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STATEMENT OF ENVIRONMENTAL EFFECTS

Project Address: 10 Linkmead Avenue, Clontarf, NSW, 2093
Owner: Mr. Simon and Mrs. Elena Burchett

This Development Application seeks Council's approval for the construction of an Alterations and Additions project, including a new double garage, driveway and a new swimming pool.

INTRODUCTION

The subject site is located on the south facing slope overlooking Clontarf Beach with views across to the south-east over Middle Harbour. The site is a splayed rectangle in shape, with it's short end facing onto Linkmead Avenue at the top of the site with a width at the street boundary of 15.24 metres. At the lower, southern end of the site, the width of the boundary with the Reserve is 27.43 metres. The site slopes down across the site from Linkmead Avenue down to the Reserve, falling some 29 metres, with some vertical cliffs in front of the existing building platform, terracing down to the Reserve.

The popular Fisher Bay Walk traverses across the Reserve adjacent to the lower, southern boundary of the property.

Development on the site is subject to the following regulatory documents:

- Manly Local Environmental Plan 2013
- Manly Development Control Plan 2013, Amendment 6

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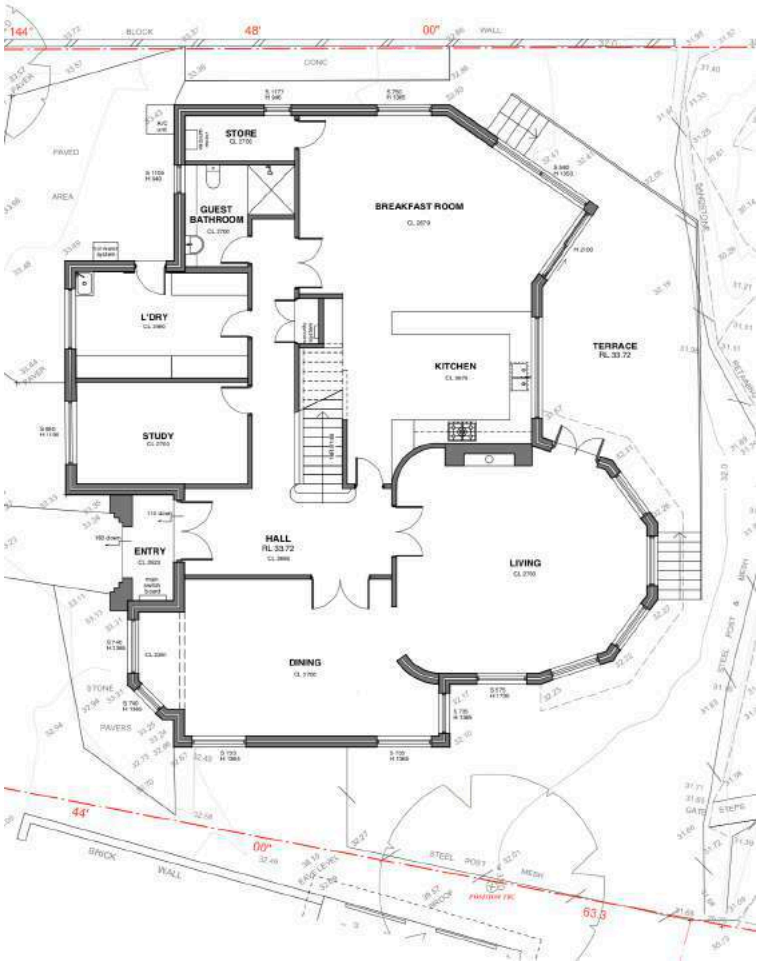
EXISTING HOUSE

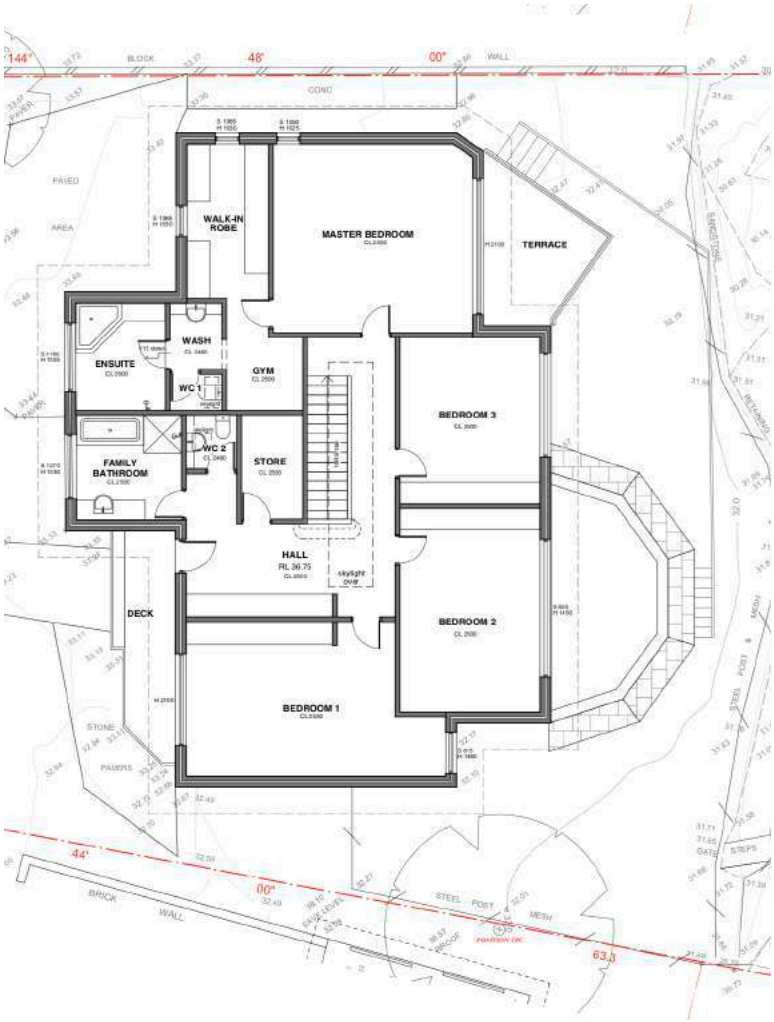
Photo showing southern elevation and view across Clontarf Beach

Garage fronting Linkmead Avenue

Entry on northern side of house



Existing Ground Floor Plan



Existing First Floor Plan

Description

The existing house is a two-storey dwelling which has been previously renovated around 30 years ago.

The original house was a single-storey cavity brick house possibly built in the early 1950's, with some art-deco elements to the detailing remnant within the 1980's make-over.

At some stage a first floor addition was added with a brick veneer construction with metal roofs. It appears at this time that the entire house was rendered and painted externally to blend the first floor additions in with the existing ground floor structure.

