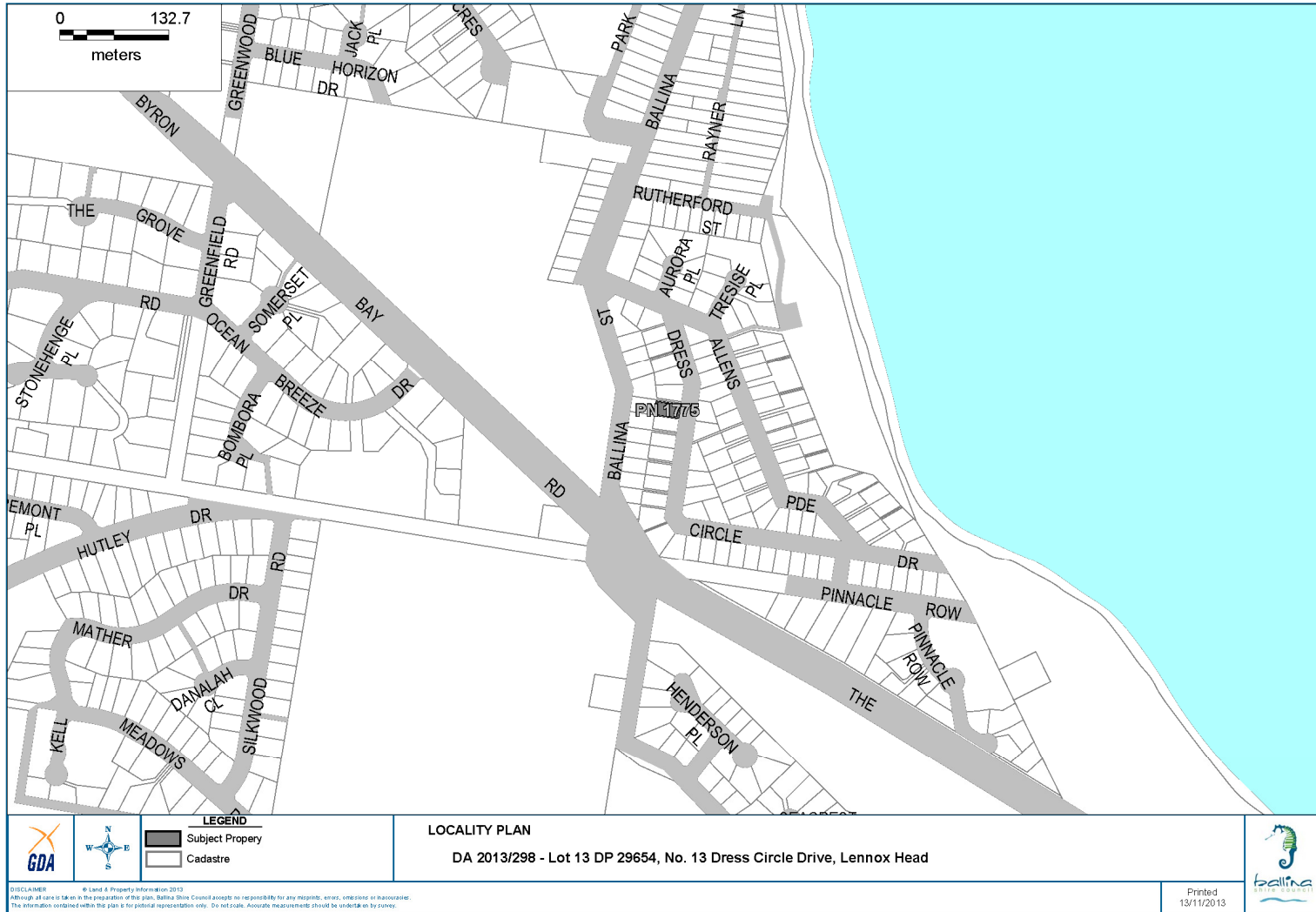


8.2 **DA 2013/298 - Attached Dual Occupancy, Lennox Head.DOC**





alan mitchell b.app.sc. (built environment)

building design · architectural detail · drafting · documentation ·
120 parkway dve ewingsdale m:0414077331 e: al@alanmitchell.net.au

30 October 2013

Vince Hunt
Ballina Shire Council

Re: DA2013/298 – Proposed dual occupancy at 13 Dress Circle Drive,
Lennox Head

Dear Vince,

I represent the owners/ applicants of the above mentioned property.

Please find attached further information in relation to the above mentioned DA, as discussed and listed below.

1. Shadow diagrams for winter and summer solstice (X2), showing no adverse overshadowing.
2. Floor space ratio calculations, (X2) indicating compliance.
3. Colour Scheme, showing earth/grey tones.
4. Amended plans (issue: C)(X2) showing lowered roof line to the south east corner, minor amendments to dimensions and levels to ensure full compliance with the building height plane.
5. Notes indicating windows to the upper level of the south and ensuite to the west are obscure glass, with internal blinds or curtains to all windows. Screen planting of Lillipilli trees to approximately 3.0 metre height in planter boxes on the north, west and south boundaries, as noted on plan, all to ensure privacy.

