



Agenda

Land Use Management Committee

Notice is hereby given that a Land Use Management Committee of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

Monday 5 June 2006

Commencing at 7:30:00 PM for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:
www.manly.nsw.gov.au*

Seating Arrangements for Meetings

Staff Staff General
 Manager Chairperson Staff Minute
 Taker



Mayor Dr Peter
Macdonald

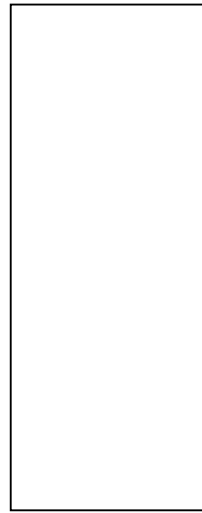
Clr Mark Norek

Clr Joanna Evans

Deputy Mayor
Clr Barbara Aird

Clr Brad
Pedersen

Clr Richard
Morrison



Clr Jean Hay AM

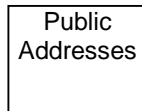
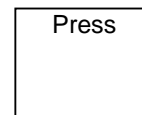
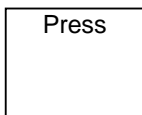
Clr Adele Heasman

Clr Dr Judy Lambert
AM

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



Public Gallery

Chairperson: Clr Dr Judy Lambert
Deputy Chairperson: Clr Richard Morrison

TABLE OF CONTENTS

Item Page No.

APOLOGIES AND LEAVE OF ABSENCE

DECLARATIONS OF INTEREST

CONFIRMATION OF MINUTES

The Land Use Management Committee of 1 MAY 2006

INSPECTIONS

The following site inspections will take place Monday 5 June, 2006.

16 Castle Circuit, Seaforth	8:00am
3A Magarra Place, Seaforth	8:25am
2A Battle Boulevarde, Seaforth	8:50am
4 Alma Street, Clontarf	9:15am
54 Lauderdale Avenue, Fairlight	9:40am
2 Smith Street, Manly	10:05am

GENERAL MANAGERS DIVISION

General Managers Division Report No. 11

Management Plan Quarterly Review - March 2006	3
---	---

CORPORATE SERVICES DIVISION

Corporate Services Division Report No. 14

Financial Review for the Period Ending 31 March, 2006	5
---	---

ENVIRONMENTAL SERVICES DIVISION

Environmental Services Division Report No. 24

16 Castle Circuit, Seaforth	8
-----------------------------------	---

Environmental Services Division Report No. 25

3A Magarra Place, Seaforth.....	20
---------------------------------	----

Environmental Services Division Report No. 34

2A Battle Boulevarde, Seaforth.....	37
-------------------------------------	----

Environmental Services Division Report No. 26

4 Alma Street, Clontarf.....	48
------------------------------	----

Environmental Services Division Report No. 28

54 Lauderdale Avenue, Fairlight - Section 96 Modification	59
---	----

Environmental Services Division Report No. 29

2 Smith Street, Manly - Section 82A Review	66
--	----

Environmental Services Division Report No. 30

67 Collingwood Street, Manly	82
------------------------------------	----

Environmental Services Division Report No. 32

Development Applications Currently Being Processed. 85

Environmental Services Division Report No. 33

Appeals List for June 2006..... 96

CLOSED COMMITTEE ITEMS

******* END OF AGENDA *******

TO: Land Use Management Committee - 5 June 2006
REPORT: General Managers Division Report No. 11
SUBJECT: Management Plan Quarterly Review - March 2006
FILE NO:

SUMMARY

The purpose of this report is to provide a review of the achievements towards meeting the outcomes set by Council in the key objectives in the Corporate Plan 2005 - 2008 for the period 1st January 2006 to 31st March 2006, in accordance with the requirements of the *Local Government Act 1993*.

REPORT

Section 407 of the *Local Government Act, 1993*, requires the General Manager to report periodically "as to the extent to which the performance targets set by the Council's current management plan have been achieved during each quarter."

The Management Plan 2005 - 2008 provides for the achievement of six Key Objectives as follows:

- | | |
|-----------------------|---------------------|
| 1. Local Development | 2. Management |
| 3. Community Services | 4. Asset Management |
| 5. Environment | 6. Government |

In June 2005, Council adopted the 2005 - 2008 Management Plan. The Corporate Plan, as contained within the Management Plan, contains key activities to achieve the six key objectives of Council. A matrix indicating the key activities for each program and the progress made on each of the activities **has been circulated under separate cover**. This matrix reviews and reports on the performance for the period 1st January 2006 to 31st March 2006.

At the Ordinary meeting of Council on 16 May 2005, Council resolved (in part):

- "2. *For the General Manager to report back on the Key ratios for each area outlined in the Management Plan.*"

The figures contained in the tables headed as **Performance Target, Measure** are drawn from the results of customer service level surveys conducted in November 2004 and September 2005. This report provides an explanation to assist in conveying a clearer understanding of these performance measures to Council.

The Key ratios as found in the tables following each program are explained:-

Performance Targets

Customer Satisfaction index is reported on a range of 1 – 10. This ranking is obtained from external random survey for the service activity/program and where applicable, by industry standards/accreditation for some services e.g. Children's Services.

Comments

Column gives the program average figure across all the activities in that program.

4.2 - Property Management Program contains five key strategies, 4.2.1, 4.2.2, 4.2.3, 4.2.4, & 4.2.5. the program average is **6.34** (by averaging the rating for all key strategies in that activity).

The Customer Service satisfaction level provides Council with a snapshot at that time, as an annual benchmark from the Customer Service Survey.

General Managers Division Report No. 11 (Cont'd)

The survey was administered by an independent company through phone survey to residents in November 2004 and September 2005, with the measure over the year 2004/05. Service/activity and industry standards set by service providers and accreditation bodies.

The results for each of the key activities are compared to the **overall program** result. Additional columns 2005/06 and 2006/07 indicate a projected increase in satisfaction levels to be tested by survey again in September 2005/06 and again in 2006/07.

Objectives, means and resources e.g. The number of staff and the resources used to administer/deliver the service/program.

Financial Information for the program - Income, Expenditure, Capital for the current year and as projected over the following two years of the planning cycle.

The results of the initial Customer Service survey of residents in November 2004 and September 2005 provides the Council, Community, Management and staff with a performance measure on the activities and programs, *at the time of the survey* and can be tested each year to track and analyse trends and levels of customer satisfaction.

This report provides for the requirement of statutory quarterly reporting on the Council's six Principal Activities in the Corporate Plan for the period 1st January 2006 to 31st March 2006.

RECOMMENDATION

That the report on the review of the Corporate Plan for the period 1st January 2006 to 31st March 2006 of the Management Plan 2005 - 2008 be received and noted.

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***** End of General Managers Division Report No. 11 *****

TO: Land Use Management Committee - 5 June 2006
REPORT: Corporate Services Division Report No. 14
SUBJECT: Financial Review for the Period Ending 31 March, 2006
FILE NO:

SUMMARY

Council's Income and Expenditure for the quarter 1 January 2006 to 31 March 2006 has been reviewed, together with a projection of Council's Budget as at 30 June 2006, and a Statement of Variations which have occurred is submitted.

After adoption of the recommended adjustments the result for the quarter is a deficit of \$94,725 and a forecast deficit at 30 June 2005 of \$259,395.

REPORT

Council is required to prepare a budget review statement each quarter, in accordance with Clause 7 of the Local Government (Financial Management) Regulation 1999. This report is prepared in accordance with the clause for the period ended 31 March 2006.

The purpose of these reviews is to ensure that the impact of financial variation, which should only be of a minor nature, is reflected in the forecast of Council's global budgetary position to 30 June 2005, and the adopted Budget adjusted accordingly.

Discussion

The following is a summary of Council's adopted Budget for 2005/2006 and revised estimates of Income and Expenditure to 30 June 2006, following the adjustments included in this report:

	Original Budget	Revised Budget at 31/12/2005	Revised Budget at 31/03/2006
Operating Income	-\$45,998,055	-\$46,570,980	-\$46,680,496
Capital Income	-\$15,248,325	-\$17,698,362	-\$17,986,362
Total Income	-\$61,246,380	-\$64,269,342	-\$64,666,858
Operating Expenditure	\$44,601,062	\$45,848,735	\$45,967,076
Capital Expenditure	\$16,736,318	\$18,585,277	\$18,959,177
Total Expenditure	\$61,337,380	\$64,434,012	\$64,926,253
Net Surplus / (Deficit)	(\$91,000)	(\$164,670)	(\$259,395)

Net Program adjustments for the quarter are summarized in the following table which outlines the aggregate changes to program areas in the Budget for the Quarter ended 31 March 2006.

Prog No.	Program	Variation
1.0	Corporate Services	\$0
2.0	Planning & Strategy	\$10,000
4.0	Human Services & Facilities	-\$1,175
5.0	Recreation & Culture	\$15,900
6.0	Environmental Services	\$50,000
7.0	Public Order & Safety	\$20,000
8.0	Urban & Infrastructural Services	\$0
9.0	Environmental & Community Amenities	\$0

Corporate Services Division Report No. 14 (Cont'd)

10.0 General Purpose Revenues \$0

Net Budget Variation – Deficit \$94,725

Major items included in the variances (excluding minor internal transfers) are summarized below.
 Note: Grants received for specific programs will have a matching expenditure:

Program	Details	\$
2.40	MEC - 15 th Anniversary	\$10,000
4.34	Children's Services (miscellaneous adjustments)	-\$1,175
5.60	Manly Swim Centre – Emergency pool pump repairs / roofing	\$15,900
5.72	Shelly Beach Improvement Works (funded from Reserves)	\$28,000
5.72	Seaforth Oval Sporting/Community Centre (funded from Reserves)	\$170,000
5.72	Seaforth Oval Sporting/Community Centre – Water conservation (funded from Grant)	\$30,000
6.10	Environmental Services - Legal Expenses	\$50,000
7.10	Community Safety – Subsidy grant no longer available	-\$20,000
8.1	Depot redevelopment (funded from Reserve)	\$130,000
	Total Variation - Deficit	\$94,725

After adoption of the recommended adjustments the result for the quarter is a deficit of \$94,725 and a forecast deficit at 30 June 2006 of \$259,395.

Statutory Report

In accordance with Clause 7(2) of the Local Government (Financial Management) Regulation 1999, Council's Chief Financial Officer hereby certifies that the Council's financial position is satisfactory having regard to the original estimates of income and expenditure.

RECOMMENDATION

That the 2005/2006 Adopted Budget be varied in terms of this Report.

ATTACHMENTS

AT- 1 Budget Variations 2006 1 Page

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***** End of Corporate Services Division Report No. 14 *****

ATTACHMENT 1

Corporate Services Division Report No. 14 - Financial Review for the Period Ending 31 March, 2006
Budget Variations 2006

Description	Original	2005/2006 Budget Variation					Full Year		Full Year		
		Council Approved	September Review	Council Approved	December Review	Council Approved	March Review	Council Approved	Budget Estimate	Budget Variation \$	% Budget Variation
Income											
1 Corporate Governance	(1,752,000)	-	(59,200)	-	(30,000)	-	145,000	-	(1,937,000)	30,000	-1.69%
2 Corporate Planning & Strategy	186,000	-	(1,400)	-	(3,000)	-	150,000	-	(185,270)	128,464	-20.33%
3 Human Services & Facilities	(1,820,810)	-	(4,400)	-	(1,000)	-	(7,198)	-	(1,833,808)	(2,293)	-0.13%
4 Recreation & Culture	(1,921,265)	-	-	-	32,543	-	(7,198)	-	(1,893,919)	(27,346)	-1.43%
5 Environmental Services	(2,205,000)	-	-	-	(25,000)	-	-	-	(2,230,000)	25,000	-1.13%
6 Public Order & Safety	(22,500)	-	-	-	-	-	20,000	-	(2,500)	(20,000)	89.89%
7 Urban & Infrastructural Services	(6,137,420)	-	(6,442)	-	-	-	-	-	(6,137,862)	6,442	-0.11%
8 Environmental & Community Amenities	(6,456,875)	-	-	-	-	-	-	-	(6,455,675)	6,442	-0.11%
9 General Purpose Revenues	(24,413,770)	-	(473,182)	-	-	-	-	-	(24,886,952)	473,182	-1.94%
10 Appropriations for Future Expenditure	0	-	-	-	-	-	-	-	0	0	0.00%
11 Appropriations for Future Expenditure	(45,988,055)	-	(52,024)	-	(88,607)	-	(79,516)	-	(46,530,466)	632,441	-1.38%
Capital Income											
1 Corporate Governance	(105,000)	-	-	-	-	-	40,000	-	(105,000)	-	0.00%
2 Corporate Planning & Strategy	(3,796,000)	-	(1,893,200)	-	-	-	40,000	-	(5,444,200)	1,648,200	-18.07%
3 Human Services & Facilities	0	-	-	-	-	-	-	-	0	0	0.00%
4 Recreation & Culture	(919,825)	-	(191,000)	-	(42,837)	-	(2,230,000)	-	(1,333,862)	414,037	-157.61%
5 Environmental Services	0	-	-	-	-	-	-	-	0	0	0.00%
6 Public Order & Safety	0	-	-	-	-	-	-	-	0	0	0.00%
7 Urban & Infrastructural Services	(6,388,000)	-	(17,000)	-	-	-	(100,000)	-	(6,585,000)	271,000	-4.24%
8 Environmental & Community Amenities	(4,429,800)	-	-	-	-	-	-	-	(4,423,800)	6,000	0.00%
9 General Purpose Revenues	0	-	-	-	-	-	-	-	0	0	0.00%
10 Appropriations for Future Expenditure	0	-	-	-	-	-	-	-	0	0	0.00%
11 Appropriations for Future Expenditure	(16,248,255)	-	(2,023,200)	-	(42,837)	-	(388,000)	-	(17,688,262)	2,728,037	-1.63%
Expenditure											
1 Corporate Governance	10,753,899	-	-	-	(65,000)	-	10,888,899	-	10,888,899	65,000	0.61%
2 Corporate Planning & Strategy	4,275,107	-	1,136,500	-	14,334	-	5,185	-	5,538,341	(1,166,834)	0.00%
3 Human Services & Facilities	4,794,855	-	2,400	-	10,000	-	51,185	-	4,858,280	(65,985)	-1.37%
4 Recreation & Culture	8,655,000	-	7,198	-	13,467	-	7,198	-	8,683,263	(28,263)	-0.33%
5 Environmental Services	3,050,849	-	-	-	101,000	-	80,000	-	3,131,849	(81,000)	-2.65%
6 Public Order & Safety	807,184	-	32,392	-	-	-	-	-	839,576	(32,392)	-4.01%
7 Urban & Infrastructural Services	4,587,455	-	-	-	-	-	-	-	4,587,455	-	0.00%
8 Environmental & Community Amenities	9,505,184	-	-	-	-	-	-	-	9,505,184	-	0.00%
9 General Purpose Revenues	0	-	-	-	-	-	-	-	0	0	0.00%
10 Appropriations for Future Expenditure	0	-	-	-	-	-	-	-	0	0	0.00%
11 Appropriations for Future Expenditure	44,601,622	-	1,178,352	-	73,781	-	115,341	-	45,967,076	(1,365,454)	-3.06%
Capital Expenditure											
1 Corporate Governance	1,018,460	-	-	-	30,000	-	-	-	1,048,460	(30,000)	-2.85%
2 Corporate Planning & Strategy	2,810,000	-	601,700	-	2,400	-	-	-	3,482,700	(672,700)	-23.58%
3 Human Services & Facilities	89,000	-	-	-	-	-	-	-	89,000	-	0.00%
4 Recreation & Culture	1,307,025	-	181,000	-	386,837	-	243,900	-	2,098,762	(791,737)	-60.58%
5 Environmental Services	0	-	-	-	-	-	-	-	0	0	0.00%
6 Public Order & Safety	0	-	-	-	-	-	-	-	0	0	0.00%
7 Urban & Infrastructural Services	4,348,000	-	230,000	-	-	-	100,000	-	4,678,000	(330,000)	-7.59%
8 Environmental & Community Amenities	640,400	-	-	-	-	-	-	-	640,400	-	0.00%
9 General Purpose Revenues	2,573,483	-	455,422	-	-	-	-	-	3,028,905	(455,422)	-18.12%
10 Appropriations for Future Expenditure	0	-	-	-	-	-	-	-	0	0	0.00%
11 Appropriations for Future Expenditure	16,238,318	-	1,448,122	-	430,837	-	343,300	-	18,460,577	(2,222,259)	-13.68%
Surplus/(Deficit)	(81,000)	-	(67,790)	-	(5,880)	-	(94,723)	-	(259,395)	168,385	-
Net Surplus/(Deficit)	(81,000)	-	(67,790)	-	(5,880)	-	(94,723)	-	(259,395)	168,385	-

Summary

TO: Land Use Management Committee - 5 June 2006
REPORT: Environmental Services Division Report No. 24
SUBJECT: 16 Castle Circuit, Seaforth
FILE NO: DA69/06

<u>Application Lodged:</u>	21/12/2006
<u>Applicant:</u>	Masterton Homes P/L
<u>Owner:</u>	L. Aitken
<u>Estimated Cost:</u>	\$345,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	Vacant land, nearby 1 – 2 storey dwellings
<u>Heritage:</u>	n/a.

SUMMARY:

1. DA 69/06 FOR CONSTRUCTION OF A 2 STOREY DWELLING WAS SUBMITTED TO COUNCIL ON 21 DECEMBER 2006.
2. NOTIFICATION OF THE PROPOSAL FROM 20 FEBRAURY 2006 – 6 MARCH 2006 RESULTED IN RECEIPT OF 3 SUBMISSIONS.
3. THE APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT WHERE IT WAS RESOLVED TO RECOMMEND APPROVAL SUBJECT TO CONDITIONS AND REQUIRING THE 1ST FLOOR LEVEL TO BE REDUCED IN FLOOR AREA TO MORE CLOSELY COMPLY WITH THE FSR CONTROL OF COUNCIL'S RESIDENTIAL DEVELOPMENT CONTROL PLAN.
4. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR NOREK.
5. A SITE INSPECTION IS RECOMMENDED.
6. APPROVAL OF THE APPLICATION IS RECOMMENDED.

LOCALITY PLAN

Shaded area is subject land.



