



PETER TURNER & ASSOCIATES
BUILDING DESIGNERS



Our Ref: 3954-3

7 March 2014

Your Ref:

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attn: Regulatory Services Group

Dear Sir

**RE: PROPOSED ALTERATIONS AND ADDITIONS
LOT 22 DP 805356
No.9 KILLARNEY CRESCENT
SKENNARS HEAD**

INTRODUCTION

Please find enclosed Development Application over the above property on behalf of A & K Bortolin.

SITE

The subject site has a total area of 677.7m² and is zoned R2 –Low Density Residential.

The site has a frontage of 20.0m to Killarney Crescent and depth of 34.38m and 33.395m respectfully to its southern and northern boundaries and 20.025m to its rear boundary. The site slopes downward from the frontage to the rear boundary. Erected upon the site to a 1 & 2 storey brick and clad residence is good condition. An in-ground swimming pool is located at the rear of property. Attached herewith is a detail survey of the subject site prepared by Chris Abbott Surveying which identifies the existing improvements, floor levels and spot levels.

PROPOSED DEVELOPMENT

This application seeks development approval for alterations and additions to the existing residence with the main components comprising:

1. Demolition of the existing ground floor covered outdoor entertainment area located on the western elevation of the building
2. Construction of an extension of the ground floor on the western elevation of the building to comprise a bedroom, wc, bathroom and covered outdoor entertainment area
3. Construction of a skillion roof adjacent to the existing garage roller doors on the eastern elevation of the building
4. Demolition of the existing first floor balcony located on the western elevation of the building

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Peter G & I Turner Building Designers Pty Ltd ACN: 102 725 119 ABN: 85 102 725 119

PETER TURNER & ASSOCIATES
BUILDING DESIGNERS

5. Construction of an extension of the first floor on the western elevation of the building to comprise a family room
6. Internal alterations to the first floor kitchen, bedroom 1, wc and bathroom
7. Removal of the existing 20° and 23.9° pitch concrete tile roofing and timber roof framing and replacement with 5° and 7° pitch colorbond roofing
8. Construction of a second storey loft and 5° pitch colorbond roof.

BALLINA SHIRE DEVELOPMENT CONTROL PLAN 2012

The DCP2012 Chapter 4, Residential and Tourist Development, contains a number of elements which are of relevance to the proposal, details of which are provided below.

Part 3

3.1.3 Development Controls

A. Element – Building Height

Objectives

- a. *Ensure that the height of building (building height) is compatible with the bulk, scale and character of the locality;*
- b. *Minimise adverse impacts on existing or future amenity of adjoining properties and scenic or landscape quality of the locality; and*
- c. *Protect significant views from public places.*

Controls

- i. *The height of any building (building height) is to comply with the provisions of the BLEP 2012.*
- ii. *Buildings with 3 levels or greater development must be designed to minimise overshadowing and protect the privacy of occupants of adjoining buildings.*

The proposed development complies with building height provisions of the BLEP 2012 which states "*the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Building Map*". Height of Building Map Sheet HOB-005 shows a building height for the subject land of 8.5m. Based on the detail survey of the subject site prepared by Chris Abbott Surveying, a maximum height line has been calculated and drawn 8.5m above the existing ground lines in the area of the proposed second storey Loft (Refer Drawing A03). These calculations and line work demonstrate the proposal complies with the building height requirements.

The southern wall of the proposed second floor Loft has been designed and located approximately 6.94m from the property's southern boundary to minimise overshadowing and protect the privacy of the adjoining property to the south. In addition, a 2.5m wide void area is located adjacent to the southern wall and within the Loft which therefore provides a total of 9.44m from the southern boundary to the actual floor and habitable area of the Loft. The northern wall of the proposed second floor Loft has been designed and located approximately 6.7m from the property's northern boundary to protect the privacy of the adjoining property to the north.

B. Element – Floor Space Ratios**Objectives**

- i. *Ensure that buildings are compatible with the bulk, scale and character of the locality; and*
- ii. *Minimise adverse impacts on the existing or future amenity of adjoining properties and the scenic or landscape qualities of the locality.*

Control

- i. *Where development for the purpose of a dwelling house, secondary dwelling, dual occupancy or semi-detached dwelling is proposed on land identified on the Floor Space Ratio Map, Council will apply the following approach to the calculation of the floor space ratio (FSR);*

§ Where the dwelling house, secondary dwelling, dual occupancy or semi-detached dwelling is part of a mixed use development involving commercial premises, the FSR shown on the Floor Space Ratio Map applies, and

§ Where the dwelling house, secondary dwelling, dual occupancy or semi-detached dwelling is not part of a mixed use development involving commercial premises, an FSR of 0.5:1 applies.