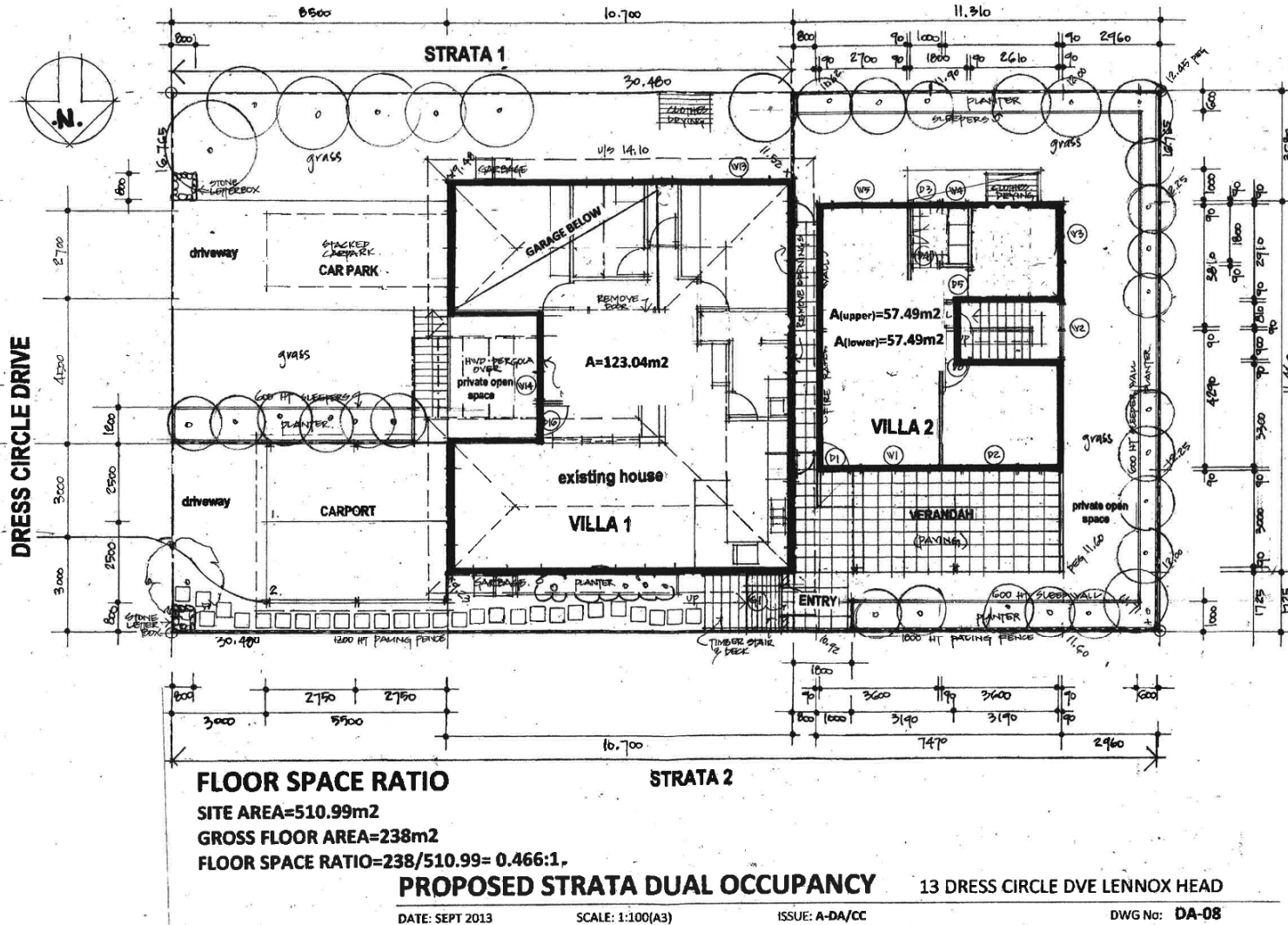
In relation to a number of points raised in submissions to council, I make note the following:

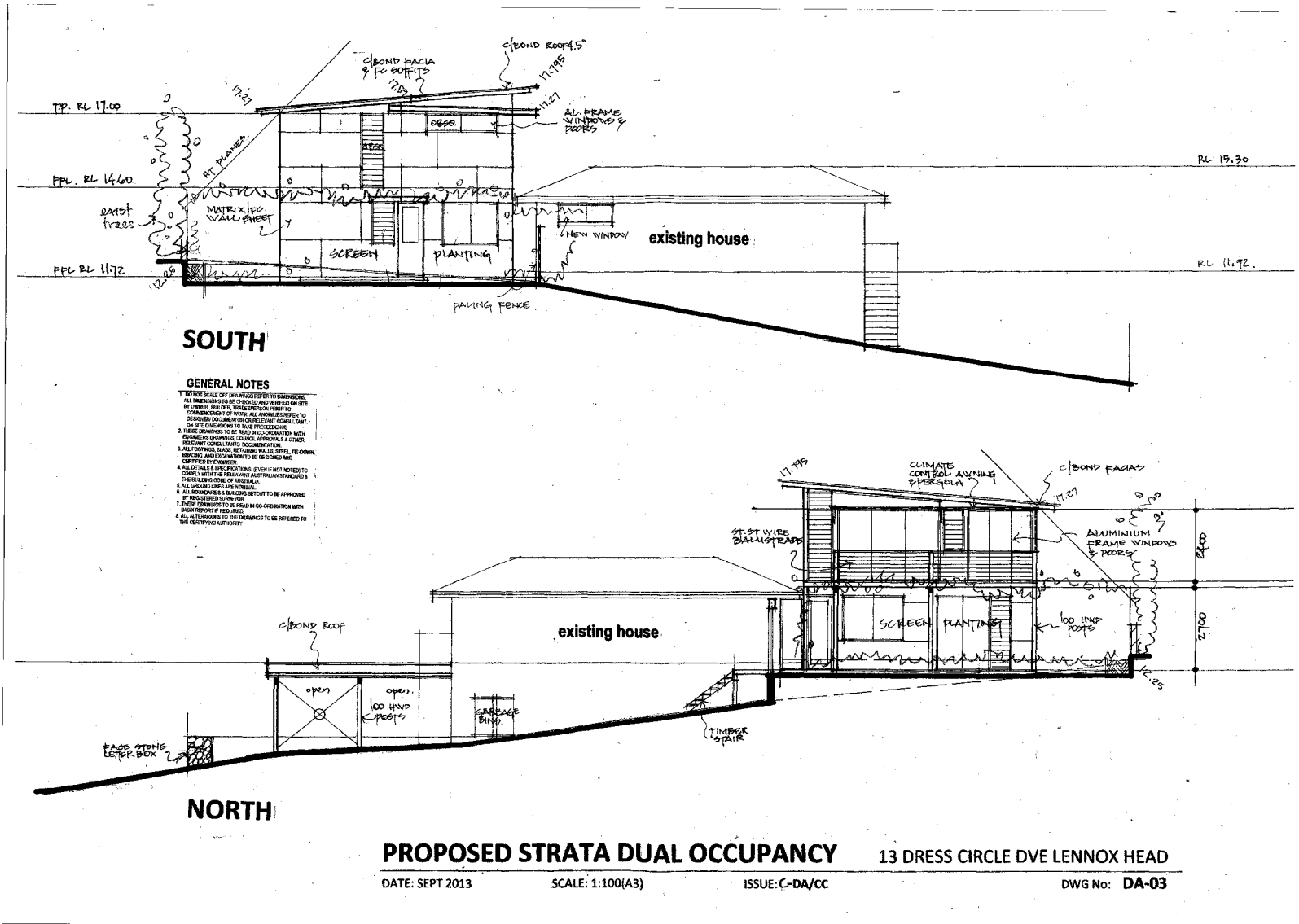
1. The proposed building is only 2 stories, with an overall height of only 6.5 metres, 2.0 metres lower than the permissible height, therefore ensuring minimal bulk and scale.
2. There are a number of dual occupancies within the immediate this and adjoining streets.
3. The proposed building is attached to the existing, with the new architectural design differing to the existing, as the existing building, today, is considered to be not architecturally aesthetic. Also the difference in design minimizes the bulk and scale of the development as a whole.
4. The proposed carport full meets the requirements Chapter 4 H(iv) of the DCP. It has 2 driveway entries with a combined width of less than 6.0 metres.
5. The existing and new dwellings meet the requirements for private open space, outlined in DCP Chapter 4, part G.

The design of the proposed dual occupancy has been carefully considered and fully complies with the requirements of chapter 4 of the Ballina Development Control Plan 2012.

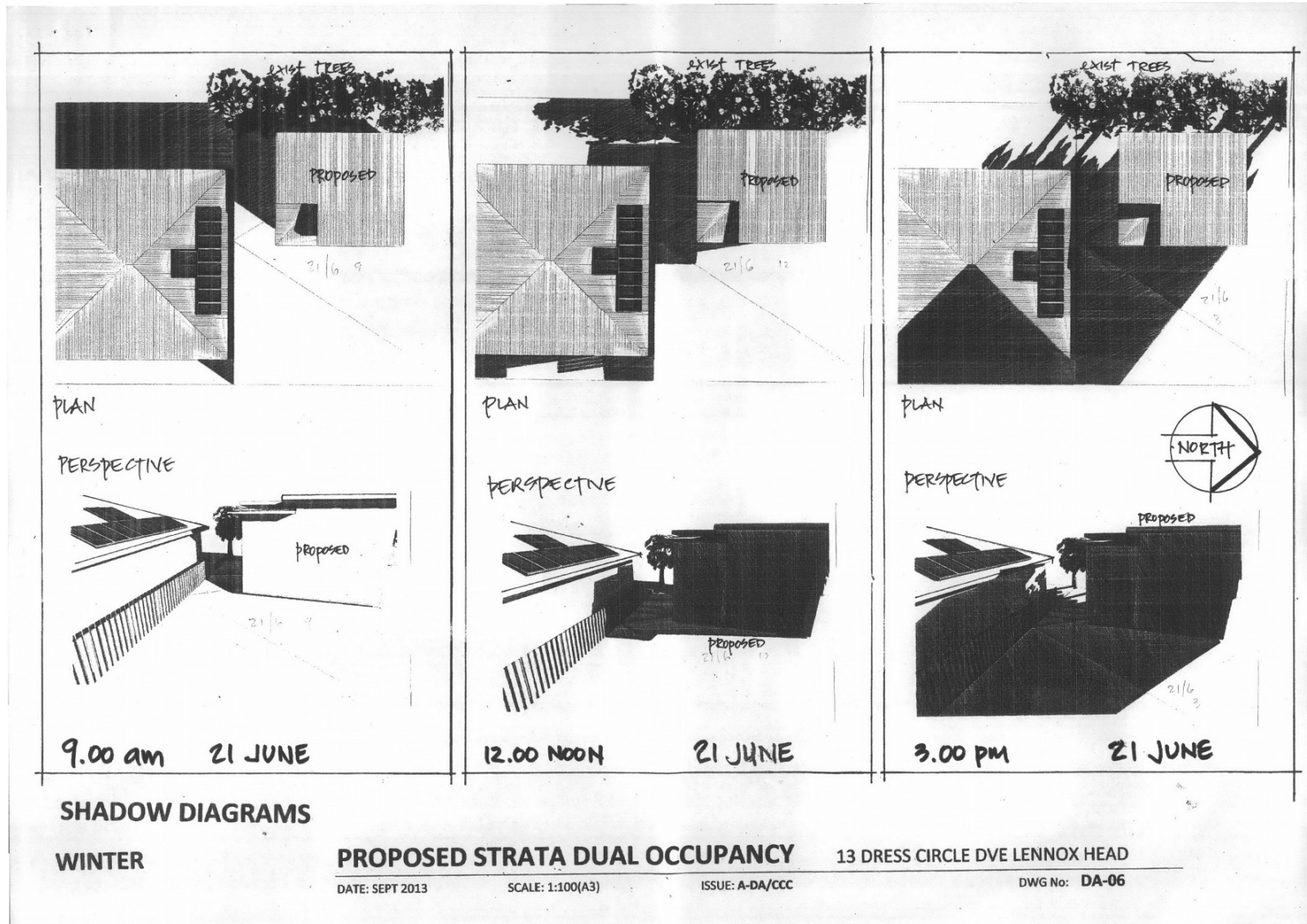
Please contact me if you require further information or clarification.

