

Ballina Shire Council

Cnr Tamar & Cherry Streets

Ballina.

Attn: Bead Cooney

Dear Sir

I wish to advise that we object to the following development application that has been submitted to you:

DA NO:

DA 2013/26

APPLICANT:

Mr D F Moore

PROPERTY:

Lot 2 DP: 242183, 2 Henderson Place LENNOX HEAD

PROPOSAL

Replacement of garage and construction of two carports

forward of the building line

The subject development application and documents associated with the application has drawn our direct attention as we are the owners & future occupiers of 1 Henderson Place, the property adjacent, to the south of the block, referred to in this application development.

We object to this on the following grounds:

1. Planning & General Control.

One of council's purposes is to identify basic requirements relating to residential development, and if this is the case, the overarching objectives of council is to strongly provide for quality residential neighbourhood development and ensure that the development is compatible with the local environment.

Councils role is to oversee planning objectives to achieve a well designed and visually appearing development which relate directly to the structure and long term character of that development, which in this case, this application development, is sadly void of any architectural enhancement of any kind.

It is also in council's responsibility that they recognise any improper development and respond to the privacy and amenity of adjoining premises to avoid adverse impacts to that adjoining property.

2. Development Control, Building Envelope & Setbacks.

Councils objectives are, quote, "to ensure that the height of the buildings is compatible with the bulk, scale and character of the locality, to minimise adverse impacts on existing or future amenity of adjoining properties", the height & locality of any new development must comply with the provisions set out in the BLEP 2012.

Please refer to the attached plan named Site Plan 01, this drawing has been taken & emulated from the dwg plan 001b by RDM Design dated 10.02.13,

I draw your attention to the existing and proposed setbacks, this is on a secondary street where the DCP 2012 Chapter 4, clearly states on page 7, Controls, i, "where the subject site has a frontage to a secondary street, below a plane measured over the land at 45 degrees from a point 1.8m above a parallel line measured 2.0 m inside the secondary street boundary",

From this we draw the conclusion that this is written into the DCP 2012 for a very specific reason, so when the building designer goes on a brain drain holiday and comes up with an architectural nightmare design like this and totally forgets about the adverse effect that this kind of development will have to the immediate and surrounding neighbours and designs like this don't spring up all over town like the provable ugly mushroom that it is!

Having said that, consider our plan, 02 Elevation A Set Back, this elevation clearly demonstrates the oversight of this development, there is an approximate intrusion of 3900m which equates to + or -75% of the carport roof structure, a direct violation.

Staying on plan sheet 02, the perspective visuals demonstrate the direct disobedient set back proposal, these shots are what this development will be from our private open space, total structure obtrusion and depleting the existing vista to the natural surroundings.

3. Architecture, Aesthetics & Light:

Another one of councils objective controls in the DCP 2012 Chapter 4 page 17 is,

Controls - Garages and Carports, again clearly states,

"garages and carports are to be set back at least 1m behind the building line or 5.5m from the property boundary (whichever is greatest)"

And this, "Carports forward of the set back specified in (i) will be considered subject to, part of,

- Carport posts are set back a minimum of 2.0m from the street boundary
- The carport roof does not significantly impact on the streetscape",

Here again, the architectural design of the structure is in direct conflict with the council code, take the scenario where the structure was allowed to be erected with the 2.0m set back from the boundary, the average car would be only parcially undercover, as it stands now proposed carport 2 car is protruding beyond the boundary line, refer to Site Plan 01, therefore to us the reasoning here would dictate that the designer & owner must go back to the drawing board and reassess the proposed development.

Aesthetics, aesthetics must be taken into consideration by all parties concerned, for example please refer to plan dwg 03 & 04, here we demonstrate the streetscape visuals on the approach from turning into Henderson Place, whether your driving or walking in a northerly direction, you can now witness from our 3D perspectives, not orthographic plans which are void of all visual reality, whereby our plans clearly show the ugly inheritance that this structure would develop.

Light, light plays a major role in the natural personification of any given development, to significantly decrease the value of light, significantly decreases the value of purpose which directly impinges on our neighbouring property and private open space area.