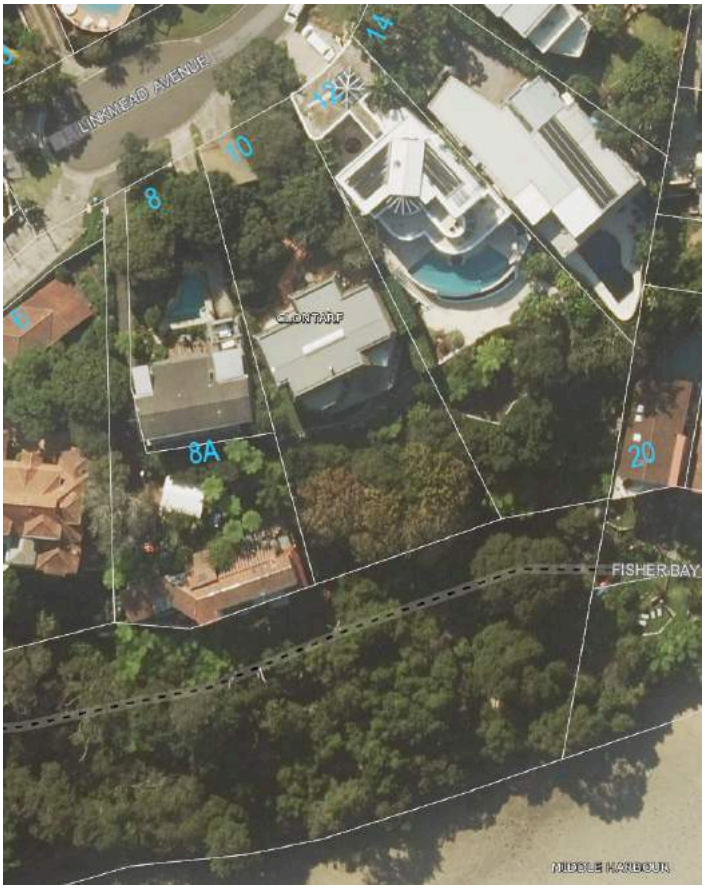
The construction detailing was generally sub-standard and the roofs are now at the end of their lifespan, which has prompted the owners to undertake a make-over of the existing envelope to upgrade all the interior spaces to provide a contemporary dwelling that will accommodate the family over the next ten to fifteen years.

THE SITE AND SURROUNDS

SITE DESCRIPTION

ADDRESS	10 Linkmead Avenue, Clontarf, NSW, 2093
LEGAL DESCRIPTION	Lot 64, DP. 7532
SITE AREA	1366 m2
STREET FRONTAGE	15.24 metres
ZONING	Foreshore Scenic Protection Area – Zone E3
HERITAGE	No
BUSHFIRE	Yes
ACID-SULPHATE SOIL	Class 5

NEIGHBOURING HOUSES



No. 12 Linkmead Avenue

Aerial photo showing No. 12, (subject site is located to the bottom of the photo)

No. 12 is a large part-two, part three-storey house located to the north-east of the subject property. A large, three car garage is located on the street boundary with bridge access to the main house. The dwelling has maximised the development potential of the site.

Photo from the south-east

This photo shows the main, three storey part of the house, with the main living areas and bedrooms orientated to the view, which is to the south east. All of these large windows overlook the subject site, which is to the left in this photo.

No. 8 Linkmead Avenue

No. 8 Linkmead Avenue is a two storey residence built on the upper part of a subdivision. The main living deck facing South East is built on the subdivision boundary. The swimming pool and driveway access are located on the north side of the dwelling and is setback from Linkmead avenue to a similar extent as the subject house. The house has undergone several renovations over the years.

South East elevation North East elevation facing Linkmead Avenue

No. 8A Linkmead Avenue

No. 8A Linkmead Avenue is built on the lower half of the subdivision with No. 8 located above.
It is accessed by a long sloping driveway to the Western side of the house. The house is built below the cliff, which is between No. 8 and 8A and is positioned so that No. 8 has unencumbered views over the top of No. 8A below.
It is a large, part-two, part three storey house orientated towards Middle Harbour and Clontarf Beach.

Photo looking from the South East View from No. 10 Linkmead Ave.

MANLY COUNCIL LEP 2013

COMPLIANCE WITH NUMERICAL STANDARDS

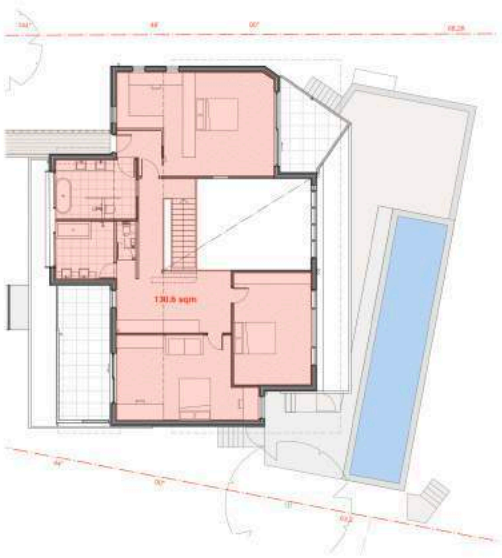
SITE AREA = 1366 m2

CLAUSE	CONTROLS	PROPOSAL	COMPLIANCE
4.4	**Floor Space ratio**		
	Maximum FSR = 0.4:1 = 546.40 m^2	FSR = 0.23:1 Ground floor = 177.10 m2 First floor = 130.6 m2	Yes
4.3	**Height of Buildings**		
	Maximum Building Height = 8.5 metres	Maximum Building Height: 9.25 metres	No
6.1	**Acid Sulphate Soils**		
	Class 5.	Watertable not likely to be lowered below 1 metre	Yes

We have included a Clause 4.6 Objection at the end of this Statement which addresses the minor non-compliance with Clause 4.3 Height of Buildings

Clause 4.4 Floor Space Ratio

The diagrams below show the floor areas that we have calculated as contributing to the gross floor area as per the definitions with the LEP:



Total floor area at Ground Floor Level: 177.10 m2

Total floor area at First Floor Level: 130.6 m2

Total floor area: 307.7 m2

Site area: 1366 m2

The Floor Space Ratio is 0.23:1 and is well under Council's requirements.

MANLY COUNCIL DCP 2013

Below is a review of the proposal in relation to the relevant sections of the Manly DCP 2013.

Section 3.0 – General Principles of Development

3.1 Streetscapes

Objectives:

1) *To minimise any negative visual impact of walls, fences and carparking on the street frontage.*
2) *To ensure development generally viewed from the street complements the identified streetscpe.*
3) *To encourage soft landscape alternatives when front fences and walls may not be appropriate.*
4) *To ensure that all parking provision is designed and sited to respond to and respect the prevailing townscape.*
5) *To assist in maintaining the character of the locality.*

3.1.1.1 Complimentary Design and Visual Improvement

- The existing garage and carport is to be demolished, with a proposed garage being setback over 11 metres from the front boundary.
- The height of the proposed garage roof at RL 40.20 is at a similar height to the grassed Council reserve at the front boundary.
- This will improve the outlook from Linkmead Avenue and create a landscaped front garden area of generous proportions in front of the proposed garage.
- The alterations and additions maintains the existing two-storey building envelope.
- Existing side setbacks are maintained and wall heights comply with Council's requirements.
- Elevated structures have been avoided, the pool is located on top of the rock platform such that extended columns are not required.
- A new roof is proposed which will contribute to the aesthetic appeal of the house, while ensuring that sunlight and ventilation is experienced throughout the dwelling.

3.1.1.2 Front Fences and Gates

- It is proposed to demolish the existing garage, carport and stairs in the northern corner of the site and to extend the planter along the street boundary, creating a 'green' fence to the street.
- The front fence will contribute to the surrounding streetscape.

3.1.1.3 Roofs and Dormer Windows

- There are no dormer roofs and windows proposed in this Application

3.1.1.4 Garages, Carports and Hardstand Areas

- The existing garage and carport located at street level and right on the front boundary are to proposed to be demolished.
- The new double garage will be located within the large front landscaped setback, some 11 metres from the front boundary. The roof of the proposed garage will be at a similar height to the grassed reserve at the front boundary. The proposed garage will be an improvement on the current situation. It will not be a dominant form when viewed from the street.
- The roof of the garage will be a flat membrane roof with pebbles. This roof treatment will be more aesthetically appealing than looking down on a metal roof.

3.1.1.5 Garbage Areas

- Not Applicable for a single residence

3.1.2 Streetscape Improvement in LEP Zone B6 Enterprise Corridor

- Not applicable

3.1.3 Townscape (Local and Neighbourhood Centres)

- Not applicable

3.2 Heritage Considerations

- The Application is not within a Conservation Area and is not a Heritage Item listed in the LEP, therefore this section is not applicable

3.3 Landscaping

Objectives

1) *To encourage appropriate tree planting and maintenance of existing vegetation.*
2) *To retain and augment important landscape features and vegetation remnant populations of native flora and fauna.*

- A large part of the site will be retained as landscaped area: 852 m2, which is 62 % of the entire site.
- Only one tree is to be removed, a Liquid Amber, which is located where the proposed garage is to be built.
- All rock outcrops and cliffs will be maintained and enhanced with the new landscaping. Bush regeneration is already underway across the lower parts of the site to remove the weed infestation and this will be continued.