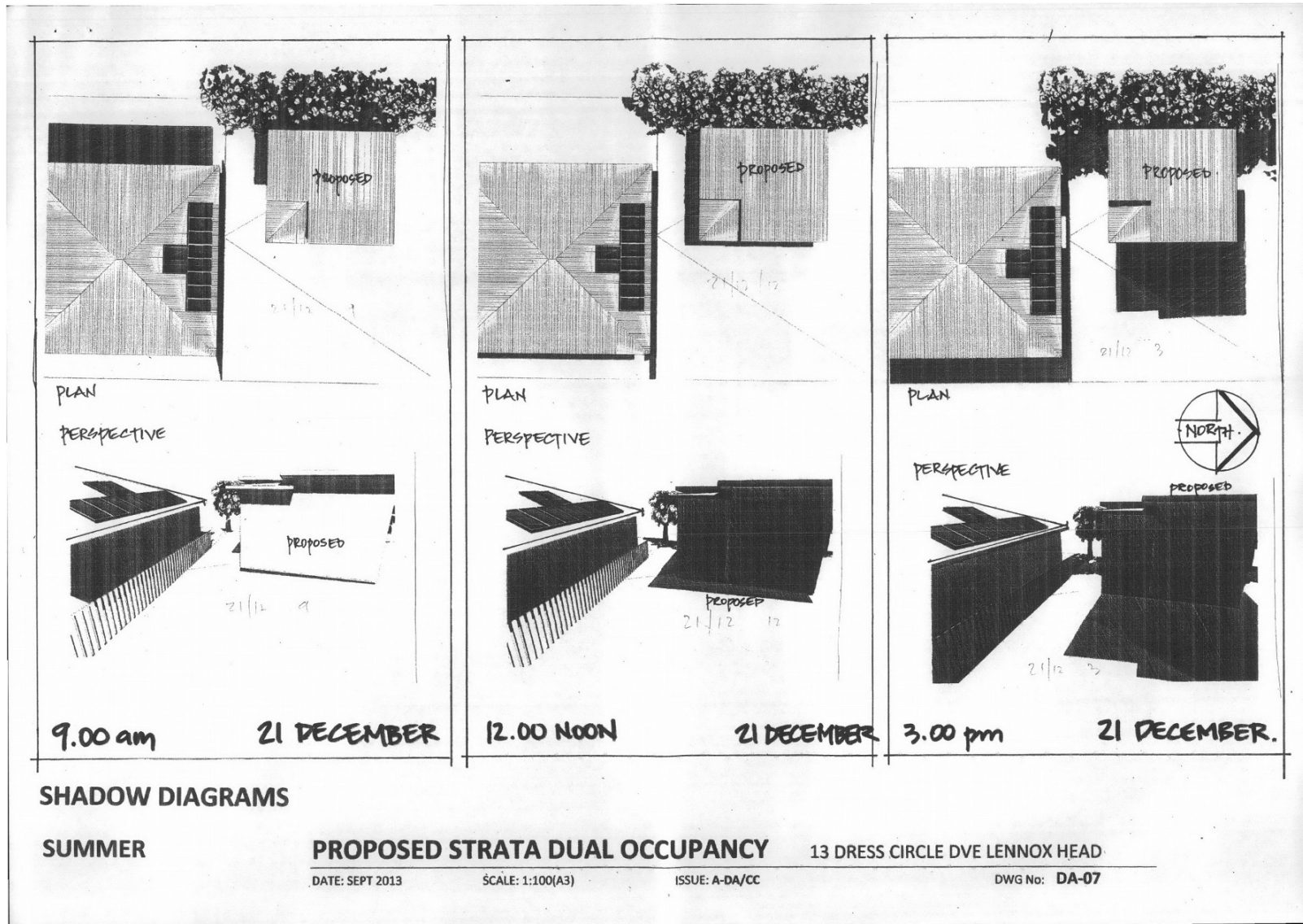
Yours Faithfully





PROPOSED STRATA DUAL OCCUPANCY 13 DRESS CIRCLE DVE LENNOX HEAD
 DATE: SEPT 2013 SCALE: 1:100(A3) ISSUE: C-DA/CC DWG No: DA-03





ARDILL PAYNE

& Partners
www.ardillpayne.com.au e:info@ardillpayne.com.au
ABN: 51 808 558 977



7580 13_11_13 old survey level opinion.docx

13 November 2013

Mr. Kris Barron
13 Dress Circle Drive
Lennox Head NSW 2478

RECORDS
SCANNED
14 NOV 2013
Doc No.....
Batch No.....