REPORT

Introduction

The site is located on the western side of Castle Circuit, and has a regular form with front and rear boundaries of 18.75m and side boundaries of 40.325m for a total site area of 756.1m². The site also has a fall to the street of approximately 1m and a cross fall of approximately 1m to the south. The site is currently vacant and mostly cleared, vegetated by grass with interspersed shrubs and some small to medium sized trees.

Environmental Services Division Report No. 24 (Cont'd)

Neighbouring properties to the north, south and east are similarly vacant allotments, with development consents current for new dwellings at No's 14, 16, 18 and 20 Castle Circuit.

Development consent is sought for construction of a two storey dwelling with attached double garage. The proposed ground floor consists of entry, living, family, dining, home office, kitchen, rumpus, WC, laundry and double garage. The proposed first floor level contains 4 bedrooms, lounge room and two bathrooms. The proposed dwelling is constructed of brick with render finish and a pitched tile roof. Landscaping will comprise a mix of shrubs and trees as detailed in the landscape plan.

Development Control Plan Numerical Assessment

The following is an assessment of the proposal's compliance with the numerical standards of the Manly Residential Development Control Plan 2001. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

Control	Provision	Proposal	Compliance
FSR	0.4:1 / 302.4m ²	351m ² / 0.47:1	No
Wall height-north	6.7m	5.5m	Yes
Wall height-south	6.6m	5.4m	Yes
Setback – Front	6.0m or defacto	6.0m	Yes
Setback – Rear	8.0m	14m	Yes
Setback – side	1/3 wall height 1.8m – south side 0.9m – north side ground 1.8m – north side 1 st floor	3.4m 1.5m 4.2m	Yes Yes Yes
Open Space	529m ² / 70% min	536m ² / 71%	Yes
Soft Open Space	50% min of O/S 268m ²	441m ² / 82%	Yes
Endemic trees	3	3	Yes
Parking	2 spaces	2 spaces	Yes
Overshadowing	Max 1/3 rd existing Min 2hrs sunlight to neighbours living areas	>1/3 rd > 2 hrs maintained to neighbours	Yes Yes

Applicant's Supporting Statement

The applicant submitted a Statement of Environmental Effects in support of the application, a copy of which is available for viewing on Council's file.

Submissions

The application was notified to nearby and adjoining property owners with three (3) submissions received. Issues raised are addressed as follows:

- Excess / non-compliant FSR

Environmental Services Division Report No. 24 (Cont'd)

- New planting to be setback from side boundary to prevent growth overhanging into neighbours site
- Floor levels and landscape levels not shown
- Overshadowing to south

Precinct Community Forum Comments

The precinct resolved the following:

That the Precinct strongly opposes the application on the basis that it exceeds the FSR for the site. This is the first DA to be submitted after Council's unanimous endorsement of the revised DCP for this area and therefore represents a test case for the amendment to the DCP. The Precinct is looking to Council to stand firm on the amendment to the DCP.

Engineers Comments

Standard conditions of consent advised.

Building Comments

Standard conditions of consent advised.

Landscape Architects Comments

Standard conditions of consent advised.

Planning Comments**Manly LEP 1988**

The site is located in Zone No.2 – The Residential Zone which permits dwelling houses with the consent of Council. The proposed dwelling is permissible with consent.

The proposed dwelling is considered satisfactory in response to the objectives of the residential zone, resulting in a bulk and scale that is comparable with other dwellings approved on neighbouring properties. Vegetation removal will also be limited with new planting to be provided which will complement the site and surrounds. Consequently the proposal is considered an acceptable form of development when considered under the relevant objectives of the Residential Zone.

Manly DCP for the Residential Zone 2001**Floor Space Ratio**

For Subzone 7, the DCP permits an FSR of 0.4:1 for sites greater than 750m² in area. The subject site has an area of 740.5m² (756m² less the 15.5m² designated "restriction as to user" to protect bushland and sandstone rock shelves). FSR/GFA for the proposal at 0.47:1 / 351m² exceeds the limit of 0.4:1 / 296m² by 55m². For a breach to the FSR of this magnitude to be supported, the applicant would need to demonstrate that on merit the proposal satisfies the objectives for Floor Space Ratio. The applicant has submitted that the proposed floor area is consistent with nearby development in Acacia Road with No.12 having an FSR of 0.48:1 and No.14 and 16 Acacia road having an FSR of 0.5:1.

In this case, the site is located amongst several vacant parcels of land where new dwellings have been approved for construction. A comparison table is provided below:

Environmental Services Division Report No. 24 (Cont'd)

Address	Site area (m2)	GFA (m2) / FSR
14 Castle Circuit	721	307 / 0.42:1
16 Castle Circuit (site)	756 (total site area)	351 / 0.47:1
18 Castle Circuit	753	338 / 0.45:1
20 Castle Circuit	947	455 / 0.48:1
Average	794	367

The proposal is larger in GFA compared with the two neighbouring dwellings, it is considered that a reduction in floor space is necessary in order to provide a consistent built form. Council's Development Assessment Unit have recommended a reduction of floor area of 30m² at first floor level which would result in an FSR of 0.43:1. The following comments are made in respect of the DCP's objectives for FSR.

a) *To control the bulk of buildings.*

As discussed above with the recommended reduction in floor area, the bulk of the proposal is not considered excessive, being compatible with the bulk and scale of neighbouring dwellings.

b) *To ensure that the scale of development does not obscure important landscape features.*

No significant natural features will be obscured as a result of the proposed dwelling. In terms of landscape impacts, no substantial clearing will be required apart from 3 small to medium sized trees in the middle of the site, with replacement trees to be provided.

c) *To be consistent with the existing and desired character of the residential areas.*

The locality is predominantly characterised by a mix of two storey dwellings and several approvals for 2 storey dwellings of varying character. The proposed dwelling as recommended will maintain a compatible bulk and scale with the surrounds in a manner that causes no adverse amenity impacts. Consequently it is considered to acceptably fit within the desired future character of the locality.

d) *To minimise disruption to views, loss of privacy and loss of sunlight to existing residential development as well as the proposed development.*

In terms of amenity impacts, the design of the proposed dwelling as recommended is considered acceptable. Some overlooking from the upper level bedrooms may be possible, however being bedrooms they are not 'active living areas' that are frequently used, they are not considered to result in unreasonable loss of privacy.

Overshadowing will occur to a portion of the southern neighbouring property, with the greatest impact at 3pm winter solstice. Notwithstanding, the proposal will enable at least 2 hours direct sunlight to be maintained to the windows of the proposed southern neighbouring dwelling and direct sunlight access available to most of the southern neighbouring rear garden after 11am.

No views from existing dwellings in the surrounds will be affected, with views from these properties generally being an outlook of mature trees as part of the local landscape

e) *To provide sunlight access to private open spaces within the development and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings.*

Being within an area of recent residential subdivision, there is no adjacent dwelling. Notwithstanding the proposal has been assessed in terms of overshadowing to the approved development on the southern neighbouring site as discussed above.

In context of the FSR objectives then, the FSR of the proposal with the 30m² reduction recommended is considered to be acceptable on merit. It is also noted that the proposal complies with all other provisions of the DCP, with surplus setback to both side and rear boundaries, surplus open space and soft landscaping, and with a height that is well within the maximum permitted. Consequently the proposal is not considered an overdevelopment of the site, with no unreasonably

Environmental Services Division Report No. 24 (Cont'd)

adverse amenity impacts resulting such that the breach to the FSR provision is considered acceptable on merit.

The issues raised in submissions received relating to overdevelopment and loss of sunlight have been addressed above. Other issues relate to landscape plantings and information regarding proposed finished floor and ground levels. It is noted that the landscape plan submitted with the application has been reviewed by Council's Landscape Officer with conditions advised as to plant species and location. Plans also show proposed finished floor and ground levels and elevations show extent of filled area (max 0.5m) 1.5m clear of south side the property boundary. However, the landscape plan shows a reference to retaining wall "to suit fill" positioned on the side boundary. It is considered that natural ground level should be maintained within 0.9m of the side boundaries and the extent of fill should be as indicated on the architectural drawings rather than that shown on the landscape plan. A condition of consent in this regard is included in the recommendation.

The site is also located within the Foreshore Scenic Protection Area. Being a vacant allotment, any new dwelling may cause some visual impact however in this case the site is located atop a plateau and behind its western ridge with several mature eucalypts adjacent to its rear boundary which will have the effect of screening its upper level as viewed from the foreshores and waterways. Furthermore the scale of the proposal is not excessive, with a 5.5 metre wall height which is comparable with approvals for new dwellings to be constructed on neighbouring sites.

Clause 10 Objectives

The following comments are made in relation to the objectives of the Residential Zone in Clause 10 of the LEP.

(a) *to set aside land to be used for purposes of housing and associated facilities;*

The site is zoned residential and the proposal therefore complies with this objective..

(b) *to delineate, by means of development control in the supporting material, the nature and intended future of the residential areas within the Municipality;*

Council's Development Control Plan for the Residential Zone 2001, Amendment 1 has been considered in the assessment of the proposal.

(c) *to allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council area;*

The proposal will add variety to the existing housing types in the area and will be compatible with the residential character of the general area.

(d) *to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment;*

The proposal as recommended will not result in any significant impacts on the amenity of adjoining properties, nor will there be any adverse impacts on the quality of the environment.

(e) *to improve the quality of the residential areas by encouraging landscaping and permitting greater flexibility of design in both new development and renovations;*

The proposal includes landscape treatment of the open space areas of the site and is consistent with this objective.

(f) *to allow development for purposes other than housing within the zone only if it is compatible with the character and amenity of the locality;*

n/a.

(g) *to ensure full and efficient use of existing social and physical infrastructure and the future provisions of service and facilities to meet any increased demand;*

The future occupants of the development will utilise existing social and physical infrastructure with Section 94 contributions offsetting any additional demand.

Environmental Services Division Report No. 24 (Cont'd)

(h) *to encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.*

The proposal is considered to be compatible with existing development in the immediate area and generally in conformity with the applicable development controls and therefore is suitable development for the area.

(i) *to encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination, and particularly in relation to the land to which Manly Local Environmental Plan 1988 (Amendment No 57) applies.*

n/a.

CONCLUSION:

The application has been assessed pursuant to Section 79C of the EP&A Act, including the Manly Local Environmental Plan 1988 and the Manly Development Control Plan for the Residential Zone. The design complies with the DCP apart from a departure to the FSR provision which is considered acceptable on merit by virtue of satisfying the objectives for the DCP. In this regard the design maintains a form, bulk and scale of development that is consistent with housing that has been approved in the surrounds, with no unacceptable amenity impacts identified. Consequently the proposed development is considered suitable for the site and within the public interest, and is therefore recommended for approval.

RECOMMENDATION

That Development Application No. 69/06 for erection of a new two storey dwelling at No.16 Castle Circuit, Seaforth be approved subject to the following conditions:

DA1

This approval relates to drawings/plans Nos.1-8 dated 23 September, 2005 and landscape plan LPDA 06-35267/1 dated December 2005, all received by Council on 21 December, 2005.

ANS01

The dimension of the first floor level are to be reduced to achieve a 30m² reduction in floor area, to ring the proposal closer to compliance with Council's Residential Development Control Plan. Plans to be suitably amended prior to the issue of the Construction Certificate.

ANS02

The landscaping plans are to be amended to show existing ground levels being maintained within 0.9m of the south side boundary and new planting comprising 80% endemic species. Plans being suitably amended accordingly prior to issue of the Construction Certificate.

DA009

The construction of a vehicular footpath crossing is required. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. All works shall be carried out prior to the issue of Occupation Certificate.

DA010

Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property.

Environmental Services Division Report No. 24 (Cont'd)

DA011

The existing surplus vehicular crossing and/or kerb layback shall be removed and the kerb and nature strip reinstated prior to issue of the Occupation Certificate.

DA012

The driveway/access ramp grades, access and car parking facilities shall comply with the Australian Standard for Off-Street Parking AS2890.1-2004 or later editions.

DA013

A long section of the driveway shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$7,500. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

DA017

No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction. .

DA342

Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

DA343

Any adjustment to the public utility service is to be carried out in compliance with their standards and the cost is to be borne by the applicant.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA019

Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council /Accredited Certifier prior to issue of the Construction Certificate.

Environmental Services Division Report No. 24 (Cont'd)

DA021

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

DA023

No person shall use or occupy the building or alteration which is the subject of this approval without the prior issue of an Occupation Certificate.

DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

DA026

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA040

Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.

DA044

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.

DA048

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

DA058

An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

DA059

Building work shall not progress beyond first floor level until such time as Registered Surveyor's details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.

Environmental Services Division Report No. 24 (Cont'd)

DA060

On completion of the building structure a report from a Registered Certifier is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA088

A system of onsite stormwater detention shall be provided within the property in accordance with Council's Specification for on-site stormwater management 2003. The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council.

DA095

A copy of the approved OSD plan showing work as executed details shall be submitted to Council **prior to the issue of the Occupation Certificate**. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

DA100

A positive covenant in respect of the installation and maintenance of onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and prior to the release of the trust fund deposit.

DA101

The proposed structure/s to be located clear of the existing Council easement. A certificate from a Registered Surveyor is to be submitted to Council verifying the location of the structure/s after footings have been poured and before the construction of any walls.

DA102

Special footings will be required where the proposed/existing structure is adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A suitably qualified Structural Engineer shall issue a compliance certificate for the special footings referred to above to the Principal Certifying Authority. The footings shall be designed and approved Prior to the Issue of the Construction Certificate.

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA237

All healthy trees and shrubs identified for retention on the plan must be:

- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
- (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.

Environmental Services Division Report No. 24 (Cont'd)

DA238

All disturbed surfaces on the land resulting from the building works authorised by this approval shall be revegetated and stabilised so as to prevent any erosion either on or adjacent to the land.

DA239

The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA247

Landscaping being provided in accordance with the approved Landscaping Plan and conditions of this consent, landscaping being maintained in accordance with that plan at all times.

DA346

Trees and shrubs liable to damage are to be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed when directed by the Principal Certifying Authority. The enclosures are to be constructed out of F62 reinforcing mesh 1800mm high wired to 2400mm long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk.

DA348

Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

DA255

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier **prior to the issue of the Construction Certificate**. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:-

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection

Wet area moisture barrier

Drainage inspection

Driveway crossing/kerb layback

Landscaping inspection

Environmental Services Division Report No. 24 (Cont'd)

Final inspection

The cost of these inspections by Council is \$1,760. (being \$220.00 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.**

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$100.00.

DA271

An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.

DA284

Detailed plans of roof trusses indicating type and position of trusses, design wind classification, manufacturer name, stress grade of timber used, and method of bracing and fixing trusses are to be submitted to the Principal Certifying Authority prior to the commencement of roof framework.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA333

A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

DA335

Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.

DA336

Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

DA338

All disturbed areas shall be stabilised against erosion to Council satisfaction within 14 days of completion, and prior to removal of sediment controls.

DA340

The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land. The measures must include:-

- (i) siltation fencing;
- (ii) protection of the public stormwater system; and

Environmental Services Division Report No. 24 (Cont'd)

- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

DA320

Prior to issue of the Occupation Certificate, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Council's Section 94 Policy applicable at the time of payment **prior to the issue of the Construction Certificate.**

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 24 *****

TO: Land Use Management Committee - 5 June 2006
REPORT: Environmental Services Division Report No. 25
SUBJECT: 3A Magarra Place, Seaforth
FILE NO: DA187/05

Application Lodged: 11 April 2005
Applicant/Owner James and Patricia Spiropoulos
Estimated Cost: \$380,000
Zoning: Zone No.2 (Residential) of the Manly Local Environmental Plan 1988.
Surrounding Development: Single and two storey dwellings.
Heritage: Not applicable

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A NEW MULTI-LEVEL DWELLING, ELEVATED DRIVEWAY, DOUBLE CARPARKING AREA AND LANDSCAPING.
2. THE APPLICATION WAS NOTIFIED FROM 10 MAY 2005 UNTIL THE 24 MAY 2005 AND THREE (3) SUBMISSIONS WERE RECEIVED OBJECTING TO THE PROPOSAL.
3. AMENDED PLANS WERE SUBMITTED TO COUNCIL ON 13 MARCH 2006 IN ACCORDANCE WITH RECOMMENDATIONS FROM COUNCILS DEVELOPMENT ASSESSMENTS UNIT, TO REDUCE THE PROPOSED DEVELOPMENTS IMPACTS ON ADJOINING PROPERTIES. THESE PLANS WERE RE-NOTIFIED FROM 3 APRIL 2006 UNTIL 10 APRIL 2006 AND THREE (3) SUBMISSIONS WERE RECEIVED OBJECTING TO THE AMENDED PROPOSAL.
4. THE APPLICATION WAS REFERRED TO THE SEAFORTH PRECINCT COMMUNITY FORUM COMMITTEE WITH COMMENTS RECEIVED.
5. THIS APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR LAMBERT.
5. A SITE INSPECTION IS RECOMMENDED.
6. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

LOCALITY PLAN

Shaded area is subject land.



REPORT

Introduction

The subject site is located on the southern (low) side of Magarra Place, Seaforth. The site is an irregular shaped undersized allotment and has a substantial fall from the front to the rear boundary

Environmental Services Division Report No. 25 (Cont'd)

of the site. The front northern boundary is 8.38m wide, the rear southern boundary approximately 15.11m wide and the eastern side boundary is irregular in shape, having a total angled length of 23.78m. The total site area consists of 351.4m².

The site is currently developed with a single storey brick and tile dwelling with a detached single carpark 6.095 x 4.555 metres fronting Manly Road. An access handle (walkway) along the western side of property No.23 Manly Road, Seaforth, provides access from the single carparking space up to the subject dwelling house. A number of trees exist on Council land fronting the property, with access to the dwelling available via steps from Magarra Place.

Adjoining to the rear of the subject site is No.23 Manly Road, Seaforth, which is developed with a single storey dwelling fronting Manly Road and has private open space located within its rear yard.

To the west and south-west of the subject site is an irregular shaped property No.21 Manly Road, Seaforth. This property has frontage to both Magarra Place and Manly Road, and contains a two-storey dwelling on the lower portion of the site fronting Manly Road. The far northern rear garden area of this property is densely vegetated, with the usable private open space area located directly to the rear of the dwelling. Shared footpath access (with property No.3A Magarra) is utilised over Council land from Magarra Place to the rear of this property.

Further to the west is property No.3 Magarra Place, Seaforth which has been developed with an elevated dwelling and elevated driveway.