Based on the definition of gross floor area and floor space ration defined in the BLEP 2012, the proposed development produces a FSR of 0.48:1 which complies with the maximum permissible of 0.5:1

C. Element – Building Envelopes**Objectives**

- i. *Ensure buildings are set back progressively from the side and rear boundaries as building height increases so that buildings do not unduly affect existing or future development on adjoining properties by way of overshadowing, impinging on privacy, or unreasonably obstructing views;*
- ii. *Ensure that the occupants of residential accommodation have the opportunity to enjoy the optimum use of winter sunlight;*
- iii. *Enhance opportunities for solar access to both the development site and adjoining properties;*
- iv. *Achieve varied and interesting streetscapes, good orientation of residential developments with regard to sun, shade, wind and neighbouring development, and effective use of allotments to create usable private open space and courtyards;*
- v. *Ensure that buildings are compatible with the bulk, scale and character of the locality; and*
- vi. *Minimise adverse impacts on the existing or future amenity of adjoining properties and the scenic or landscape quality of the locality.*

Controls

- i. Residential accommodation and tourist and visitor accommodation must be contained within a building envelope measured as follows;
 - § below a plane measured over the land at 45° from a point 1.8 metres above the side and rear boundaries;
 - § below a plane measured 8.5m above ground level.
- ii. The external walls of a residential accommodation or tourist and visitor accommodation must be setback a minimum of 900mm from the side and rear boundaries of the site (excluding internal strata title boundaries), subject to consideration of impact on privacy, private open space and solar access to adjoining properties.

The existing northern and southern walls of the residence do not comply with the Building Envelope as the residence was constructed prior to the implementation of this requirement. However, the concrete tile roofing and framing of the existing first floor is to be removed and replaced with a low pitch colorbond roofing which will minimise the encroachment of the existing residence on the Building Envelope. All new walls and roofing comply with Building Envelope and the 8.5m plane above the existing ground line as indicated on the elevations and section on Drawing A03.

I. Element – Overlooking and Privacy**Objectives**

- a. Ensure buildings do not unduly affect existing or future development on adjoining properties by impinging on privacy or abstracting views; and
- b. Provide visual privacy for internal and external spaces;

Controls

- i. A window must have a privacy screen if:
 - It is a window in a habitable room, other than a bedroom, and
 - The wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and
 - The window has a sill height of less than 1.5 metres.

All windows to habitable rooms, other than bedrooms, have been setback greater than 3m from the side boundary or have a sill height greater than 1.5m

L. Element – Roof Pitch**Objectives**

- a. Ensure that roofs are designed to manage stormwater associated with sub-tropical rainfall events; and
- b. Discourage the use of flat roofs on new dwellings to encourage building up to but not exceeding two storeys.

Development Controls

- i. Roofs of dwellings are to have a minimum pitch of 5°; and
- ii. Council may consider a variation to control (i) to maintain views or to correspond with adjoining building design that is consistent with the character of the locality.

PETER TURNER & ASSOCIATE

Page 5

The existing concrete tile roofing is to be removed and replaced with colorbond roofing. All roofing to the development is to have a 5° or greater pitch.

SERVICES

Reticulated water, stormwater drainage, electricity, telephone and garbage collection services are available to the site and are capable of servicing the proposal.

FEES

We also enclose herewith our client's cheque in the sum of \$1,155.00 which is made up of the following amounts:

DEVELOPMENT APPLICATION STAGE	
Development Application	\$920.00
Compliance Levy	\$75.00
Planning Reform Levy	\$160.00
TOTAL COUNCIL FEES	\$1,155.00

CONCLUSION

The proposed development complies with all relevant requirements of the BLEP 2012 and DCP 2012.

We trust Council will assess this application favourably and inform us of their decision in due course.

Should you require additional information, please do not hesitate to contact the undersigned.

