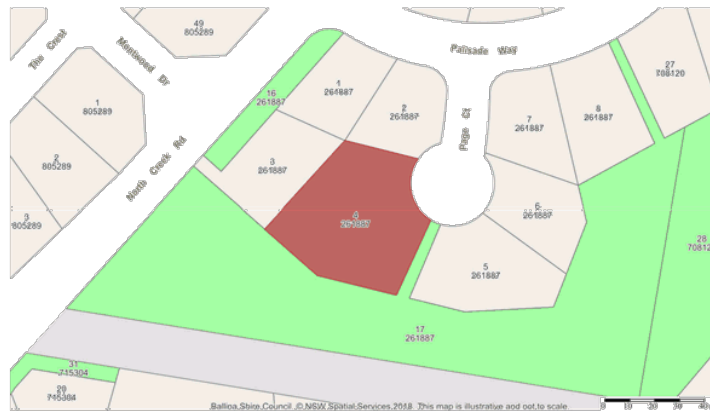




## DAP Assessment Report

<b>File Reference</b>	DA: 2018/189
<b>Applicant</b>	Mr W R Millar
<b>Property</b>	Lot: 4 DP: 261887, 4 Page Court LENNOX HEAD
<b>Proposal</b>	Shed as depicted in plans by Northern Rivers Sheds lodged with Council on 30 September 2018
<b>Effect of Planning Instrument</b>	The land is Zoned R2 Low Density Residential under the provisions of the Ballina Local Environmental Plan (BLEP) and affected by Development Control Plan (DCP) 2012
<b>Locality Plan</b>	The subject land is depicted on the locality plan and aerial image below.



The application is for a steel framed metal clad storage shed located on a residential lot at the end of a cul-de-sac. The walls and roof colour were specified as colorbond windspray.

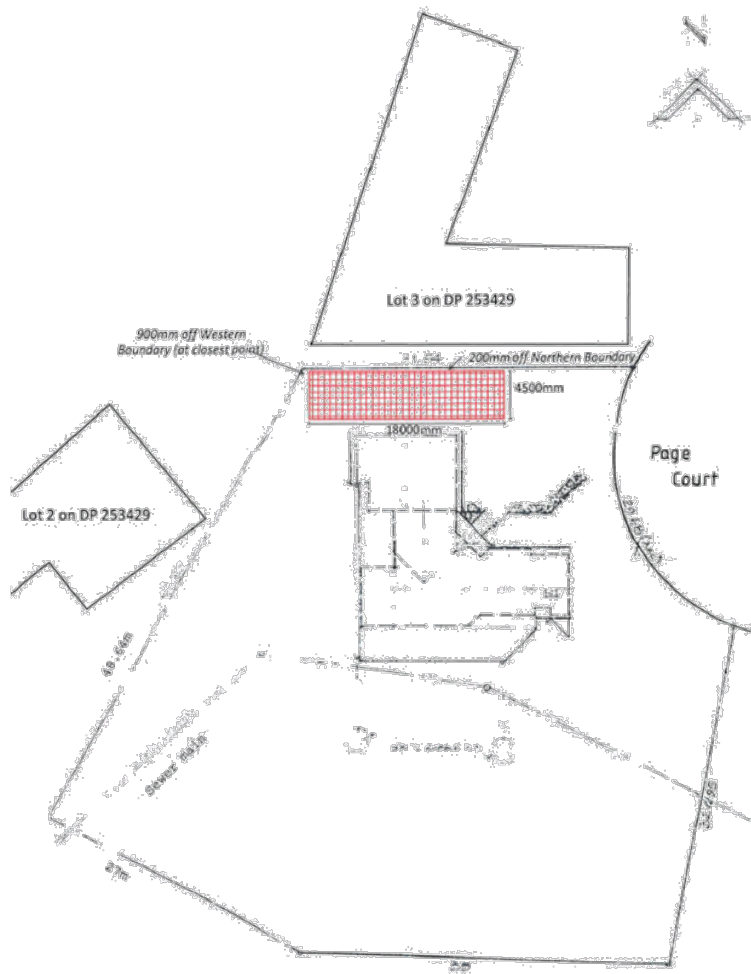
The lot has an area of 2,611m<sup>2</sup>. It has a relatively level section on the northern portion of the land where the existing dwelling is located. The land then slopes toward the south.

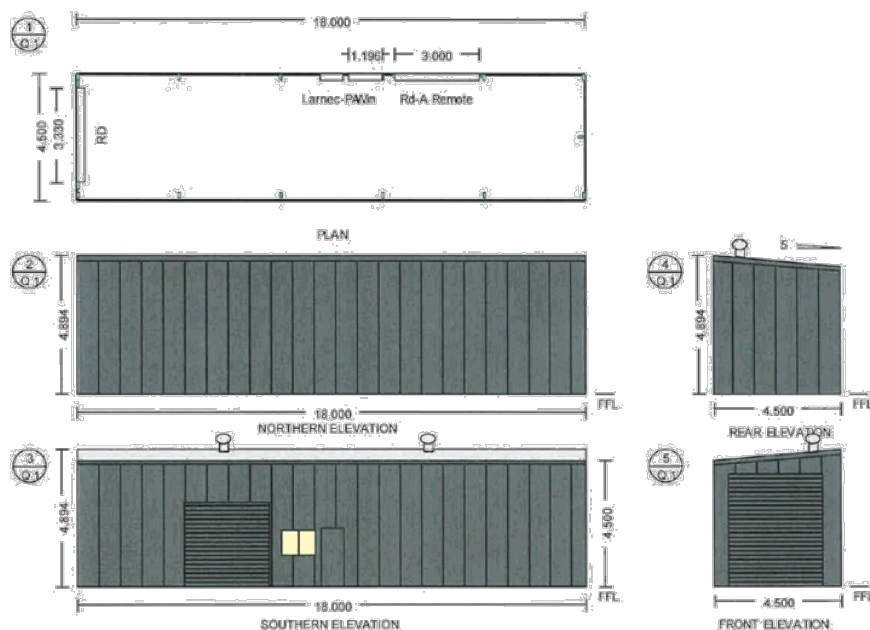
There are residential dwellings on the adjoining lots to the north and west. An access way separates the nearest residential building to the east.

The adjoining land to the south is urban bushland and is classified as bushfire prone land.

The application was originally for a shed that was 18.0m long x 4.5m wide x 4.894m high located 0.2m of the northern boundary as shown below:

**Site Plan - New Shed**





**Reportable political donations**

There are no known political donations.

**Public exhibition and relevant objector details:**

The proposed development was notified in accordance with the Level 1 – Targeted Notification process as described in Clause 3.2.4 of Chapter 1 of the DCP. This notification included only the three properties that have an adjoining boundary being those to the west, north-west and north.

