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11/08/2022

MR Scott Miner
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Parramatta NSW 2150


RE: DA2022/1128 - 38 The Drive FRESHWATER NSW 2096

38 The Drive, Freshwater - DA2022/1128 Objection Letter

To the council assessing officer, Stephanie Gelder.
(PDF copy of objection letter with accompanying Diagrams emailed separately)

My name is Scott Miner, registered Architect, working for the owners of 36 The Drive, Freshwater (immediate neighbour on the Southern Side to the DA subject site). The owners and I are in the process of reviewing the final plans of a Secondary Dwelling that is to be submitted under Complying Development and located in the rear portion of the site, in close proximity to the proposed principal dwelling on 38 The Drive. I have been asked to look at the amenity impacts that the proposed Secondary Dwelling and Principal Dwelling would have on 36 The Drive. The impacts relate primarily to:

- Significant overshadowing of private outdoor spaces
- Excessive overlooking private outdoor spaces
- Unnecessary view loss

38 The Drive - Proposed New Secondary Dwelling:

The Proposed Secondary Dwelling is needlessly elevated 4.6m above the new garage floor level resulting in unnecessary amenity impacts to 36 The Drive. DA28 Section C shows the small section of Existing Garage Roof Slab that is to remain in place, however, DA6 Secondary Dwelling Floor Plan is showing that the existing slab is being cut at the spiral stair and cut at the property boundary, resulting in a small piece of concrete slab with no supporting walls underneath during construction. There is no logical reason to retain this portion of slab other than a justification to keep the elevated slab level. We urge the council to review the proposed garage ceiling height and resulting Secondary Dwelling Floor Level as the height impacts 36 The Drive.

If the Floor & Roof levels of the Secondary Dwelling were to be lowered, view losses experienced could be minimised. Simply reducing the level of the slab above the Garage from its current 4.3m height to 3.0m high would make a significant improvement

The elevated Secondary Dwelling results in windows and an external deck that is 1m higher than 36 The Drive's Lower Floor Level and external terrace. Note: The lower house level is the largest POS connected to the house and the only POS accessible to the elderly housebound occupant, physically limited to the lower house level.

The proposed Secondary Dwelling Deck level Planter is only located on the East side of the deck. There is no privacy screening proposed for the southern edge of the deck where residents can directly look over 36 The Drive's balconies and into living room and bedroom windows.

Bedroom and bathroom windows located 900mm from the South side boundary require privacy screening if they are to be retained.

The owners of 36 The Drive have concerns about the very deep excavation proposed for the new garage and secondary dwelling, up to 11m deep according to DA28 Section CC. The ongoing excavation noise and potential for causing adjacent rock shelves to become unstable both cause alarm.

We note that the Secondary Dwelling under construction at 6 Coastview Place is a single storey lightweight timber framed dwelling sensitively positioned atop a natural rock outcrop, and set back from the front street boundary. The proposed 38 The Drive Secondary Dwelling in comparison:

- Is positioned approx. 0.35m forward of the adjacent 36 The Drive Front Building Line
- Sits atop a new taller garage that is not set back from the street, is wholly cut into the rock face and consists of a plain 11.2m wide x 5.6m tall vertical garage/planter wall.

Only significantly lowering the height of the garage/planter wall, increasing the front setback atop and providing a side setback would preserve #36's solar access & views across the site.

38 The Drive - Proposed New Primary Dwelling Additions:

The Statement Of Environmental Effects (prepared June 2022) States - in the Site Description (3.0) that the existing residence 38 The Drive has a metal roof, we are under the opinion that this is a fibro cement roof.

Page 6 - Fig 5: View of the subject site and adjoining property at No 40 The Drive - there is no No 40 The Drive. This adjoining property is located in Dick Street.

Multiple Windows, all located just 1m away from the common side/rear boundary with 36 The Drive, look Eastwards, directly over any 1.8m boundary fencing into the current backyard / future secondary dwelling & POS.

We have prepared a few documents to accompany this objection letter that seek to explain and highlight the most critical amenity impacts. The documents we have produced also include the location and approximate size and layout of a Secondary Dwelling Complying Development application we are currently preparing. We trust that showing the Council the future use of 36 The Drive's rear yard will illustrate how significant the proposed overshadowing, overlooking and view-loss issues are. We also hope that the Council understands our subsequent objections to the 2022 DA:

That the proposed design of 38 The Drive is being pushed unreasonably close to the southern boundaries in order to preserve a large sunny North-Western corner of their site for outdoor amenity, at the expense 36 The Drive.

That the proposed wall heights and roof heights are not reasonable at the proposed 1m setbacks, particularly as 36 The Drive is required to treat these shared property boundaries as rear boundaries with 3-6m setback distances.

That the proposed external vertical window screens, without any explanatory details, appear not to prevent the total overlooking of 36 The Drive's property as it is positioned between the rear portion of 36 The Drive and the ocean to the East.

That not enough consideration has been given to overlooking issues from pathways, stairs and balconies, especially those elevated at a height where eye level is above that of a 1.8m tall side or rear boundary fence. Eg. Main Entry stair and Front Door.

That the front garage's proposed height is raising the proposed Secondary Dwelling above to a level which blocks views, sunlight and causes privacy issues with no. 36 The Drive and that the Secondary Dwelling should be lowered by at least 1m.

That the Secondary Dwelling is well forward of the building line of both no. 36 The Drive & 6 Coastview Place contributing to additional view loss across the site from 36 The Drive. The front building setback line of the Secondary Dwelling should be approx. 5m in order to align with adjacent property front building setbacks.

That the green roof of the Secondary Dwelling has the potential to grow tall shrubs, blocking light and views to #36's only North-facing living room window. A waterproof membrane, pebble ballast concrete or metal roof would alleviate this ongoing worry.

We hope that with reductions to the overall height, increased setbacks and privacy devices employed, the proposed Secondary Dwelling design might ultimately be made acceptable.

We trust that significant changes will be made to the current proposed wall heights and setbacks of the principal dwelling, particularly as the building wraps around the rear boundaries of 36 The Drive. The current design is excessive in height, size, bulk and scale and is not in keeping with the scale or setbacks employed by neighbouring dwellings.

The owners of 36 The Drive have not been consulted by the 38 The Drive applicants on any of the amended designs prior to lodgement. Had they been consulted, they would have confirmed their plans to progress with their Secondary Dwelling as indicated in their submission 2021 and would have made the designers aware of the intended use of the rear yard of 36 The Drive as a secondary dwelling site. Regardless of No. 36 The Drive's ultimate use of their rear yard as garden, POS or Secondary Dwelling site, the proposed overshadowing and overlooking is not acceptable and is worthy of our strong objection.

Regards,

Scott Miner - Architect for the owners of 36 The Drive, Freshwater
Architect NSW 9100

Email [REDACTED]