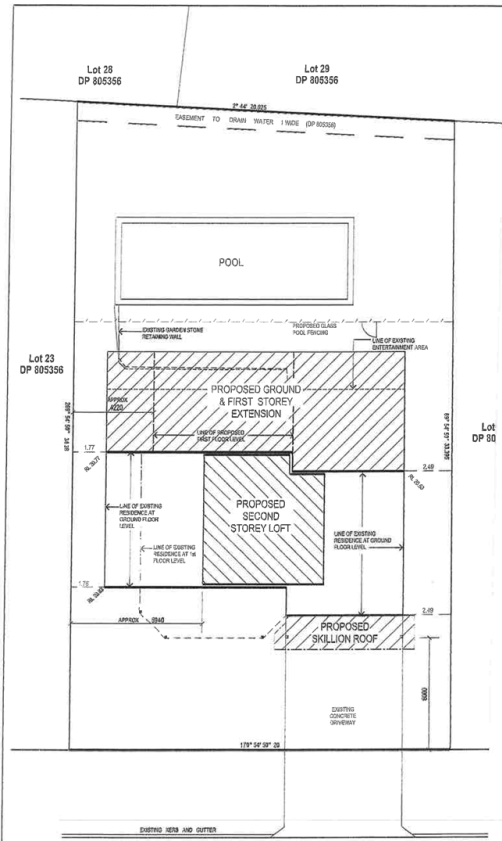
Yours faithfully

PETER TURNER & ASSOCIATES

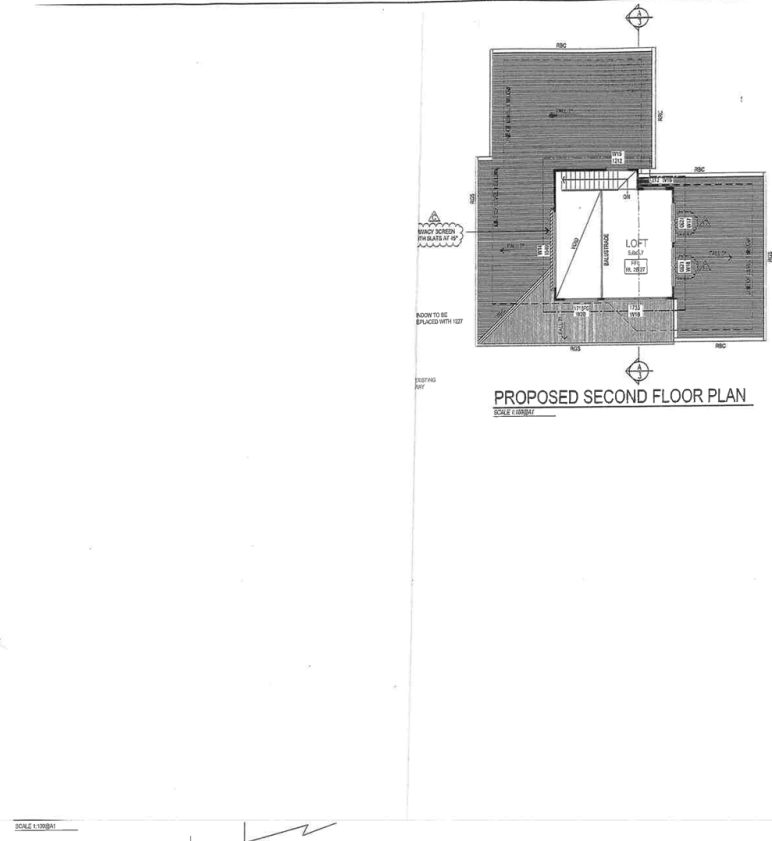


Peter G Turner

8.1 DA 2014/91 - 9 Killarney Crescent, Skennars Head.DOC



Killarney Crescent
PROPOSED SITE PLAN
SCALE 1:1000



PROPOSED SECOND FLOOR PLAN
SCALE 1:1000

PROPOSED AREA CALCULATIONS		SCHEDULE OF BASIS COMMITMENTS	
LIFE AREA	489 SQM	LIGHTING	AS PER PLAN
GROUND FLOOR (INTERNAL USE OF OPENING WALLS)	231 SQM	INSULATION REQUIREMENTS	AS PER PLAN
FIRST FLOOR (INTERNAL USE OF OPENING WALLS)	156 SQM	ROOFING	AS PER PLAN
SECOND FLOOR (INTERNAL USE OF OPENING WALLS)	102 SQM	WIND & SLIDING DOOR REQUIREMENTS	AS PER PLAN
TOTAL AREA	489 SQM	WATER REQUIREMENTS	AS PER PLAN
POOL	18 SQM	WATER REQUIREMENTS	AS PER PLAN
TOTAL BUILDING AREA	471 SQM	WATER REQUIREMENTS	AS PER PLAN
INTERNAL FLOOR AREA (EXCLUDING ALL OPENINGS)	284 SQM	WATER REQUIREMENTS	AS PER PLAN
FLOORANCE RATE	3.82%	WATER REQUIREMENTS	AS PER PLAN
TOTAL ALLOWABLE FFR	3.82%	WATER REQUIREMENTS	AS PER PLAN