Please refer to plan dwg 05 Shadow Diagram, we have drawn in our future private open space area, adjacent to Henderson Place, as you can see it directly blocks out our early morning sun, which to us is a total disadvantage to our quest for morning light, sun and morning relaxation before work in winter time.

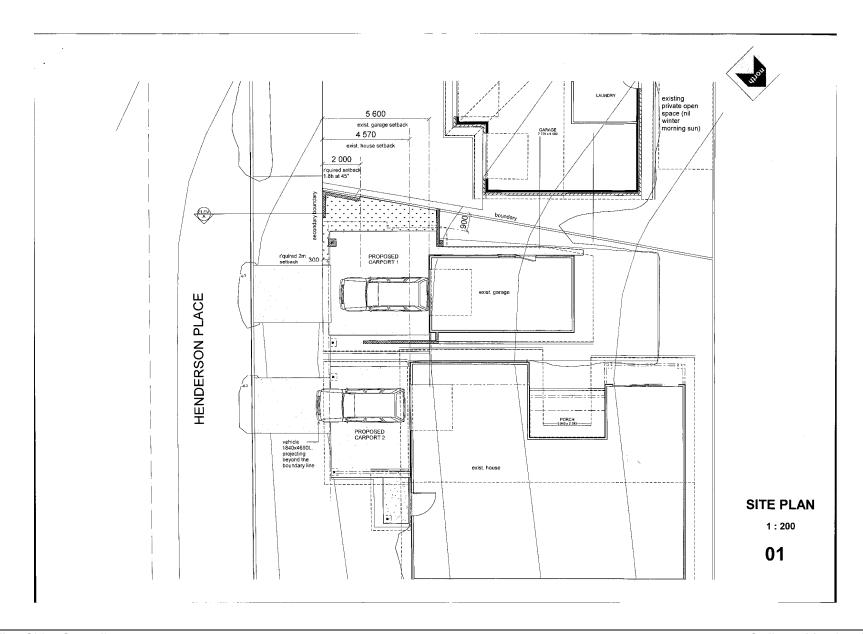
This future private open space area, shall be the only area we can achieve suitable privacy and morning sun as the existing two storey building on the said development over shadows our backyard morning sun through the whole of winter, refer to plan to the rear of our property for location.

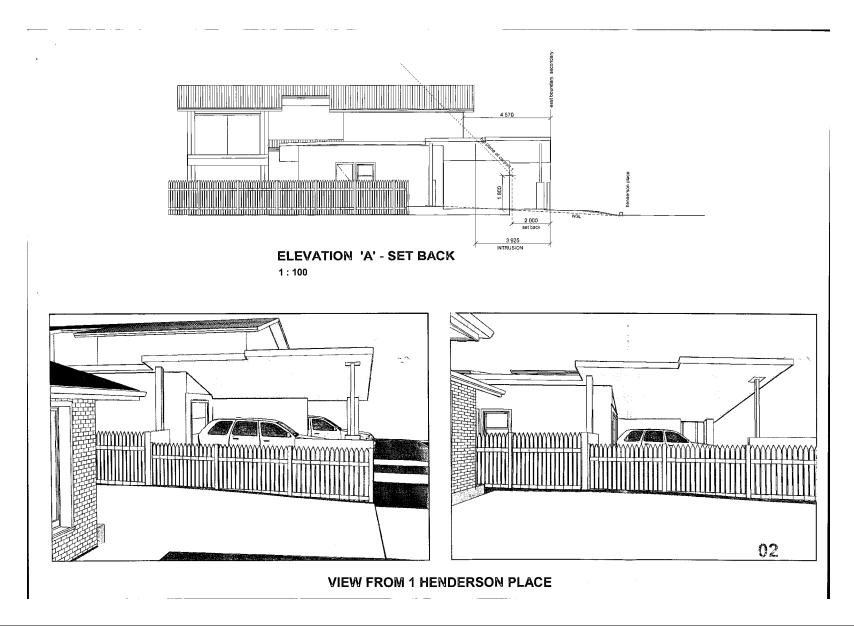
In concluding, we feel the development application contains misleading inaccuracies, major design faults and omissions, which need to be addressed, corrected and formulated to an appropriate decision and design, as there is clear and outstanding breaches of the DCP 2012 Chapter 4 in relation to set backs and building height planes. There are major issues with this development which will significantly affect the amenity and enjoyment of ourselves and our neighbours.