3.3.2 Preservation of Trees or Bushland Vegetation

Objectives

1) *To protect and enhance the urban forest of the Northern Beaches.*
2) *To effectively manage the risks that come with an established urban forest through professional management of trees.*
3) *To minimize soil erosion and to improve air quality, water quality, carbon sequestration, storm water retention, energy conservation and noise reduction.*
4) *To protect and enhance bushland that provides habitat for locally native plant and animal species, threatened species populations and endangered ecological communities.*
5) *To promote the retention and planting of trees which will help enable plant and animal communities to survive in the long term.*
6) *To protect and enhance the scenic value and character that trees and/or bushland vegetation provides.*

- All trees are to be retained on site except for one Liquid Amber tree, that is to be removed to make way for the proposed garage.
- The existing weed infestation on the lower parts of the site is already being managed by the Owners. This continuing programme is intended to remove all weed and to return the lower parts of the site to natural bushland that will provide habitat for locally native plant and animal species.

3.4 Amenity (Views, Overshadowing, Overlooking / Privacy, Noise)

Objectives

1) *To protect the amenity of existing and future residents and minimise the impact of new development, including alterations and additions, on privacy, views, solar access and general amenity of adjoining and nearby properties including noise and vibration impacts.*
2) *To maximize the provision of open space for recreational needs of the occupier and provide privacy and shade.*

- Generally, the proposed alterations and additions will follow the pattern set by the existing dwelling on the site. The existing building envelope will remain, existing side setbacks are maintained, Outdoor decks and living areas will remain in their current location.

3.4.1 Sunlight Access and Overshadowing

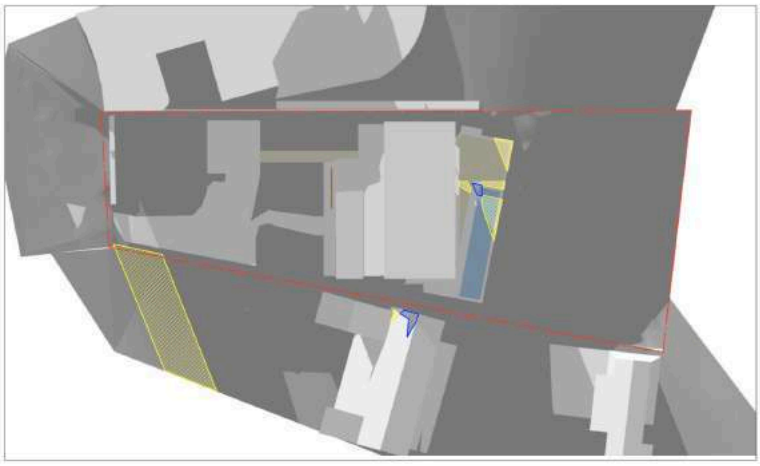
Objectives:

1) *To provide equitable access to light and sunshine*
2) *To allow adequate sunlight and sunshine to penetrate:*
    - *Private open spaces within the development site; and*
    - *Private open spaces and windows to the living spaces/habitable rooms of both the development and the adjoining properties.*
3) *To maximize the penetration of sunlight including mid-winter sunlight to the windows, living rooms and to principal; outdoor areas by:*

- *Encouraging modulation of building bulk to facilitate sunlight penetration into the development site and adjacent properties; and*
- *Maximizing setbacks on the southern side of developments to encourage solar penetration into properties to the south.*

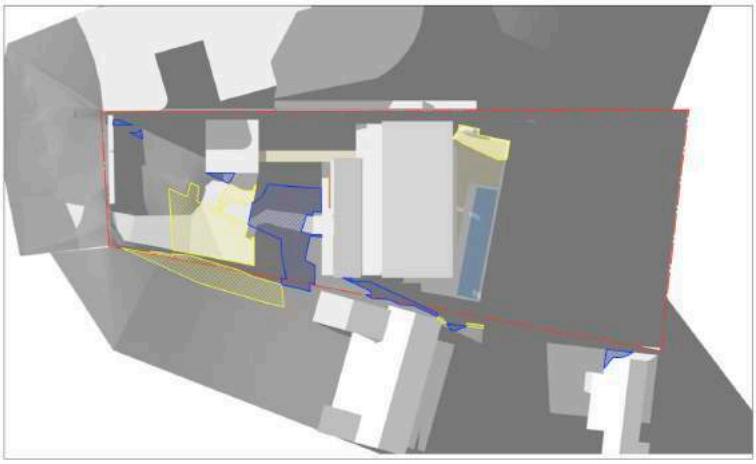
New development (including alterations and additions) must not eliminate more than one third of the existing sunlight accessing the private open space of adjacent properties from 9.00 AM to 3.00 PM at the winter solstice (21 June).

The shadow diagrams are shown on drawing A01-04 Rev. A, which is attached to this Application. The shadows cast by the proposed design are summarized below:
In these diagrams the additional shading cast by the proposed additions is shown with a blue outline and blue hatching. Additional sunlight, which has increased as a result of the proposed development is shown in yellow.



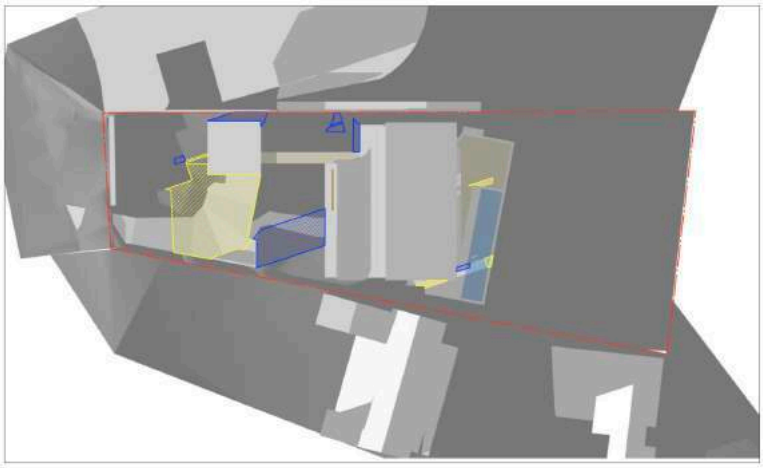
At 9.00 AM on Midwinter's day the sun is rising in the north-east. The existing shadows cast by both No. 12 and No. 10 stretch across the neighbouring properties to the south-west, No. 8 and No. 8A. The additional overshadowing at this time is minimal and is only across the roof of No. 8. Additional sunlight is gained due to the relocation of the garage.

10 PROPOSED SHADOWDIAGRAM
9am June 21st



At 12.00 PM the sun is due north. The existing house at No. 10 casts a shadow across the lower property of No. 8. The additional overshadowing is across two small areas and will not affect primary living areas or outdoor terraces. There is some increase in sunlight access again due to the relocation of the garage.

11 PROPOSED SHADOWDIAGRAM
12pm June 21st



12 PROPOSED SHADOWDIAGRAM
3pm June 21st

At 3.00 PM the sun is toward the north-west. Any additional overshadowing at this time of day is across the subject site only. The extent of overshadowing is minor given that the proposed additions are mainly the new roof form. Other than that the existing building envelope remains the same.