TREATMENT OF EXTERNAL TIMBERS		LEGEND	
WHERE TIMBER IS USED IN AN EXTERNAL AREA AND IS IN CONTACT WITH THE GROUND OR WITH WATER, IT SHALL BE TREATED TO CLASS 4 OR 5 UNLESS OTHERWISE SPECIFIED.	WHERE TIMBER IS USED IN AN INTERNAL AREA AND IS IN CONTACT WITH WATER, IT SHALL BE TREATED TO CLASS 4 OR 5 UNLESS OTHERWISE SPECIFIED.	1. BRICKWORK	AS PER PLAN
WHERE TIMBER IS USED IN AN EXTERNAL AREA AND IS NOT IN CONTACT WITH THE GROUND OR WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	WHERE TIMBER IS USED IN AN INTERNAL AREA AND IS NOT IN CONTACT WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	2. CONCRETE	AS PER PLAN
WHERE TIMBER IS USED IN AN EXTERNAL AREA AND IS NOT IN CONTACT WITH THE GROUND OR WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	WHERE TIMBER IS USED IN AN INTERNAL AREA AND IS NOT IN CONTACT WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	3. METAL	AS PER PLAN
WHERE TIMBER IS USED IN AN EXTERNAL AREA AND IS NOT IN CONTACT WITH THE GROUND OR WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	WHERE TIMBER IS USED IN AN INTERNAL AREA AND IS NOT IN CONTACT WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	4. GLASS	AS PER PLAN
WHERE TIMBER IS USED IN AN EXTERNAL AREA AND IS NOT IN CONTACT WITH THE GROUND OR WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	WHERE TIMBER IS USED IN AN INTERNAL AREA AND IS NOT IN CONTACT WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	5. PLASTER	AS PER PLAN
WHERE TIMBER IS USED IN AN EXTERNAL AREA AND IS NOT IN CONTACT WITH THE GROUND OR WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	WHERE TIMBER IS USED IN AN INTERNAL AREA AND IS NOT IN CONTACT WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	6. RENDER	AS PER PLAN
WHERE TIMBER IS USED IN AN EXTERNAL AREA AND IS NOT IN CONTACT WITH THE GROUND OR WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	WHERE TIMBER IS USED IN AN INTERNAL AREA AND IS NOT IN CONTACT WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	7. TERRAZZO	AS PER PLAN
WHERE TIMBER IS USED IN AN EXTERNAL AREA AND IS NOT IN CONTACT WITH THE GROUND OR WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	WHERE TIMBER IS USED IN AN INTERNAL AREA AND IS NOT IN CONTACT WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	8. CARPET	AS PER PLAN
WHERE TIMBER IS USED IN AN EXTERNAL AREA AND IS NOT IN CONTACT WITH THE GROUND OR WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	WHERE TIMBER IS USED IN AN INTERNAL AREA AND IS NOT IN CONTACT WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	9. PAINT	AS PER PLAN
WHERE TIMBER IS USED IN AN EXTERNAL AREA AND IS NOT IN CONTACT WITH THE GROUND OR WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	WHERE TIMBER IS USED IN AN INTERNAL AREA AND IS NOT IN CONTACT WITH WATER, IT SHALL BE TREATED TO CLASS 2 OR 3 UNLESS OTHERWISE SPECIFIED.	10. OTHER	AS PER PLAN

REVISIONS

No.	Date	Description
A	27/02/14	Client Review
B	07/02/14	Development Application
C	13/04/14	Privacy Screen added to 311, RTF & 213 screened

STANDARDS & REQUIREMENTS

GENERAL REQUIREMENTS
Building Code of Australia & Applicable Standards Australia Codes & Publications

FLASHING & WATERPROOFING
Provide all necessary flashings and waterproofing, whether explicitly shown on these drawings or not, to prevent the ingress of water into the building and its structure. Provide waterproofing to Wet Areas to BCA requirements.

REGION 9 TERNUM CATEGORY: 2.5
TPO/SHRIMP: T1 WIND DESIGN SPEED: N4

GLAZING REQUIREMENTS:
Permissible Stove Pressure: 1500 Pascals
Permissible Water Penetration: 200 Pascals

TIMBER FRAMING:
To AS1854 & Building Code Of Australia

TENITE PROTECTION:
To AS3660 & Building Code Of Australia.
All external framing timbers shall be LOSP treated (or equivalent) to H2. All internal timber framing shall be LOSP treated (or equivalent) to K3.

LOCAL GOVERNMENT:
Compliance with all conditions of Ballina Shire Council's D.A. Consent

NOTE:
Written dimensions shall be used in preference to scaled dimensions.
The building contractor shall verify all dimensions and ground lines on site and physically locate all underground services and their location in relation to the proposed works prior to the commencement of construction.
Discrepancies shall be referred to the Building Designer before construction proceeds.
Concept, design, drawings and specifications copyright © PETER TURNER & ASSOCIATES Building Designers.