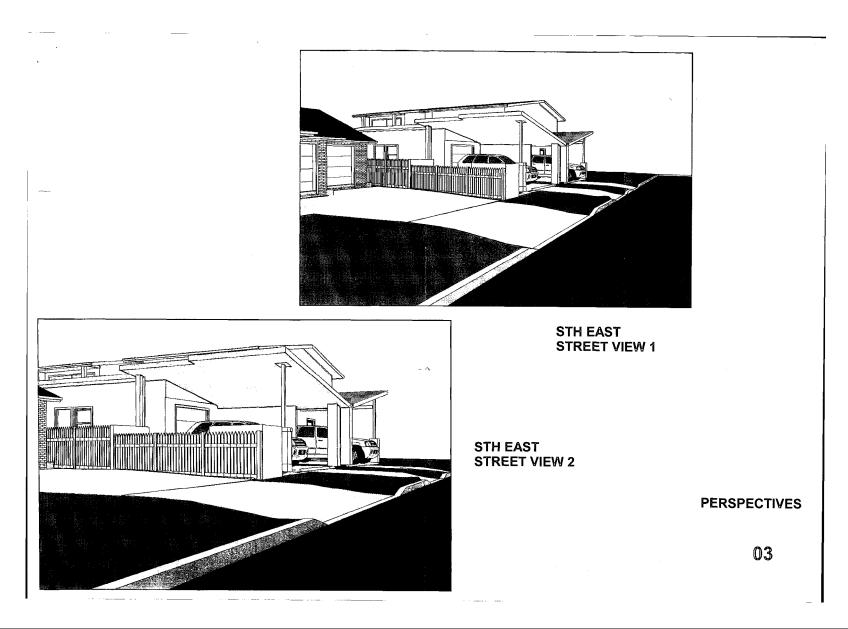
In addition to our objections, we note that this development is a sensitive issue and a fairly obstinate/basic proposal and request an extension of time to allow us to seek professional assistance in reviewing the DA proposal and make a further submission if necessary.