The shadow diagrams show that there is very little overshadowing as a result of the proposed alterations and additions. The proposal satisfies the objectives of 3.4.1

3.4.2 Privacy and Security

Objectives:

1) *To minimise loss of privacy to adjacent and nearby development by:*
   - *Appropriate design for privacy (both acoustical and visual) including screening between closely spaced buildings;*
   - *Mitigating direct viewing between windows and/or outdoor living areas of adjacent buildings.*
2) *To increase privacy without compromising access to light and air. To balance outlook and views habitable rooms and private open space.*
3) *To encourage awareness of neighbourhood security.*

3.4.2.1 Window Design and Orientation

- Where possible we have maintained current window locations. New larger windows and doors are orientated to the front and rear gardens/terraces on the site.
- The new window to the ground floor guest bathroom on the West Elevation will be translucent glass.

3.4.2.2 Balconies and Terraces

- The location of the rear terrace and swimming pool has been carefully considered to be in the most private location on the site, taking advantage of a large existing hedge between No. 12 and subject site, (this can be seen in the photo above in 3.4).

3.4.2.3 Acoustical Privacy

- The main private outdoor living space is maintained in it's current location, to ensure current levels of acoustic and visual privacy are maintained.
- The new pool will be located in the same general area at the rear of the house facing the view to the south-east.
- The pool equipment will be located under the terrace in an enclosed area to ensure acoustic isolation from the outdoor areas.
- Condensers for any future air-conditioning equipment would also be housed under the rear terrace to ensure some acoustic separation.

3.4.3 Maintenance of Views

Objectives:

1) *To provide for view sharing for both existing and proposed development and existing future Manly residents.*
2) *To minimize disruption to views from adjacent and nearby development and views to and from public spaces including views to the city, harbor, ocean, bushland, open space and recognized landmarks or buildings from both private property and public places (including roads and footpaths).*
3) *To minimize loss of views, including accumulated view loss 'view creep' whilst recognizing development may take place in accordance with the other provisions of this Plan.*

The photo on the left shows clearly that the main views from the adjoining No. 12 Linkmead Ave. will not be impacted by the proposed new roof at No. 10. Views are enjoyed to the south east across Clontarf Beach and Middle Harbour. Even views to the west towards Spit Bridge will not be obstructed by the new roof

- The proposed new roof will be 1.6 metres higher than the existing flat roof at the highest point. This will not impact upon views from surrounding houses.
- The relocation of the garage will improve the outlook across the site from Linkmead Avenue.
- The proposed alterations and additions will not impact upon views from No. 8 and 8A Linkmead Avenue.

3.4.4 Other Nuisance (Odour, Fumes etc.)

- Not applicable

3.5 Sustainability

Applicable objectives:

1) *To ensure the principles of ecologically sustainable development are taken into consideration within a consistent and integrated planning framework that achieves environmental, economic and social sustainability in the short, medium and long term.*
2) *To encourage the retention and adaptation of existing dwellings including a preference for adaptive reuse of buildings rather than total demolition, Where retention and adaptation is not possible, Council encourages the use of building materials and techniques that are energy efficient, non-harmful and environmentally sustainable.*
3) *To minimize waste generated by development and embodied in the building materials and processes through demolition.*
4) *To encourage the use of recycled materials in landscape construction works.*
5) *To encourage the establishment of vegetable gardens and the planting of fruit trees.*
6) *To encourage energy efficient building design, construction and practices, that reduce energy consumption (primarily for heating and cooling), reduce the use of non-*

renewable fossil fuels, minimise air pollution, greenhouse gas emissions and reduce energy bills.

7) *To require that residential site planning and building design optimizes solar access to land and buildings.*
8) *To site and design development to optimize energy conservation and sustainability in accordance with BASIX legislation and encourage development to exceed requirement particularly to ensure energy efficient use of energy use of energy for internal heating and cooling.*
9) *To site and design development to optimize energy conservation (in accordance with the energy hierarchy) and sustainability to which BASIX does not apply.*

A BASIX Assessment has been undertaken for this Alterations and Additions. The BASIX Certificate No. A324935_02 is included with the Application

3.5.1 Solar Access

- The proposed new roof is designed to allow maximum sunlight from the north deep into the internal rooms throughout the south facing dwelling. The double height void proposed for the Ground Floor Dining area is to ensure the sunlight penetrates deep into the ground floor living areas bringing winter warmth into the areas that have never received them in the current layout.
- External venetian blinds will control the amount of sunlight allowed to penetrate into the skylights.

3.5.3 Ventilation

- The use of louvred windows above the Dining area void will maximise cross ventilation from north to south and cool the dwelling in summer.
- The use of good quality, thermally efficient windows and doors will all open to facilitate cross ventilation using glass louvres to maximise the openable areas of windows where possible.

3.5.4 Energy Efficient Appliances and Efficient Lighting

- All new lighting will be LED
- New instantaneous gas hot water heaters will be used to efficiently heat the water that is required at the point of use.

3.5.5 Landscaping

- The lower part of the site is undergoing bush regeneration by the Owners, to return this into a natural habitat for native plants and animals.
- Newly planted species will be indigenous to the area and be drought resistant.
- A large rainwater re-use tank will ensure long term storage of rainwater to irrigate the surrounding garden areas.

3.5.6 Energy Efficiency for non-residential buildings

- Not applicable

3.5.7 Building Construction and Design

- Increased insulation levels within the new roof will dramatically affect the thermal performance of the residence.
- A large rainwater tank is proposed under the raised rear ground floor terrace. This rainwater re-use tank will be connected to all WC's within the house, the washing machine and all outdoor taps around the garden, utilizing the water for garden irrigation, car washing and pool top-up.
- The new skylights will be double glazed and shaded with external venetian blinds to ensure control of solar access into the house.

3.6 Accessibility

- Not applicable to this residential Application.

3.7 Stormwater Management

- A Stormwater Concept Plan has been prepared by RTS Consulting Engineers Pty. Ltd. The drawings are included with this Application.

3.7 Waste Management

- A Waste Management Plan is submitted with this Application

4.0 Development Controls and Development Types

4.1.1.1 Residential Density

The subject site is within Density Area D9, as per Map A in Schedule 1 of the Manly DCP.
Area D9: 1 unit/ 1150 m2 of Site Area

The existing dwelling on the site complies with this requirement.

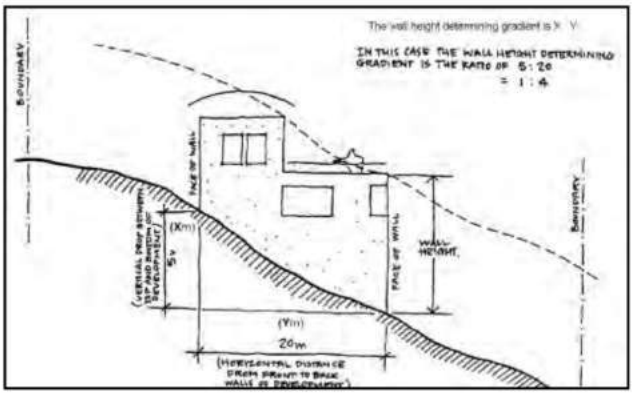
4.1.2 Height of Buildings

LEP 2013 Height of Buildings Map
Maximum building height = 8.5 metres

A separate Clause 4.6 Objection is submitted with this Application, within Appendix 1 of this Statement of Effects

4.1.2.1 Wall height

Figure 27: Interpretation of Wall Height based on slope.



For calculation of slope of ground see Drawing 1709 A01-02 and Figure 28 within Manly DCP

East Elevation

Slope across building platform = 1:15
Therefore maximum wall height = 6.9 metres
The wall height on the East Elevation complies with this requirement

West Elevation

Slope across building platform = 1:12
Therefore maximum wall height = 7.0 metres
The wall height on the West Elevation complies with this requirement

The East Elevation complies with the requirement, however with the West Elevation, there is a minor non-compliance with the wall height of around 450 mm at it's highest point.
Council should note when considering this minor non-compliance that the setback of this façade, at the point of non-compliance, from the side boundary is 3.2 metres and that 300 mm of this non-compliance is the flat roof parapet and could be considered as roof area as opposed to wall height.