The 14 day notification period ended on 15 May 2018

One submission in objection was received from the owner of the adjoining property to the north.

Following the objection and discussions with the applicant, the applicant amended the application to have the building setback from the northern boundary increased to 0.9m.

**Applicable Planning Instruments:**

**Ballina Local Environmental Plan 2012**

The land is zoned R2 Low Density Residential under the BLEP. The proposed shed is associated with an existing dwelling on the lot and is therefore permissible within this zone.

**Ballina Shire Development Control Plan 2012**

The proposed development is also subject to assessment against the provisions of the DCP.

There are no environment issues within Chapter 2 of the DCP that would prevent the development proceeding.

The proposal is approximately 42m from vegetation mapped as bushfire prone land. If approved, conditions would be applied for non-combustible construction and ember protection to meet the bushfire construction provisions of Australian Standard AS 3959.

**Issues raised by objections / issues of non-compliance:**

- Loss of view and breeze as a result of the height and small side setback
- Bulk and scale not consistent with residential development
- Cladding materials not consistent with residential development
- Devaluation of property value

**DCP Chapter 4**

Chapter 4 of the DCP provides the most guidance on the applicable development controls and objectives.

**Loss of Views and Breeze - Element C - Building Envelopes**

The 4 step approach as described in the planning principle from *Tenacity Consulting vs Warringah Council* has been used to assess this issue.

**Step 1 – Assess the views**

The current view from the objector's property contains views over and past and the adjoining dwelling to the south of open vegetation. There are also and southeast and eastern ocean views to the east.

**Step 2 – Consider where the views are obtained from**

Views to the south and southeast are available from the first floor south western balcony and living areas and to a lesser extent from the lower floor bedrooms. The first floor western balcony views are available from a sitting and standing positions.

The uninterrupted ocean views are available from the eastern balcony and eastern living areas from both sitting and standing positions.

**Step 3 - Consider the extent of the impact**

The predominant and most valuable viewing aspect from the objector's property is to the east. These views will not be affected by the proposed building.

The views to the south and southeast from the western balcony and western living areas are less valuable and the existing dwelling partially obstructs these views at present.

If the proposed building was to be constructed, views from the western balcony and western living area, parts of the kitchen and lower floor bedrooms would be totally lost.

**Step 4 - Assess the reasonableness of the proposal**

The building as proposed is not within the building envelope controls of the DCP and the contravention is considerable in both height and length. As such it is considered that the substantial view loss as result of a non-compliant design is unreasonable.

Although there is no specific evidence in the objector's submission to support the claim that the development will reduce breezes to their property, the height, length and proximity of the proposed building indicates this is likely.

It would be unreasonable to expect that views would be maintained from the ground floor bedrooms of the objector's property with any development to the subject site.

**Bulk and Scale - Element C - Building Envelopes**

The main planning controls in relation to bulk and scale are building height and building envelopes.

The building is well below the maximum permitted building height. However, the roof of the proposed building is substantially higher than a design that would comply with the building envelope controls. For a building located 0.9m off the boundary line the permitted height at the wall/roof junction is 2.8m. The proposed design has a height at the wall roof junction of 4.894m and is approximately level with the verandah beam (almost to the fascia level) at the first floor of the objector's property

The contraventions to the building envelope, particularly on the northern elevation, add to the bulk and scale when viewed from the adjoining property. In addition to this there is no articulation in the extensive length of the northern wall of the proposed building to break up its appearance.

**Cladding materials**

Other buildings in the cul-de-sac visible from the street are of a variety of styles consisting of older original buildings interspersed with buildings of more modern and varied materials. None of these properties have large sheds of this nature that are visually prominent when viewed from the street.

The use of colorbond materials is not inconsistent with many sheds that have been approved in residential areas.

**Devaluation of property**

Although there is no documented evidence to support the objector's claim of diminished property value or the extent of any devaluation, it is possible that adverse impacts on the existing views and amenity as result of the proposed building could impact on the property value or ability to attract prospective buyers.

**Conclusion:**

One of the main building envelope objectives is to 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 unreasonably obstructing views.

There is no doubt that views from the objector's property will be lost. This is a direct result of the combination of the height of the building and setback from the boundary that result in the DCP building envelope controls being exceeded.

In addition to this, new buildings are to achieve varied and interesting streetscapes and good orientation of residential developments with regard to neighbouring development.

The location and height of the proposed building in combination with the minimum side setback, lack of articulation on the wall that faces the adjoining property and prominence when viewed from the street is considered to be poor in terms of orientation and inconsistent with the existing streetscape.

The proposed building height and location of the building forward of the existing garage will make the building a prominent feature when viewed from the street. As such, the appearance of the building is not consistent with other buildings in the streetscape.

Residential allotments require good design in order to accommodate buildings for the parking of recreational vehicles of this size. Although such buildings are approved for this purpose,

their height and location generally have a much lesser impact on adjoining properties and the streetscape.

Moving the proposed building forward on the allotment to reduce the impact on the rear living areas of the objector's property would further adversely impact on the streetscape.

The size, configuration and location of the proposed building are not compatible with the bulk, scale and character of the locality.

The proposed building will adversely affect the adjoining property and streetscape through design elements that are not compliant with the DCP controls and objectives.

The development lot is large in size, and although much of it is sloping land, other design alternatives could be considered that would have lesser impacts.

#### **DAP Assessment**

The DAP considered the original proposal on 12 June 2018 and the three options as outlined below.

##### **Option 1**

Approve the application as submitted.

##### **Option 2**

Refuse the application on the grounds that it does not comply with the building envelope controls and objectives of the DCP. This results in an unreasonable adverse impact on the adjoining property and the streetscape.

Approval of this building that does not meet the DCP objectives is not in the public interest as it could lead to erosion of the design objectives established for the benefit of the community.

##### **Option 3**

Provide the applicant with a final opportunity to amend the design to minimise the impacts described in the report. Should the applicant choose not to significantly alter the building by reducing the height and length substantially and altering the setback and/or location to a less prominent position, it would then be recommended to the Group Manager for refusal.

#### **Minutes of (DAP) meeting dated 12 June 2018.**

**DAP members present at meeting:** David Tyler, Cathryn Wilson and Sue Blakey

The panel met on site and discussed the content of the report including the issues regarding the impact on the adjoining residential property from view loss and the bulk and scale of the proposed structure and also its impact on the streetscape.

It was agreed that the proposal had an adverse effect on the adjoining property through loss of views, the structure's large size and proximity to the boundary. It was also agreed that the bulk and scale of the proposed structure would have an adverse impact on the streetscape.

Due to the large size of the property, the panel was of the view that other design and location options would be available that would lessen the structure's impact.

The panel agreed to recommend Option 3.