Dear Sir

RE: COMPARISON TO PREVIOUS DETAIL SURVEY

I refer to a detail survey previously done by an unknown surveyor, and in particular a level shown as 10.75 near the southwestern corner of the existing high set brick dwelling No. 13 (see attached sketch plan).

I have been on site and measured levels as shown in attached sketch plans "7580 S01" and "7580 S02" (see attached). By comparison, my levels closely match common positions and features shown on the original plan.

It is of my opinion, however, that the level shown as 10.75 shown on the previous plan does not reflect the current ground level near that location. Unless significant filling has occurred, the level is more approximately 11.75 and possibly could be a drafting error.

Yours faithfully

Rob Jacob
Registered Surveyor NSW & QLD
ARDILL PAYNE & PARTNERS

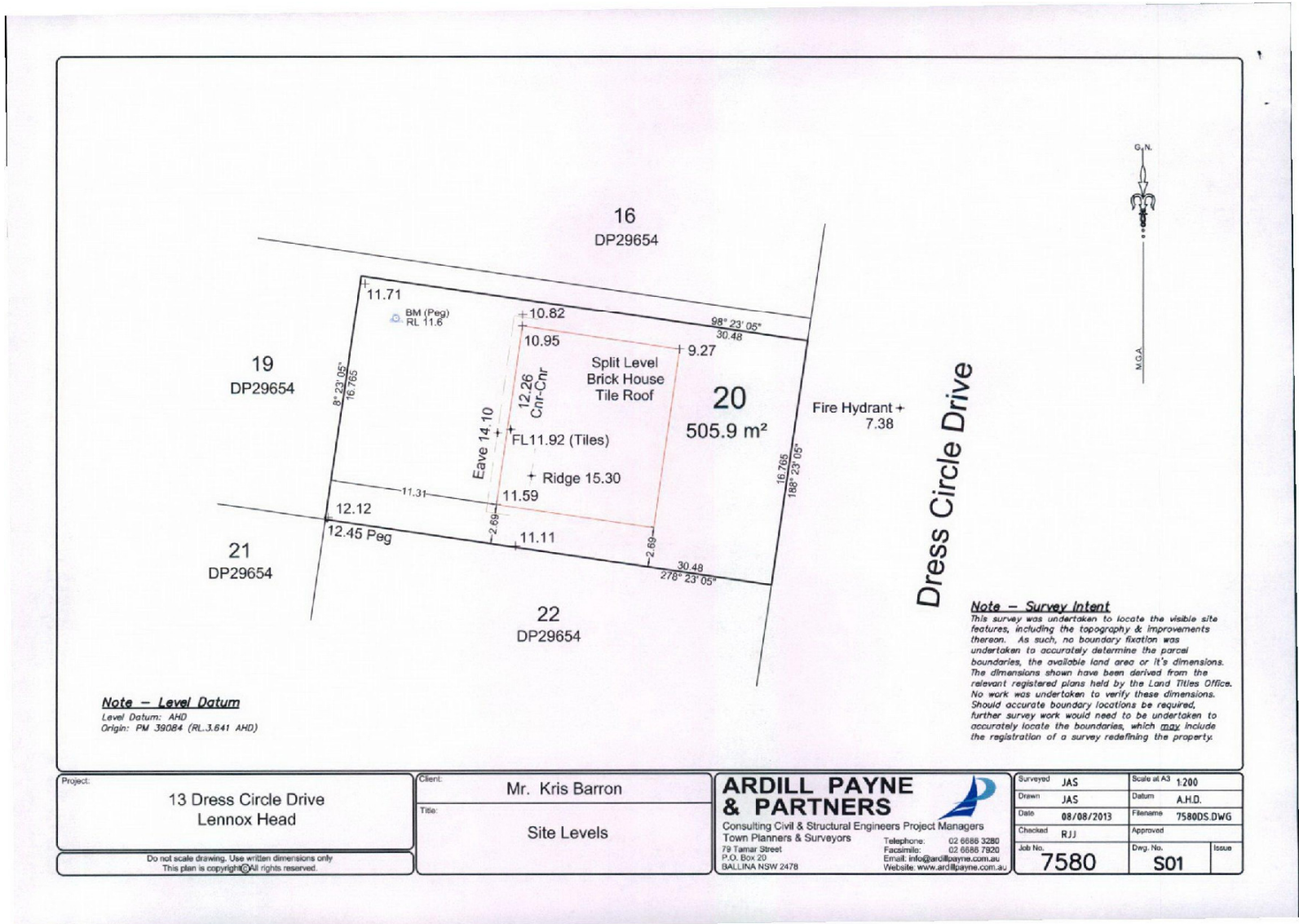
Engineers | Planners | Surveyors | Environmental | Project Management