4.1.2.2 Number of Storeys

a) Buildings must not exceed two storeys, except on land in areas 'L' and N1' on the LEP Height of Building Map and notwithstanding the wall and roof height controls in this plan.

- The proposed development is two storeys.

4.1.2.3 Roof Height

a) Pitched roof structures must be no higher than 2.5 m above the actual wall height, calculated in accordance with Figure 29.

The proposed new roof design is less than 2.5 metres above the wall height and complies with the requirements of 4.1.2.3

4.1.3 Floor Space Ratio (FSR)

This is dealt with within the section above on Manly LEP. Clause 4.4.
The Application complies with the FSR requirements.

4.1.4 Setbacks (front and rear)

Applicable objectives:

1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.
2) To ensure and enhance local amenity by:
    - *providing privacy,*
    - *providing equitable access to light, sunshine and air movement,*
    - *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
3) To promote flexibility in the siting of buildings.
4) To enhance and maintain natural features by:
    - *Accommodating planting, including deep soil zones, vegetation consolidated across the sites, native vegetation and native trees;*
    - *Ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
    - *Ensuring the provisions of State Environmental Planning Policy No. 19 – Urban Bushlands are satisfied.*
5) To assist in appropriate bush fire asset protection zones.

4.1.4.1 Street Front Setbacks

- The front setback of the proposed garage is 11 metres from the front boundary. (Note that the existing garage is built right on the front boundary).
- The existing setback of the main house remains at approximately 25 metres at its closest point.

4.1.4.2 Side setbacks

The side setbacks of the house will remain as existing.
Eastern boundary:
The existing side setback of 1.5 metres will remain.
Western boundary:
The existing house does not run parrallel to the western boundary. At it's shortest distance the house is 1.9 metres away, at it's largest distance it is 3.3 metres away.

Given the pattern of surrounding development, the existing side setbacks are considered sufficent to fulfill the objectives stated above.

4.1.4.4 Rear setbacks

The rear setback from the existing house to the rear boundary with the nature reserve is around 26 metres.
The setback from the proposed swimming pool to the rear boundary is around 20 metres.
The area between the swimming pool and the rear boundary is intended to be natural bush setting, retaining all of the natural rock features and to be maintained as an Inner Protection Zone for bushfire safety.

4.1.5 Open Space and Landscaping

Objectives:

1) *To retain and augment important landscape features and vegetation including remnant populations of native flora and fauna*
2) *To maximize soft landscaped areas and open space at ground level, encourage appropriate tree planting and the maintenance of existing vegetation and bushland.*
3) *To maintain and enhance the amenity (including sunlight, privacy and views) of the site, the streetscape and the surrounding area.*
4) *To maximize water infiltration on-site with porous landscaped areas and surfaces and minimise stormwater run-off.*
5) *To minimize the spread of weeds and the degradation of private and public open space.*
6) *To maximise wildlife habitat and potential for wildlife corridors.*

4.1.5.1 Minimum Residential Total Open Space Requirements

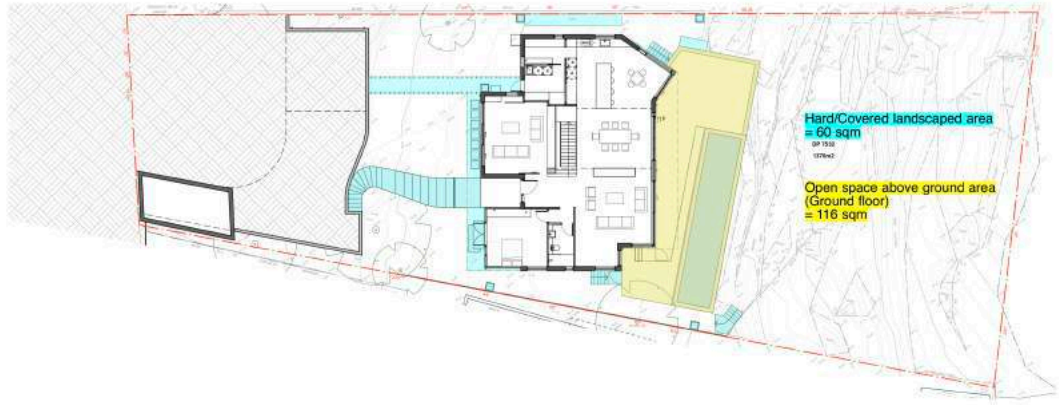
Residential Open Space Areas at DCP Schedule 1 – Map B:
Open Space Area: OS4
Total Open Space:at least 60% of the site area.
Landscaped Area:at least 40 % of the open space.
Site area: 1366 m2

Total Open Space:At least 819.6 m2.
Landscaped Area:At least 546.4 m2.

See Diagram of Landscaped Area included below:

Proposed soft landscaping on the site is 852 m2. Equivalent to 62 %of the site area.
Soft landscaping more than complies with Council's requirements.

See diagram of Total Open Space included below:



Hard covered landscaping: 60 m2.
Open space above ground: (Terrace and swimming pool): 116 m2.
These figures together with the landscaped area is 1,028 m2. Equivalent to 75 % of the site area.

Total Open Space complies with Council's requirements.

4.1.5.3 Private Open Space

i) Minimum area of principal private open space for a dwelling house is 18 m2.

The diagram above clearly shows that the rear covered terrace and garden will provide well in excess above the minimum standard required by Manly DCP.

4.1.6 Parking, Vehicular Access

Objectives:

1) *To provide accessible and adequate parking on site relative to the type of development and locality for all uses (residents, visitors or employees).*

2) *To reduce the demand for on-street parking and identify where exceptions to onsite parking requirements may be considered in certain circumstances.*
3) *To ensure that the location and design of driveways, parking spaces and other vehicular access areas are efficient, safe, convenient and are integrated into the design of the development to minimise their visual impact in the streetscape.*
4) *To ensure that the layout of parking spaces limits the amount of site excavation in order to avoid site instability and the interruption to ground water flows.*
5) *To ensure the width and number of footpath crossings is minimized.*
6) *To integrate access, parking and landscaping; to limit the amount of impervious surfaces and to provide screening of internal accesses from public view as far as practicable through appropriate landscape treatment.*
7) *To encourage the use of public transport by limiting on-site parking provision in Centres that are well served by public transport and by encouraging bicycle use to limit traffic congestion and promote clean air.*

- The existing single garage and carport are located on the street boundary. It is proposed to demolish this and relocate a new double garage closer to the dwelling.
- The proposed double garage will have a setback from the front boundary of approximately 11 metres allowing a generous landscape setting to occur between the garage and the street boundary.
- The roof of the proposed garage at RL 40.2 metres will be located below the street level, which is at 40.9 metres. This will allow views from the street over the top of the garage to the house and beyond to Middle Harbour.
- The existing vehicular crossover will be utilized in order to maintain the existing number of street parking spaces available.

4.1.7 First Floor and Roof Additions

Not applicable to this application

4.1.8 Development of Sloping Sites

JK Geotechnics have been engaged to undertake a Site Stability Report. The Report is included with this Application.

4.1.9 Swimming Pools, Spas and Water Features

Objectives:

1) *To be located and designed to maintain privacy (visually and aurally) of neighbouring properties and to minimize the impact of filter noise on neighbouring properties;*
2) *To be appropriately located so as not to adversely impact on the streetscape or the established character of the locality;*
3) *To integrate landscaping; and*
4) *To become and emergency water resource in bush fire prone areas.*

- The proposed lap pool is 12.5 metres long x 2.4 metres wide. It is designed to be easily accessible from the ground floor living areas. The pool is located to take maximum advantage of the view and to capitalise on the landscape features of the adjacent cliff edge.

- The proposed pool is to be 500 mm below the level of the ground floor rear terrace, to allow views from the internal ground floor rooms, over the top of the pool down into the Bay and Clontarf Beach.
- The beams that support the pool will sit on the rock ledge without affecting the stability of the rock ledge and the important natural rock feature below.