**Amended Designs**

Since the DAP meeting several discussions have been had with the applicant and a number of design options have been put forward including:

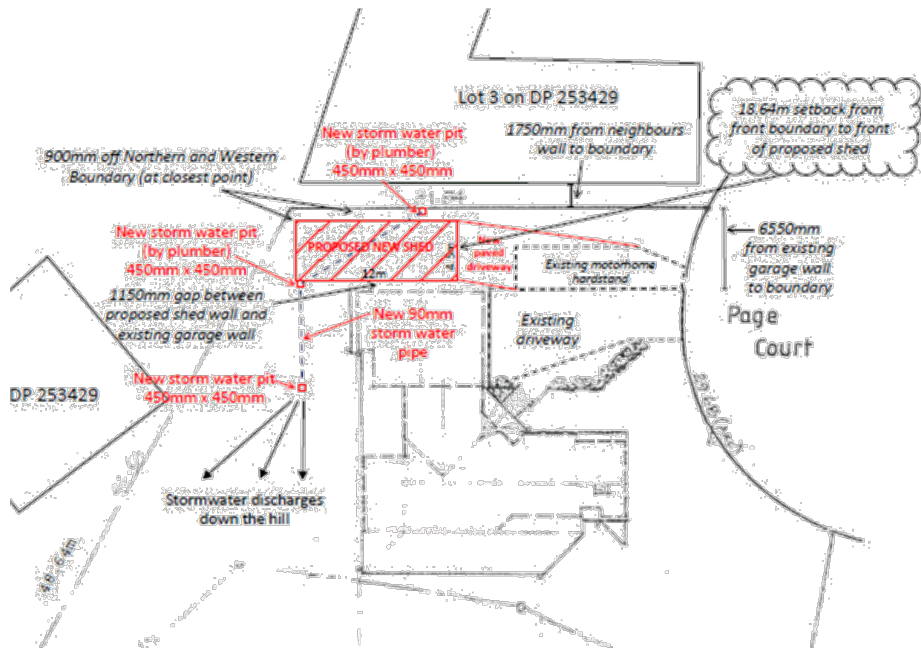
- A reduction in the length of the shed to 10m on the northern boundary and adding an angled section to the western end of the shed and inclusion of two shade sails. One in front of the shed and the other in front of the existing garage.
- Deletion of the shade sail in front of the garage and changing the other to a curved carport in front of the shed.
- Changing the curved carport to a flat roof design carport in front of the shed.
- Changing the flat roof carport to a gable roof carport attached to the front of the shed.

An additional onsite meeting included further assessment of the building height with the use of a height pole. The image below indicates the height of the roof of the carport at the ridge line and wall line. During this meeting and inspection with the applicant it was suggested to the applicant that proceeding with this design would likely result in it being recommended for refusal and that in order to more fully depict the proposed development additional scaled elevation drawings that include the existing buildings would need to be provided.

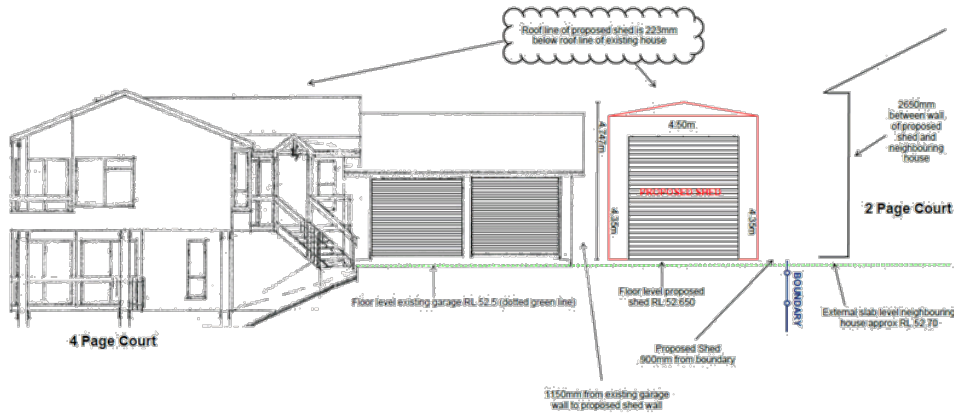


- Changing the design to a 12m long shed with no carports or shade structures and the deletion of the angled section on the western end of the shed. This final design and elevations are shown below.

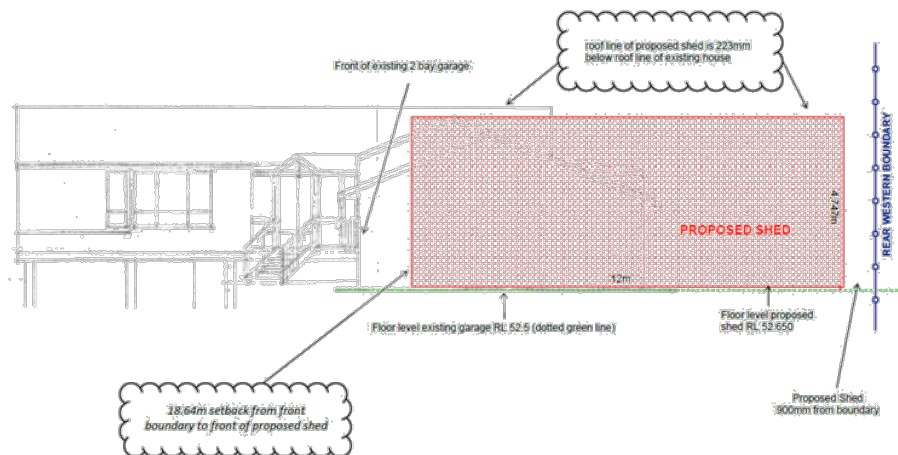




**Eastern Elevation - Detached Shed, 4 Page Court**





**Northern Elevation - Detached Shed, 4 Page Court**

While the applicant has suggested that Council staff have encouraged and recommended some of these design options this is not entirely correct. Council staff have discussed a number of options with the applicant that have also included a large shed for the motor home and a smaller shed for the other vehicles and items and also the possibility of utilising an off-site storage shed. It was also suggested that another option would be to reduce the shed length to 8m to 9m that would still permit the parking of the motor home it.

It has always been the applicant's choice as to what has been proposed.

**Assessment of Amended Designs**

It appears that the residents of Page Court are not opposed to the appearance of the shed (as redesigned) in the streetscape as no objections have been received from landowners other than the immediate neighbour to the north. As the shed is proposed to be located in a recessed portion of a lot located in the end of the cul-de-sac and it is acceptable to those residents most likely to view it from the street, in this instance, its impact on the streetscape is considered to be acceptable.

The original objector still has issues with this design in regards to the adverse impact on his property including impacts on light and ventilation and devaluation of their property.