To the east of the subject site is property No.25 Manly Road, Seaforth, which also consists of an irregular shaped allotment, having frontage to both Magarra Place and Manly Road, Seaforth. This property contains a two-storey dwelling centrally located on site with carparking access from Manly Road.

Development History

DA619/94 (Property No.23 Manly Road, Seaforth), for subdivision of an existing dual occupancy into two lots was approved on 13 March 1995.

Council received DA241/02 (Property No.3A Magarra Place, Seaforth) on 22 May 2002 for demolition of an existing dwelling and construction of a two-storey dwelling with an elevated driveway/carparking area. That application was withdrawn 23 January 2003.

DA187/05 (Property No.3A Magarra Place, Seaforth), was submitted to Council on 11 April 2005 for demolition of an existing dwelling and construction of a new multi-level dwelling, elevated driveway, double carparking area and landscaping.

DA187/05 was presented to Councils Development Assessments Unit meeting on 3 November 2005 and it was resolved that the application be deferred pending further discussions with the applicant with respect to:-

- The applicant was required to seek owners consent for works on Council owned reserve.
- Reduce the height of the dwelling by 0.6m.
- Privacy screening required for 1st floor rear terrace.
- First floor rear usable terrace area is required to be setback a minimum of 8m to the rear boundary.
- 1st floor planter is required to be setback a minimum of 7m to the rear boundary as per concept Sketch.
- Southern living room wall (rear) to be setback a further 1m from the rear.

Environmental Services Division Report No. 25 (Cont'd)

The applicant submitted amended plans and associated documentation on 13 March 2006 in response to the DAU request. The amended plans in association with DA187/05 is the subject of this report.

Proposed development

The proposed development (as amended) includes:

- Demolition of the existing single storey dwelling.
- Landscaping works.
- Elevated driveway and hard stand carparking area fronting Magarra Place, Seaforth.
- 98m² of lower ground floor area consisting of three bedrooms, bathroom, ensuite, study and laundry and a southern facing veranda.
- 60m² of ground floor area consisting of a kitchen, living/dining area and a southern facing veranda.
- First floor roof sun deck.
- 2000 litre underground rainwater tank to be located in the rear yard and an 1100 litre above ground rainwater tank adjacent to the western wall of the proposed dwelling.

Development Control Plan Numerical Assessment

The following is an assessment of the proposal's compliance with the numerical standards of the Manly Development Control Plan for the Residential Zone 2001, Amendment 1. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

Provision/Standard	Permitted/ Required	Proposed	Complies Yes/No
Density - Sub Zone 7	1 dwelling / 750m ²	1 dwelling/ 351.4m ² (site area excluding handle 299.4)	n/a (existing)
Floor space ratio	0.4:1	0.51:1/ 153m ²	No
Floor space ratio - existing	0.32:1/ 112 m ²		Yes
Wall height - West	7.8m	6.6m (7.2m originally proposed)	Yes
Wall height - East	7.5m	6.6m (7.2m originally proposed)	Yes
Roof height	3m	1.8m	Yes
Setback - West Side	2.3m	2.08m	No
Setback - East Side	2.3m	1.5m - 5m	Yes (average)
Setback - Rear	8m	7.6m – 12.2m (dwelling) 6.1m (terrace)	No
Setback - Front	6m	0.9m	No
Open space - total	209m ² / 70%	188m ² / 63%	No
Open space - soft	122.99m ² / 50%	164m ² / 80%	Yes
Private open space	18m ²	>18m ²	Yes
Number of Endemic Trees	2	2	Yes (condition)
Car Parking – Residents	2	3	Yes

Environmental Services Division Report No. 25 (Cont'd)

Provision/Standard	Permitted/Required	Proposed	Complies Yes/No
Shadow - adjoining N/S orientation	> 4hrs sunlight retained	> 4 hours retained to front and rear living areas	Yes
1/3 of existing sunlight to open space of adjacent properties at 9am, 12 noon and 3pm at the winter solstice (21 June)	Western Property	The proposal will not overshadow more than 1/3 of the open space area at 9am.	Yes
	Eastern Property	The proposal overshadows slightly more than 1/3 of the open space area at 3pm.	No
	Southern Property	The proposal will not overshadow more than 1/3 of the open space area at any time.	Yes
	Subject Property	The proposal will overshadow more than 1/3 open space at the 12noon period	No

Submissions

The application was notified to nearby and adjoining property owners with three submissions received raising concerns as follows:-

- The Council under DA No. 241/2002 disallowed any suspended driveway over Council property to any upper decks of the property and instead approved motor vehicle access to the property via a Manly Road garaging and a pedestrian 'right of way'. It also allowed a single storey development on the small 351.4sqm. The then DA also approved the retention of nominated trees and not one of those remains today.
- Erosion of privacy to rear garden and upper bedrooms due to the proposed balcony with no effective screening.
- We would like to see one of two suggestions adopted into the scheme, either;
 - The building frontage be skewed to an acceptable angle which minimises the intrusive nature of the protruding balcony, and is more in keeping with the roof line of property No. 23 Manly Road.
 - OR
 - Effective permanent screening of an opaque or solid nature be integrated into the balcony design so as to ensure that, in general usage, the occupants of the proposed residence are prevented observing a line of vision which would undermine a natural right to privacy in our home.
- Height: Request for timber poles to be erected to indicate the proposed height of the building, given the excavation and fill proposed.
- Size: Non-compliance with open space, rear setback and FSR requirements.
- Shadows: Cumulative overshadowing concerns from adjoining properties and existing vegetation.
- Car parking: Oppose the enormity of an off-street Magarra Place car ramp

Environmental Services Division Report No. 25 (Cont'd)

- Fencing and Neighbour Retaining Walls: Nowhere in the DA is there mention of safeguarding neighbouring properties by building suitable boundary retaining walls and existing fencing replacement necessary from the lowering of the existing site.
- Access: We share a back access path with our neighbours and nowhere in the DA is there a provision for safeguarding and guaranteeing that access during future construction.
- West Side Setback: Does the 2.08m west side setback include eaves and any other 3rd floor overhang?
- Front walk way: Opposition to the unnecessary front walk way from the second level to the front boundary. Surely an exit from the ground floor and the car park would be enough.
- Vacant Block of Land: The SEE infers our block is vacant, this is incorrect.
- Massive visual impediment - concrete ramping; columns; excessive use of glass and visual height and bulk.
- Loss of sky and tree-scape when viewed from Manly Road and for neighbouring properties.
- Car space on Manly Road is incorrectly sited. The boundary around the Manly Road car space is not in agreement with the boundaries as located on the pre-existing site plan for property No.23 Manly Road, Seaforth..
- Unreasonable overshadowing impact on rear living area and backyard of property No.23 during winter months.
- Setback non-compliance enhances visual bulk and the rear setback will create privacy impacts for property No.23.
- Overshadowing impacts notably during winter along the western wall and on garden vegetation
- Views and outlook will be impeded.
- Privacy impacts, notably from the first floor balcony proposed.
- Inappropriate bulk and scale.
- Increased visual and physical enclosure along western boundary will heighten security fear.

Amended plans were submitted to Council on 13 March 2006 in accordance with request from Councils Development Assessments Unit, to reduce the proposed developments impacts on adjoining properties. These plans were re-notified with three (3) submissions received raising the following concerns:-

- An overall height reduction of 600mm. There is no explanation as to where or how this has occurred. The erection of height poles would be helpful.
- The installation of a Western facing privacy screen. The construction of this 1.6m screen is not only an inadequate screening but appears to be made as a temporary structure which in time could easily be removed..
- A step back of one (1) metre from the Southern Border of the 2nd and 3rd floors.
- The Open Space proposed is 20% greater than allowed. (Permitted 70%, Proposed 84%).
- Rear Setback (Permitted 8m, Proposed 7m).
- The FSR was 7.4% greater than allowed. (Allowed 140.56m², Previously proposed 150.98m²).
- Soft Open Space?
- The solid closed in balcony now adds further to the unacceptable bulk and imposing presence of the building.
- Likewise the fixed slat screen increases the walls prominence while still reducing the neighbours privacy as it continues to allow the view into the back of the neighbours house and yard.
- The rear enclosing wall of the second storey set back is irrelevant to the illegal close proximity of the building itself to the boundary at several places. The building still contravenes Councils minimum set back regulations as it did in the original proposal.
- The trifling height reduction of 0.6m is negligible in comparison to the 10.72m height difference between the roof line and the rear boundary level. This imposing height is even greater when compared to the rear of my house and that of my neighbours.

Environmental Services Division Report No. 25 (Cont'd)

- Massive overshadowing to all neighbours remains.
- Loss of privacy remains.
- Loss of environmental quality and amenity.

Seaforth Precinct Community Forum

The application was referred to the Seaforth Precinct Community Forum (meeting 8 June 2005) with the following comments received:

- ❖ Loss of privacy, particularly for the southern neighbour
- ❖ Significant breach of solar access considerations
- ❖ The dominant feature of the proposed ramp over Council land
- ❖ The small size of the site demands complete compliance with the DCP

NSW Rural Fire Service

No objections, subject to recommended conditions.

Building Comments

No objections, subject to recommended conditions.

Engineering Comments

No objections, subject to recommended conditions.

Administration Comments

Should the proposed elevated driveway over Council Road Reserve be acceptable to Council's Development Assessment Officer and Development Engineer the following condition should be included in any approval:-

A separate application will be required to be submitted to Council for the elevated driveway structure to be erected on Council property (road reserve). In this regard please contact Council's administration officer on 9976 1517. Please note that this approval must be obtained prior to the issue of the construction certificate.

Landscaping Comments

No objections, subject to recommended conditions.

Planning Comments

The following is an assessment of the proposal's compliance with the numerical standards of the DCP for the Residential Zone 2001, Amendment 1.

Floor Space Ratio (FSR)

The objective of the FSR standard is to control the bulk of buildings and ensure that development is consistent with the existing and desired character of residential areas. Section 3.3.2 of the DCP stipulates that:

On sites which are substantially less (20%) than the minimum site area required in the relevant density sub-zone, Council may consider a variation to the floor space ratio provided the applicant can demonstrate the objectives of the DCP can be achieved.

Environmental Services Division Report No. 25 (Cont'd)

The subject site is located within Density Sub-zone 7 and is substantially less (approximately 53% less) than the minimum 750m² site area required in accordance with the less than 1 in 6 slope of the land. Density Sub zone 7 has an applicable FSR of 0.4:1. The definition of site area as stated in the DCP excludes any area of access handle, the resulting site area is 299.4m².

The amended plans submitted on 13 March 2006 (Issue G) involve a setback of the rear external enclosing wall by one metre, resulting in an FSR of 0.51:1. The amended design achieves greater compliance with the objectives of the DCP by reducing FSR; improving the rear setback; increasing usable open space and reducing privacy impacts. The amended development proposal also achieves greater compliance with the objectives of the DCP by reducing its overall height by 0.6m, thus reducing the bulk, scale and overshadowing impacts. Noting the restricted site area available and the similar bulk and scale of surrounding development the proposed FSR is considered acceptable subject to recommended conditions.

Height, Bulk, Scale and Design.

A number of submissions have been received objecting to bulk and scale of the proposed development when viewed from its lower sides. These issues are exacerbated due to the fact that the two-storey dwelling is proposed to be located on an undersized allotment which is irregular in shape and on a sloping site. In this respect, the original plans have been amended to reduce the overall height of the dwelling 0.6m, in effect reducing the visual height, bulk, scale and overshadowing impacts for adjoining properties. It is noted here that the proposed wall heights and roof height falls lower than the maximum permitted in the Residential Development Control Plan.

With respect to design impacts, the design of the dwelling is considered appropriate given the site constraints and with current revisions has effectively reduced the overall height of the proposal by 0.6m; increased the ground floor rear setback by a further 1m and softened the rear ground floor façade with the introduction of planter boxes.

Setbacks

There are a number of setback non-compliances proposed which are considered acceptable given the irregular shape, slope and other constraints of the subject site.

In accordance with the performance criteria of the DCP a 6m front setback is required. The proposal involves a 0.9m front setback from Magarra Place. There is however a sloping landscaped distance of 9.3m over Council road reserve between the front boundary of the subject site and the curb of the road. It is noted that there is no established front setback along the southern side of Magarra Place, although No.3 Magarra Place maintains a similar front setback to that which is proposed. The front setback would have minimal streetscape impacts given the dwelling would be located predominantly below street level. Accordingly, no objections are raised to the front setback, subject to recommended landscaping conditions.

The western side setback non-compliance relates to 9.3m of wall length with an average side setback of 2m, whereas the DCP requires 2.3m. As the building is sited on a sloping site below Magarra Place, the altered side setback will have minimal visual impact on the existing streetscape. It would also be an improvement on the 1m side setback that currently exists. Minimal privacy impacts would be incurred as the window, privacy louver and planter box placement proposed does not directly overlook the usable private open space area of the adjoining western property. Overshadowing also complies with the DCP requirements. Accordingly, the impact of the side setback variation is considered minor and complies with the setback objectives of the DCP.

The proposed southern rear setback is 6.1m to the lower ground and ground floor veranda/terrace areas and is non-compliant with the 8m rear setback requirement of the DCP. It is noted that the lower ground floor veranda off bedroom areas generally maintains the rear setback of the existing dwelling, and that landscape plantings growing to a mature height of 3m along the rear eastern,

Environmental Services Division Report No. 25 (Cont'd)

southern and western boundaries will provide adequately privacy to the adjoining residence. Accordingly, no objections are raised to the rear lower ground floor veranda setback on planning grounds.

Whilst the rear setback to the dwelling itself does not comply with the 8m rear setback requirement of the DCP, it is considered however that the amended rear setback proposed meets the setback objectives of the DCP. The rear external enclosing wall has now been setback a further one (1) metre providing a 12.2m to 7.6m rear setback from the external wall of the building. This results in an increase in usable veranda area and enables the provision of privacy screening in the form of planter boxes (with a minimum width of 1m metre and maximum width of 2m), to reduce privacy impacts for rear adjoining properties. Accordingly, no objections are raised on planning grounds to the ground floor rear setback, as amended.

Opens Space and Landscaping

The original proposal involved a 58.6% Open Space provision (calculated by excluding the building footprint; carparking area; elevated driveway; areas less than 2m² on natural ground level; and areas less than 3m² on above ground verandas). By setting back the rear external enclosing wall a further one metre from the rear boundary as indicated on the amended plans, an increase to 63% open space is proposed more in compliance with the 70% open space requirement of the DCP. A 7% non-compliance with the openspace requirement is considered appropriate in this instance, considering the soft openspace provision exceeds the DCP requirement and that the subject site is an undersized allotment.

Privacy Impacts

A number of issues have been identified that create privacy concerns for adjoining residence and design challenges for the subject dwelling. As the proposed two-storey dwelling is located on an undersized southern-sloping allotment up-hill from adjoining dwelling houses, overlooking /privacy issues are evident. The conflict arises where private open space areas of adjoining dwellings are located to the rear, to maximise the northerly aspect, yet the subject dwelling requires a second storey to maximise water views southward towards Middle Harbour. The optimum outcome in this instance is to mitigate direct viewing into windows and outdoor private open space areas through appropriate design, setbacks and privacy screening.

The distance of approximately 18m between the proposed veranda/terraces and the existing first floor bedroom window of property No.25 is considered adequate to ameliorate privacy impacts.

Potential privacy impacts overlooking the rear private open space areas of adjoining properties No.23 Manly Road and No.21 Manly Road, Seaforth, would be predominantly arise from the ground floor windows and rear veranda/terrace area. The amended plans have setback the ground floor a further 1m from the boundary and a planter box has been incorporated to the southern and eastern sides of the veranda/terrace. A 1.6m high slatted screen is shown on the west side of the veranda/terrace

The 3m high planting proposed along the rear and side boundaries are considered appropriate privacy screening from the lower ground floor veranda. Accordingly, no objections are raised on privacy grounds subject to recommended conditions.

Overshadowing

Objections have been raised by all adjoining properties with respect to the overshadowing impacts of the proposed development on existing vegetation, private open space and living areas. In accordance with the DCP requirements, the level of solar access presently enjoyed by all adjoining properties would be maintained to windows and glazed doors for a period of at least 4 hours from 9am to 3pm on 21 June. The proposal will however overshadow slightly more than 1/3 of the open

Environmental Services Division Report No. 25 (Cont'd)

space area at 3pm for property No.25 Manly Road permitted in the DCP. Accordingly, the height of the proposed dwelling has been reduced by 0.6m to reduce overshadowing impacts.

Car parking and Access

A single carparking space 6.095 x 4.555 metres is currently provided for the site fronting Manly Road. An access handle (walkway) along the western side of property No.23 Manly Road, Seaforth, provides access from the single carparking space up to the subject dwelling house. It is noted from a site inspection that this carparking space is underutilized and an inconvenient form of access to the dwelling house. The proposed development includes an elevated driveway off Magarra Place to provide access to two new on-site carparking spaces. This would allow for more direct and convenient access to the site, in compliance with the carparking requirement of the DCP. It is also noted that property No.3 Magarra Place utilizes a similar elevated driveway arrangement.

Submissions have been received in opposition to the perceived enormity of the elevated driveway. The driveway would also result in the removal of two trees on Council land. Accordingly, Councils Landscape Architect has recommended a condition to ensure that further planting is provided around the elevated driveway on Council land, to help screen it from adjoining residences and maintain the existing landscaped character of Magarra Place.

Pedestrian access to the subject dwelling and adjoining property No.21 Manly Road is currently available via a number of steps from Magarra Place. A recommended condition requires that this access path be maintained and remain unobstructed during the construction phase. External pedestrian walkway/stairs are also proposed on the western side of the subject dwelling, linking the access path from Magarra Place to the ground floor living/dining area of the proposed development. Accordingly, no objections are raised to the proposed carparking/access arrangements on planning grounds, subject to recommended conditions.

Views

As the dwelling is proposed on the lower southern side of Magarra Place, predominantly below road level, no significant view loss from nearby properties or from public land will result.

Clause 10 Objectives

The proposal's compliance with Clause 10 Objectives of the Residential Zone under the Manly LEP 1988 are addressed as follows:

(a) *to set aside land to be used for purposes of housing and associated facilities;*

The land is currently zoned residential and developed with a dwelling; in this regard the proposal satisfies the objective.

(b) *to delineate, by means of development control in the supporting material, the nature and intended future of the residential areas within the Municipality;*

The Manly DCP for the Residential Zone 2001 has been used to assess the proposed developments consistency with this objective.