- The pool will be approximately 1.5 to 2.0 metres above ground, depending on local site conditions, but will be no higher than the existing ground floor terrace.
- The setback of the pool from the Eastern boundary is 1.5 metres. This will give enough space for screen planting and access alongside the terrace area.
- The setback of the pool on the Western boundary is around 8.5 metres, with a pool terrace extending to within 2.8 metres of the boundary.
- It is noted that the swimming pool to the neighbouring No. 12 Linkmead Avenue is also built above ground level as can be seen from the photo below:

The swimming pool at No. 12 Linkmead Avenue is raised one entire storey above natural ground so that it is at the same height as their main terrace. In the photo you can see the subject site and house in the middle of the photo. The existing terrace is at a much lower level so will not impede any views from no. 12.

4.1.10 Fencing

Applicable control

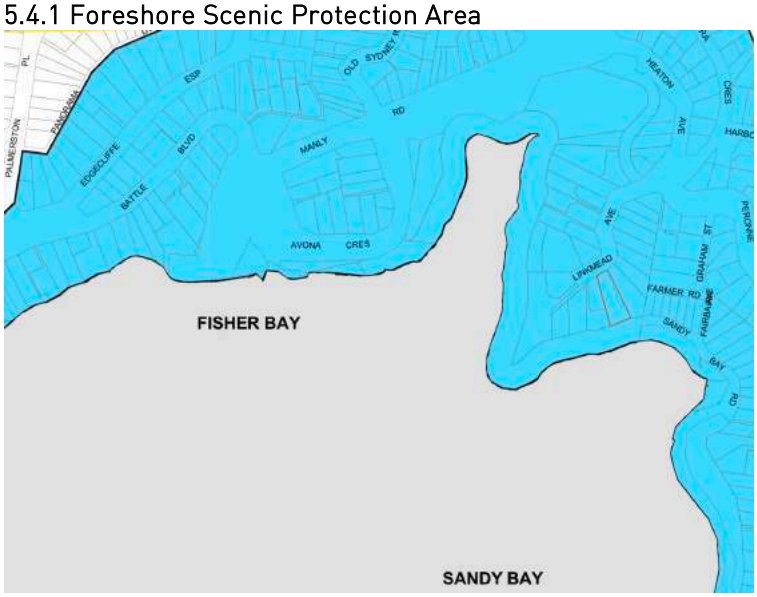
b) In relation to open/ transparent fences, height may be increased up to 1.5 m where at least 30 percent of the fence is open/transparent for at least that part of the fence higher than 1 m.

- It is intended to extend the existing front wall and hedge along the width of the front boundary once the carport has been demolished. This will create a landscaped front boundary that will give some privacy to the owners while complying with Councils front fencing requirements.

This photo shows the existing front boundary fence. It is intended to extend this low wall, with brick piers and infill hedging along the width of the front boundary.

5.4 Environmentally Sensitive Lands

5.4.1 Foreshore Scenic Protection Area



The proposed design has considered the prescribed requirements within 5.4.1.1 of the DCP:

i) Minimise the contrast between the built environment and the natural environment.

- This Application is for alterations and additions within the existing building envelope.
- The building will have the same two-storey bulk and scale when viewed from the Harbour below.

ii) Maintain the visual dominance of the natural environment.

- A maximum amount of soft landscaping has been retained to ensure the 'bush' setting is maintained when viewed from Clontarf Beach and the Bay below.
- The natural rock features below the existing house will be cleared of weed infestation and be retained.
- The natural bush setting below the house will be restored as an extension of the natural Reserve below.

iii) Maximise the retention of existing vegetation including tree canopies, street trees, wildlife corridors and habitat.

- All existing trees on the site will be maintained except for one Liquid Amber, considered a weed by Council. This tree is to be removed to allow for the new double garage in that location.
- The entire area below the house will be natural bushland, with all rock features and boulders remaining, which will encourage the local wildlife to inhabit the area.

iv) Not cause any change, visually, structurally or otherwise, to the existing natural rocky harbor foreshore areas.

- As mentioned above, the existing rock cliffs, features and boulders will be maintained below the level of the existing house.

v) Locate rooflines below the tree canopy

- The new roofline will only be approximately 2 metres above the existing wall heights so the roof will remain below the tree canopy.

vi) Consider any effect of the proposal when viewed from the harbor/ocean to ridgelines, treelines and other natural features.

- The photo above shows the existing view from the Harbour. No. 8A is the large white building in the foreground. No. 10 Linkmead Avenue, the subject site is to the right of this. The two-storey bulk and scale of the house will be maintained in the alterations and additions. The proposed new roof will look similar in height to that shown above from the water.
- The bush setting will be retained below the level of the house as per the photograph above.

vii) Use building materials of a non-reflective quality and be of colours and textures that blend with the prevailing environment in the locality.

- We intend to use similar colours as the existing house in the photo above to ensure that it blends in with it's bush setting. (It is noted that both neighbours to the right and left are both coloured white).

5.4.2 Threatened Species and Critical Habitat Lands

Not applicable to this Application

5.4.3 Flood Prone Land

The land is not affected by flooding as can be seen from the attached extract from the Section 10.7 (2) Planning Certificate:

7A. Flood related development control Information

(1) Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is not subject to flood related development controls.

(2) Development on the land or part of the land for any other purpose is not subject to flood related development controls.

APPENDIX 2 – CLAUSE 4.6 OBJECTION

Justification under Clause 4.6 of Manly Local Environmental Plan 2013 – Exceptions to Development Standards.

Clause 4.3 Height of Buildings

(1) The objectives of this clause are as follows:

(a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,

(b) to control the bulk and scale of buildings,

(c) to minimize disruption to the following:

(i) views to nearby residential development from public spaces (including the harbor and foreshores),

(ii) views from nearby residential development to public spaces (including the harbor and foreshores),

(iii) views between public spaces (including the harbor and foreshores),

(d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings

(e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.

(2) The height of building on any land is not to exceed the maximum height shown for the land on the Height of Building Map

Clause 4.6 states:

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.

b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by

demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E3 Environmental Management or Zone E4 Environmental Living.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

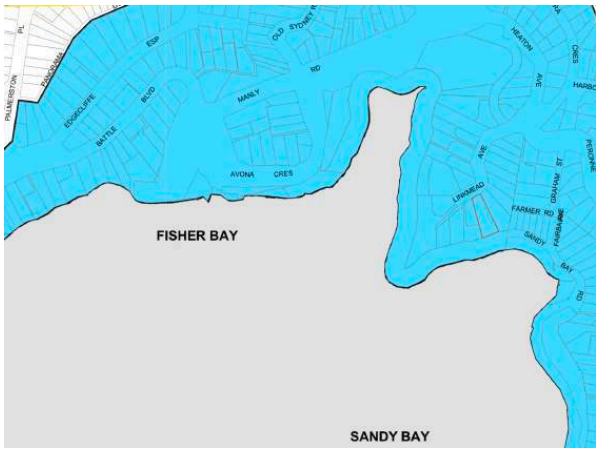
(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

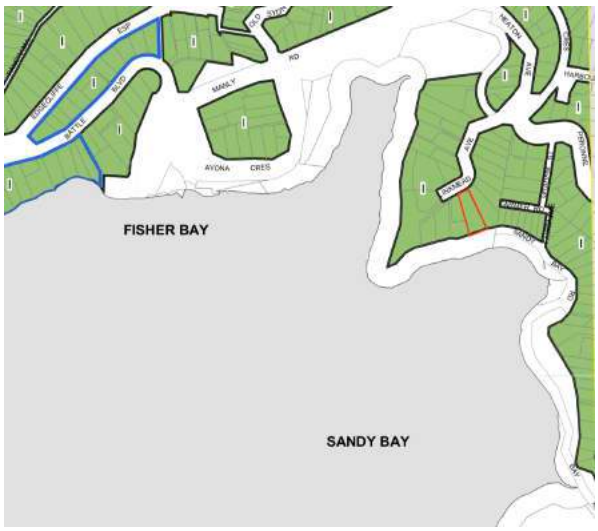
(c) clause 5.4.