PETER TURNER & ASSOCIATES
BUILDING DESIGNERS

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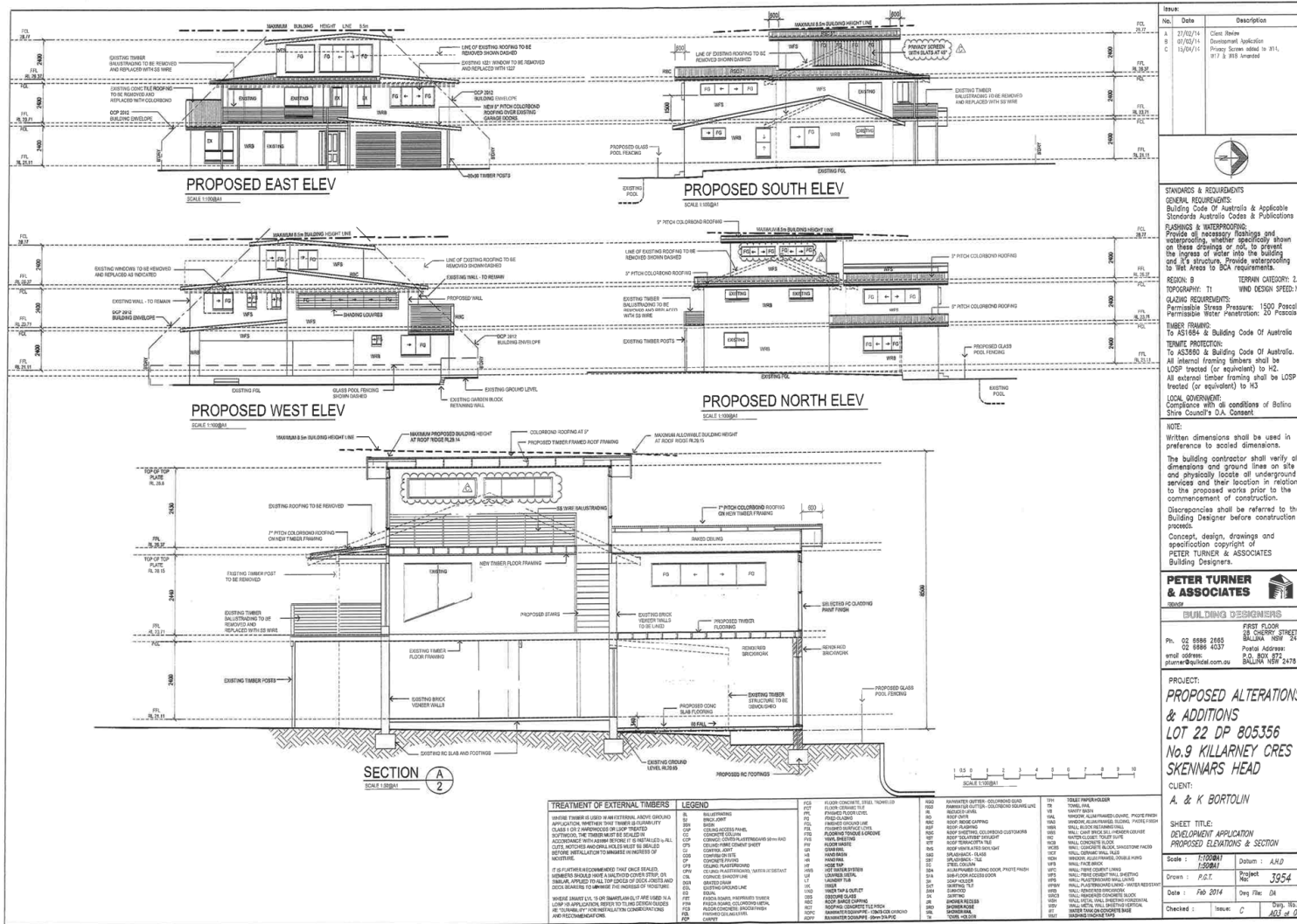
PROJECT:
PROPOSED ALTERATIONS & ADDITIONS
LOT 22 DP 805356
No.9 KILLARNEY CRES
SKENNARS HEAD

CLIENT:
A & K BORTOLINI

SHEET TITLE:
DEVELOPMENT APPLICATION
PROPOSED SITE & FLOOR PLANS

Scale: 1:1000M Datum: ANZ
Drawn: P.T.J. Checked: 3954
Date: Feb 2014 Dwg File: DA
Checked: Issue: C Dwg No: 402 of 03

8.1 DA 2014/91 - 9 Killarney Crescent, Skennars Head.DOC



No.	Date	Description
A	27/02/14	Client Review
B	07/02/14	Development Application
C	13/04/15	Private Screen added in #11, #17 & #19 omitted

STANDARDS & REQUIREMENTS

GENERAL REQUIREMENTS:
Building Code of Australia & Applicable Standards Australia Codes & Publications

FLASHINGS & WATERPROOFING:
Provide of necessary flashings and waterproofing, whether specifically shown on these drawings or not, to prevent the ingress of water into the building and its structure. Provide waterproofing to Wet Areas to BCA requirements.