(c) *to allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council area;*

The proposal is considered to be consistent with the existing building type and that of the surrounding area, subject to recommended conditions.

(d) *to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment;*

Environmental Services Division Report No. 25 (Cont'd)

No perceived amenity issues will result from the proposed two-storey dwelling subject to recommended conditions.

(e) *to improve the quality of the residential areas by encouraging landscaping and permitting greater flexibility of design in both new development and renovations;*

The proposal complies subject to recommended conditions.

(f) *to allow development for purposes other than housing within the zone only if it is compatible with the character and amenity of the locality;*

n/a

(g) *to ensure full and efficient use of existing social and physical infrastructure and the future provisions of service and facilities to meet any increased demand;*

n/a

(h) *to encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.*

The proposed two-storey dwelling is considered to be suitable redevelopment, subject to recommended conditions.

(i) *to encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination, and particularly in relation to the land to which the Manly Local Environmental Plan 1988 (Amendment No57) applies.*

n/a

Foreshore Scenic Protection Area

The site is located within the Foreshore Scenic Protection Area (FSPA). Clause 17 of Manly 1988 states:

The Council shall not grant consent to the carrying out of development unless it is satisfied that the development will not have a detrimental effect on the amenity of the Foreshore Scenic Protection Area.

The proposed two-storey dwelling will have no adverse visual impacts on the amenity of the FSPA or the character of the area when viewed from Middle Harbour or Magarra Place, subject to recommended conditions with respect to landscaping provisions and that the external materials, finishes and colours of the building are constructed of a non-glare material and are unobtrusive and compatible with the surrounding environment.

CONCLUSION:

The application has been considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan, 1988 and the Development Control Plan for the Residential Zone 2001, Amendment 1. The proposal is subsequently recommended for approval subject to recommended conditions.

RECOMMENDATION

That Development Application No.187/05 for demolition of an existing dwelling and construction of a new multi-level dwelling, elevated driveway, double carparking area and landscaping at property No.3A Magarra Place, Seaforth, be approved subject to the following conditions:-

Environmental Services Division Report No. 25 (Cont'd)

DA1

This approval relates to Landscape Concept Plan drawings Nos. 05/10028/01 dated 4 March 2005 and received by Council on the 11 April, 2005. Plan drawings Nos. 1 to 4 Issue G Job No. 823/03 dated October 2004 and received by Council 13 March 2006.

ANS01

Further planting is to be provided around the elevated driveway on Council land to help screen the elevated drive. *Glochidion Ferdinadii* x2 and *Corymbium Maculata* to be retained on Council land and protected. The Landscape Plan shall be amended accordingly and submitted to Council/Accredited Certifier prior to the issue of the construction certificate.

ANS02

Construction shall comply with AS3959 - 1999 level 1 'Construction of Buildings in bushfire prone areas'.

ANS03

The structure shall incorporate gutter less roofing or leafless guttering to prevent the build up of flammable material.

ANS04

The entire property shall be managed as an 'Inner Protection Area' as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.

ANS05

The shared pedestrian access path linking Magarra Place to property No.3A Magarra Place and property No.21 Manly Road, Seaforth, shall remain unobstructed during the construction period.

ANS06

The external materials, finishes and colours of the development are to be non-glare and of an unobtrusive nature, compatible with the surrounding environment. Colour samples and details of such finishes shall be submitted to the Council/Accredited Certifier for approval prior to the issue of the Construction Certificate.

ANS07

A separate application is required to be submitted to Council for the elevated driveway structure to be erected on Council property (road reserve). In this regard please contact Council's administration officer on 9976 1517. Please note that this approval must be obtained prior to the issue of the construction certificate.

ANS08

The western facing privacy screen off the ground floor rear veranda shall have fixed louvers angled in a westerly direction to allow for afternoon sunlight access and to prevent direct overlooking into the rear private open space area of adjoining property No.21 Manly Road, Manly. Details to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

ANS09

The approved amended plans are required to obtain a Basix Certificate to meet the NSW Government's sustainability requirements. Proof of Basix Certification shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA009

The construction of a vehicular footpath crossing is required. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. All works shall be carried out prior to the issue of Occupation Certificate.

Environmental Services Division Report No. 25 (Cont'd)

DA012

The driveway/access ramp grades, access and car parking facilities shall comply with the Australian Standard for Off-Street Parking AS2890.1-2004 or later editions.

DA013

A long section of the driveway shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$7,500. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

DA017

No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction. .

DA272

Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property.

DA342

Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

DA343

Any adjustment to the public utility service is to be carried out in compliance with their standards and the cost is to be borne by the applicant.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA019

Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council /Accredited Certifier prior to issue of the Construction Certificate.

Environmental Services Division Report No. 25 (Cont'd)

DA021

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

DA022

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

DA026

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

DA030

No portion of the proposed building is to encroach onto a Public Road or Reserve, except as may be permitted by the Local Government Act 1993.

DA031

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA044

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.

DA047

A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.

DA048

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

DA058

An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

DA345

A report from a qualified Geotechnical Engineer regarding the stability of the site is to be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Environmental Services Division Report No. 25 (Cont'd)

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA065

All external cladding and trim of the approved building shall be of a non reflective nature (with reflectivity index of maximum 20%). Details of such finishes shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

DA084

Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter in accordance with Council's standards and specification for Stormwater Drainage.

DA088

A system of onsite stormwater detention shall be provided within the property in accordance with Council's Specification for on-Site Stormwater Management 2003. The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council.

DA095

A copy of the approved OSD plan showing work as executed details shall be submitted to Council **prior to the issue of the Occupation Certificate**. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

DA100

A positive covenant in respect of the installation and maintenance of onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and prior to the release of the trust fund deposit.

DA115

A plan detailing treatment in respect of all boundary fences, finished surface levels and the location and height of all retaining walls and material used in their construction, as well as other structures such as garbage receptacles etc. shall be incorporated in the landscape details submitted to the Council/Accredited Certifier, prior to the issue of the Construction Certificate.

DA121

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

DA126

An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.

Environmental Services Division Report No. 25 (Cont'd)

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA236

Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority prior to issue of the Final Occupation Certificate.

DA239

The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA243

The trees to be retained are to be protected from trenching or excavation works or other construction works during the building construction stage. A security bond for \$ is required to ensure that the trees are protected during the construction stage. The security bond may be in the form of a bank guarantee which must be lodged with Council prior to issue of the Construction Certificate.

DA245

All trees on the site clear of the building are to be retained and those trees within 7.5m of the building are to be provided with a tree guard and a notice on each guard reading: **This tree is the subject of a Tree Preservation Order by Manly Council.** This notice is to be in position prior to any work being commenced on the site.

DA346

Trees and shrubs liable to damage are to be protected with suitable temporary enclosures for the duration of the works. These enclosures shall only be removed when directed by the Principal Certifying Authority. The enclosures are to be constructed out of F62 reinforcing mesh 1800mm high wired to 2400mm long star pickets, driven 600mm into the ground, spaced 1800mm apart at a minimum distance of 1000mm from the tree trunk.

DA358

Details are to be provided of at least 1 existing or proposed endemic trees for the site that are typically expected to reach a height at maturity of 10 metres. A list of appropriate endemic trees for the Manly area may be obtained at Council's Customer Service desk. Details of new planting are to include appropriate siting and pot size (minimum of 25 litres) in accordance with section 3.2 of the Residential Development Control Plan 2001. Details are to be submitted with the Construction Certificate to the satisfaction of the Council/Accredited Certifier.

DA255

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.** Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

Environmental Services Division Report No. 25 (Cont'd)

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:-

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection

Wet area moisture barrier

Drainage inspection

Driveway crossing/kerb layback

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$.1980. (being \$220.00 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.**

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$100.00.

DA271

An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.

DA279

All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.

DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.

DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council satisfaction.

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours

Environmental Services Division Report No. 25 (Cont'd)

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack"

DA320

Prior to issue of the Occupation Certificate, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 25 *****

TO: Land Use Management Committee - 5 June 2006
REPORT: Environmental Services Division Report No. 34
SUBJECT: 2A Battle Boulevard, Seaforth
FILE NO: DA106/06

Application Lodged: 17 March 2006
Applicant: R Clark
Owner: R & S Clark
Estimated Cost: \$165,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: 1, 2 and 3 storey dwellings
Heritage: Nil.

SUMMARY:

1. DA 106/06 FOR ALTERATIONS AND ADDITIONS TO A TWO STOREY DWELLING WAS SUBMITTED TO COUNCIL ON 17 MARCH 2006.
2. NOTIFICATION OF THE PROPOSAL FROM 22 MARCH 2006 TO 5 APRIL 2006 RESULTED IN RECEIPT OF NIL SUBMISSIONS.
3. THE APPLICATION WAS REPORTED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF 18 MAY 2006 WHERE IT WAS RECOMMENDED FOR APPROVAL.
4. THE APPLICATION IS REPORTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR LAMBERT.
5. A SITE INSPECTON IS RECOMMENDED.
6. APPROVAL OF THIS DEVELOPMENT APPLICATION IS RECOMMENDED.

LOCALITY PLAN

Shaded area is subject land.



REPORT

Introduction

The site is located on the upper eastern of Battle Boulevard in a private cul de sac above the street. The site has a rectangular form, with a width of 17.45m and length of 21.995m, plus an access handle of 19.57m x 6.1m for a total area of 588.1m². The site also has a steep fall to the south of approximately 8m as measured along the western elevation.

The site is occupied by a stepped split level 3 level dwelling of brick construction with mono pitch roof, and lower ground level carport. Landscaping comprises lawns surrounding the dwelling with several small to medium height trees and shrubs. Development in the surrounds comprises 2 and 3 storey dwellings generally oriented to the south or south west to maximise views to The Spit.

Environmental Services Division Report No. 34 (Cont'd)

Development consent is sought for alterations and additions to the existing dwelling including:

- Level 1 – addition of a 2nd carport, deck and new entry
- Level 2 & 3 (split level) – addition of main deck on south side, addition to lounge room and addition of a on western side of bedroom 3
- Level 4 – addition of 4th level with master bedroom and ensuite and deck to SW side

Development Control Plan Numerical Assessment

The following is an assessment of the proposal's compliance with the numerical standards of the Manly Residential Development Control Plan 2001. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Site area* - 386m ²			
Floor space ratio	0.45:1 max	0.69:1 / GFA = 267m ²	No
Wall height	8.0m	8.0m	Yes
Roof height	3.0m	3m to roof of 4 th level	Yes
Setback – side	1.7m – 2.7m west 2.1m – 2.7m east	1.0m 5.0m	No Yes
Setback – front	6.0m	6.0m (existing)	Yes
Open space - total	55% / 323m ²	403m ² / 68%	Yes
Open space - soft	35% / 113m ²	90m ² / 28% (No Change)	Yes
Car Parking – Residents	2	2	Yes
Shadow - adjoining E/W orientation	max 1/3 rd existing solar access. > 4 hrs sunlight retained	<1/3rd > 4 hours. No increase to neighbours dwellings	Yes Yes

* Site area – note the total site area on title is 588.1m², however this includes the driveway access handle of 19.57m x 6.1m. Under the DCP's definition of "site area", the area of the driveway access handle is excluded from the defined site area. The calculations in the table above are based on the reduced site area.

Applicant's Supporting Statement

The applicant submitted a written Statement of Environmental Effects in support of the application, a copy of which is available for viewing on Council's file.

Submissions

The application was notified to nearby and adjoining property owners with no submissions received.

Precinct Community Forum Comments

The application was referred to the Seaforth Precinct Community Forum with the following comments received:

"No objection provided that the DA/LA conforms to the DCP and BCA."

Environmental Services Division Report No. 34 (Cont'd)**Engineers Comments**

Standard conditions of consent advised.

Building Comments

Standard conditions of consent advised.

Landscape Architects Comments

Standard conditions of consent advised.

Planning Comments**Manly Local Environmental Plan 1988**

The site is located in Zone No.2 – The Residential Zone which permits dwelling houses with the consent of Council. The proposed additions to the dwelling are permissible with consent in the zone.

The proposal is considered satisfactory in response to the relevant objectives of the zone, with no unreasonable amenity impacts to neighbouring properties identified in terms of excess overlooking, overshadowing, view loss or visual bulk. The design of the proposed additions are also considered to complement the form of the existing dwelling, and is compatible in bulk and scale with neighbouring residential dwellings which are 2 -3 storeys.

Manly DCP for the Residential Zone 2001

The proposal is considered an acceptable form of development in response to the provisions and design objectives of the DCP. Non compliances and amenity issues are discussed as follows:

Floor Space Ratio

The maximum FSR / gross floor area permitted for the site is 0.45:1 / 174m². The proposal at 0.69:1 / 267m² seeks a departure to the FSR of 93m². Whilst this represents a significant departure, the size of the dwelling with the additions in terms of its bulk and scale is considered acceptable when compared with that of the neighbouring dwellings. As such the existing dwelling is considered noticeably lesser in bulk and scale compared with the neighbouring dwellings such that the additions will make it more comparable in bulk and scale without being dominant. The size of the upper level addition at 43m² is also considered a relatively minor addition (being 12% of the total floor area) that will not significantly increase the visual bulk and scale of the dwelling.

Notwithstanding, a departure to the FSR provision of this magnitude requires strong justification in response to the DCP's objectives for FSR, with the proposal assessed against these as follows:

a) *To control the bulk of buildings.*

As discussed above the bulk of the proposal is not considered excessive, being compatible with the bulk and scale of neighbouring dwellings.

b) *To ensure that the scale of development does not obscure important landscape features.*

The existing dwelling and neighbouring dwellings are positioned on a steep slope below the main ridge which is occupied by Edgecliffe Esplanade. No significant natural features will be obscured as a result of the upper level additions.

Environmental Services Division Report No. 34 (Cont'd)

c) *To be consistent with the existing and desired character of the residential areas.*

The locality is predominantly characterised by a mix of 2 and 3 storey dwellings of varying character, designed to orient living areas and balconies towards Middle Harbour, The Spit and its foreshores. The proposed additions will maintain the general design character of the existing dwelling and the mixed design character of housing in the locality, whilst also maintaining a compatible bulk and scale in a manner that causes no adverse amenity impacts to neighbouring properties or the landscape.

d) *To minimise disruption to views, loss of privacy and loss of sunlight to existing residential development as well as the proposed development.*

The addition of the upper level, balconies and a 2nd carport will not affect views over or past the dwelling from neighbouring properties. No.2B Battle Boulevard to the east and No.1 Edgecliffe Esplanade to the north are sited several metres higher so that downward views to The Spit looking over the roof of the additions will not be significantly affected.

e) *To provide sunlight access to private open spaces within the development and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings.*

The proposed additions will result in some increase in overshadowing to the eastern and western neighbouring properties; however the impact of this on their respective areas of private open space will not be significant. In this regard, both the neighbouring houses are located further to the north, with garden areas and balconies adjacent to each dwelling not affected by shadows from the proposal. Furthermore no living room windows of the neighbouring dwellings will be affected by shadows cast from the proposal.

In summary the proposal is considered to satisfy the DCP's objectives for FSR, consequently the departure to the FSR provision is considered acceptable on merit.

Setback

The proposed additions require a setback of 2.7m to the western side, being to the top of the parapet on the edge of the level 4 balcony. Whilst a setback of 1.0m is provided, it is noted that the balcony is positioned directly above the existing kitchen / family room on level 2 which has a 1.0m setback. Given that the parapet is a 1.0m addition to the height of the western wall, setting it back to comply with the 2.7m requirement would not be considered necessary unless it caused an increase in overlooking or overshadowing to the western neighbour.

In this case the parapet wall addition above the kitchen is not considered to cause any increase in amenity impacts to the western neighbouring dwelling, which is positioned further north and substantially higher than the subject dwelling. Opportunities for overlooking from the edge of the balcony into the western neighbour's garden are also limited by the presence of several mature shrubs and trees along the dividing boundary, and no overshadowing or view impacts will occur as a result of the setback departure. Consequently the setback departure is considered acceptable on merit.

View sharing

Local water and foreshore views of The Spit are enjoyed by the subject dwelling and neighbouring dwellings. The addition of an upper level will not affect views over from neighbouring dwellings to the rear / north, which are sited substantially higher in elevation.

Privacy

The position of the dwelling forward / south and below neighbouring dwellings results in no overlooking into the neighbouring dwellings. The addition of an upper level and balconies will enable some sideward looking into these properties, however not into their primary areas of private open space.

Environmental Services Division Report No. 34 (Cont'd)Overshadowing

The proposed additions will result in some increase in overshadowing to the eastern and western neighbouring properties, however, the impact of this on their respective areas of private open space will not be significant. In this regard, both the neighbouring houses are located further to the north, with their garden areas and balconies not affected by shadows from the proposal. Furthermore no living room windows of the neighbouring dwellings will be affected by shadows cast from the proposal. Consequently the proposal is considered satisfactory with respect to the provisions and objectives for solar access.

Foreshore Scenic Protection Area

The site is also located with the Foreshore Scenic Protection Area. Pursuant to Clause 17 of the LEP, an assessment of the proposal is required in terms of its visual impact to the foreshore and waterways. The existing and neighbouring dwellings are located on a steep sloping section of hillside that is visible from parts of The Spit including its southern foreshores (located on the Mosman side). In terms of visual prominence, the neighbouring dwellings above to the north / rear are significantly higher in position above the foreshores, being atop a steep ridge and therefore are much more noticeable from the waterways and foreshores.

The addition of an upper level will increase the visual scale of the dwelling, however this is not considered to cause any adverse visual impact with the additions providing added articulation with additional balconies and windows, and are designed to complement the existing dwelling form. The scale of the additions also nestle in within the sloping landscape and neighbouring dwellings. In this regard the scale of the dwelling will continue to remain below the height of the neighbouring dwellings including No's 2 and 2B Battle Boulevard to the east and west, which are positioned further up the sloping land. Consequently the proposed additions are considered acceptable in terms of visual impact.

Clause 10 Objectives

The proposal's compliance with Clause 10 Objectives of the Residential Zone under the Manly LEP 1988 are addressed as follows:

(a) *to set aside land to be used for purposes of housing and associated facilities;*

The proposed residential use is consistent with this objective.

(b) *to delineate, by means of development control in the supporting material, the nature and intended future of the residential areas within the Municipality;*

The application has been assessed having regard to the relevant control plan and is considered acceptable.

(c) *to allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council area;*

The proposal will add variety to the existing housing stock and will maintain the residential character of the area.