Discussion

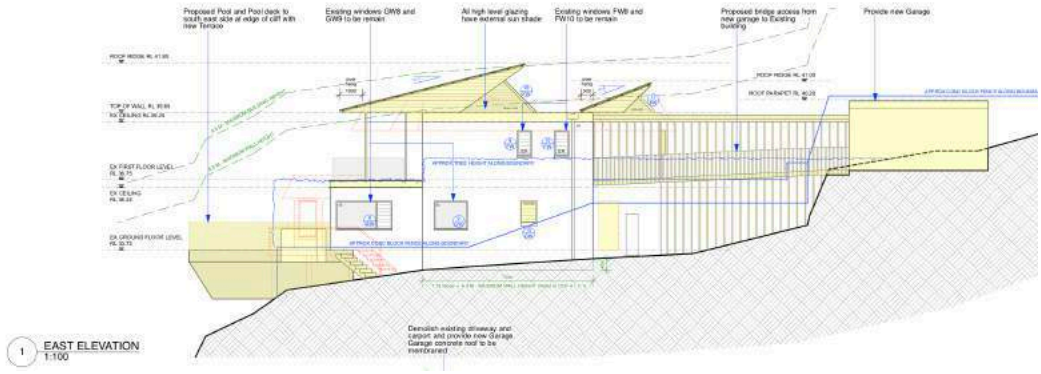
The existing dwelling has a flat metal roof that was installed sometime in the early eighties, over the thirty years ago. This roof is at the end of it's lifespan and was never of sound construction so the owners have had a number of water issues with the roof over the last 10 years they have owned the house.
One of the main aspects of the brief is to replace the roof with a new pitched roof structure which would allow north sunlight deep into the dwelling.



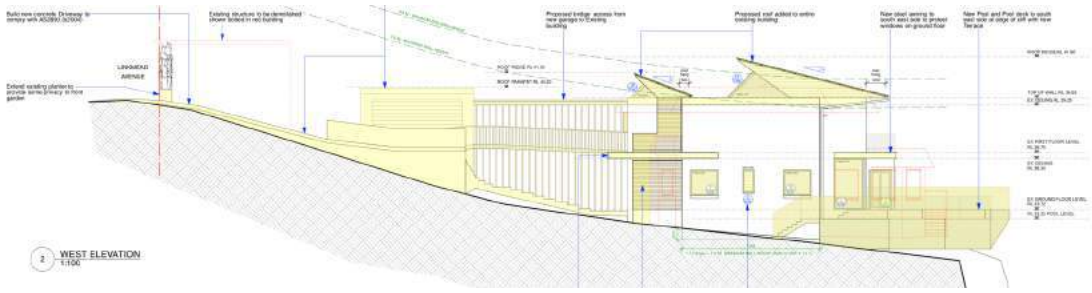
The subject site is within the Foreshore Scenic Protection Area – Zone E3 as defined by the Foreshore Scenic Protection Area Map, Sheet FSP_002 within the Manly Local Environmental Plan 2013.



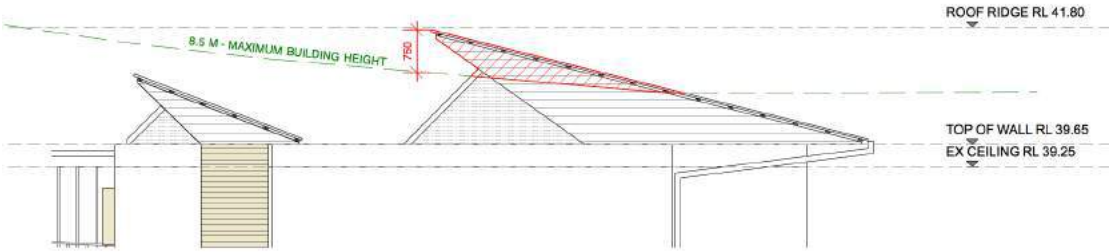
The Height of Buildings Map Sheet HOB_002, within the Manly Local Environmental Plan 2013, shown on the left, indicates the subject site is within the green shaded area marked as 'I'. The maximum height of buildings within this are cannot exceed 8.5 metres.



On the Eastern side of the dwelling the proposed roof complies with the Maximum Height of Buildings as can be seen by the green dotted line in the elevation above.



On the Western Elevation however there is a minor non-compliance on the South Western corner of the proposed new roof.



The diagram above shows the extent of the non-compliance. At the highest point the ridge of the proposed roof is 750 mm above the Maximum Building Height line, shown as the green dashed line.

We will now address each aspect of Clause 4.6 in turn for completeness:

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development.

b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The current flat metal roof with parapets is at the end of it's lifespan and is in need of replacing. Predominantly, this project seeks to remain within the existing building envelope where possible but to replace the metal roof with a new pitched roof which allows north sunlight into the building. We would argue that this Clause 4.6 Objection is available to give the

Owners an appropriate degree of flexibility to be able to provide a new pitched roof above the existing walls of the dwelling. The proposed roof pitch is not excessive at 15 degrees. The ridge height is only 2.1 metres above the existing wall height. The proposed design will achieve a better outcome for the development by allowing some flexibility in this circumstance:

- It will ensure the new roof is built to current standards, will be watertight and will have the correct levels of insulation within the roof construction.
- It will allow the north sun to penetrate deep into the dwelling by the use of the north facing glazed skylights, the main feature of the roof design.
- It will create a more aesthetically pleasing roof form to be viewed from Linkmead Avenue.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

The development standard proposed to be contravened Clause 4.3 Height of Buildings is not expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

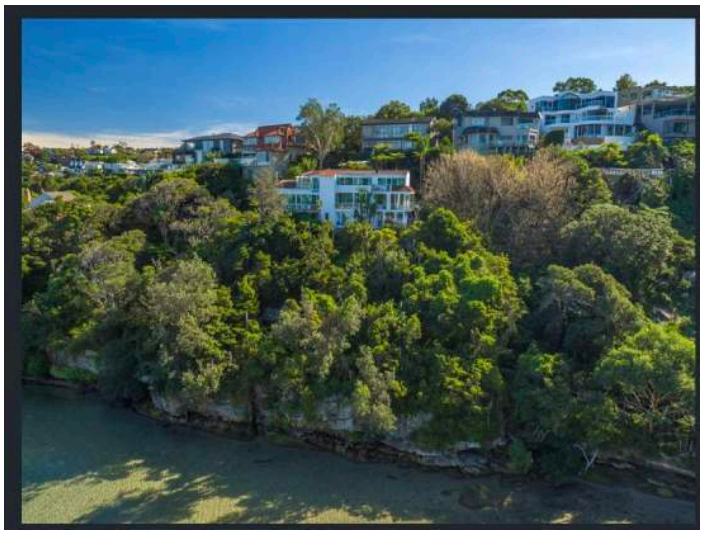
> *(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
>
> *(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

This submission is that written request for consideration by the consent authority. The compliance with the clause is considered unreasonable and unnecessary in the circumstance of this case as outlined in the discussion below.

To justify that there are indeed sufficient environmental planning grounds to consider this non-compliance we will examine all of the stated objectives of Clause 4.3 Height of Buildings and demonstrate compliance with each of them:

> *(a) to provide for building heights and roof forms that are consistent with the topographic landscape, prevailing building height and desired future streetscape character in the locality,*

The aerial view of the immediate locality shows that the predominant roof form is a pitched roof. The proposed roof form seeks to present as a typical pitched roof when viewed from the water, while providing a glazed skylight orientated towards the north sun.
The proposed roof form is consistent with other roofs forms in the neighbourhood.