The objector has also suggested that the drawing scale used in the submitted plans is not accurate and does not provide a true indication of the impact of the proposal. The scale has been checked and is considered to be reasonably accurate with the discrepancies possibly due to the submitted documents being reproductions of the original drawings.

Although the objector is strongly opposed to a 12m long shed they would be receptive of an 8m to 9m long shed as this would bring the shed back sufficiently not to entirely obstruct the view from the rear balcony and one ground floor bedroom window of the objector's property. An image of the balcony is included below.

At present, the proposed design would entirely obstruct all three bays or the objector's rear balcony and also affect the living area that adjoins the balcony. A reduction in the shed as suggested would only obscure the two western most bays of the balcony and provide at least some view from a portion of the balcony and the adjoining living area.



The applicant believes the length of the shed is crucial to the use of their land for the storage of all of their vehicles for their desired purposes and that the application cannot be determined by Council based on Council's interpretation of their needs.

As justification for approval of the shed, the applicant has also referred to a recent approval of a shed at 255 North Creek Road Lennox Head. However, unlike the low density residential zone applicable in this case, the land at 255 North Creek Road is a rural zoned land parcel.

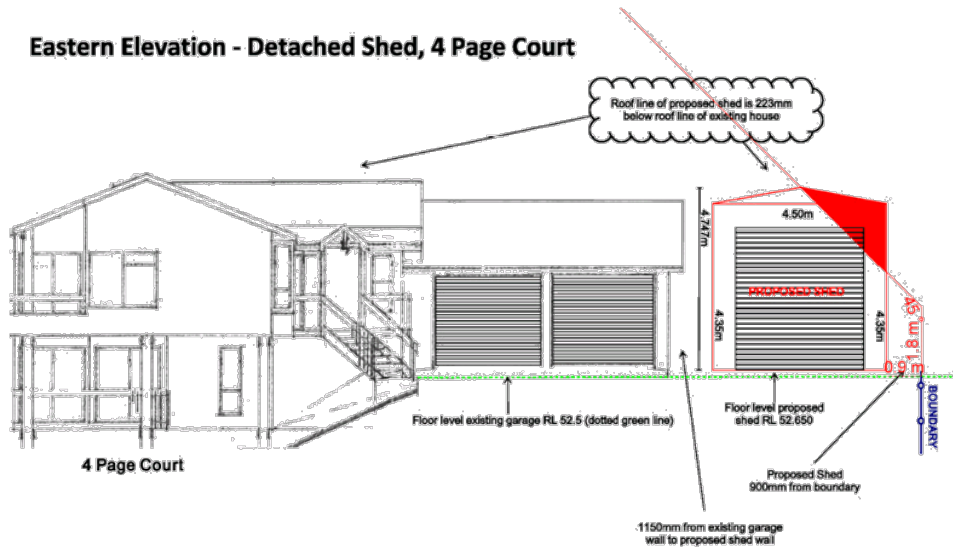
It should also be noted that some of the objectives of the R2 Low Density Residential zone are to permit development that provides for the housing needs of the community and to enable other land uses that provide facilities or services to meet the day to day needs of residents.

Section 4.15 of the Act requires the determining authority to consider the likely impacts of development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality as well as the suitability of the site for the development.

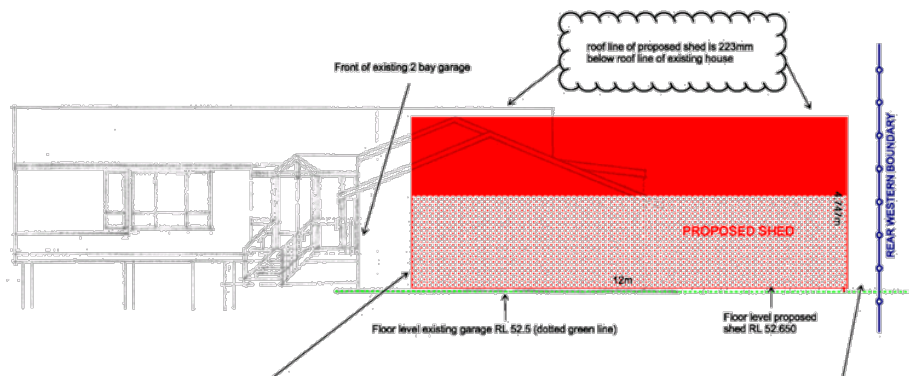
While storage sheds are common and frequently approved as being ancillary to the residential use of the land such sheds are to be sized, designed and located to minimise or adverse impacts on other properties.

The proposed design has significant departures from the building envelope as shown by the dark red sections overlayed on the plans below. This is exacerbated by the length of the structure. It is the departure from the building height plane provisions of the DCP and the extent of this departure that are the primary issues of concern in relation to the suitability of the proposed development and impacts on the adjoining property.

**Eastern Elevation - Detached Shed, 4 Page Court**



**Northern Elevation - Detached Shed, 4 Page Court**



One of the objectives of the building envelope provisions is to minimise adverse impacts on the existing or future amenity of adjoining properties. In this instance it is considered that the impact on the adjoining property to the north is too great and that this impact could be substantially reduced by an alternative design.

It is recommended that the application be refused in accordance with Option 2 of the original DAP assessment being:

**Option 2**

Refuse the application on the grounds that it does not comply with the building envelope controls and objectives of the DCP. This results in an unreasonable adverse impact on the adjoining property.

Approval of this building that does not meet the DCP objectives is not in the public interest as it could lead to erosion of the DCP design objectives established for the benefit of the community.

**Minutes of (DAP) meeting dated 18 October 2018.**

**DAP members present at meeting:** David Tyler, Cathryn Wilson and Vince Hunt (Sue Blakey not available).

The panel members discussed the content of the report and the proposed amended design and agreed that the adverse impact on the adjoining property as a result of the bulk and scale of the building close to the boundary and impacts on solar access is unreasonable. It was also agreed that the unreasonable impact is a result of the proposed building having a significant non-compliance with the building envelope provisions of the DCP.

**DAP Recommendation:**

Refuse the application in accordance with Option 2 of the report as amended above.

**STATEMENT OF REASONS FOR REFUSAL OF APPLICATION**

1. It has been determined that the location, bulk and scale of the development is likely to have an unreasonable adverse impact on the amenity of the adjoining property.
2. The development does not meet the objectives of the Building Envelope provisions of the Ballina Shire Development Control Plan 2012.
3. Approval of the development is not in the public interest as it could lead to the erosion of the planning objectives and controls that have been established for the benefit of the community.

**DAP Members**

David Tyler

Cathryn Wilson

Vince Hunt

**Group Manager/ Comments/ Recommendations/ Endorsement**

Option 2 to refuse the development application is endorsed on the basis of the reasons outlined in this report.