(d) *to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment;*

The proposed development will not result in any significant impact on the amenity of surrounding residents. The proposal, subject to recommended conditions will not adversely effect the existing quality of the environment.

Environmental Services Division Report No. 34 (Cont'd)

- (e) *to improve the quality of the residential areas by encouraging landscaping and permitting greater flexibility of design in both new development and renovations;*

The proposal will not effect existing landscaping on the site.

- (f) *to allow development for purposes other than housing within the zone only if it is compatible with the character and amenity of the locality;*

n/a

- (g) *to ensure full and efficient use of existing social and physical infrastructure and the future provisions of service and facilities to meet any increased demand;*

The occupants of the dwelling will continue to utilise existing social and physical infrastructure.

- (h) *to encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.*

The proposal is considered to be suitable development for the area.

- (i) *to encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination, and particularly in relation to the land to which Manly local Environmental Plan 1988 (Amendment No 57) applies.*

n/a

CONCLUSION:

The application has been assessed pursuant to Section 79C of the EP&A Act, including the Manly Local Environmental Plan 1988 and the Manly Development Control Plan for the Residential Zone. The design complies with the DCP apart from departures to the FSR and setback provisions which are considered acceptable on merit by virtue of satisfying the objectives for the DCP. In this regard the design maintains a form, bulk and scale of development that is consistent with housing in the surrounds, with no unacceptable amenity impacts identified. The design is also considered a suitable form of development in context of its surrounds. Consequently the proposed development is considered suitable for the site and within the public interest, and is therefore recommended for approval.

RECOMMENDATION

That Development Application 106/06 for alterations and additions to the existing 2 storey dwelling including addition of upper level, 2nd carport and balconies at 2A Battle Boulevard, Seaforth be approved subject to the following conditions of consent:

DA1

This approval relates to drawings/plans Nos.T1-T6 dated 8 February, 2006 and received by Council on the 23 February, 2006.

ANS01

The two areas identified on the plans for re-landscaping are to incorporate a minimum of two species of endemic plant material.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.

Environmental Services Division Report No. 34 (Cont'd)

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

DA017

No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction. .

DA342

Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA019

Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council /Accredited Certifier prior to issue of the Construction Certificate.

DA021

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

DA022

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

DA026

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

DA031

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

Environmental Services Division Report No. 34 (Cont'd)

DA038

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of the Construction Certificate.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA040

Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.

DA044

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.

DA047

A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.

DA048

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

DA058

An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

DA084

Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter in accordance with Council's standards and specification for Stormwater Drainage.

DA088

A system of onsite stormwater detention shall be provided within the property in accordance with Council's Specification for on-site stormwater management 2003. The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded

Environmental Services Division Report No. 34 (Cont'd)

form Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council.

DA095

A copy of the approved OSD plan showing work as executed details shall be submitted to Council **prior to the issue of the Occupation Certificate**. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

DA100

A positive covenant in respect of the installation and maintenance of onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and prior to the release of the trust fund deposit.

DA121

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

DA126

An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA237

All healthy trees and shrubs identified for retention on the plan must be:

- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
- (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council

DA238

All disturbed surfaces on the land resulting from the building works authorised by this approval shall be revegetated and stabilised so as to prevent any erosion either on or adjacent to the land.

DA239

The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA247

Landscaping being provided in accordance with the approved Landscaping Plan and maintained in accordance with that plan at all times.

DA348

Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove

Environmental Services Division Report No. 34 (Cont'd)

topsoil from under the drip line - do not compact ground under the drip line.

DA255

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier **prior to the issue of the Construction Certificate**. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:-

Silt control fences

Footing inspection - trench and steel

Reinforced concrete slab

Framework inspection x2

Wet area moisture barrier

Drainage inspection

Final inspection

The cost of these inspections by Council is \$1,760. (being \$220.00 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.**

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$100.00.

DA271

An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.

DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

Environmental Services Division Report No. 34 (Cont'd)

DA340

The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land. The measures must include:-

- (i) siltation fencing;
- (ii) protection of the public stormwater system; and
- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and nonstructural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

DA320

Prior to issue of the Occupation Certificate, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 34 *****

TO: Land Use Management Committee - 5 June 2006
REPORT: Environmental Services Division Report No. 26
SUBJECT: 4 Alma Street, Clontarf
FILE NO: DA399/05

Application Lodged: 16/9/2005
Applicant: Mr. Marc Biancardi (Architect)
Owner: P & D Phipps
Estimated Cost: \$700,000
Zoning: Manly Local Environmental Plan, 1988 - Residential and within Foreshore Scenic Protection Area
Surrounding Development: 1 & 2 storey dwellings, and some 3 storey dwellings
Heritage: Nil

SUMMARY:

1. 16 SEPTEMBER 2005 - ORIGINAL APPLICATION LODGED.
2. NOTIFICATION RESULTED IN RECEIPT OF ONE SUBMISSION FROM REAR NEIGHBOUR TO NORTH RAISING ISSUES OF VIEW IMPACT.
3. 29 NOVEMBER 2005 - DA RECOMMENDED AND DETERMINED FOR REFUSAL BY DAU ON GROUNDS OF OVERDEVELOPMENT OF SITE (NON COMPLIANCE WITH DCP PROVISIONS FOR SOFT LANDSCAPING, FSR, HEIGHT, AND SETBACK; AND ISSUES OF VIEW LOSS, STREETScape, PRIVACY AND NOISE)
4. DECEMBER 2005 - APPLICANTS PROPOSE NEGOTIATING WITH NEIGHBOURS AND MAKING AMENDMENTS TO THEIR ORIGINAL PROPOSAL "TO ACHIEVE A MORE POSITIVE RESULT."
5. JANUARY 2006 - APPLICANTS ERECT HEIGHT POLE PROFILES (VERIFIED BY AC GILBERT CONSULTING SURVEYORS) AND AGREE TO DELETE STAIR ACCESS STRUCTURE.
6. FEBRUARY 2006 - OBJECTING NEIGHBOURS WITHDRAW THEIR OBJECTION IN WRITING.
7. 16 MARCH 2006 – S.82A REVIEW OF DETERMINATION REQUEST SUBMITTED WITH AMENDED DRAWINGS. AMENDMENTS INCLUDE DELETION OF STAIR ACCESS, LOWER PARAPET 300MM AND SLIGHT INCREASE IN SOFT-LANDSCAPING (19M²)
8. THE PROPOSAL AS AMENDED HAS BEEN ASSESSED AND REMAINS TO BE CONSIDERED AN OVERDEVELOPMENT OF THE SITE WITH NON-COMPLIANT OPEN SPACE, SOFT LANDSCAPING, FLOOR SPACE RATIO, BUILDING HEIGHT AND SETBACK; CONSEQUENTLY IT IS RECOMMENDED FOR REFUSAL.
9. THIS DEVELOPMENT APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
10. A SITE INSPECTION IS RECOMMENDED.
11. REFUSAL OF THE APPLICATION IS RECOMMENDED.

Environmental Services Division Report No. 26 (Cont'd)

LOCALITY PLAN

Shaded area is subject land.

**REPORT****Introduction**

The subject site is located on the northern (high) side of Alma Street one allotment removed to the west of the intersection between Alma Street and Woodland Street. The site is rectangular in configuration having a frontage of 12.19m and a depth of 45.72m. The allotment has a north/south orientation with topography falling moderately from rear to the front boundary. The site is currently developed with a two storey dwelling with single garage under.

Council received the original development application 16 September 2005. The application proposed alterations and additions to the existing dwelling including a new roof top terrace and access stair enclosure. The application was notified to nearby and adjoining property owners with one submission received objecting to the proposal on the grounds of view loss.

The application was considered by Council's Development assessment Unit on 29 November 2005 where it was refused for the following reasons;

1. The proposal is considered inconsistent with the relevant objectives of the Residential Zone under Manly Local Environmental Plan 1988, particularly with respect to objectives (c), (d) and (e) due to excess visual bulk and scale impacts to the surrounds with respect to impacts on views and streetscape.
2. The proposal is considered an overdevelopment of the site given that it does not comply with the Manly Development Control Plan (DCP) for the Residential Zone 2001, Amendment 1 with respect to the provisions for open space, soft landscaping Floor Space Ratio, height and setback as stated in Sections 3.3, 3.4 and 3.5 of the Development Control Plan.
3. The proposal does not satisfy the objectives for the provisions of soft landscaping, Floor Space Ratio (FSR), height, setback, view sharing and streetscape as stated in Sections 3.3, 3.4, 3.5, 3.6, 3.8 and 3.9 of the Development Control Plan for the Residential Zone 2001, Amendment 1..
4. Pursuant to Section 79C (1) (b) of the Environmental Planning & Assessment Act the proposal is considered to result in unreasonable built impacts to its locality in terms of excess bulk and scale, impact on harbour and foreshore views from neighbouring properties, and impacts on streetscape.
5. Pursuant to Section 79C (1) (e) of the Environmental Planning & Assessment Act 1979, the proposal is not considered to be in the public interest, primarily due to its amenity impacts to neighbouring properties in terms of view loss and substantial non-compliance with the Manly Residential Development Control Plan for the Residential Zone 2001, Amendment 1.

Environmental Services Division Report No. 26 (Cont'd)

Council received an application for review of determination 17 March 2006. The application included revised plans as well as a detailed written submission from the Architect/Applicant.

The application proposes alterations and additions to the dwelling as follows:

- Internal alterations including new bathroom deletion of kitchen windows, and relocation of staircase
- Additions to the rear of the ground level, featuring a new Family Room and Laundry and WC.
- Reconstruction of Living Room and enclosure of entrance stair from lower ground level
- Reconstruction of balcony off Living Room and Bedroom 1 (forming carport below)
- Additions to the first storey comprising new Bedrooms(2), bathrooms (2), 'retreat' walk-in wardrobe and south side balcony
- Use of the flat roof space as a roof top terrace with access stair and hatch
- Construction of a new swimming pool in the rear garden, pergola and landscaping works
- New front fence, paving and driveway

Development Control Plan Numerical Assessment

The following is an assessment of the proposals compliance with the numerical standards of the DCP. Where a variation is proposed to the standards and assessment is included in the Planning Comments.

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Floor space ratio	0.4:1 max	0.65:1	No
Wall height – East (1:9.5 slope)	7.2 m	7.7 m	No
Wall height – West (1:9.5 slope)	7.2 m	8.0 m	No
Front fence height	Solid 1.0m / + 0.5m 30% transparent	Solid 0.5m + 0.76 m grille With 1.4m pillars	Yes
Setback side			
East	2.56 m	1.25 – 2.9 m	No
West	2.66 m	1.0 m	No
Front setback	6.0m	13.5 m	Yes
Rear setback	8.0m	13.5 m	Yes
Swimming pool setback - Rear	1.5m to wet edge	1.5 m	Yes
Swimming pool setback - West	1.5m to wet edge	1.0 m	No
Open space - total	70% / 390.1 m ²	59%/ 333.6 m ²	No
Open space - soft	50% / 195.1 m ²	48%/ 187.5 m ²	No
Endemic Trees	3 Trees	0 Trees	No
Car Parking – Residents	2	2	Yes
Shadow - adjoining north-south orientation	Max 1/3 rd existing > 4 hrs sunlight retained	<1/3rd >4 hours retained to front and rear living areas	Yes Yes
Excavation	3m depth max	1.6 m for swimming pool	Yes

Environmental Services Division Report No. 26 (Cont'd)**Applicants Supporting Statement**

The applicant submitted a statement in support of the application for review, a copy of which is attached.

Submissions

Prior to receipt of the application for review of determination Council received a letter from the writer of the previous submission withdrawing the objection.

The application for review was notified to nearby and adjoining property owners with no submissions received.

Precinct Community Forum Referral:

The application was referred to the Balgowlah Heights Precinct Community Forum for comment from 27 Sep 2005 until 24 Oct 2005. No comments had been received at the time of preparing this report.

Engineer's Comments

No objections subject to the inclusion of recommended conditions.

Building Comments

No objections subject to recommended conditions and compliance with the Building Code of Australia.

Landscape Comments

No objections subject to the inclusion of recommended conditions.

Planning Comments**Manly LEP 1988**

The site is located in Zone No.2 – Residential under the Manly Local Environmental Plan 1988 which permits dwelling houses with the consent of Council. The proposed alterations and additions are ancillary to the existing dwelling and are permissible with consent of Council.

The proposal is considered unsatisfactory in response to the relevant objectives of the zone, particularly with respect to objectives (d) and (e). In this regard, adverse amenity impacts to neighbouring properties are identified in terms of excess overlooking from the proposed roof deck and excess visual bulk. In this regard it will result in significant impacts to the amenity of neighbouring properties due to loss of harbour views, caused by excess bulk and scale.

Consequently the proposal is considered an unacceptable form of development, being an overdevelopment of the site when considered under the relevant objectives of the Residential Zone.

Foreshore Scenic Protection Area

The site is also located within the Foreshore Scenic Protection Area, Clause 17 of the Manly Local Environmental Plan 1988. The proposal will increase the bulk of the existing dwelling, and being located high on the slopes facing Middle Harbour, it will be readily visible from the foreshores / waterways of Middle Harbour. In particular the forward extension of the upper level (thereby

Environmental Services Division Report No. 26 (Cont'd)

removing the existing 'stepped' form) will result in a noticeable increase in visual bulk. Furthermore, this increase in bulk results in the additions stepping forward of the two neighbouring dwellings, thereby increasing its visual prominence which is considered unfavourable. Consequently the proposal is considered an unacceptable form of development.

Manly Residential DCP Issues

Floor Space Ratio

The existing FSR is 0.46:1. Located in sub-zone 7, a maximum FSR of 0.4:1 is permitted. The FSR for the proposal at 0.65:1 exceeds this significantly by 137.48 m².

The applicant has claimed the excess FSR *"compares favourably in comparison to a number of dwellings in the immediate surroundings. For example 2 Alma Street, next door, has an approx. FSR of 0.68; No 2 Woodland Street and No 2A Woodland Street, both have an FSR greater than 0.7"*.

Investigations have shown this is not the case, with the dwelling at 2 Alma St having an FSR of 0.46:1 and site area of 583.3m². In the case of the other two properties, neither relates directly to the subject site since they are oriented in a different direction, at a different level, and physically separated from the site.

For a breach to the FSR of this magnitude to be supported, the applicant would need to demonstrate the proposal satisfies the objectives for Floor Space Ratio on merit. The proposals compliance with the objectives are commented on as follows;

a) To control the bulk of buildings

The bulk is excessive, with the FSR at 0.65:1 more than 60% over the maximum of 0.4:1. Furthermore its bulk results in non-compliance with several DCP provisions, whereby the heights are excessive, and the setbacks and open space / landscaping are inadequate.

c) To be consistent with the existing and desired character of the residential areas

The proposal is significantly larger than its immediate neighbours and is detrimental to the future desired character.

d) To minimize disruption to views, loss of privacy and loss of sunlight to existing residential development as well as the proposed development.

The proposal will disrupt view of houses to the rear and the oblique view of their neighbour at No 6 Alma Street. The proposal for a roof deck will decrease privacy and increase overlooking and noise for the surrounding properties.

e) To provide sunlight access to private open spaces within the development and maintain adequate sunlight access to private open spaces and to habitable rooms of adjacent dwellings.

The proposal complies with this objective.

The performance criteria allow consideration of variations to FSR under certain circumstances, as follows;

b) On sites which are substantially less (20%) than the minimum site area required in the relevant density sub-zone, Council may consider a variation to the floor space ratio provided the applicant can demonstrate the objectives of the DCP can be achieved.

The objectives of the DCP cannot be achieved with so many non-compliances and the departure of the FSR from the minimum is excessive.

The additional bulk and scale resulting from the 1st storey addition and the roof top balcony will result in view loss from the living areas of neighbouring dwellings located to the north, with some

Environmental Services Division Report No. 26 (Cont'd)

impact on No.3 Woodland Street which looks directly over the roof of the existing dwelling; and loss of part of their Middle Harbour view from the upper levels of No 6 Alma Street.

Given the view impacts resulting, the proposal is not considered to satisfy key objectives for the FSR provision, being to control bulk and scale and minimise view loss.

Open Space

The proposal seeks a departure to the minimum open space provision by 56.6m² which is 15% less than required. This is considered a significant departure, whereby the addition at the rear of the ground level results in a significant reduction in private open space for the site. The increased soft landscaped area from the original proposal to 187.5m² is closer to complying by altering the driveway layout and entry path to include spaced stepping stones rather than paving.

Although additional soft landscaping in the front garden has been added, to reduce visual impacts of bulk and scale to the streetscape, trees would be desirable. No endemic trees have been shown on the landscaping plan, although three are required under the DCP.

Setbacks

The proposal requires a setback of between 2.96m – 3.06m, with the additions maintaining the existing setbacks at 1.3m to the east and 1.0m to the west. Whilst maintaining the existing setback, this is considered unacceptable given the resulting view loss and excess bulk and scale that is considered to result to the streetscape. It reflects an overdevelopment of the site given the other non-compliances to the open space, landscaping, FSR and height provisions that result.

Building Height

The maximum permissible height based upon the slope of the site adjacent to the additions is calculated at 7.2m. The proposed additions have a maximum height of 7.7m on the eastern side and 8.0m on the western side. A key objective of the height provision is to minimise view loss. Given the view loss resulting from the upper level addition, the departure to the height provision is considered unacceptable.

View Sharing

Many properties in the locality and its surrounds enjoy water views to the south of Middle Harbour, including its distant foreshores of Balmoral, and the city skyline to the southwest.

The views take in Middle Harbour, the beaches and foreshores of Balmoral, Middle Head and South Head, passing boats, and the Sydney City skyline. These views are identified as the primary elements of interest that are enjoyed by these properties, with passive and active elements (static and moving elements) contributing to their significance. Secondary district views across to the south and southeast of development in Mosman are considered to contribute to the quality of the view, however being views of suburban landform and housing, they are of lesser significance than the water and foreshore views.

Given the extent of non-compliance to the FSR and height provisions, noticeable view loss to neighbouring properties is considered unacceptable. The property adjoining to the north looks directly over the existing dwelling on the subject site. The view loss resulting from the forward addition of the upper level and parapet height is considered a significant loss to the amenity of this property.

The rooftop terrace is considered intrusive on the view, in particular the addition of the solid roof parapet to act as balustrading. A key objective of the FSR and height control is to minimise view impacts, which the proposal is not considered to satisfactorily achieved.

