the eastern side of the building, we would respectfully ask that they have translucent glass so that the privacy of the occupants of both dwellings at 62 & 64 Evans Street be taken into account.

The large wrap around balconies and living area windows which we objected to when the original plans were lodged are going to have sliding doors (SD) with glass balustrades (GB). We ask that our privacy be considered when this whole modification is considered because when the sliding doors are opened, there will be a direct line of sight into our kitchen, bathroom and back deck. Some sort of privacy screening should be taken into account when the matter is finally decided.

As the windows listed as modification (C) are not identified in the information provided in the elevation plans within this DA proposal, we are unsure of how this change will impact us. We believe these are the sliding doors through which the occupant will overlook the street and beach, looking south. If this is the case, then it has no impact on us and so we do not object to this part of the modification. If these sliding doors are in a different place within the build and allow visual access to our property then we would object. Could you please advise us where these windows are so that we might make a more correct statement as to their impact on our home.

Item 3 is the need for added columns. This raises the question of why these are needed when the original building was architect and engineer designed. Given the number of questions we have already raised about the construction of the dwellings being built on this site (Council ID no. BLD2019/00833), we believe this implies the strong possibility that the building works being undertaken are not being constructed in the way in which they were supposed to be, based on the original plans. The question must be asked as to whether the structures that these new “beefed-up” columns are going to support have been enlarged beyond what was originally planned.

There is an implied answer to this in that the requests for these modification have been accounted for by the builder in the already constructed sections of the building. The newly built spaces seem to be already able to accommodate the windows which are part of this modification application.

We are very disappointed that Council has permitted such a bulky dwelling to proceed with almost no consideration to the negative impacts it is creating on the quality of our family lifestyle. Our only hope is that in your consideration to this modification proposal, you come and see for yourselves the impact it has had and that Council may be able to rectify some of these issues so that we are not having the occupants of 62 Evans Street, whoever they are, looking directly into the privacy our home and yard.

To assist with your consideration of this proposal, I have also attached our objections to the original DA215/1258 which we lodged 2/2/2016.

Regards,

Joanne & Michael Palme

Sent: 2/02/2016 11:09:40 AM
Subject: 62 Evans St, Freshwater DA2015/1258
Attachments: Submission letter - 62 Evans.pdf;

Hi Alex

I attach a submission in respect of the above DA. Can you please confirm if you receive this, as I have some issue with emailing Council.

Regards

Natalie Nolan
NOLAN PLANNING CONSULTANTS
75 Oliver Street, Freshwater NSW 2096
natalie@nolanplanning.com.au
mobile: 0403 524 583

28 January 2016

General Manager
Warringah Council
Civic Centre
725 Pittwater Road
DEE WHY NSW 2099

Att: Alex Keller

Dear Alex,

DA NO: 2015/1258

**PROPOSED: CONSTRUCTION OF NEW DWELLING, SECONDARY
DWELLING, GARAGE AND POOL
PREMISES: 62 EVANS STREET, FRESHWATER**

I refer to the above Development Application lodged on 17 December 2015. I have been engaged by the owner of No. 64 Evans Street, Mr & Mrs Palme. It is noted that No. 62 Evans Street immediately adjoins the eastern boundary of the development site.

Following the review of documentation, Mr & Mrs Palme object to the following:

- Loss of Sunlight/Solar Access (Overshadowing)
- Privacy
- Lack of Appropriate Vegetation
- Loss of On Street Parking
- Unreasonable Height and Bulk – non-compliance with Council height controls

In this regard we provide the following specific comments:

Loss of Solar Access (Overshadowing)

Council's DCP at Clause D6 provides:

At least 50% of the required area of private open space of each dwelling and at least 50% of the required area of private open space of adjoining dwellings are to receive a minimum of 3 hours of sunlight between 9am and 3pm on June 21.

It is noted that variations are only considered by Council where slope/topography make compliance impractical and other design options have been investigated that unreasonably constrain the development.

It is noted that the principal area of private open space is immediately to the rear of the dwelling including the deck and immediate surrounds. Further to the rear the yard is largely unusable given the slope/topography. The shadow diagrams submitted depict that No. 64 Evans currently receives direct sunlight to the entire deck area/principal open space at 12noon on winter solstice with only a small portion of the deck receiving solar access at 9am. At 3pm the deck is currently in full shade.