**Matthew Wood**

**Dated: 22 October 2018.**

**General Manager endorsement where applicable/ required**  
Not applicable



abn: 56 291 496 553  
6 Porter Street, Byron Bay, NSW, 2481  
PO Box 538, Lennox Head, NSW, 2478  
Telephone: 1300 66 00 87

6 November 2018  
Our reference: 1650.2645

The General Manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

Email: council@ballina.nsw.gov.au

Dear Sir

**RE: Environmental Planning and Assessment Act 1979 Section 8.3 Review  
4 Page Court, Lennox Head – DA 2018/189**

PLANNERS NORTH has been engaged by Mr W R Millar to prepare and lodge with Council a review request pursuant to the Environmental Planning and Assessment Act - Section 8.3. Authority from the landowner permitting PLANNERS NORTH to lodge this request is attached as **Annexure A**.

**1. PREAMBLE**

By notice of Determination of a Development Application dated 22 October 2018 Council refused DA 2018/189, an application by Mr W R Millar concerning Lot 4, DP 261887, 4 Page Court Lennox Head. The proposal was for the erection of a storage shed associated with the residential use of the property.

The reasons for the decision were as follows:

- 1 It has been determined that the location, bulk and scale of the development is likely to have an unreasonable adverse impact on the amenity of the adjoining property.
- 2 The development does not meet the objectives of the Building Envelope provisions of the Ballina Shire Development Control Plan 2012.
- 3 Approval of the development is not in the public interest as it could lead to the erosion of the planning objectives and controls that have been established for the benefit of the community.

Mr Millar seeks review of that decision, pursuant to Section 8.3 of the Environmental Planning and Assessment Act 1979 and submits an updated design to facilitate reconsideration of the matter. The updated plans are attached at **Appendix B**.

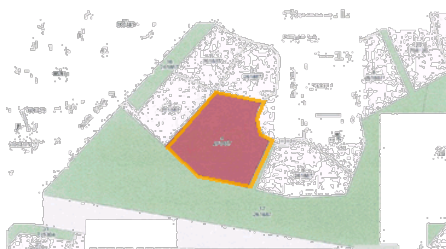
**2. BACKGROUND**

The background to this matter is summarised as follows:

1. DA 2018/189 was lodged on 30 September 2018.
2. The land is Zoned R2 Low Density Residential under the provisions of the Ballina Local Environmental Plan 2012 (BLEP12) and affected by Ballina Development Control Plan 2012 (BDCP12).
3. The subject land is depicted on the locality plan and aerial image below.







Cadastral view of subject site



Aerial photographic view of subject site

4. The application was for a steel framed metal clad storage shed located on a residential lot at the extremity of the cul-de-sac known as Page Court. The walls and roof colour were specified as "colorbond windspray".
5. The lot has an area of 2,611m<sup>2</sup>. It has a relatively level section on the northern portion of the land where the existing dwelling is located. The land then slopes toward the south.
6. There are residential dwellings on the adjoining lots to the north and west. An access way separates the subject land from the residential building to the east.
7. The adjoining land to the south is urban bushland and is classified as bushfire prone land.
8. There are no environment issues associated with the land or development that would prevent the development proceeding.
9. The proposed development was notified in accordance with the Level 1 - Targeted Notification process as described in Clause 3.2.4 of Chapter 1 of the BDCP12. The 14 day notification period ended on 15 May 2018.
10. One submission in objection was received from the owner of the adjoining property to the north. Issues raised by objections/ issues of non-compliance:
  - Loss of view and breeze as a result of the height and small side setback;
  - Bulk and scale not consistent with residential development;
  - Cladding materials not consistent with residential development; and
  - Devaluation of property value.

### 3. UPDATED DESIGN

Plans accompanying this request are provided at **Annexure B**. The updated design provides for a shed structure 4.747m (h) x 4.5(w) and 18m(l). The front opening is 2m x 3.1m in size. The structure is just sufficient in size to accommodate the recreational vehicles and personal materials of the proprietor.

The building height and shaped to strictly conform with the requirements of Council's building height plane. The proposal provides for a site floor space ratio of about 0.15:1; a maximum height of 4.747m; and a building line of 8m.

### 4. BLEP12 & BDCP 12

Chapter 4 of the BDCP12 provides guidance concerning applicable development controls and objectives.

#### 4.1 LOSS OF VIEWS AND BREEZE - ELEMENT C - BUILDING ENVELOPES

The "4 step approach" is applicable to the assessment of this issue.

##### Step 1 - Assess the views

The current view from the objector's property contains views over and past the adjoining dwelling to the south of open vegetation. There are also a southeast and eastern ocean views to the east.

Step 2 - Consider where the views are obtained from

Views to the south and southeast are available from the first floor south western balcony and living areas and to a lesser extent from the lower floor bedrooms. The first floor western balcony views are available from a sitting and standing positions.

The uninterrupted ocean views are available from the eastern balcony and eastern living areas from both sitting and standing positions.

Step 3 - Consider the extent of the impact

The predominant and most valuable viewing aspect from the objector's property is to the east. These views will not be affected by the proposed building.

The views to the south and southeast from the western balcony and western living areas are less valuable and the existing dwelling partially obstructs these views at present.

If the proposed building was to be constructed, views from the western balcony and western living area, parts of the kitchen and lower floor bedrooms would be lost.

Step 4 – Reasonableness of Proposal

The Court has opined *"with a complying development, the question should be asked whether skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the neighbour's views. If the answer to that question is "no", then the view impact of complying development would probably be considered acceptable and the view-sharing reasonable"*.

In the subject circumstances, the size of the facility proposed by Mr. Miller is just sufficient to accommodate his private personal assets and the building is located in complete conformity with all of the BLEP12 and BDCP12 standards. Accordingly, the proposal is considered acceptable from view-sharing perspective.

**4.2 LOCATION AND SITING IN THE SUBJECT LOCALITY**

The BDCP12 specified building line is 6m. The proposal provides for a building line of 10m at the proposed structure- well in excess of that prescribed by the DCP.

**4.3 BULK AND SCALE - ELEMENT C - BUILDING ENVELOPES**

The key planning controls in relation to bulk and scale are building height, building envelopes and floor space ratio considerations are:

- The proposed building is well below the maximum permitted building height of 8.5m;
- There are no contraventions to the BDCP12 Building Envelope; and
- The floor space ratio is 0.15:1, well under the 0.5:1 allowable ratio.

**4.4 CLADDING MATERIALS**

Other buildings in the cul-de-sac visible from the street are of a variety of styles consisting of older original buildings interspersed with buildings of more modern and varied materials. None of these properties have large sheds.

The use of colorbond materials is not inconsistent with a number of sheds that have been approved in residential areas in the locality.