BALLINA
79 Tamar Street
PO Box 20
BALLINA NSW 2478
Ph: 02-6686 3280

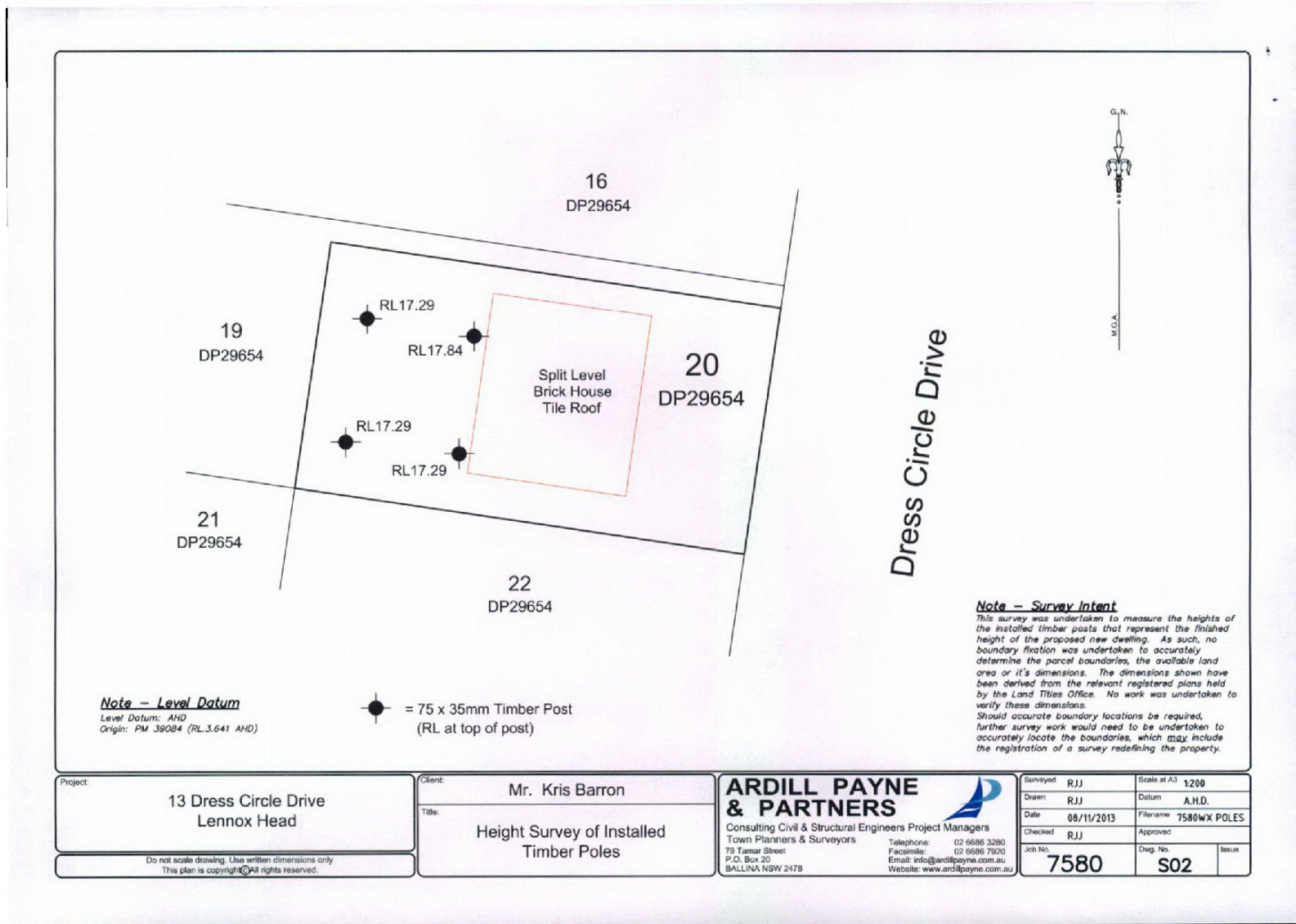
BRISBANE
Level 1, The Designbank
89 Grey Street
SOUTH BRISBANE QLD 4101
Ph: 07-3123 6675

GUNNEDAH
Germane House,
265 Conadilly Street,
GUNNEDAH NSW 2380
Ph: 02-6742 9955

8.2 DA 2013/298 - Attached Dual Occupancy, Lennox Head.DOC



8.2 DA 2013/298 - Attached Dual Occupancy, Lennox Head.DOC



Mr and Mrs Jan & Graham Fryer,
15 Dress Circle Drive,
Lennox Head.NSW.2478
12th November 2013

Ballina Shire Council,
The Development Officer,
Mr Vince Hunt,

**RE: THIRD AMENDMENT TO DA 2013/298 – Applicant Mrs S.R. Crumlin & Mr K.D. Barron – Lot 20
DP: 29654**

Dear Sir,

We are writing to object to the third amendment plan for the strata title dual occupancy dwelling at 13 Dress Circle Drive. We note that the owners have tried to rectify and improve on their plans in order to comply with Councils DCP, but in doing so have raised more concerns for us as their neighbour.

We would like to submit two particular points that are of concern to us.

The first is the inclusion of a hedge on the western and southern sides of the new structure, which were meant to deal with our privacy issues. If the windows on the southern walls are obscure, there is no need for a hedge.

The hedges create their own inherent problems for us as we already contend with a lilly pilly hedge to our west and another hedge to our north west at 13A, which shadows our back area. This already impacts on our ability to dry clothes as our wash line runs to the northwest corner of our property. It impacts our garden and lawn, which is severely stressed during winter and parts of autumn and spring. Any addition to the back of the current dwelling at No. 13 will significantly add to the problem of reduced access to sunlight. This will increase the chances of shadows across our home and yard, particularly in winter.