The overshadowing is direct result of the non-compliance with the overall height, building envelope and wall height controls.

It is considered that a more considered design process incorporating a dwelling that compliments the topography of the site and reduction in height and bulk will result in a reduction in the overshadowing of No. 64 Evans Street.

The Statement of Environmental Effects states that *'the surrounding properties will all maintain 2 – 3 hours of direct solar access per day'*. However it has no regard to solar access to the principal area of private open space which will be significantly overshadowed.

It is considered that the reduction of solar access is unreasonable and should not be supported.

Privacy

The proposal provides for a large bulky dwelling designed to maximise views to the east. As a result large windows and large wrap around balconies are proposed along the east elevation which allow for direct views into the private open space in the rear yard and habitable areas of No. 64 Evans Street.

The Statement of Environmental Effects suggests that these rooms are high use living areas with full floor to ceiling windows/doors. Whilst the proposal provides for privacy screening along the eastern elevation, at least 50% of these screens are identified as *Privacy Screen Opens*. Therefore as they can open these affectively would not provide privacy to the residents of No. 64 Evans.

It is considered that these large wrap around balconies and living area windows whilst providing views for the applicant have little or no regard to the privacy of the residents of No. 64 Evans.

It is our opinion that a more considered design would provide large openings and balconies along the front elevation to maximise views of Freshwater Beach whilst providing smaller highlight style windows on the eastern elevation thereby maintaining privacy for the residents of No. 64 Evans Street. As detailed below the proposal does not support any vegetation that is of adequate size to reduce the loss of privacy.

The proposal results in an unreasonable loss of privacy and therefore should not be supported in its current form.

Lack of Appropriate Vegetation

Whilst the proposal depicts that 40% of the site is landscaped in accordance with Council controls, there is little provided in terms of appropriate landscaping.

The proposal provides for only shrubs up to 1.5m in height around the proposed dwelling. The proposal provides for shrubs of up to 3m in height (front garden only) and only one tree in the front setback only. There are no trees or large shrubs within the side setbacks of the main portion of the dwelling or in the rear yard. This is considered inappropriate and it is our opinion that more landscaping commensurate in height with the dwelling would be appropriate to enhance the landscaped setting of the locality. Given the significant length of the dwelling and reduced rear setback the proposal does not provide for any reasonable area of landscaping. This is considered therefore to be an overdevelopment.

Loss of On Street Parking

The proposal provides for a double width driveway which will result in reduction of approximately two parking space on street given the location of the existing bus stop. The photo montage submitted with the application indicates an on street parking space however this is located illegally as it is within the existing bus stop. A standard driveway with width of 3.0m is suggested to ensure more on street parking is retained.

Unreasonable Height/Bulk

The plans indicate a maximum height of 10.04m which significantly exceeds Council's maximum overall building height of 8.5m and the maximum wall height control of 7.2m. Further there is a significant non-compliance with the building envelope. All of these non-compliances indicate that the proposal is an overdevelopment of the site.

A Clause 4.6 Variation has been prepared and submitted with the application. It is our opinion that the Clause 4.6 Variation fails to demonstrate that the non-compliance achieves a better outcome.

Clearly the non-compliance has significant impacts on the adjoining properties through loss of solar access and privacy (both of which are discussed above in detail) and unreasonable bulk when viewed from adjoining properties and the street and as such cannot be considered a 'better outcome' than strict compliance with the controls which would provide a development that is 1.5m lower at the street elevation.

It is noted that the Statement of Environmental Effects indicates compliance with the Wall Height controls but the plans depict otherwise. The Building envelope aims to minimise bulk and scale and the proposal does not achieve this aim.

Conclusion

Following review of the plans submitted with the Development Application, Council's controls it is our opinion that the proposal has an unreasonable impact in terms of solar access, privacy and bulk on the occupants of No. 64 Evans Street and the streetscape.

The proposal results in many non-compliances with Council's LEP and DCP including overall height, wall height, building envelope, rear setback and front setback. The number and cumulative impact of these non-compliances result in an overdevelopment of the site that has detrimental impacts on the amenity of the adjoining properties.

It is considered that a more considered design with lowered overall height, reduction in bulk and increasing setbacks as height increases could ensure a design that maintains reasonable solar access for the property at No. 64 Evans Street, Freshwater.

We would be happy to discuss this matter in further detail.

Regards



Natalie Nolan
DIRECTOR