**4.5 DEVALUATION OF PROPERTY**

There is no documented evidence to support the objector's claim of diminished property value or the extent of any devaluation.

**4.6 BLEP12 & BDCP12 CONCLUSIONS**

There are 4 main controls applicable to development in the subject locality. They are height, building line, floor space ratio and building envelope. The proposal is consistent with all relevant development standards.

Some views from the objector's property will be lost. Having regard to the principles set out in *Tenacity Consulting v Warringah Council* the loss of views in the subject circumstances is reasonable.

The proposed building height and location of the building forward of the existing garage will make the building a prominent feature when viewed from the street. That said, the character and appearance of the building is not inconsistent with the very "eclectic" character of the existing streetscape and the height and building line are in conformity with the relevant Council standards.

**5. CONCLUSIONS**

It appears that generally the residents of Page Court are not opposed to the appearance of the shed in the streetscape as no objections have been received from landowners other than the immediate neighbour to the north.

We would anticipate that the original objector may still have issues with this upgraded design in regards to the adverse impact on his property. That said, the reasonable expectations of an adjoining owner are defined by the key development standards set out in Council's Local Environmental Plan and Development Control Plan. It is a reasonable expectation of part of an applicant to obtain conditional development consent if one generally complies with those standards.

Should you require any additional information or wish to clarify any matter raised by this review request, please feel free to contact the writer at any time.

Yours faithfully,

**PLANNERS NORTH**



**Stephen Connelly RPIA (Fellow)**

PARTNERSHIP PRINCIPAL

(m) 0419 237 982

(e) [steve@plannersnorth.com.au](mailto:steve@plannersnorth.com.au)



REVIEW OF DA 2018/189  
APPENDICES

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**APPENDIX A**

Landowner Authority



**LAND OWNER AUTHORITY****TO WHOM IT MAY CONCERN**

This is to advise that PLANNERS NORTH abn: 56 291 496 553 has been engaged by:

Client Name:	Wayne and Ari Millar Millar Properties Pty Ltd ATF The Millar Properties Family Trust		
Client Address:	4 Page Court, Lennox Head, 2478		
Dated:	29/10/18		
in respect to land described as:			
No:	4		Page Court,
Locality/Suburb:	Lennox Head, 2478		
Real Property Description:	Lot 4/-/DP261887		

The owner of the abovementioned land hereby authorises PLANNERS NORTH or its agents to:

1. Inspect Records
2. Carry out searches and site inspections
3. Take Site Samples
4. Lodge applications, objections or appeals

*NSW Government has strict disclosure requirements relating to political donations and gifts. Please refer to the website for details: [www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Systems/Donations-and-Gift-Disclosure](http://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Systems/Donations-and-Gift-Disclosure). Basically, persons lodging a Development Application are required to declare reportable political donations made in the previous two years. It is an offence to fail to make any necessary declaration.*

*Also, can you please undertake to let us know immediately if the political donation situation changes for persons or companies associated with the subject land.*

Signing below confirms I/we or anyone else associated with the property has no political donations to report

Signed:

\_\_\_\_\_  
Ronald Wayne Millar – Sole Director, Millar Properties Pty Ltd  
\_\_\_\_\_

REVIEW OF DA 2018/189  
APPENDICES

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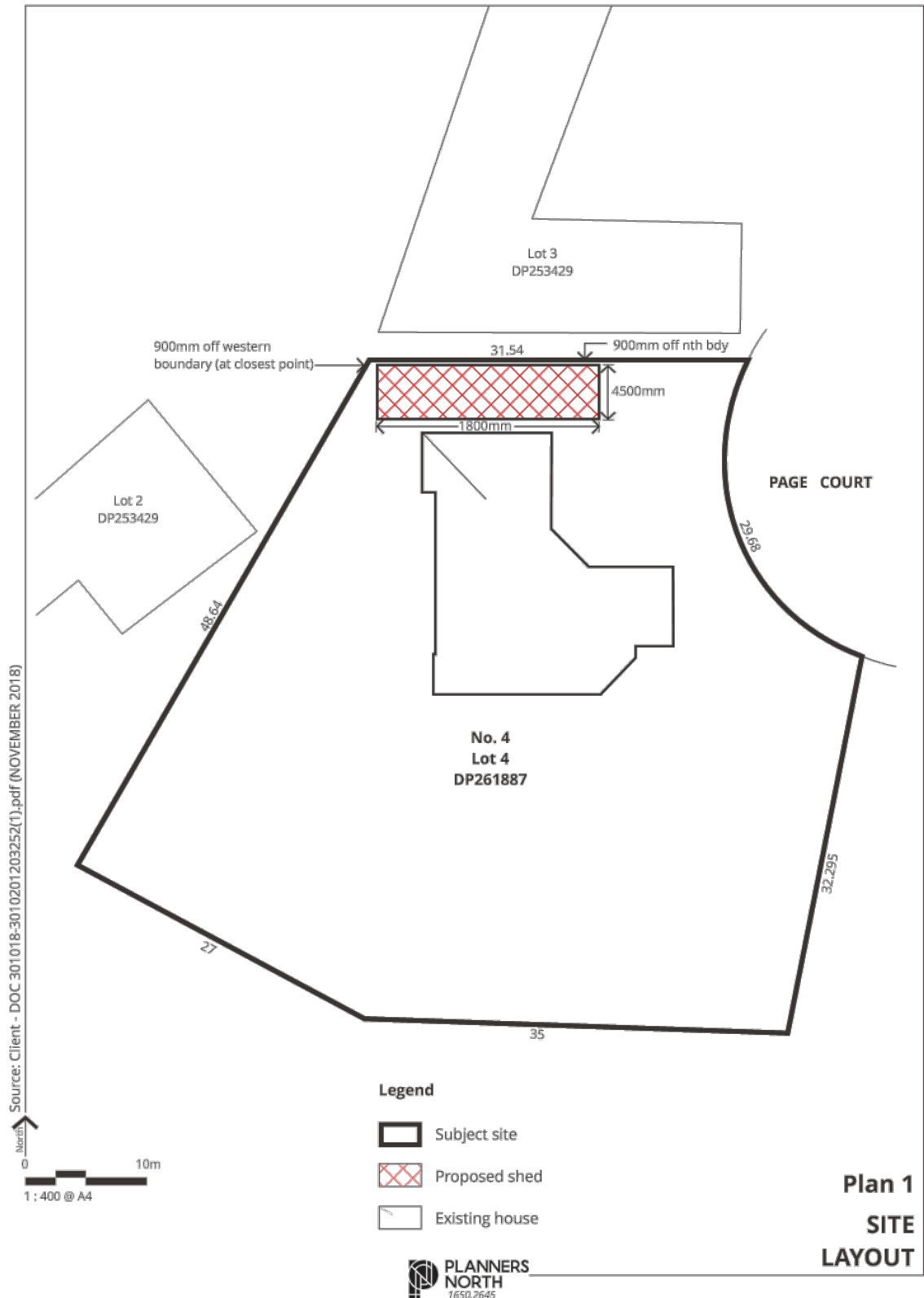
**APPENDIX B**