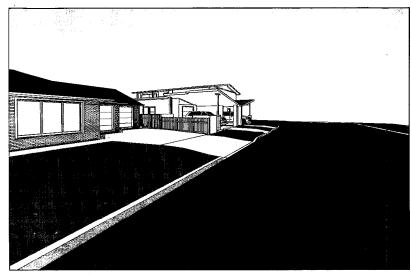
Kind Re

Michael & Carlan Plowman









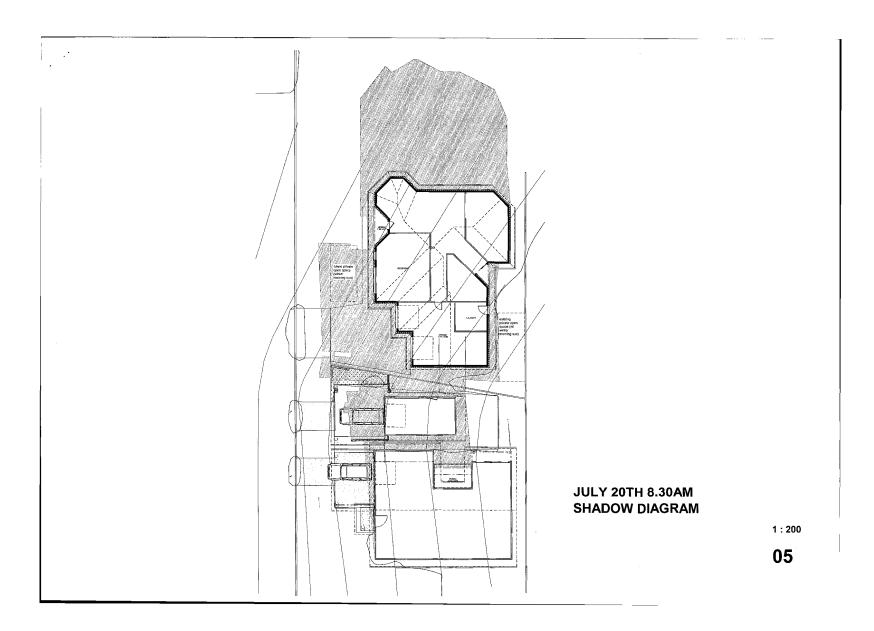
STREET SCAPE VIEW





PERSPECTIVES

04



8.3 DA 2013/26 - 2 Henderson Place Lennox Head.DOC

Ballina Shire Council

14th March 2013

Cnr Tamar & Cherry Streets

Ballina

Attn: Bede Cooney

Dear Sir,

I wish to respond to the eight page objection but forward by Michael and Carlan Plowman of 1 Henderson Place Lennox Head on the 1st March 2013.

Reference

DA No. 2013/26

Applicant: Mr David and Diane Moore

Property: Lot 2 DP: 242183, 2 Henderson Place, Lennox Head.

1. Planning & General Control

I am sure Council does not require me to comment on why DA's etc are required for residential development.

I do not need to comment on Council' ability to recognise improper development, respond to the privacy and amenitiesetc.

I hope council will take into account precedents for exemptions already given in similar circumstances. I realise that exemptions are not the "norm" but are allowed for when circumstances are warranted and their effect does not *seriously* affect other properties in the area.

2. Development Control Building Envelope & Setbacks

Referring to BLEP2012 "the height and locality of any new development....". We believe our development is compatible with the majority of new and renovated houses in Henderson Place and we don't believe there are any height issues!

We are requesting a front boundary exemption. This is not unusual and with precedents already set (eg. 10 Henderson Place) and with the approved DA's granted to Lot 2 over the last 20yrs there is not a great deal of room to move — so to speak. Note that the footprint of both units, walls of the buildings and the garage are not changing. The new roofs are virtually the same height as the existing! The proposed carports have no walls or screens. We are required to provide parking for 4 cars so the position & size of the driveway is not an issue in this objection. The cars will be parked on the driveway regardless of the Plowman's objection. We believe it is reasonable to request

protection/cover over cars parked on private property. It is the carport's shape and size and their effect on the morning sunlight that appears to be the main concern with the Plowmans.

The Plowman's view on design is a personnel one and providing the design is compatible with other buildings in the area, and we believe it is, it should not be an issue. Never the less, we are still willing to listen to constructive suggestions and make some concessions if it helps (refer to Architecture, Aesthetics and Light).

3. Architecture, Aesthetics and Light

Architecture - As mentioned previously and contrary to Mr Plowman's comments, we are of the opinion that the changes in design modernise our building and make the 2 units more compatible with the newer buildings in Henderson Place. This will in our real-estate agent's opinion and our own, only increase the value of the existing houses in Henderson Place. We could consider changing the slope angle or possibly the fall of the roof for the nearest carport to the Plowmans house by 180 degrees (ie: change to a West - East slope instead of the current East West slope). This is not in our best interest but we could consider it if "push came to shove"! This would slightly increase the early morning light into their front yard. Note: we do not believe "lack of morning sunlight" is a valid objection as the area in question will receive more than 4 hours sunlight during the shortest day with the carports in place and if it does not, it will be due to shade from their own house and/or bushes on their property.

If you want sun in winter you don't put a sundeck close to a building on the Southern side of your house! I find it hard to believe the Plowmans seriously intend to be sunning themselves at 8:30 am during winter on the shortest day of the year. If they waited 30 minutes they would have it! Come summer they would be looking for shade over that area!

The Plowman's back yard was shaded from the majority of early morning sun by a rather large tree and to a lesser extent by the two storey building which has been there for decades. Refer to picture of the tree in question, provided. This tree mysteriously died of an unknown cause about a year ago and was subsequently removed.

I would like to calculate the amount of sun the area now gets during winter and although I don't have facts available at present I can get them. I strongly suspect that it would get at least the 4 hours required by the regulations. For the Plowmans to say "This future open space area, shall be the only area we can achieve suitable privacy and morning sun....." is not correct! To the best of my knowledge there is no regulation that says you are entitled to 4 hours of morning sun on the shortest day of the year on any given area of your property!