The photo on the left shows the houses in the immediate vicinity of the subject house. The dwelling at No. 10 is the third house from the right, between the two large white coloured dwellings. This photo shows that the proposed alterations and additions will remain the same bulk and scale when viewed from the water and will be consistent with all other dwellings on the sloping topography down to the water.

The image on the left shows the proposal from the south, looking directly at the rear elevation. This shows that the proposal is consistent in bulk and scale with it's immediate neighbours and the new pitched roof has minimal impact when viewed from the Harbour.

A comparison of relative building heights of the surrounding dwellings using the survey information is given below:
No. 10 Linkmead Avenue, (three storey dwelling):
Roof height: 46.90, Ground level: 35 .97– Building Height: 10.9 metres.

No. 8 Linkmead Avenue, (two storey building):
Roof height: 39.57, Ground level: 31.54– Building Height: 8.03 metres.
No 8A Linkmead Avenue, (three storey building):
Roof height: 28.77, Ground Level: 17.65 – Building height: 11.1 metres

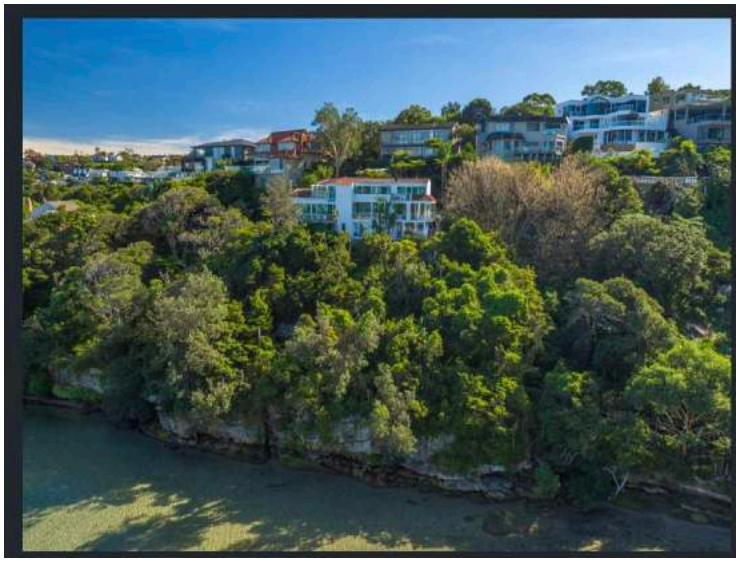
Proposed additions at No. 10 Linkmead Avenue, (two storeys)
Roof height: 41.80, Ground Level: 32.55 – Building height: 9.25 metres
This comparative study shows that the Building Height of the proposed design is consistent with the surrounding immediate neighbours.

(b) to control the bulk and scale of buildings,

The photographs shown on the preceding page show clearly that the proposal is similar in bulk and scale to the existing house and is consistent with the bulk and scale surrounding development.

(c) to minimize disruption to the following:

(i) views to nearby residential development from public spaces (including the harbor and foreshores),



The photo on the left shows the view from across the bay looking from the Harbour towards the subject site and surrounding hillside. Views from the Harbour will not be impacted upon or be affected by the proposed alterations and additions at No. 10. The bulk and scale of the dwelling will remain the same as per the photo and this is consistent with the other existing development on the street.

(ii) views from nearby residential development to public spaces (including the harbor and foreshores),

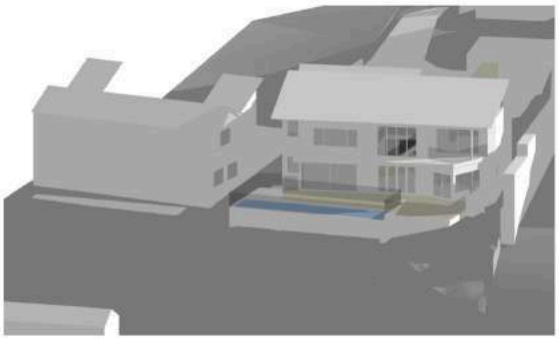
The photo on the left shows No. 10 Linkmead with it's surrounding neighbours. The photo shows that any proposed development at No. 10 will not impact upon the views currently enjoyed by No. 8 and 8A. The photo also shows that any views from No. 12 over the roof of No. 10 towards Spit Bridge to the west will not be impacted upon as the roof of No. 10 is a lot lower.

(iii) views between public spaces (including the harbor and foreshores),

This objective is not applicable in this circumstance.

(d) to provide solar access to public and private open spaces and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings

1 EXISTING SHADOWDIAGRAM
9am June 21st



3 PROPOSED SHADOWDIAGRAM
9am June 21st

The shadow diagrams shown earlier within Section 3.4.1 show that the proposal fully complies with Council's requirements and objectives for solar access.
The 3D shadow studies opposite show the shadows cast at 9.00 AM on Midwinter's day.
The Diagram on the top shows the shadows cast by the existing dwelling. The image below is the shadows cast by the proposed additions.
This shows that the proposed roof addition, even though it is above the Building Height limit, will not overshadow the adjoining house at No. 8 to no greater extent than the existing house.
Certainly the Objective (d) of Clause 4.3 is fully complied with.

(e) to ensure the height and bulk of any proposed building or structure in a recreation or environmental protection zone has regard to existing vegetation and topography and any other aspect that might conflict with bushland and surrounding land uses.

- It is a minor non-compliance that occurs only on the West Elevation, as the existing ground level drops away down towards the edge of the rock ledge.
- At the point where the roof is at the highest point, the setback from the side boundary is 2.6 metres from the western boundary, a more than adequate setback for the two-storey envelope.
- The proposed alterations and additions are generally within the existing building envelope.
- 852 m2 of soft landscaping is maintained on the site, that is 62 %, around 22 % over Council's minimal requirements.
- The bushland setting is maintained, All the natural bushland and rock features below the building will be retained to ensure the bushland setting is maintained.
- The bulk and scale of the proposal is consistent with the surrounding development.
- All existing trees are retained on site except for one Liquid Amber, a weed, which is to be removed to allow the relocation of the garage.

We have shown above that the proposal complies with all of the objectives of Clause 4.3, (a) to (e), and in so doing have shown that there are sufficient environmental planning grounds to justify the contravention of Clause 4.3. We would argue that it is reasonable for Council to consider this Clause 4.6 objection when due regard is given to the merits of the design and it's fulfilments of all the stated objectives.

(4) Development consent must not be granted for development that contravenes a development standard unless:

> *(a) the consent authority is satisfied that:*
>
> *(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
>
> *(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
>
> *(b) the concurrence of the Secretary has been obtained.*

We have demonstrated on the previous pages that the proposed development is consistent with the objectives of Clause 4.3 Height of Buildings and is similar in bulk and scale to other development in the Foreshore Protection Area. The Applicant only seeks to develop the subject site to the same potential as the neighbouring properties and to achieve accommodation commensurate with similar houses in this area.

(5) In deciding whether to grant concurrence, the Secretary must consider:

> *(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
>
> *(b) the public benefit of maintaining the development standard, and*
>
> *(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The contravention raises no matters of State or regional significance. It is considered that where the proposal is consistent and compatible with the neighbouring sites in terms of its bulk, scale and character and there is no public benefit in maintaining the development standard. No other matters are required to be taken into consideration.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

> *(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
>
> *(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

This is not applicable to the subject site and Application

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

The consent authority will keep a record of the determination.

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

> *(a) a development standard for complying development,*
>
> *(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
>
> *(c) clause 5.4.*

The proposal is not complying development. The development standard does not arise from regulations in connection with BASIX. The standard does not arise from Clause 5.4 or any of the other exclusions listed.

In this instance it is considered appropriate to make an exception to the Building Height Limit development standard under the provision of Clause 4.6 for the reasons outlined in the preceding discussion.

Signed .....
Duncan Sanby of Utz Sanby Architects Pty. Ltd.
Reg. No. 6227