Updated Plans

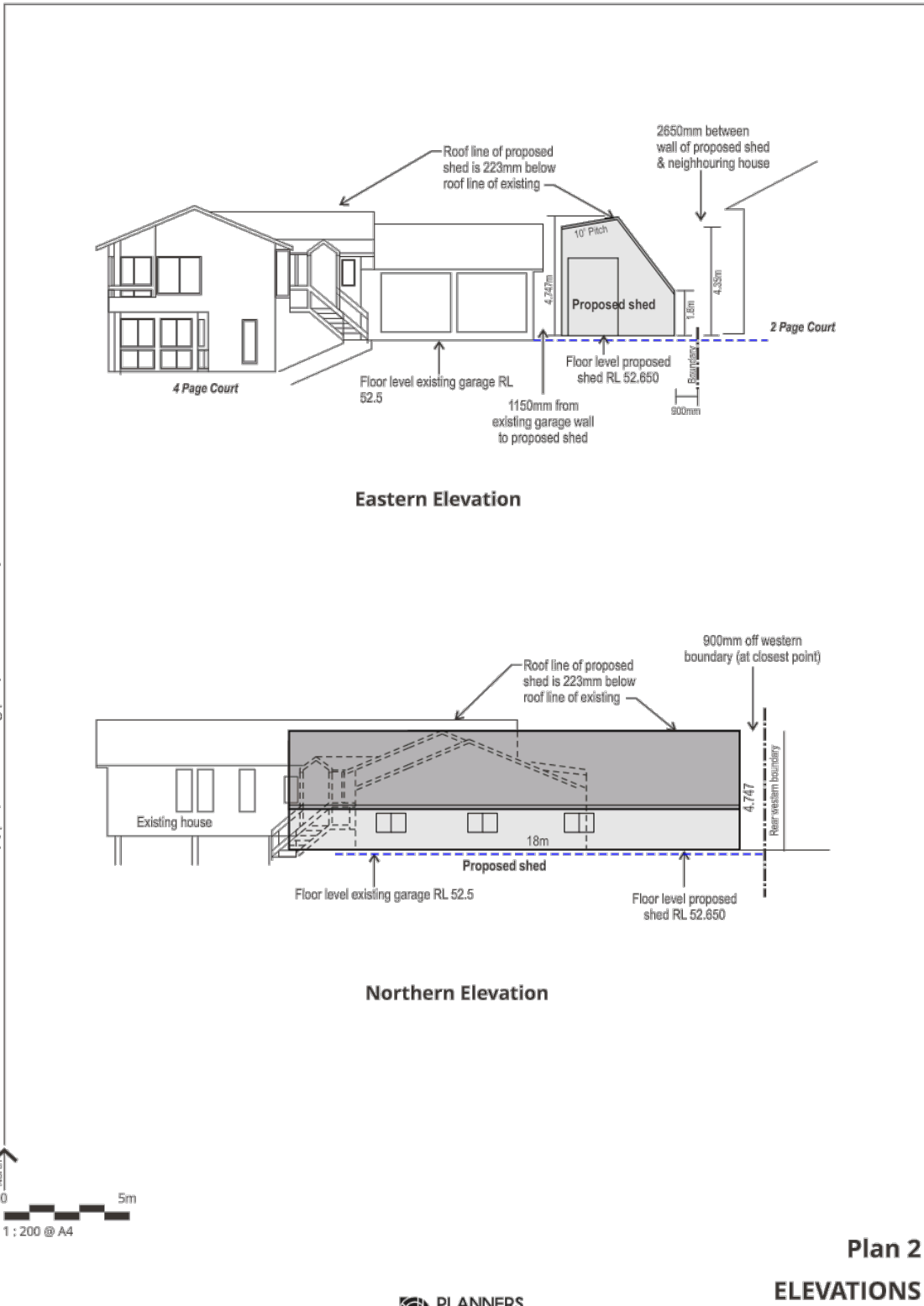




REVIEW 4 PAGE COURT



REVIEW 4 PAGE COURT



MR B.A. CAMPBELL

2 PAGE COURT

KENNOX HEAD

N.S.W. 2498

PH 0627874170

21-11-2018



ATTENTION

DAVID TYNER

SUBMISSION

D.A. 2018/189

CLOSING DATE 22-11-2018

PAGE 1 OF 3

MR B.A. CAMPBELL

2 PAGE COURT

KENNOX HEAD

N.S.W. 2478

PH 0427877170

19TH NOVEMBER 2018

GROUP MANAGER

DEVELOPMENT AND ENVIRONMENTAL HEALTH

BALLINA SHIRE COUNCIL

40 CHERRY STREET

BALLINA N.S.W. 2478

ATTENTION

MR DAVID TYLER

DEAR SIR

REFERENCE D.A. 2018/189

SUBMISSION

BY WAY OF OBJECTION TO PROPOSED SHED,  
METAL CLAD, 18 MTS LONG, 4.5 MTS WIDE, AND  
4.7 MTS HIGH.

THE GROUNDS FOR OBJECTION ARE

1/ DEVIATION OF ADJOINING PROPERTY - 2 PAGE COURT  
PLEASE FIND ENCLOSED REAL ESTATE  
ASSESSMENT

2/ MAGNITUDE OF DEVELOPMENT

THIS IS A COMMERCIAL SIZED DEVELOPMENT  
CERTAINLY NOT SUITABLE FOR A RESIDENTIAL  
AREA.

FIND ENCLOSED DRAWING WHICH SHOWS  
THE IMPACT THIS WILL HAVE ON 2  
PAGE COURT

PAGE 2 OF 3

THIS CONCRETE SHED IS THE LENGTH OF A SEMI-TRAILER AND A HEIGHT ONLY 553 MILLIMETRES LOWER THAN THE VEHICLE ACCESS HEIGHT TO THE ST HELENA TUNNELL ON THE M1 (PACIFIC HWY)

### 3/ NATURAL LIGHT AND BREEZES

THIS DEVELOPMENT WILL RESTRICT NATURAL LIGHT AND BREEZES TO

4 DOWN STAIRS BEDROOMS

1 UPSTAIRS BEDROOM

EXISTING DECK AND ASSOCIATED LIVING AREA LEADING ON TO THE DECK PART AREA OF UPSTAIRS KITCHEN

THE PREVAILING BREEZE IN LENNOX HEAD IS

SOUTH EAST THIS DEVELOPMENT WILL RESTRICT BREEZES FROM THIS DIRECTION.