Aesthetics – We are quite happy with the aesthetics but have no objection to planting bushes along the fence line between the properties thus blocking out the Plowmans view of the carports. I can choose bushes that don't grow too high and reduce the sunlight from their "Future Private Space" as

indicated in the Objection Diag 5. Bushes along the adjoining fence line were present prior to our renovations less than a year ago. Please refer to "Google Earth" attached to Ballina Shire Council's "DA's on line". This will allow all parties to see the reality of the renovations before and present and I believe the finished renovation (hopefully within 6 months) will be a vast improvement on what you see today.

Obviously people have different likes & dislikes in certain styles and design but I believe the Plowman's comment in his objection is a little harsh to say the least.

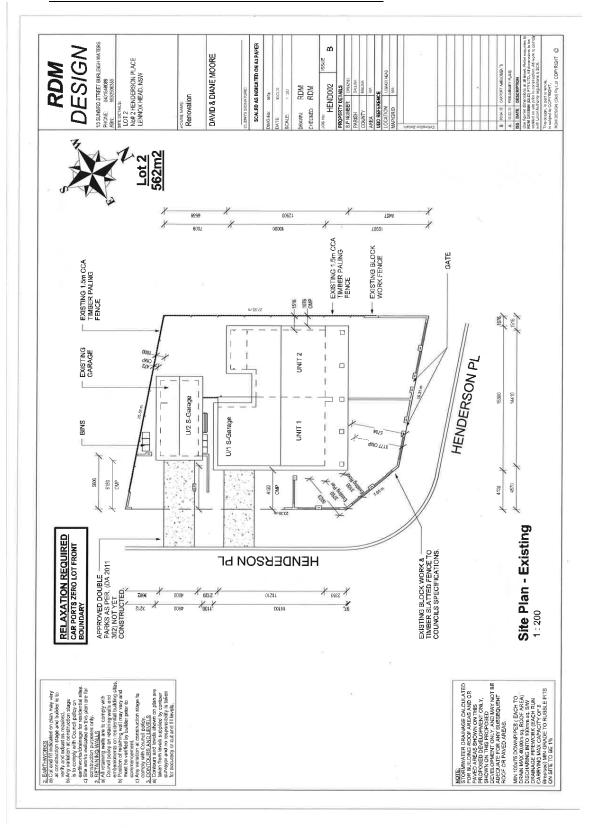
Allowing for the fact that we have asked for an exemption regarding a "zero setback on the front boundary", even if the carports were allowed and set back as per the regulations (no exemption), it would not significantly change the morning light and shadows over Mr Powman's proposed Future Private Space. The bottom line is that our renovations as a whole have actually increased the amount of morning sun in his front yard, again please refer to Google Earth and the bushes along the adjoining fence line.

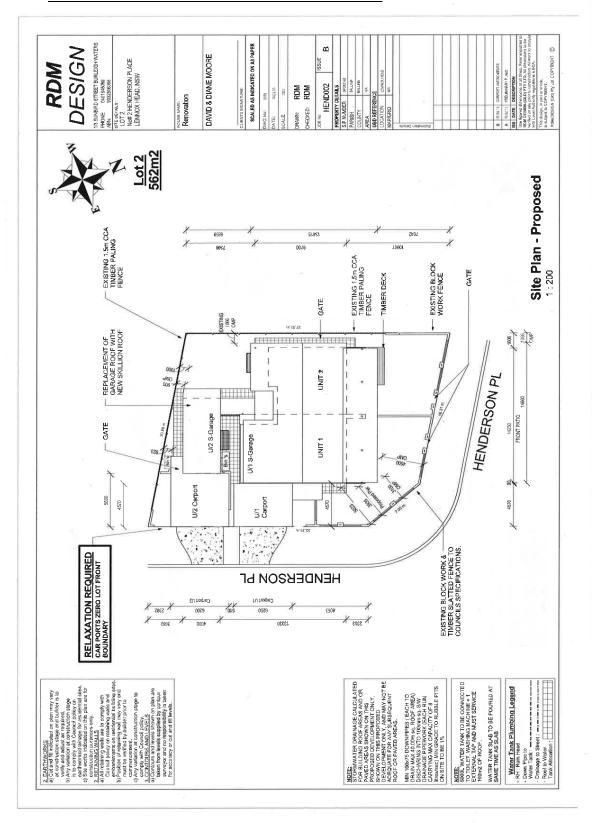
In the Plowman's conclusion, they state that they speak for themselves and their neighbours regarding amenity and enjoyment! The neighbours I have spoken to appear to be more than happy with the improvement to the property and none have mentioned, never mind lodged an objection to this DA proposal and we have spoken to several. This objection and its ferocity have taken us by complete surprise. We would have spoken directly to the Plowmans but they do not live on their property and during the last year we have rarely seen them.