This would be contrary to the DCP plan and zone objectives to encourage development that achieves the efficient use of resources such as energy and water in our case the sunlight. As the land and environment court recommends in its Act, relating to two or more trees planted so as to form a hedge, which rises to a height of at least 2.5 metres. If the hedge is found to severely obstruct sunlight to a window (which includes a glass door or skylight), or any view from a dwelling, the Court can intervene. We would like to request that Council may consider adding a condition to the height of this hedge that is in line with this ruling on 'Spite hedges'. Council would have nothing to lose as any costs incurred would go to the owner.

In order to allay our own concerns we contacted an architect regarding this shadowing in order to inform ourselves more fully. We accept that the new dwelling may not impede our solar panels according to the Shadow Diagrams submitted and we commend Council for requesting this study be done. He agrees with the Shadow Assessment, but specifically points out the possibility of problems with a hedge along the fence line. Please refer to the letter and the diagrams made by our architect.

Foreseeably in the future these buildings along with the trees and or gardens may become a problem for our hot water and solar panels as the shadows from the dwelling are very long in the afternoon and very close on the western wall and very close to reaching the hot water solar system. We would like to see provision for this in the DA so that, if the shadow diagrams prove to be incorrect the matter will be fixed. A condition could be inserted like, "*The building must not overshadow any existing solar panels on adjacent buildings*" or "*the developer must at their own cost pay to relocate solar panels on an adjoining dwelling where the new building causes overshadowing of the solar panels.*"

If the planner is sure that the new dwelling will not overshadow our home then there would be no concern with including such a condition.

As a consequence of our request to the Architect, we discovered that he believes the south eastern corner where no clear height is shown and perhaps even the north eastern corner of the new dwelling will exceed the allowed 8.5 metres as he believes the base line taken at that point is approximately 1.3 metres higher than the lay of the land (Please refer to the attached letter and diagrams). If the Architect is correct then the building height would place the dwelling outside the envelope and would not be compatible with the bulk, scale and character of the locality and therefore not compliant. (DCP Objective 3.1.3 page 5).

We also ask why there is no clear interior planning shown in the new Amendment.

Our comments regarding the amenity of the building still stand. For instance that it appears to be incongruent with the existing dwelling. Similarly, after thinking about the carport location at the front of the site we believe it will impact adversely on the streetscape and requires that the occupants of the rear dwelling have to walk all the way past the front dwelling to get to the back, which is not a good outcome and may lead to them parking along the shared driveway. They are perhaps trying to do too much on the site.

Does the DCP require 2 car parks per dwelling or one car park per dwelling? This was not clear in our reading of the DCP (page 17).

In conclusion, we believe that the new dwelling must comply with all Councils controls in order to be approved and request that Council be diligent in ensuring that this is the case as a permanent dwelling is there for a very long time.

Thank you for the chance to air our position regarding this development. We can be contacted on email: graham.jan.fryer@gmail.com phone: 0409472851 or 0458940215

Yours faithfully,

Graham and Jan Fryer

Robyn Gutter

From: Graeme Barr <graemebarr@graemebarr.com>
Sent: Monday, 11 November 2013 1:16 PM
To: graham.jan.fryer@gmail.com
Subject: Overshadowing
Attachments: Scan Nov 11, 2013, 12.56 PM.pdf

Hi Jan and Graham,

As requested 8/11/13 please find attached a very rough estimation of the shadowing effects on your house.

There is no level I can see on the SE corner but I have interpolated to get an approximation of the hgt, about RL8.5.

The ground line on your boundary, Elevation South, does not appear correct and over a metre lower at the eastern end of the proposed unit. This lowers the building hgt plane and makes more of the proposed unit non complying.

I have sketched on the north side of your house the effects at noon 21/6 (East Elevation). The shade would be up to about your first floor window sills when the sun is at 38deg. Summer is not so critical as the sun is about 85deg and almost overhead. From my sketch it appears your solar panels are outside the shadow zone at noon. As the day progresses the trees NW of your house would start shading your house/panels and the building becomes less critical.

The roof could have been pitched differently to create less shadow. Not sure how they did their computer modelling which appears worse than my calculations.

The proposed is still non complying regarding the building envelope and their proposed hedge (revision C) may be deemed an illegal "spite" hedge (suggest you google research spite hedge) and eventually create more shade on your house and panels.

Please advise if you would like me to more accurately computer model the design and shadows. However this may suffice for your needs. Please contact me should you wish to discuss.

Regards,

Graeme



Graeme J Barr RAIA

GRAEME BARR ARCHITECTS

www.graemebarr.com

Brisbane Q • 0439877973 • ejan@graemebarr.com
Eian Kathleen Barr BOAQ Reg No.4678

Lennox Head NSW • 0266877973 • graemebarr@graemebarr.com

Graeme John Barr NSW ARB Reg No.4244



ARCHITECTURE: CREATIVE + PRACTICAL

ARCHITECT FOR NEW AND UPGRADED BUILDINGS CAPE BYRON STATE CONSERVATION CENTRE WHICH WON NSW TOURISM GOLD MEDAL AWARD 2012 TOURIST ATTRACTION + NATIONAL TOURISM AWARD SILVER MEDAL 2012 TOURIST ATTRACTION <http://www.nationalparks.nsw.gov.au/cape-byron-state-conservation-area/thomson-cottage/accommodation>