### 4/ ASPECT

5 BEDROOMS, PART OF KITCHEN, DECK AND ASSOCIATED LIVING AREA WILL BE LOOKING DIRECTLY INTO A METAL WALL OR ROOF 2.650 <sup>MTS.</sup> AWAY.

### CONCLUSION

THE RESIDENTS OF PAGE COURT WOULD VIRTUALLY NOT SEE THIS DEVELOPMENT UNTIL THEY REACHED THE END OF THE CUN-DE-SAC DUE TO ITS POSITIONING THE ONLY PROPERTY AFFECTED IS 2/ PAGE COURT.

THE PROPOSED SHED WILL GREATLY DE-JAWB MY PROPERTY, INTRUDE ON NATURAL LIGHT AND BREEZES TO 5 BEDROOMS PLUS LIVING AREAS.



PAGE 3 OF 3

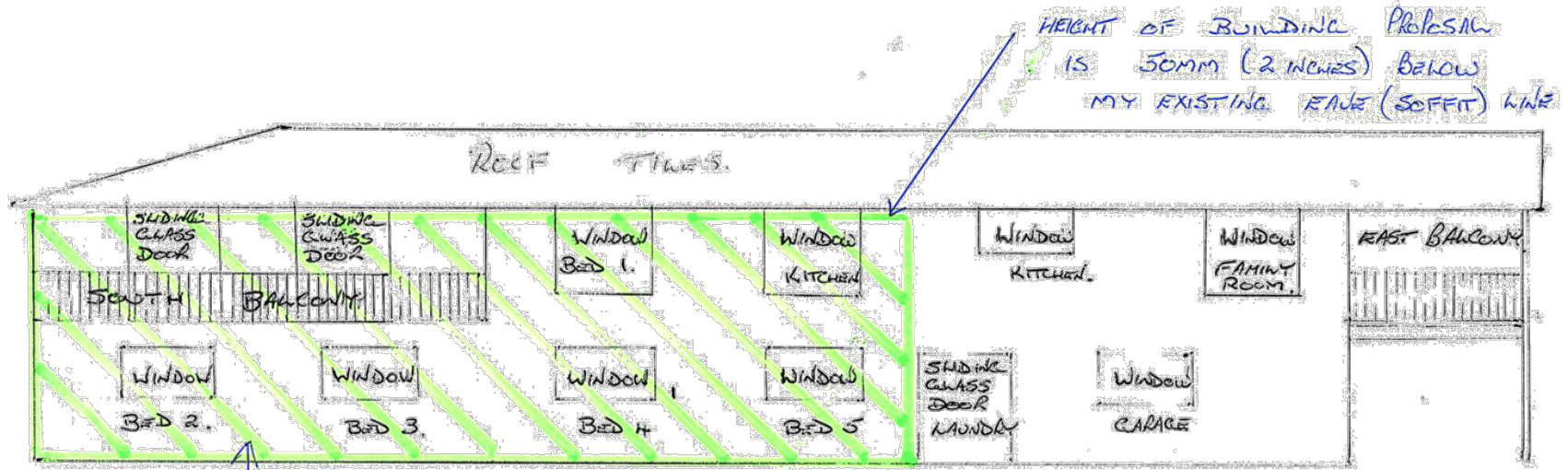
THE SCALE, BUNK AND METAL CLADDING  
OF THIS PROPOSED SHED IS COMPLETELY  
OUT OF CHARACTER WITH THE RESIDENTIAL  
NATURE OF THE SURROUNDING AREA.

YOURS FAITHFULLY

Bruce Campbell



LOT 2 DEPOSITED PLAN 261887



HEIGHT OF BUILDING PROPOSED IS 50MM (2 INCHES) BELOW MY EXISTING EAVE (SOFFIT) LINE

THIS SHADED AREA REPRESENTS THE MAGNITUDE OF PROPOSED D.A 2018/189

SOUTH ELEVATION

SCALE 1-100



20 November 2018

Mrs N Campbell  
4 Palisade Way,  
LENNOX HEAD NSW 2478

Dear Narelle,

**RE 4 PALISADE WAY, LENNOX HEAD NSW 2478**

Thank you for contacting me today in regards to your question whether a neighbour erecting a shed would devalue your property.

I believe from what you have told me and the size of the shed being 18m x 4.7 high it will definitely impact the price and potential saleability of your home.

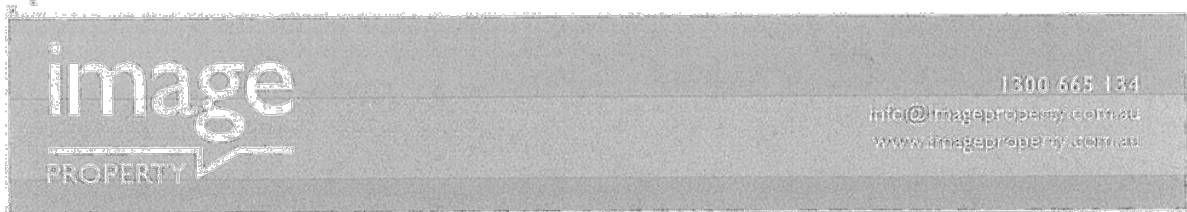
In my opinion shed of that size in a residential area will no doubt cut out light, air flow and to many potential buyers be seen as an eyesore and may stop them from purchasing your property or at least stop you achieving the highest possible price.

**Century 21 Ballina & Lennox Head**  
Kind Regards

A handwritten signature in black ink, appearing to read 'Dave Carney'.

**Dave Carney**  
**Principal**

A handwritten signature in black ink, appearing to be a stylized name.



19<sup>th</sup> November 2018

Dear Mr Campbell

I have inspected the property owned by Mr and Mrs Campbell located at 2 Page Court Lennox Head, Lot 2 D.P261887, to evaluate the impact of the proposed 18 metre long, 4.747 metre high colourbond shed located 2.65 metres from the northern boundary as shown in plans 1 and 2.

I believe this structure will have a significant and negative effect on all properties in Page Court but especially 2 Page Court being the adjoining neighbour.

The above mentioned property is a million dollar plus property with certainty. The proposed shed as indicated would greatly de-value this property by both its size, height and construction material. Estimated de-valuation would undoubtedly be in excess of \$200,000 with greater loss in future value.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Kim Zourkas', is written over a horizontal line.

Kim Zourkas  
0452 204 179  
Sales Consultant

Leaders in property

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**West End**

219 Boundary Street  
West End QLD 4101

**Aspley**

Suite 9, Level 1  
605 Robinson Road West  
Aspley QLD 4034

**Camp Hill**

520 Old Cleveland Road  
Camp Hill QLD 4152