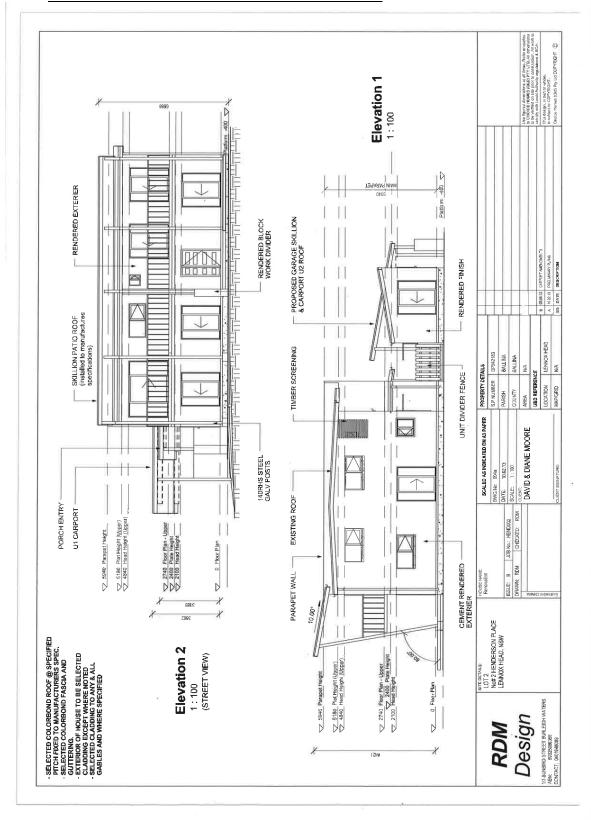
I hope this "Objection Reply" adds balance to the objection raised by Michael and Carlan Plowman and allows Council to make a fair and reasonable judgement.

Yours Sincerely

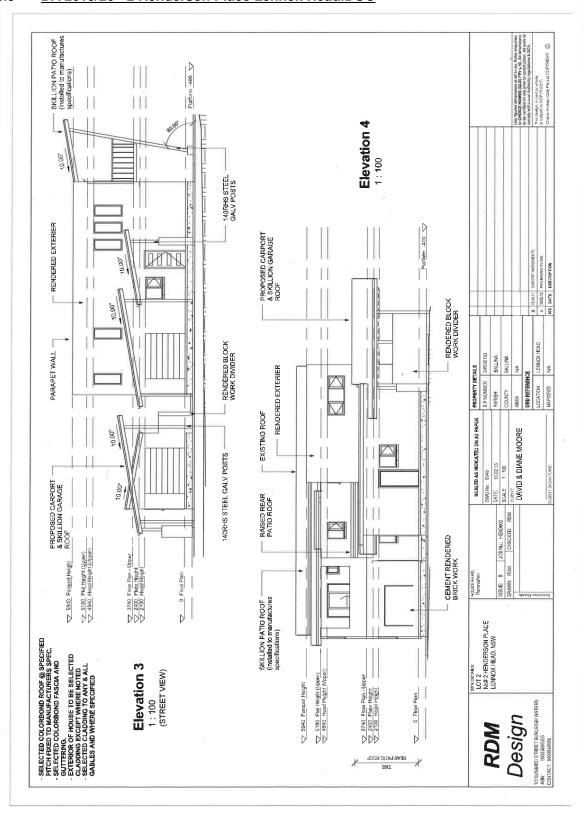
David & Diane Moore







8.3 DA 2013/26 - 2 Henderson Place Lennox Head.DOC



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