SECTION 9 TOPOGRAPHY: 1:5
SECTION 10 WIND DESIGN SPEED: 14

GLAZING REQUIREMENTS:
Permissible Stress Pressure: 1500 Pascals
Permissible Wind Penetration: 20 Pascals

TIMBER FRAMING:
To AS1854 & Building Code of Australia

TERRACE PROTECTION:
To AS3660 & Building Code of Australia.
All internal framing timbers shall be LSCP treated (or equivalent) to H2.
All external timber framing shall be LSCP treated (or equivalent) to H3.

LOCAL GOVERNMENT:
Compliance with all conditions of Ballina Shire Council's D.A. Consent.

NOTE:
Written dimensions shall be used in preference to scaled dimensions.
The building contractor shall verify all dimensions and ground lines on site and physically locate all underground services and their location in relation to the proposed works prior to the commencement of construction. Discrepancies shall be referred to the Building Designer before construction proceeds.
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PETER TURNER & ASSOCIATES
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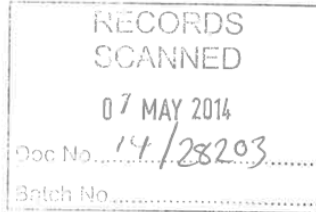
PROJECT:
PROPOSED ALTERATIONS & ADDITIONS
LOT 22 DP 805336
No.9 KILLARNEY CRES
SKENNARS HEAD

CLIENT:
A & K BORTOLINI

Scale: 1:100 (A2)
Sheet: 3954
Date: Feb 2014
Drawn by: JH
Checked by: JH

Monday 5th May, 2014.
Ballina Shire Council.
PO Box 450
Ballina. NSW 2478

Att : Bede Cooney
Re : D/A 2014/91



Dear Bede,

With regard to the proposed development application lodged by Peter Turner and Associates for Tony and Kimberley Bortolin of No 9 Killarney Crescent, please note the following issues that we have with this application.

- 1) One of the issues that we lodged with our objection to this development was that of privacy. The loft (3rd storey) will look down directly into our master bedroom. A letter dated 28th April 2014 regarding alterations the architect has chosen to make by the addition of privacy screens to the windows of the southern elevation of the loft area and changing the height of the windows on the northern elevation was forwarded to us by Ballina Shire Council.

We do not consider that by changing the window size to our side (north elevation) of the proposed loft remedies the privacy issue. If this development is approved we would like privacy screens to be installed to the windows of the northern elevation as well.

- 2) It is understood that this application will be reported to the Council Meeting of 22nd May 2014 for determination.

It is also understood that this application is also the first of its type to be lodged.

Council has prepared Draft Amendment No 3 to the Development Control Plan 2012. One of the amendments is regarding a third storey in the form of a loft. The amendment states that a 3rd storey in the form of a loft only is permitted within residential development subject to a 8.5 metre max building height subject to compliance with the following :-

- a) No more than two rooms (FOR THE PURPOSE OF A BEDROOM and/or STUDY) and a bathroom plus an internal link to the storey below ARE TO BE CONTAINED WITHIN THE LOFT SPACE and
- b) Design must ensure that the loft does not have the external appearance of a storey
- c) The maximum roof pitch is not to exceed 35 degrees; and
- d) Compliance with building envelopment controls.

This Amendment is on public exhibition until 23rd May 2014, with submissions closing on that day.

It is known locally that Tony Bortolin intends to use this loft development as an Entertaining/ Party Room. This is in complete contrast with the intentions for this type of development. No floor plans have been provided with the development application. The application is for a loft only. It appears that the architect and Tony are aware of the amendment and are rushing through this application to beat the amendment.

Council should only approve this development application subject to the loft area being used for the purposes that council intends which is as a bedroom.

- 3) Compliance with the building envelopment controls.
The building envelopment is calculated by using 1.8metres above ground level and 45 degree angle of repose from all boundaries combined with the maximum building height of 8.5 metres.

No reduced levels were taken on the property boundaries to calculate the envelope. No finished levels or dimensions have been provided on the architects drawings. I can only assume that an interpolated ground level has been used to ascertain the maximum building height of 8.5 metres.

For such a controversial development and the fact that it is the first of its kind I suggest the Council get it right prior to the commencement of any construction if approved.

Yours sincerely,
Terry and Sue Hargrave.
11 Killarney Crescent,
Skennars Head. 2478.