Environmental Services Division Report No. 26 (Cont'd)

Streetscape

The forward addition of the upper level results in a significant increase in visual bulk to the street, with the upper level becoming visually prominent compared with the existing upper level which is stepped back from the façade. As a result the dwelling will appear as a 3 storey façade presenting to the street which is considered to cause excessive visual bulk and scale in the streetscape particularly with the absence of landscape screening in the front yard.

Architectural Heritage

The subject building is not a listed heritage item, however, having regard to the particular style of the building the issue warrants consideration. The applicant has made references in the Statement of Environmental Effect to maintaining and enhancing the P&O styling of the development: "The curved facades, parapets and horizontal banding, typical of the P&O style are to be carefully replicated in an architectural form typical of this style".

Justification of the parapet height is sought stating: "*The roof has been redesigned from an existing pitched tiles form to a flat roof. This has been done expressly to minimise any adverse impact on neighbours to the north*". Contrary to this, the parapet in fact increases view impacts as it extends the full width and length of the building, increasing its height at the front / south over which views are obtained.

It is considered a more sympathetic interpretation of the building's form could be undertaken with emphasis on reducing parapet height and reducing or eliminating the area of the proposed living room addition and area above it forming part of the "retreat".

Swimming Pools

DCP 3.13.2c) Generally the setback of the outer edge of the pool concourse from the side and rear boundaries must be at least 1, with the waterline being a minimum of 1500mm from these property boundaries: The swimming pool conforms on the rear boundary [according to the architectural plans, but not the engineer's drawings], but not on the western boundary where the waterline is 1m off the boundary. The concourse is shown on a 600mm setback to the western boundary, which is considered insufficient width to enable adequate screen planting along the boundary. Given the site width of 12.19m, locating the pool at this setback to the western boundary is not considered justified.

Clause 10 Objectives

The following comments are made in relation to the objectives of the Residential Zone in Clause 10 of the LEP.

(a) *to set aside land to be used for purposes of housing and associated facilities;*

The site is zoned residential and will retain its residential use.

(b) *to delineate, by means of development control in the supporting material, the nature and intended future of the residential areas within the Municipality;*

Council's Development Control Plan for the Residential Zone 2001, Amendment 1 has been considered in the assessment of the proposal.

(c) *to allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council area;*

The proposed alterations and additions to the dwelling are considered incompatible with the character and size of housing in the locality.

Environmental Services Division Report No. 26 (Cont'd)

(d) *to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment;*

The design of the alterations and additions and new swimming pool is considered unacceptable levels of neighbour's amenity in terms of views, and visual impact.

(e) *to improve the quality of the residential areas by encouraging landscaping and permitting greater flexibility of design in both new development and renovations;*

The proposal fails to provide adequate separation between the proposed swimming pool and the site boundary and does not provide for adequate tree planting.

(f) *to allow development for purposes other than housing within the zone only if it is compatible with the character and amenity of the locality;*

n/a.

(g) *to ensure full and efficient use of existing social and physical infrastructure and the future provisions of service and facilities to meet any increased demand;*

The proposal will not result in any increase in demand on services and facilities.

(h) *to encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.*

The proposed alterations are considered an overdevelopment of the site, failing to respond to its form, slope and surrounds.

(i) *to encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination, and particularly in relation to the land to which Manly Local Environmental Plan 1988 (Amendment No 57) applies.*

n/a.

CONCLUSION:

The proposal has been considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan, 1988 and the Development Control Plan for the Residential Zone 2001, Amendment 1. From this assessment the proposal is considered an unacceptable form of development and therefore refusal is recommended.

RECOMMENDATION

That Development Application No.399/05 for alterations and additions to the existing dwelling at No.4 Alma Street Clontarf be refused for the following reasons;

1. The proposal is considered inconsistent with the relevant objectives of Zone 2 - Residential under Manly Local Environmental Plan 1988, particularly with respect to objectives (c), (d) and (e) due to excess visual bulk and scale impacts to the surrounds with respect to impacts on views and streetscape, pursuant to Section 79 C (1) (a) (i) of the Environmental Planning and Assessment Act 1979.
2. The proposal is considered an overdevelopment of the site given that it does not comply with the Manly Development Control Plan (DCP) for the Residential Zone 2001, Amendment 1 with respect to the provisions for open space, soft landscaping, Floor Space Ratio, building height and setback as stated in Sections 3.3, 3.4 and 3.5 of the Development Control Plan, pursuant to Section 79C (1) (a) (iii) of the Environmental Planning & Assessment Act 1979.
3. Pursuant to Section 79C (1) (b) of the Environmental Planning & Assessment Act 1979, the proposal is considered to result in unreasonable built impacts to its locality in terms of excess bulk and scale, impact on harbour and foreshore views from neighbouring properties, and impacts on streetscape.

Environmental Services Division Report No. 26 (Cont'd)

4. Pursuant to Section 79C (1) (e) of the Environmental Planning & Assessment Act 1979, the proposal is not considered in the public interest, primarily due to its amenity impacts to neighbouring properties in terms of view loss and substantial non-compliance with the Manly Development Control Plan for the Residential Zone 2001, Amendment 1.
5. The proposal is considered inconsistent with the relevant objectives of Clause 25 of the Sydney Regional Environment Plan (Sydney Harbour Catchment) 2005, pursuant to Section 79C (1) (a) (i) of the Environmental Planning & Assessment Act 1979.

ATTACHMENTS

AT- 1 Applicants Supporting Statement - albi Architects & Builders 2 Pages

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***** End of Environmental Services Division Report No. 26 *****

ATTACHMENT 1

Environmental Services Division Report No. 26 - 4 Alma Street, Clontarf
Applicants Supporting Statement - albi Architects & Builders



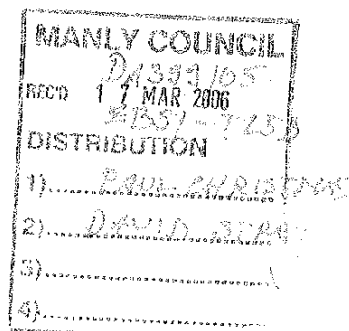
ARCHITECTS + BUILDERS

16 March 2006

The Director
Manly Municipal Council
PO Box 82
Manly NSW 2095

Attention: Mr David Stray

Alterations and Additions to Residence and New Pool at
No 4 Alma Street, Clontarf
DA No 399/05



Following the withdrawal of the singular submission made by the neighbours to our rear (letter on Council file) and after several meetings with Council officers in February and March 2006, we submit our revised plans for your consideration.

The design intent behind this DA is to provide additional living, family and bedroom accommodation to a house that has been poorly extended and is in need of major refurbishment to make it commensurate with similar houses in the surroundings. The P&O style of the dwelling is to be maintained and enhanced. The curved facades, parapets and horizontal banding, typical of the P&O style are to be carefully replicated in an architectural form typical of this style. We attach several photographs of similar examples of houses in the P&O style that have been very successfully renovated and extended in the vicinity.

We have made a number of minor, but important, amendments to the scheme in order to increase both the open space and soft landscaping requirements to reach compliance levels, as well as measures to reduce the bulk and height of our proposal. We list the amendments below for your consideration:

- 1) **Height** - the height of the proposal has been lowered by 300 mm. The brick parapet has been reduced by this amount to bring it below the level of the existing ridgeline.

The overall height is therefore reduced from approx. 9.1 m to 8.8 m on the eastern elevation at its highest point
- 2) **Bulk** - in consultation with the rear neighbours, the projecting roof deck access structure was deleted and replaced by an access hatch, which does not protrude above the brick parapet height. The hatch will provide safe access to the roof for cleaning and maintenance of the proposed skylights, pod solar heating panels and guttering. The new roof access will allow BCA compliant access via a compliant stair to the roof deck, which will also have a safety rail to comply with the BCA requirements. We include photographs of the adjoining dwellings to demonstrate comparable scale as well as a number of other roof decks in the area.
- 3) **FSR** - the proposed FSR of the dwelling as shown on the compliance table is approx. 0.6:1. Although higher than the FSR of approx. 0.4 nominated in the DCP, this dwelling is in sub-

3000\$ permitted
17/3
ALBION DESIGN AND CONSTRUCTION CO PTY LTD
31954 247 002 107 931

ATTACHMENT 1

Environmental Services Division Report No. 26 - 4 Alma Street, Clontarf Applicants Supporting Statement - albi Architects & Builders

zone 7, which generally allows for blocks of approx. 750 m² in area. This block has a site area of only 556 m², which mitigates against the FSR in this instance. This FSR compares favourably in comparison to a number of dwellings in the immediate surroundings. For example, No 2 Alma Street, next door, has an approx. FSR of 0.68; No 2 Woodland Street and No 2A Woodland Street, both have an FSR greater than 0.7.

- 4) Open space and soft landscaping – the calculations for both open space and soft landscaping now comply with the DCP. This has been achieved by including in the open space measurement both the portion of the curved ground floor terrace and the roof deck (both of which are less than 25% of the total open space calculation). This now gives us an open space percentage of 71%, which exceeds the DCP requirements.

The soft landscaping areas have been increased by incorporating more green space in the front and side areas, in lieu of paving. The driveway has been made more efficient and more soft landscaping has been incorporated. The driveways, although not included in the soft landscaping calculation, could be paved with Boral 'Hydrapave' or equivalent paving, which incorporates an engineered stormwater infiltration system. This would, if required, greatly increase the amount of stormwater caught on site and substantially reduce run-off. We attach a brochure from Boral Hydrapave outlining the features of the system which, we understand, is currently being used by Manly Council.

- 5) Streetscape – the proposed alterations and additions are very much in scale and character with the adjoining properties to the side and rear. In fact, the proposal fits very comfortably in the streetscape generally, as is evidenced by the photos attached, showing both the front streetscape and rear views of the proposal and its adjoining neighbours. The removal of the dilapidated front terrace/carport, as well as other sections of the dwelling, and their replacement, enhancement and upgrading, will bring this small, badly planned dwelling into the 21st century by way of improved area and amenity, while still maintaining the dominant P&O architectural style.

This proposal will improve the visual amenity of the area, the streetscape and the precinct generally. We seek your endorsement for the application and await your approval in due course.

Should you require any further information, please do not hesitate to call me on 9958 3714.

Yours faithfully



Marc Biancardi
Registered Architect

TO: Land Use Management Committee - 5 June 2006
REPORT: Environmental Services Division Report No. 28
SUBJECT: 54 Lauderdale Avenue, Fairlight - Section 96 Modification
FILE NO: DA595/00

Application Lodged: 14 February 2006
Applicant: T Barnabas
Owner: T and G Barnabas
Estimated Cost: \$700,000
Zoning: Manly Local Environmental Plan, 1988 - Residential the property is also in the Foreshore Scenic Protection Area
Surrounding Development: Residential Flat Buildings and Dwellings
Heritage: Not applicable

SUMMARY:

1. MODIFICATION OF DEVELOPMENT CONSENT IS SOUGHT FOR THE APPROVED DEMOLITION OF THE EXISTING BUILDING AND CONSTRUCTION OF TWO NEW DWELLINGS INCLUDING STRATA SUBDIVISION.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH FOUR (4) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE FAIRLIGHT PRECINCT COMMUNITY FORUM AND COMMENTS RECEIVED.
4. THE APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD .
5. SITE INSPECTION IS RECOMMENDED.
6. THE PROPOSED MODIFICATIONS ARE RECOMMENDED FOR APPROVAL.

LOCALITY PLAN

Shaded area is subject land.



REPORT

Introduction

The proposed Section 96 (1A) Modification of the consent requests the following changes:

- Proposed roof alteration. The roof is to be lowered to the height of the pergola RL, 56.572 and reduce the height northern side to RL 57.225.
 The eaves overhangs reduced from 800 to 600 millimetres
 Translucent windows are to be added to the underside of the roof

Environmental Services Division Report No. 28 (Cont'd)

- Relocation of the stair to the rear yard.
- Proposed roof to the entry off the footpath in Lauderdale Avenue.
- Proposed removal of 1 metre high retaining wall to the undercroft area
- Proposed new mezzanine storage area and access stair.
- Proposed increase in the width of the balcony to Unit 1, level 1 bedroom to create more open area for occupants.
- Proposed removal of section of wall and incorporation of windows on Unit 2, Level 1 West Elevation.
- Proposed stormwater detention tank and storage tank
- Remove section of west wall on Unit 1, Level 2 and replace with window
- Proposed floor levels lowered
- Reduction in the height of planter box on the eastern side of Unit 2, Level 2

Development Control Plan Numerical Assessment

The proposed modifications do not change the proposal's compliance with the numerical standards of the D.C.P. In this regard it is considered that the mezzanine does not add to the bulk of the building as it is contained within the excavation.

Applicant's Supporting Statement

In support of the application for the Section 96 (1A) Modification, the applicant has submitted a Statement of Environmental Effects and this statement is on file. The applicant has also obtained the signatures of agreement from several of his neighbours on the modification plans prior to lodgement.

Submissions

In response to the notification of the application, Council received four (4) submissions objecting to the development. Concerns raised in the submissions are as follows:-

- These openings have an impact on privacy and significantly lower the value of our property. These changes were built before this belated section 96 request
- Is our opinion that those residents who signed the plans would be unable to interpret the plans and be unaware of the potential significance to themselves or the community. We request Council to change its procedures.
- We are concerned that of the neighbours have signed off on plans, who significance they may not fully comprehend, and that clearly do not affect them in any way. Only the lowering roofline represents a benefit to the owners behind this development.
- We would like to register our objection to the changes the western side of the property.
- The owner is attempting to amend his DA to include three large openings.
- This has already been constructed and is not in accordance with the approved DA and will have an impact on privacy of all residents in our building
- We would like to stress the already hugely overdeveloped building has three massive deck areas, allowing for maximum view and entertainment
- If the two lounge room openings were legalised, we loose complete privacy of our master bedroom and lounge room as the openings provide a clear and uninterrupted view into both areas. The only thing between us and these openings is our neighbour's garden.
- We request Manly Council ensure plans sent out are clear and legible to allow residents to make informed decisions.
- We request Council rejects at least two front major openings and also ensure the wall built in front of the third bedroom sliding door cannot be taken down.
- The original plans were for only several narrow high openings to the western side and that these concessions were made when the DA was bought before Council

Environmental Services Division Report No. 28 (Cont'd)

- The development significantly impacts of all residents in our building that everyone surrounding the building.
- On the 1st February Mr. Barnabas came to see us to try and get us to sign off on his plans. These plans had already been signed by Bruno Cara and Murray Wall, both of them would benefit from the lower roofline.
- It is now clear he has not only made three huge additional openings on the western side but also excavated out more than agreed. He already has a huge storage area and wants an additional mezzanine level. He also wants to eliminate already agreed privacy wall with lower growing shrubs, changes to the roofline the windows below the rooftop and changes to the agreed height of planter boxes
- He agreed that our property is the only one at approximately the same level and most impacted by the development.
- We can see the monstrously overdeveloped site from our lounge rooms and will be able to see into both apartments lounge rooms. There is nothing we can do to get back the little privacy we have left
- We cannot endorse any changes and did not see a solution other than the bricking in the current openings in accordance with the current DA
- Our battle for having no major openings facing us was hard won and we felt it was the only concession made to us at the time. We strongly object to any further changes in particular any on the western side.
- I trust Manly Council make informed and fair decision on this one. Should you wish to visit our building to better understand the concerns, please call me.

Applicant's response to the submissions

In response to the submissions received, the applicant has submitted a detailed response. This response is appended to this report.

Precinct Community Forum Comments

The application was discussed at the April 2006 meeting of the Fairlight Precinct Community Forum, who resolved as follows:-

- Roof over Entrance way - aesthetically undesirable from street.
- Rear deck does not comply with setback.

Building Comments

No objections to the proposed Section 96 amendments subject to the submission of a new Construction Certificate prior to works being carried out.

Landscape Architects Comments

Upon viewing the proposed landscape plan and subject to the use of the endemic species of plant material, no objection is raised to the proposal in relation to landscape design.

Planning Comments

The subject application is a request for modification of details of development consent under Section 96(1A) of the Environmental Planning and Assessment Act 1979. The original application was considered by the Land-Use Management Committee meeting of the 15 October 2001 and was granted "deferred commencement" consent. The applicant subsequently met the deferred commencement conditions of consent and the final consent was issued on the 4 April 2002. A request for modification of details of Development Consent under Section 96(1A) of the

Environmental Services Division Report No. 28 (Cont'd)

Environmental Planning and Assessment Act 1979 was submitted to Council and was subsequently approved by Council on 2 December 2003.

The current application for modification includes a detailed letter of requests, which can be summarised as follows.

1. Proposed roof alteration. The roof is to be lowered to the height of the pergola RL, 56.572 and reduce the height northern side to RL 57.225. The eaves overhangs reduced from 800 to 600 millimetres. Translucent windows are to be added to the underside of the roof.
2. Relocation of the stair to the rear yard.
3. Proposed roof to the entry off the footpath in Lauderdale Avenue.
4. Proposed removal of 1 metre high retaining wall to the undercroft area.
5. Proposed new mezzanine storage area and access stair.
6. Proposed increase in the width of the balcony to Unit 1, level 1 bedroom to create more open area for occupants.
7. Proposed removal of section of wall and incorporation of windows on Unit 2, Level 1 West Elevation.
8. Proposed stormwater detention tank and storage tank.
9. Remove section of west wall on Unit 1, Level 2 and replace with window.
10. Proposed floor levels lowered.
11. Reduction in the height of planter box on the eastern side of Unit 2, Level 2

As noted above Council received a number of submissions from a nearby development, mainly concerning the provision of windows in the western elevation. In response to these submissions, the builders have provided a written a letter outlining their perception of the situation. This letter is on file.

It is noted that the adjacent property number 56 Lauderdale Avenue has a width of 15 metres, so that the separation between the objectors in number 58 and the windows proposed in the western elevation of 54 exceeds the nine metres requirement contained in the AMCORD standards, which refers to providing adequate privacy between the primary living areas of adjacent premises.

In relation to privacy it is also noted that the applicant has supplied details of fence treatment between himself and the immediate adjacent neighbour, which assists in providing privacy between his development and the objectors and in the circumstances it is considered that the increased window sizes and new windows do not have an adverse impact on the nearby neighbours.

