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Subject: Online Submission

15/12/2019

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RE: DA2019/1284 - 54 Golf Parade MANLY NSW 2095

Manly Council
PO Box 82
Manly NSW 1655

To Assessing Officer,

RE: Submission re 54 Golf Parade Development Application Reference # DA2019/1284

Thanks for the opportunity to provide comment, overall we have some requests for amendments mainly due to this DA having 8 non compliances out of the 14 Manly LEP and DCP controls. We rely on the Council to protect our rights by enforcing and applying these guidelines.

The owner of 54 Golf Pde has never attempted to contact us regarding his DA submission which I feel would have been a good neighbourly thing to do, as well as potentially saving Council's time.

Concerns:

1. Building Height:

- This non-compliance is a major concern for us. The height of the building looks very imposing and a significant change from the existing building. We understand flood level guidelines mean the property will be raised higher than a normal two story building, however the 2.6 and 2.75m ceiling heights are excessive and should be curtailed to a reasonable ceiling height standard of 2.4m. The roof pitch also adds another 2.364 meters which is excessive and almost adds another story to the building.
- The purchasers knew they were buying a property in a flood zone and are developers so are familiar with the Manly LEP and DCP requirements. It appears they have expected to get around these council standards and have applied regardless of them to build a large five bedroom house on a 420m2 corner block! They should reduce their internal ceiling height to 2.4m and amend the roof pitch to smaller than 2.364m. The roof has a 'decorative gable vent' in the roof pitch and an additional gable at the top just for aesthetics.
- It is not reasonable to request a Clause 4.6 Variation for the height which is contributed to by 2.6 and 2.75m internal ceiling heights and an aesthetic roof design. The zone objectives are not to protect decorative and non-compulsory features. If this Variation is granted it will be directly violating the objective "to control the bulk and scale of buildings".
- The height has a direct impact on privacy and solar access.
- The height, with the exception of some more modern out of character buildings is not consistent with the prevailing building height and streetscape character. Our property is almost 100 years old, If Manly Council thinks that allowing a building next to it of 9.9m is 'retaining the

streetscape character' then it is not acting in the residents interests.

Request: Reduce the height of the building by reducing internal ceiling heights and roof pitch

2. Does not comply with LEP requirements:

- Hall and Hart have stated on the 'Statement of Environmental Effects' that "the proposed development has been designed to comply with Manly DCP and LEP". However there are significant and numerous non-compliances and it seems that no care or intent to comply with LEP or DEP requirements was considered upon purchasing, and that the developers have had a preconceived design not sensitive to the local area and controls. The compliance table 2.4 on the Statement of Environmental Effects has 14 LEP and DCP Controls - out of these 14 controls, 8 are non-compliant on the DA submission which is over 50%.
- Maximum Floor Area is not compliant, the justification of this was that to comply with FFL restrictions they have to not comply with FSR restrictions(?). The justification describes the addition of a 'theatre room' as 'unnecessary', and this theatre room was not actually required but rather the result of having a spare space to use up after the carport became detached from the house to meet council guidelines.
- Our major concern is that the Minimum open space is approximately half that which the Manly LEP and DCP require. This is associated with the significant non-compliance with set back from rear boundary. This matter is attempted to be explained away by 'Justification' that allotment is not very deep - however this is exactly the reason for the set back principle - so that smaller lots are not over-built at the expense of other smaller lots amenity. The new occupants purchased a lot of a certain size - that was their choice - in smaller lots especially, occupiers (us) rely on council for protection (via compliance standards) from over-building.

Request: We request the bulk and footprint of the building be reduced and the amount of green space increased. The carport and theatre room should be redesigned. The carport will cause shadow on the front of our house in the afternoons and a having a peaked roofline on the carport (completely unnecessary) adds additional height and sunlight blocked that is not required.

3. Flooding Concerns

- Zait have provided a flood management plan and have recommended the use of 'flood fences' (which have a gap of 100mm at the bottom to allow flood waters to pass). We have significant concerns with this type of fencing and do not agree to this type of fencing being installed. Our property has brick fences all the way to the ground on all other surrounding boundaries. If this 'flood fencing' is erected then water will pass under this fence yet get trapped in our house due to the other impervious fences not letting the water escape. Our property could then flood.

Request: We request the fence be standard (note that on the DA it refers to the new fence as 'acoustic fence') and we expect that this replacement fence will be fully funded by the neighbour.

4. Will infringe privacy:

- The Manly Development Control Plan 2013 states "development should be designed to: avoid elevated structures constructed in extended columns that dominate adjoining sites such as elevated open space terraces...". The DA has an elevated alfresco terrace/deck that will look right into our living area and backyard. Due to its elevation it will be higher than the fence and will infringe our privacy.

- Off the deck are large glass sliding doors which directly face into our property. Even from inside their house they will be able to look directly into our backyard.

Request: We request that the glass sliding doors are redesigned to face the rear boundary. The rear boundary is where they have the most 'garden' space', it makes sense that the sliding door windows are facing the rear instead of the direction of our property.

Request: We request the deck have blocked out sides/screening. On the DA is a low see through handrail which is completely inadequate for privacy and only 2.4m from our house. Block out screens are essential. Or our preference is the deck should be moved to the left hand (western) side of the property where it does not sit directly next to our living space and instead to Balgowlah Rd where there is no other property.

- There are two oversized extremely large windows facing directly into our property on the east hand side. We request the two oversized windows on the right hand side be reduced in size. They look directly into the side of our house and even though we have frosted windows we often open these windows and will be looking right into our house!

Request: The windows should be amended to standard size, they should begin at sill height and be opaque. This is to protect our privacy and solar access.

5. Parking problems:

- Moving the driveway for this property to Golf Pde will mean that street parking is reduced on Golf Pde. Please confirm the carpark is for two car spaces. As the building is 5 bedrooms it needs significant off street parking options.

- Our property has no off-street parking and we rely on street parking close to our property with young children which will now be reduced.

Request: We request council ensure at least two off site car parking spots are created and the mouth of the driveway is not overly wide to maintain as much street parking as possible.

6. Building and construction:

- Within the documents uploaded online I can not find a statement discussing site working hours, noise, traffic management, parking for construction personnel, protection of neighbouring assets etc.

Request: Please advise construction guidelines.

7. Landscaping:

- The landscaping and tree removal is ok with us, however we have a major concern with the bamboo planting on the eastern boundary as per the landscaping plan. We do not want 'Doli Blue Bamboo' and 'Small Weavers Bamboo' to be planted. Bamboo is a weed and grows out of control and spreads. It also has a mature height of 9 m - this will directly block our sunlight into our backyard.

Request: Please replace all bamboo on plans with another plant species that won't grow more than two metres on the eastern side of the boundary.

Summary

We understand that the development of this block is inevitable and we may request to do a renovation ourselves someday so do not want to be unreasonable. We just do not feel that the design has tried to comply with LEP and DEP requirements at all and we rely on these to protect our homes value and amenity.

We are happy to be contacted by the Council for any further explanations on the contact details listed below.

Regards,

Laura and Clinton Ogier
Owners, 52 Golf Parade Manly.

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