8.1 DA 2014/91 - 9 Killarney Crescent, Skennars Head.DOC

Acknowledged 14/18762

Ballina Shire Council.
PO Box 450
Ballina. NSW 2478

Att : Bede Cooney
Re : D/A 2014/91

RECORDS SCANNED	Friday 14 th March, 2014.
24 MAR 2014	
Doc No: 14/18638	
Batch No:	

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Dear Bede,

We are Sue and Terry Hargrave of No 11 Killarney Crescent, Skennars Head. It has come to our attention that Tony and Kimberley Bortolin of No 9 Killarney Crescent have lodged a development application to renovate and alter their residence.

We would like to raise the following objections to the proposed development:

- 1) We do not agree with the second storey (loft). It is in affect a 3rd storey. We understand that there is a Building Code limiting the height of residences but fail to understand where the designer has based his assumptions to design this development. There appears to be no consideration for the building envelope to the front boundary and by simple calculations $1.8 + 6.0 = 7.8$ this is considerably less than the 8.5 proposed building height. Using existing ground levels the proposed loft fails to comply with the building envelopment.

The planned loft has windows on all sides and will look down into our master bedroom and ensuite. We consider this development would be an invasion of our privacy as well to all surrounding properties.

The allowance to create what is basically a 3rd level is not in keeping with the general aesthetics of the neighbouring properties and will set a precedence for future non conforming developments.

The area in which this development is located is subject to extremes of weather, especially strong winds. The development would create additional wind channelling between our residences. The existing structure is of project home construction and if this development is to proceed then it should be suitably engineered to withstand these elements.

- 2) The proposed skillion roof over the existing garage doors will encroach into the 6 metre building setback alignment. The design of the subdivision in this general location was created so that people who paid a premium for their land were afforded the opportunity of some ocean view. By allowing any encroachment would set precedence for continued encroachment into the designed building alignment. This proposed structure serves minimal purpose. The design could easily be changed to comply with the correct alignment.
- 3) The original building standards set percentages and types of materials to be used for construction and these appeared to not have been adhered to.

- 4) The designed pitch for the roof appears to have been reduced to the absolute minimum for this development to try to comply with the 8.5 metre height. The proposed East Elevation clearly shows the finished ceiling height on the LHS as being above the roof. Using the existing ground level and correct building room heights it is impossible for this development to comply with the 8.5 height limit. If this development is to proceed a survey should be carried out during construction and if it does not comply (as I expect it physically can not) then the loft construction should not proceed.

No donations or gifts have been made to Ballina Council or any of its employees.

Yours sincerely,
Terry and Sue Hargrave.
11 Killarney Crescent,
Skennars Head. 2478.

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21th March 2014
Ballina Shire Council
Mr Bede Cooney



Dear Mr Cooney,
Re: DA 2014/91

This letter represents my concerns relating to DA 2014/91.

Our property is 5 Killarney Crescent, and is 20 metres from the proposed development. My concern is over two matters.

Firstly, the proposed second storey loft will/could significantly impact upon our privacy. It would seem that our pool and deck area will be in direct line of sight of the development, and consequently, the natural enjoyment of this area of our home will/may be reduced.

I note that the Ballina Development Control Plan 2012, Chapter 4, page 9, states:

For dwellings comprising more than 2 levels, Council will have particular regard for the impact of the dwelling on privacy and overshadowing of nearby properties.

My second area of concern relates to the general good design and appearance of the building and its compatibility with other homes in Killarney Crescent. The building will be the first 3 level house in Killarney Crescent. This will be a precedent and I note that the Ballina Development Control Plan, Chapter 4, page 4, Planning Objectives, states:

...ensure that development is compatible with local landscape amenity and character.

It would seem, that this DA fails the objectives of DCP 2012, and I trust will be rejected/modified accordingly.

I declare that neither myself nor my family have ever made a gift or financial benefit to a Ballina Shire councillor or staff member.

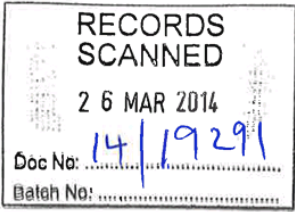
Regards

Stephen McIlhatton



2

Sally and Forfar Petrie
6 Waterford Parade
Skennars Head 2478
NSW



24th March, 2014

Mr Bede Cooney
Ballina Shire Council
Cherry Street
Ballina 2478

Re DA 2014/91

Our grounds for objection to the development application are it is incompatible with the character of the locality, and has the potential to have an adverse impact on existing properties. The southern and western windows will severely impact on our visual privacy.

The development is in an established housing estate where the original covenants included height restrictions to allow maximum enjoyment of the landscape and scenic quality of the locality for the majority of home owners. This included the first row of houses overlooking the main reserve/beach (at the southern end) to be limited to a single storey height.