The objector has made the observation that this is a belated application and the windows are already constructed. However, the view of the site revealed that while the openings have been left the windows had not been provided and could easily be bricked up in accordance with the original design if this modification was refused. The fact that the openings have been left open, meant that the site view revealed exactly the impact if windows were provided. This was of assistance in the examination of the modification

The requested modifications are addressed briefly as follows:-

1. The proposed change to the roof was subject to detailed discussions with the neighbours immediately to the rear who then signed the plans in agreement. While part of this roof is already in place, the construction raises no planning objection, and the issuing of a building certificate would be appropriate.
2. No objection is raised to the relocation of the stairs in the rear yard.
3. The proposed roof to the entry off the elevated footpath in Lauderdale Avenue, raises no planning objection. However, it is noted that the Precinct Committee Forum have raised the question in terms of the aesthetics being undesirable from the street. It is considered that

Environmental Services Division Report No. 28 (Cont'd)

- this is a small element and will be surrounded by landscaping, which should not appear as an obtrusive element in the final development and therefore acceptable.
4. The removal of the one metre high retaining wall to the undercroft is a refinement of the design. This area still provides landscaping to the front of the building in accordance with the original concept.
 5. The proposed mezzanine storage area with access stair does not change the building and raises no objection.
 6. The increased width of the balcony adjacent to the bedroom in unit 1 was a result of poor quality sandstone in this location during the excavation phase, whereby a retaining wall was provided in place of what was originally to be a cut sandstone wall. The additional balcony area has not been subject to objection from the adjacent neighbour, and raises no planning issues.
 7. The question of an additional window to level two, unit one, has been commented on above, and it is considered that this does not have an adverse effect on the privacy of surrounding residents.
 8. The proposed stormwater detention tank and storage tank is appropriate as part of the development in meeting Council's requirements.
 9. The new window associated with unit 1 on level 2 is not considered to have any adverse effect on the surrounding privacy and is recommended for approval.
 10. The slight adjustment to the floor levels are more the result of construction tolerances and do not have any adverse effect in terms of the development. While the floors have already been constructed and cannot be approved, no town planning objection is raised to the change in floor levels.
 11. The proposal to reduce the height of the planter box on the eastern side of unit two was the result of requests from the adjacent neighbour. In terms of preservation of their views towards the harbour. This change raises no objection

The proposed modifications compliance with **Section 96 (1A) Modification** of the Environmental Planning & Assessment Act 1979 are addressed as follows:-

Section 96 (1A) of the Environmental Planning and Assessment Act 1979, states that "a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all) under this section, and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be."*

With regards to the above it is considered that the proposed modifications are substantially the same development as the original development that has been consented to. The application to modify the consent was notified and objections received. It is not considered that the objections submitted warrant refusal of the modifications requested. Further it is considered that the proposed changes do not to have any adverse impact on the adjoining and nearby property owners. All matters relating to the proposed modification in terms of impact on neighbouring properties and locality have been considered.

Environmental Services Division Report No. 28 (Cont'd)

The proposal's compliance with the **Clause 10 objectives** of the Residential Zone of the Manly Local Environmental Plan 1988 are addressed as follows:-

(a) *to set aside land to be used for purposes of housing and associated facilities;*

The development complies with this objective

(b) *to delineate, by means of development control in the supporting material, the nature and intended future of the residential areas within the Municipality;*

This is a request for modification of a previously approved development. The modification includes many small changes however the one that has received most objection is the provision of windows to the western elevation. It is considered that the separation between these residents is greater than the AMCORD standard and must be accepted as being reasonable. The side boundary fences will also ensure privacy. The proposal includes an additional mezzanine storage area which is already in excavation and does not add to the bulk of the development. The proposal complies with this objective

(c) *to allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council area;*

The original application was considered to be in keeping with the existing character of the area. The modifications do not change this character

(d) *to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment;*

In approving the original application it was considered the proposal was appropriate and did not degrade the quality of the environment. The modifications do not change this impact. The distance between the proposed new windows and the nearby residents is sufficient to maintain adequate privacy in accordance with planning standards. As well as this the fencing provides privacy to nearby residents.

(e) *to improve the quality of the residential areas by encouraging landscaping and permitting greater flexibility of design in both new development and renovations;*

The modification maintains the same level of landscaping as the approved development.

(f) *to allow development for purposes other than housing within the zone only if it is compatible with the character and amenity of the locality;*

This objective does not apply

(g) *to ensure full and efficient use of existing social and physical infrastructure and the future provisions of service and facilities to meet any increased demand;*

The development complies with this objective.

(h) *to encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.*

This objective does not apply as it is a modification of previously approved application.

(i) *to encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination, and particularly in relation to the land to which Manly Local Environmental Plan 1988 (Amendment No 57) applies.*

This objective does not apply.

Foreshore Scenic Protection Area

The subject development is within the Foreshore Scenic Protection area as outlined in Clause 17 of the Manly Local Environmental Plan 1988. In this regard it is considered that the proposed modifications will not have any adverse impact on the appearance of the development as viewed from the harbour.

Environmental Services Division Report No. 28 (Cont'd)

The modifications requested do not change the assessment relative to the Development Control Plan. In this regard it is noted that the new mezzanine storage area does not result in any increase in building bulk as it is contained within the existing excavation.

CONCLUSION:

The proposal has been assessed under the provisions of Section 79C and 96 of the Environmental Planning and Assessment Act 1979, Council's Local Environmental Plan 1988 and Council's Development Control Plan for the Residential Zone 2001, Amendment 1. It is considered that the Section 96 (1A) modifications are acceptable and therefore recommended for approval.

RECOMMENDATION

That pursuant to Section 96 (1A) of the environmental Planning Assessment Act 1979, the application to modify Development Consent 595/00 for the demolition of the existing building and construction of two new dwellings including strata subdivision at No. 54 Lauderdale Avenue, Fairlight be approved subject to the original conditions of consent, with Condition No. 1 modified and new condition 102 added as follows:

1. This approval relates to drawings/plan's numbers 2021 WD01 issue C and WD 02 to 04 Issue E dated 5.05.2005 and received by Council on the 14th of February 2006 and Landscaped Plan 0027DALA01 dated Feb 06 issue B.
102. Works in connection with this Section 96 modification are not to be commenced/carried out until a new Construction Certificate is issued.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 28 *****

TO: Land Use Management Committee - 5 June 2006
REPORT: Environmental Services Division Report No. 29
SUBJECT: 2 Smith Street, Manly - Section 82A Review
FILE NO: DA504/04

Application Lodged: 20 December 2005
Applicant: Costello & Graham Design
Owner: C Santos 7 M Tamhane
Estimated Cost: \$300,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Single and two storey free standing and semi detached dwellings
Heritage: Within Pittwater Road Conservation Area

SUMMARY:

1. DEVELOPMENT APPLICATION 504/04 FOR ALTERATIONS AND ADDITIONS INCLUDING A NEW FIRST FLOOR LEVEL TO THE EXISTING SEMI DETACHED DWELLING WAS RECEIVED BY COUNCIL 10 NOVEMBER 2004.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH TWO (2) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 12 DECEMBER 2004 AND REFUSED BY LETTER DATED 29 DECEMBER 2004.
4. COUNCIL RECEIVED AN APPLICATION FOR REVIEW OF DETERMINATION ON 20 DECEMBER 2005.
5. THE APPLICATION FOR REVIEW WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH FOUR (4) SUBMISSIONS RECEIVED.
6. THE APPLICATION FOR REVIEW WAS REPORTED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 11 APRIL 2005 WITH A RECOMMENDATION FOR APPROVAL.
7. THE APPLICATION FOR REVIEW IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR LAMBERT.
8. A SITE INSPECTION IS RECOMMENDED.
9. THE APPLICATION IS RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.

LOCALITY PLAN

Shaded area is subject land.



Environmental Services Division Report No. 29 (Cont'd)**REPORT****Introduction**

The subject property is located on the eastern side of Smith Street, about 16m north of its intersection with Carlton Street, Manly. The site is one of a pair of semi detached dwellings to be found in Smith Street. The site has rear access to Smith Lane. The southern side boundary of the subject site abuts the rear yards Nos 8, 10 and 12 Canton Street

Development application DA 504/04 was lodged in 10 November 2004 for the alterations and additions to the semi detached dwelling including a first floor addition, at 2 Smith Street, Manly. The proposal will provide for:

Ground floor level: Kitchen (with laundry facilities), dining, living area, two (2) bedrooms, bathroom and study alcove.

First floor level: Two (2) bedrooms, attic storage and shower/WC.

Development Control Plan Numerical Assessment

The following is an assessment of the proposal's compliance with the numerical standards of the D.C.P. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Floor space ratio	0.6:1	0.79	No
Wall height North side	6.5m	6.3m	Yes
South side	6.5m	6.3m	Yes
Roof height	3.0m	3.4m	No (existing)
Setback Front	6.0m	12.6m (addition)	Yes
Setback Rear	8.0m	8.0m	Yes
North setback side	n/a (semi)		n/a
South setback side	2.1m	2.1m	Yes
Open space - total	55%	43.3%	No
Open space - total	101.9m ²	80.3m ²	No
Open space - soft	35%	34%	No
Number of Endemic Trees	1	1	Yes (condition)
Private Open Space	18m ²	43m ²	Yes
Car Parking – Residents	2	nil	No
Shadow -			
adjoining EW orientation	Max 1/3 rd of existing	>1/3 rd	No
exist north facing roofs	Min 2hrs Min 10m ²	>2hrs >10m ²	Yes Yes

Applicant's Supporting Statement

The applicant submitted a Statement of Environmental Effects in support of the application for review as well as detailed comment on overshadowing impacts, a copy of which is attached.

Submissions

There were four (4) submissions received following the notification of the Section 82A review. Two (2) of the submissions are letters of support and two (2) were objections raising the following concerns:

Environmental Services Division Report No. 29 (Cont'd)

- Overdevelopment of site.
- Non Compliances with LEP and DCP particularly in relation to objectives, FSR, density, open space, and solar access.
- Loss of heritage significance of site and surrounding development.
- Loss of privacy Loss of streetscape amenity.
- Overshadowing.
- Overshadowing of heritage properties at 10 &12 Carlton Street.
- Loss of amenity from upper floor dormer windows.
- Loss of sunlight, particularly in winter to site and solar hot water unit.
- Significant impact on heritage value of 10 & 12 Carlton Street.
- Proposal will result in a loss of property value.

Precinct Community Forum Comments

The application was referred to the ocean Beach precinct Community Forum for comment. No comments had been received at the time of writing this report.

Engineers Comments

No objection subject to conditions.

Building Comments

No objection subject to conditions.

Landscape Architects Comments

No objections subject to conditions.

Heritage Planners Comments

The subject site is located within the Pittwater Road Conservation Area and Clause 19 of the Manly LEP is relevant to this application.

The site is one of a group of single storey semis to be found in Smith Street with intact front elevations and roof facing Smith Street. The proposed new roof at the side comprise of traditional style dormers framed in timber. The style and location of these dormers are such that the principal smith Street elevation retains its original single storey appearance whilst accommodating additional living space in the original roof space. The traditional dormer style results in a sympathetic addition to the original and enables the new roofs to be recessive and subservient to the original appearance of the roof. It is considered overall, the integrity and aesthetic of the original cottage are retained.

If approval is recommended the following conditions are required;

1. Any new colour scheme and material proposed are to be sympathetic to the style of the dwelling. A detail of any new colour scheme is to be submitted to Council/Accredited Certifier prior to issue of the Construction Certificate.
2. The new metal roof sheeting is to have a traditional corrugated iron profile and is to be colour that matches or is similar to the colour of the roofing on its pair (No.4) to conserve then integrity of the original semis appearance on the streetscape. Details are to be submitted to Council/Accredited Certifier prior to issue of the Construction Certificate.
3. A simple archival quality photographic record is to be made of the affected parts of the dwelling (exterior and interior) and submitted to Council prior to issue of the Construction

Environmental Services Division Report No. 29 (Cont'd)

Certificate. The record is to include a copy of the development application plans which includes existing floor plan and elevations (A4 size) and a copy of the Statement of Environmental Effects. The photographs are to be in black and white and colour and referenced to plans of the existing dwelling. Two copies of the photographic record and one copy of the black and white negatives are to be submitted in A4 format and when received will be lodged with the Manly Local studies Library. The NSW Heritage Office Guidelines are a useful guide in the preparation of photographic records.

4. All existing chimneys are to remain in-situ as they are part of the character of the streetscape of the Conservation Area. The existing chimneys are to be protected during construction works.
5. Any original stone or brickwork not painted or rendered is to remain unpainted and not rendered.

Planning Comments

Development application DA 504/04 was lodged in 10 November 2004 for the alterations and additions to the semi detached dwelling including a first floor addition, at 2 Smith Street, Manly.

There were two objections received. Following the resolution of the Development Assessment Unit at it's meeting of 21 December, 2004; Council issued a letter to the applicant dated 29 December 2004 refusing the application.

On 20 December 2005, the applicant lodged an application pursuant to Section 82A of the EP&Act 1979 seeking a Review of the Determination. The application was accompanied by amended plans to address the reasons for refusal. The most significant change is the reduction of the bulk and scale of the proposed addition on the first floor. The new additions have been set back a further 4m from the front of the dwelling. The number of bedrooms on the first floor has been reduced from 3 to 2. The setback from the southern boundary has been increased by 100mm. The proposed FSR has been reduced from 0.89:1 to 0.79:1

Adjoining owners were informed of the application 3 January 2006. Two (2) objections were received to the Section 82A Review. This report will assess this application for a review of the determination.

Assessment

The subject property is located on the eastern side of Smith Street, about 16m north of its intersection with Carlton Street, Manly. The site is one of a pair of semi detached dwellings to be found in Smith Street. The site has rear access to Smith Lane. The southern side boundary of the subject site abuts the rear yards Nos 8, 10 and 12 Carlton Street

Council's heritage Advisor has already commented on the original proposal and has raised no objections to the proposal subject to conditions of consent, The Section 82A plans will have less impact on the streetscape.

The proposed FSR is now slightly more than the 0.73:1 approved for the alterations and additions to the dwelling on subject site in January 2002. This consent has now expired. The FSR approved in 6 May 2002 for a similar alterations and additions to the other half of the semi, being No 4 Smith Street is 0.75:1. The permissible FSR in the Density subzone 3 in which this site is located is 0.6:1. In view of the design of the additions, being contained generally within the roof and below exiting ridge line, the proposal is considered to be acceptable.

The proposal complies with the 2.1m side boundary setback, based on 1/3 of the proposed building height of 6.3m and complies with the 8m rear boundary setback.

Environmental Services Division Report No. 29 (Cont'd)

The height of the proposed first floor is below the existing ridge height and is similar to the first floor addition on the adjoining semi at No 4 Smith Street. This is considered to be acceptable.

The subject site currently has a landscaped area of 43%. The landscape area will remain relatively the same and whilst being less than the 55% required in the DCP is considered to be acceptable.

Overshadowing

The most important consideration of this proposal is the impact of overshadowing on the three properties to the south at Nos 8, 10 & 12 Carlton Street. The applicant has provided additional information regarding the proposed shadow impacts. The owners of Nos 10 & 12 Canton Street have objected to the additional shadowing impact of the proposed extension.

The proposed development has the following overshadowing effects on the windows and rear yards of adjacent properties at 8, 10 & 12 Carlton Streets:

8 Carlton Street -	9am -	No additional overshadowing of windows or rear yard;
8 Carlton Street -	12 pm -	No additional overshadowing of windows or rear yard;
8 Carlton Street -	3pm-	No additional overshadowing of windows or rear yard
10 Carlton Street -	9am -	No additional overshadowing of windows, minor increase of overshadowing of rear yard;
10 Carlton Street	12pm-	No additional overshadowing of windows, but more overshadowing of rear yard.
10 Carlton Street -	3pm-	Some additional overshadowing of windows at the north-eastern corner occurs.
12 Carlton Street -	9am-	Additional overshadowing of windows occurs, but significant overshadowing exists from trees in rear yard of No.10 Carlton street;
12 Carlton Street -	12pm -	No additional overshadowing of windows or rear yard;
12 Canton Street -	3pm	No additional overshadowing of windows or rear yard;

The shadow diagrams demonstrate that the level of solar access to the existing windows and glazed doors presently enjoyed by the existing residents of Nos 8, 10 & 12 Carlton Streets is greater than the minimum required 2 hours between 9am & 3pm on June 21. However, the proposal does not satisfy Clause 3.7.2 (e) of the DCP in that the proposal will eliminate more than 1/3 of the existing sunlight measured at 12noon for 10 Canton Street.

It is considered that the amended proposal is now satisfactory and the height, bulk and scale of the proposal are sympathetic to the character of the area. There is a non compliance with Clause 3.7.2 (e) of the DCP in that the proposal will eliminate more than 1/3 of the existing sunlight measured at 12noon for 10 Carlton Street. However, it is considered that this infringement alone does not warrant a refusal of this application.

Objections

The objections raised in relation to overdevelopment, shadowing and heritage and conservation issues have been addressed above. It is noted that Nos 8 & 10 are not listed heritage items.

There were concerns with loss of privacy. There is a bathroom window and dormer windows off each bedroom on the first floor. It is recommended that the window from the bathroom be made of translucent glass. The two dormers are at the rear of the building and will not impact on No12 Carlton Street. The existing vegetation along the rear of No 10 Carlton Street will provide some screening of the dormers. It is considered that the additional overlooking resulting from these first floor dormers does not warrant a refusal of this application.

Environmental Services Division Report No. 29 (Cont'd)Car parking

The site fronts Smith Street and has its rear boundary adjoining Smith Lane. The site has a width of 6.095m and as the dwelling extends across most of the width of the site there is no opportunity to provide car parking off Smith Street. It is possible to provide car parking in the rear yard with access off the laneway however this would reduce the existing open space which is already limited. Having regard to the circumstances it is considered that the variance from Council's DCP is acceptable in this instance.

Clause 10 Objectives

The following comments are made in relation to the objectives of the Residential 2 zone in Clause 10 of the LEP:

(a) to set aside land to be used for purposes of housing and associated facilities;

The land is currently zoned residential and developed with a dwelling. In this regard the proposal satisfies the objective.

(b) to delineate, by means of development control in the supporting material, the nature and intended future of the residential areas within the Municipality;

The Manly DCP for the Residential Zone 2001, Amendment 1, has been used to assess the proposed development.

(c) *to allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council area*

The proposed additions to the dwelling represent an appropriate form of development for the subject site in terms of its proposed height, bulk and scale and impact on the streetscape and adjoining properties.