WINNER 2011 AUSTRALIAN INSTITUTE OF ARCHITECTS BUDD AWARD



From: Graeme Barr <graemebarr@graemebarr.com>
Sent: Tuesday, 12 November 2013 12:28 PM
To: graham.jan.fryer@gmail.com
Subject: FW: Overshadowing Points

Hi Jan and Graham,

As discussed and requested this morning I confirm my opinion on the proposed addition of a dual occupancy unit to your north at 13 Dress Circle Dr, Lennox Hd:

1 I could find no land level at the SE boundary corner of the subject land but assuming about RL8.5 then in my opinion the ground line is not drawn accurately on the application. From my calculations the natural ground line is about 1.3m below the ground line drawn on the applicant's south elevation at the SE corner of the proposed building work;

2 Once the ground line is drawn accurately the proposed unit does not comply with the building height plane on the SE corner. The proposal protrudes through the height plane by about 2.1m. The building height plane should be strictly adhered to, particularly on the south of the proposed building, to protect your solar access. It is the intention of Council's DCP building height plane to protect solar access to neighbours;

3 Another concern is the hedge planting which first appears on the elevations revision C. This hedge has the potential to cause the most overshadowing and could turn into what is called in the Land and Environment Courts a "spite hedge". To limit overshadowing of your property the species for this planting should be carefully selected to not exceed 2.5m at plant maturity.

Please contact me should you require anything further or should you wish to discuss.

Regards,

Graeme



Graeme J Barr RAIA

GRAEME BARR ARCHITECTS
www.graemebarr.com

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Elan Kathleen Barr BOAQ Reg No.4678

Lennox Head NSW • 0266877973 • graemebarr@graemebarr.com
Graeme John Barr NSW ARB Reg No.4244



ARCHITECTURE: CREATIVE + PRACTICAL

ARCHITECT FOR NEW AND UPGRADED BUILDINGS CAPE BYRON STATE CONSERVATION CENTRE WHICH WON NSW TOURISM GOLD MEDAL AWARD 2012 TOURIST ATTRACTION + NATIONAL TOURISM AWARD SILVER MEDAL 2012 TOURIST ATTRACTION <http://www.nationalparks.nsw.gov.au/cape-byron-state-conservation-area/thomson-cottage/accommodation>

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8.2 DA 2013/298 - Attached Dual Occupancy, Lennox Head.DOC

Subject: Ref: DA 2013/298 Third amendment to DA.

Date: Wed, 13 Nov 2013 23:11:23 +0000

Ballina Shire Council,
The General Manager,
The Development Officer,
Mr Vince Hunt

Lesley Lee,
15A Dress Circle Drive,
Lennox Head NSW 2478
14th November, 2013

Re: DA 2013/298 Lot 20 DP:29654
Applicants: S.R.Crumlin and K.D. Barron

Dear General Manager, Councillors and Mr Hunt,

I do note that our new neighbours have now engaged an architect and addressing some of the issues raised previously by adjoining neighbours and concerned residents of Dress Circle Drive against the proposed Strata Titled Dual Occupancy Dwelling. I personally have sent two objection letters as well as a letter to council members and have never made a gift or donation to any Councillor or employee of Ballina Shire Council.

However, I request Council give this proposed dwelling careful interest due to some concerns I have.

I believe this proposed structure will look quite odd from street level and does not fit in with the surrounding properties. The existing dwelling and the proposed dwelling are extremely different styles and don't think this is aesthetically appropriate they are trying to fit too much on a small parcel of land.

Further concerns are access to the proposed dwelling in case of emergency and not enough off street parking to accommodate the two dwellings on such a small parcel of land. We already have many cars parked on the street in Dress Circle Drive and at times one car needs to stop and wait to allow other cars through due to parked cars.

I am aware the council have engaged a surveyor to ascertain height levels and there is some discrepancy with the profiles insitu and the findings from the surveyor engaged. I am also aware there still maybe also some issues with the boundary of the block being outside the building envelope.

This proposed dwelling will also impede the view lines of nearby and adjacent properties. Some of the adjacent property owners have lived in our homes for 30 years+.

Yours sincerely,

Lesley Lee

The General Manager
Ballina Shire Council
BALLINA NSW 2478

JH & LH Elliott-Smith
17A Dress Circle Drive
LENNOX HEAD NSW 2478

13th November 2013

Ref: DA 2013/298

Dear Sir

We refer also to our previous correspondence on this matter.

We request that Council give careful consideration to this proposed development, particularly with respect to the following:

1. We believe it will significantly detract from the amenity of the existing nearby developments, in that it will intrude into view lines of adjacent and nearby properties. This intrusion is contrary to the intent of the DCP.
2. Given the immediate terrain, small block size and proximity of existing developments, the design and positioning of the proposed development presents privacy issues.
3. We understand there is some doubt as to the accuracy of the heights used as the basis for calculation of the building envelope, particularly along the important southern boundary. This is of key significance in potential shadowing of adjacent properties.
4. We understand that this development will require significant structures forward of the building line (not shown in detail in plans available on-line), which, in combination with the mis-matched style and bulk of the existing and proposed development, will have an adverse impact on the streetscape.

We urge council to take into account that even if the development may be largely compliant with the specifics of the DCP, that consideration be given to the spirit and intent of the DCP, when a determination of this application is made.

Disclosure: Neither signatory to this submission has made a gift or donation to any Councillor or Staff Member of Ballina Shire Council.

Yours Sincerely,

James H Elliott-Smith

Lesley H Elliott-Smith

Please note that we are unable to physically sign this document at the time of submission, as we are overseas. A signed version can be supplied on our return, if required.