Allowing this development will set a precedent for other homes to increase their heights to maximise view to the detriment of neighbours and existing homes. These are established, owner occupied homes, designed to the covenant requirements at the time of building. Allowing significant changes to one, will have a potential resounding adverse effect on many.

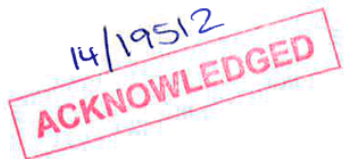
Secondly, the psycho-social impact of allowing this development has the potential to create disharmony and conflict within our community. The majority of homes are owner occupied and the expectation is to remain in the locality in the long term. Neighbourhood relationships are an important element in maintaining a healthy community and we feel that allowing this development application will have the potential to adversely impact on the security and harmony that has been built up in the area over the past twenty years.

The southern and western windows, from such an elevated height position, will impinge on our visual privacy. Current housing height restrictions have negated this unnecessary invasion of our privacy by existing neighbours.

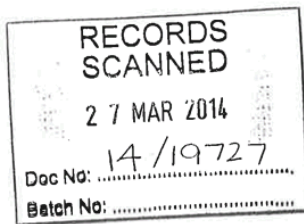
We strongly object to this development application, and in particular raising the height from the previous level restriction under which existing homes in the locality have complied.

Yours sincerely

Sally and Forfar Petrie



Bede
5



Ross and Jan CORDERY
1/16 Killarney Crescent
Skennars Head 2478

Ballina Shire Council.

17th March 2012

Mr Bede Cooney

Re DA – 2014/91 – 9 Killarney Crescent - Skennars Head for Bortolin

Dear Mr Cooney,

We strongly oppose the proposed **3 level proposed addition** to the above residence.

This Development Application if passed by Council, has the potential to impact upon every homeowner in The Headlands Estate also elsewhere within Residential Estates in the Ballina Shire.

A precedent will have been set allowing these types of developments to take place.

1 - Overlooking and Privacy (see BSC _ DCP 2012 page 18)

- Privacy issues will result, in this case not only with the adjoining neighbours on Killarney Crescent, but will also impact upon the neighbours to the back of the property and across the Street. **A room at this height will look overlook**, surrounding homes and their yards, gardens, pools and outdoor entertaining areas, causing privacy issues for surrounding neighbours.

2 - Compatible with the bulk, scale and character of the locality

(see DCP 2012 – page 7)

- This development will not be in keeping with the neighbouring homes and the overall character of this existing established Estate. It will visually impact upon the adjoining properties and the Streetscape of this established community. **These new rules may work in a new estate but not an established area such as The Headlands or other established residential areas.**

3 - This development is of a contentious nature.

- We feel that due to the contentious nature of this development, that the DA. should have been advertised by Council so that every homeowner within the Estate was aware what has been proposed and could lodge a objection if they chose.
- **The majority of home-owners have not been given the information to make an informed opinion. In fact not even aware this type of development may take place with-in the Estate. It seems Council made that decision, not requiring input from the neighbourhood**

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- We only became aware of the proposed DA when speaking to one of direct neighbours who had received a letter from Council.
- Since then we have been speaking to many homeowners with-in the Headlands Estate, people are astounded that this type of addition could be built. No one seems to like the idea of their next-door neighbour could be able to build another level on top of their 2 storey home and the impact this new addition would have on their privacy and lifestyle.
- Surrounding homeowners directly related to this new addition **are not aware this DA proposal had been lodged** and the fact that their privacy will be violated by this development,
- Another concern that has arisen is the effect of how a development of this nature would affect the sale price of your property. Due to the lack of privacy it would cause within your house and property, potential buyers may be put off.

Future Developments

If passed it will set a precedent for this type of development. We as home- owners don't wish to see 3 level developments popping up next door or in our surrounding area. Impinging upon our privacy within our homes and property and at times our view.

Questions regarding the actual information supplied in Development Application.

It is very unclear if survey points have been taken from natural ground level.

On numerous occasions the abbreviation **FGL** has been used which means ground level after the completion of excavation and earthworks. Does this indicate this measurement has been taken from existing fill height and not original ground level as required?

This development is just scraping in as shown in the submitted plans.

We request a proper contour plan be supplied, showing natural ground level at least at the 4 corners of the new development at the boundary points.

The reason for this is to show clearly the 1800mm vertical measurement then the 45% angle that is taken from that, is from the point of original ground level and that none of the proposed addition is encroaching on the building envelope and is not over the 8.5m level at any point.

We request this because the submitted western and southern elevations are misleading as western elevation n/west corner ground level is quite different to s/west corner ground level and unless correct ground levels are supplied the building envelope could change dramatically.

Ross Cordery



Janelle Cordery