(d) *to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment;*

The height, bulk and scale of the development are considered satisfactory and not such that will significantly degrade the amenity of surrounding residents or the existing quality of the environment;

(e) *to improve the quality of the residential areas by encouraging landscaping and permitting greater flexibility of design in both new developments and renovations;*

The proposal will not result in any reduction of existing landscaped open space available on the site and is considered acceptable in this regard.

(f) to allow development for purposes other than housing within the zone only if it is compatible with the character and amenity of the locality;

Not Applicable

(g) to ensure full and efficient use of existing social and physical infrastructure and the future provisions of service and facilities to meet any increased demand;

The occupants of the dwelling will continue to utilise existing social and physical infrastructure.

(h) *to encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.*

The proposed alterations and additions are considered to be a suitable redevelopment for the site. The proposal will not result in any significant adverse impact on the amenity of the adjoining and nearby properties.

Environmental Services Division Report No. 29 (Cont'd)

- (i) *to encourage the provision and retention of tourist accommodation that enhances the role of Manly as an international tourist destination, and particularly in relation to the land to which Manly Local Environmental Plan 1988 (Amendment 57) applies.*

Not applicable.

CONCLUSION:

The proposal has been considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan, 1988 and the Development Control Plan for the Residential Zone 2001. The proposal is subsequently recommended for Approval, subject to conditions.

RECOMMENDATION

That development application No.504/04 for Alterations and Additions to the Existing Semi Detached Dwelling at No. 2 Smith Street Manly be approved subject to the following conditions:

1. This approval relates to drawings/plans No. DA01, DA04 to DA08 issue D and DA09 issue B 16 December 2005 received by Council 20 December 2005.

ANS01

Any new colour scheme and material proposed are to be sympathetic to the style of the dwelling. A detail of any new colour scheme is to be submitted to Council/Accredited Certifier prior to issue of the Construction Certificate.

ANS02

The new metal roof sheeting is to have a traditional corrugated iron profile and is to be colour that matches or is similar to the colour of the roofing on its pair (No.4) to conserve then integrity of the original semis appearance on the streetscape. Details are to be submitted to Council/Accredited Certifier prior to issue of the Construction Certificate.

ANS03

A simple archival quality photographic record is to be made of the affected parts of the dwelling (exterior and interior) and submitted to Council prior to issue of the Construction Certificate. The record is to include a copy of the development application plans which includes existing floor plan and elevations (A4 size) and a copy of the Statement of Environmental Effects. The photographs are to be in black and white and colour and referenced to plans of the existing dwelling. Two copies of the photographic record and one copy of the black and white negatives are to be submitted in A4 format and when received will be lodged with the Manly Local studies Library. The NSW Heritage Office Guidelines are a useful guide in the preparation of photographic records.

ANS04

All existing chimneys are to remain in-situ as they are part of the character of the streetscape of the Conservation Area. The existing chimneys are to be protected during construction works.

ANS05

Any original stone or brickwork not painted or rendered is to remain unpainted and not rendered.

ANS06

The first floor bathroom window is to be fitted with translucent glass to reduce privacy impacts on the adjoining properties to the south, plans being suitably notated prior to issue of the Construction certificate.

Environmental Services Division Report No. 29 (Cont'd)

ANS07

The landscape plan is to be amended to show the planting of one (1) endemic tree species that will attain a height of 6 meters.

ANS08

The Camphor Laurel tree located forward of the site is to be protected during construction works.

DA16

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$7,500. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, **at least 7 days prior to the commencement of any work on site.**

DA17

No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.

DA342

The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.

DA343

Any adjustment to the public utility service is to be carried out in compliance with their standards and the cost is to be borne by the applicant.

DA87

A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The principal Certifying Authority shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.

DA230

No building materials may be stored on the road reserve without separate approval from Council.

DA261

Prior to the commencement of any works on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**

DA18

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council **prior to issue of the Construction Certificate.**

DA19

Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council **prior to issue of the Construction Certificate.**

Environmental Services Division Report No. 29 (Cont'd)

DA21

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

DA26

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

DA31

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

DA38

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Principal Certifying Authority in respect of the load carrying capabilities of the existing structure to support the proposed **additions prior to the issue of the Construction Certificate.**

DA39

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

DA44

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.

DA48

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

DA58

An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

DA357

Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate.**

DA109

All demolition is to be carried out in accordance with AS2601-1991.

DA111

Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

Environmental Services Division Report No. 29 (Cont'd)

DA121

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

DA126

An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA239

The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

DA348

Precautions shall be taken when working near trees to be retained including the following:

- do not store harmful or bulk materials or spoil under or near trees
- prevent damage to bark and root system
- do not use mechanical methods to excavate within root zones
- do not add or remove topsoil from under the drip line
- do not compact ground under the drip line.

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier **prior to the issue of the Construction Certificate**. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site**.

DA270

The works require the following inspection/certification during the course of construction:-

Silt control fences

Footing inspection - trench and steel

Framework inspection

Wet area moisture barrier

Fire separation

Final inspection

The cost of these inspections by Council is \$1,320. (being \$220.00 per inspection inclusive of GST). **Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit on 9976 1573 or 9976 1587.**

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$80.00.

Environmental Services Division Report No. 29 (Cont'd)

DA271

An Occupation Certificate is to be issued by the Principal Certifying Authority **prior to occupation of the development.**

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.

DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

DA340

The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land.

The measures must include:-

- (i) siltation fencing;
- (ii) protection of the public stormwater system; and
- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays.

Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate.** Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

DA320

Prior to issue of the Occupation Certificate, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

ATTACHMENTS

- AT- 1** Additional Shadow Information - Costello & Graham Design 2 Pages
- AT- 2** Statement of Environmental Effects - Mark & Catherine Santos 2 Pages

Environmental Services Division Report No. 29 (Cont'd)

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***** End of Environmental Services Division Report No. 29 *****

ATTACHMENT 1

Environmental Services Division Report No. 29 - 2 Smith Street, Manly - Section 82A Review
Additional Shadow Information - Costello & Graham Design

COSTELLO + GRAHAM Design
7/36-40 Old Pittwater Road
Brookvale NSW 2100
Ph. & Fax 9939 3748
Email costellograham@primus.com.au
Michael,

1).....
2).....
3).....
4).....

Please forward the following response to the planner assessing the section 82A application. We shall forward to council via the customer service counter within the next 2 days an additional 5x A3 sets of attached drawings and a copy of this email to demonstrate that the proposal satisfies Clause 3.7.1 (a) and (e) of the Residential Zone DCP.

Shadow diagrams split into separate sheets attached as:
DA12c = 12pm
DA15a = 9am
DA16a = 3pm

In response to DCP clauses 3.7.1(a) & (e), we provide the following response:

3.7.1a) To preserve the environmental quality and property value for existing and new residents:
Due to the proximity of the existing buildings, the open space to the north of 8, 10 & 12 Carlton Streets are already subject to overshadowing from the existing building at 2 Smith Street. The existing 9am & 3pm winter shadows cast from 2 Smith Street extend almost to the footprint of the houses at 10 & 12 Carlton Streets. The 12pm winter shadow shall be increased on ground level. The proposed development has the following overshadowing effects on the windows of adjacent properties at 8, 10 & 12 Carlton Streets:

8 Carlton Street - 9am nil additional overshadowing of windows;
8 Carlton Street - 12 pm nil additional overshadowing of windows;
8 Carlton Street - 3pm additional overshadowing of windows occurs;

10 Carlton Street - 9am nil additional overshadowing of windows;
10 Carlton Street - 12pm nil additional overshadowing of windows;
10 Carlton Street - 3pm nil additional overshadowing of windows occurs due to overshadowing from existing trees;

12 Carlton Street - 9am additional overshadowing of windows occurs, but significant overshadowing exists from existing trees;
12 Carlton Street - 12pm nil additional overshadowing of windows;
12 Carlton Street - 3pm nil additional overshadowing of windows;

The shadow diagrams demonstrate that the level of solar access to the existing windows and glazed doors presently enjoyed by the existing residents of 8, 10 & 12 Carlton Streets shall be greater than the minimum required 2 hours between 9am & 3pm on June 21.

The existing open space to the east, south & west of 8 & 10 Carlton Streets are generally unaffected by the new development. Therefore the environmental quality shall be substantially preserved and property values are unlikely to be affected.

3.7.1c) To encourage rooms in the roof to reduce overshadowing:

The impact of any overshadowing from the new rooms in the roof has been minimised, as the bulk of the proposed section 82A new roof has been considerably reduced from the previously submitted DA. The

22/03/2006

ATTACHMENT 1

Environmental Services Division Report No. 29 - 2 Smith Street, Manly - Section 82A Review Additional Shadow Information - Costello & Graham Design

proposed slope and height of the new roof is absolutely minimised with the pitching point of the new roof at only 2240mm above finished floor level & the predominant 5 degree roof pitch being the minimum allowable for corrugated iron roof sheeting, which matches the existing materials. There are also 2 small dormers provided to the bedrooms providing a sense of space within these rooms.

We trust the above written response & additional shadow information will allow council to proceed with providing development consent for the above application. If we can be of any further assistance or you require clarification of any item please do not hesitate to contact us.

For Costello + Graham Design
Yours Faithfully

Robert Costello

Leoni Graham Architect Registration NSW 6560
Robert Costello Architect Registration NSW 6610

ATTACHMENT 2

Environmental Services Division Report No. 29 - 2 Smith Street, Manly - Section 82A Review Statement of Environmental Effects - Mark & Catherine Santos

20 DEC 2005

Statement of Environmental Effects

Section 82a Application – DA 504/04

Proposal: Alterations & Additions to Existing Semi Detached Dwelling

Property: 2 Smith Street, Manly

Lot: Y DP 105395

Architects: Costello & Graham Design

Existing Condition:

Our existing house is a south-side semi-detached brick cottage built in 1903, located in a streetscape identified in Manly LEP as a "landscape item of environmental heritage". The house comprises a single storey with a hipped roof & veranda to Smith Street and secondary additions to Smith Lane. The secondary additions to the rear of the property include an outdoor toilet, kitchen, bathroom & laundry.

The lot is undersized at 185.4m² in a 250m² zone, has two-street access, is mainly flat and runs east-west. The adjoining semi already has a second storey with a large balcony at the rear.

Approval was granted to the previous owners of 2 Smith Street in 2001 (DA 524/01) for a second storey addition. However, this extension did not suit our needs and was not sympathetic to the existing house and heritage values of the streetscape.

Design Proposal:

In late 2004 we submitted DA504/04, which was subsequently refused. We have looked carefully at the reasons for refusal and addressed them in this Section 82 A application. This application complies with the intent of the Manly DCP by not affecting views, privacy and shadows of the neighbouring properties. We wish to extend our current house to accommodate the needs of our growing family and to avoid the need to move from an area we love so much. The design proposal attempts to retain the character of the existing dwelling and streetscape, including the retention of the existing façade, 2 original chimneys on the southern wall and significant internal period features of the existing house, including fireplaces, chimneys, windows, doors, skirtings, cornices and high ceilings. The proposed first floor additions are characterised by reproducing the gabled facades as dormers with finials to the first floor bedrooms.

Setbacks:

The ground floor footprint remains the same. The proposed first-floor addition is setback 2.1 metres on the south side (the north side being the adjoining semi), 8 metres at the rear and 12.6 metres at the front. All of these setbacks comply with the DCP.

Wall Height:

The wall height is 6.3 metres and complies with the DCP.

ATTACHMENT 2

Environmental Services Division Report No. 29 - 2 Smith Street, Manly - Section 82A Review Statement of Environmental Effects - Mark & Catherine Santos

Roof Height:

The new roof does not exceed the existing roof which is within the allowable wall height control of 6.5 – 8.0. The roof height is 7.3m above ground level & only 0.8m metres above the minimum wall height and complies.

Floor-Space Ratio:

The total proposed floor space is 146.1m². This provides a FSR of 0.79:1. As the block is an undersize lot at 186m², we ask to be granted a concession as per the Manly DCP clause 3.3.2(b), clarified by Council on the 21st of November 2005 in Notice of Motion No. 36. The maximum area allowed in this sub-zone is 250m² X 0.6 = 150m². This application comes in at 146.1m² and is therefore under the concession limit. As our application meets the intent of the DCP by complying with view loss, shadows and privacy, we ask Manly Council to allow us this concession.

Landscape Open-Space Ratio:

This does not change significantly, as the footprint remains the same. We plan to have a small deck at the rear adjoining the master bedroom and could increase the LOSR by increasing the size of this, matching the large balcony on the adjoining semi. However, for the sake of privacy we feel that it is better to keep this balcony small. This was not considered an issue in the DAU report dated 15/12/04 on our previous DA (504/04).

Parking:

The property currently has no parking, but does have 2-street access. We are a one-car family, hire a garage nearby, and don't have the need for on-site parking. On-site car parking would significantly reduce the amount of usable open space on an already undersized lot. The DAU report on DA 504/04 (15/12/04) accepted this.

Shadows:

Our application complies with DCP requirements regarding shadows in the ground and living areas of neighbouring properties. There shall be minimal impact from additional overshadowing as the new design does not exceed the existing ridgeline and the roofline of the adjoining semi detached dwelling at No.4. Elevation shadow diagrams are included.

Streetscape:

The first floor addition will hardly be visible from Smith Street. However, what can be seen is in keeping with the style of the original federation house and surrounding properties. (See Heritage report on DA 504/04 included in DAU report dated 15/12/04)

Conclusion:

We hope that the Council will find our new application suitable to be recommended for approval and would welcome the opportunity to sit down with planners to further discuss the design. For further information or clarification, we can be contacted on 9977-3006 & 0403-938-885.

Yours faithfully,
Mark Tamhane & Catherine Santos
2 Smith Street
Manly 2095

9977-3006
0403-938-885

TO: Land Use Management Committee - 5 June 2006
REPORT: Environmental Services Division Report No. 30
SUBJECT: 67 Collingwood Street, Manly
FILE NO: DA87/06

<u>Application Lodged:</u>	24 February 2006
<u>Applicant:</u>	Craig Whitting
<u>Owner:</u>	Craig Whitting
<u>Estimated Cost:</u>	\$500
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	1 & 2 storey residential dwellings, local shops
<u>Heritage:</u>	Nil.

SUMMARY:

1. IN 2003, DA 513/03 FOR USE OF THE GARAGE AS A GENERAL STORE WAS REFUSED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT. A REQUEST FOLLOWED FOR A S.82A REVIEW OF DETERMINATION, WITH THE PROPOSED USE CHANGED TO A 'TOY LIBRARY', WHICH WAS REFUSED ON 24/10/2003.
2. FOLLOWING UNAUTHORISED COMMENCEMENT OF A TAKEAWAY COFFEE SHOP / TOY LIBRARY BUSINESS AT THE PREMISES, AN ORDER WAS SERVED ON 31/1/2006 REQUIRING THE COMMERCIAL USE OF THE GARAGE TO CEASE.
3. IN RESPONSE TO THE ORDER THE APPLICANT ADVISED ON 9/2/2006 THAT HIRING CHILDRENS TOYS IS PERMISSIBLE AS A "HOME ACTIVITY", WITH NO FURTHER RETAIL TO BE CARRIED OUT.
4. DA 87/06 FOR OCCUPATION OF AN EXISTING GARAGE USED AS A 'TOY LIBRARY WITH ANCILARY FOOD RETAIL' [OPERATION OF A TAKEAWAY COFFEE SHOP] WAS SUBMITTED TO COUNCIL ON 24 FEBRARY 2006.
5. NOTIFICATION OF THE PROPOSAL FROM 6 MARCH – 20 MARCH 2006 RESULTED IN RECEIPT OF FOUR SUBMISSIONS, RAISING ISSUES OF UNAUTHORISED COMMENCEMENT, IMPACT ON TRADE OF NEIGHBOURING CORNER SHOPS, INAPPROPRIATE DEVELOPMENT IN A RESIDENTIAL AREA, AND PRECEDENT FOR OTHER SMALL SHOPS TO OPEN.
6. THE APPLICATION WAS REPORTED TO COUNCILS DEVELOPMENT ASSESSMENT UNIT MEEETING OF 27 APRIL 2006 WHERE IT WAS RECOMMENDED FOR REFUSAL.
7. THE APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR NOREK.
8. THE PROPOSAL AND UNAUTHORISED COMMENCEMENT OF A TAKEAWAY COFFEE SHOP AND TOY HIRE IS PROHIBITED IN THE ZONE, THEREFORE THE DEVELOPMENT APPLICATION CAN ONLY BE DETERMINED BY WAY OF REFUSAL.

LOCALITY PLAN

Shaded area is subject land.



Environmental Services Division Report No. 30 (Cont'd)**REPORT****Introduction**

The subject premise comprises a detached single garage located at the rear of a single dwelling, with the garage having immediate frontage to Cameron Avenue.

Neighbouring development comprises detached dwellings to the north and south. Nearby to the north are two local shops being a takeaway food shop and a general store. Lagoon Park and its playground is located to the west on the opposite side of Cameron Avenue.

The proposed development is described by the applicant as a 'toy library with some ancillary retail of food items that are prepared off site'. In effect, the DA seeks consent for the existing unauthorised use of the rear garage as a takeaway coffee and toy hire shop, with promotional signage.

Precinct Community Forum Comments

Nil submissions received.

Planning Comments

Manly Local Environmental Plan 1988

The site is located within the Residential zone. The proposed use of the garage at the rear of the dwelling for retail purposes does not fall within the definition of a "small shop" under the LEP. The permissible uses for a small shop in the residential zone are listed under Schedule 1 of the LEP, which does not include a coffee shop or a toy shop. Furthermore, the proposal does not fit within the definition of a "home occupation" on the basis that it involves retail activities and display of goods, which are not permitted under this definition. Consequently the use as such is prohibited in the zone.

Conclusion

The proposal has been considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, relevant State Planning Policies, and the Manly Local Environmental Plan, 1988.

From this assessment the proposal clearly represents a use that is prohibited in the zone. Specifically, the use of the garage as a small shop, operating as a takeaway coffee and toy hire shop is prohibited in the zone, not being identified as a permissible use for a small shop under Schedule 1 of the LEP. Consequently Council is not able to consider the proposal for approval and can only determine the DA for refusal.

RECOMMENDATION**Part A.**

That development application No.87/06 for operation of a toy library and a takeaway coffee shop at 67 Collingwood Street, Manly be refused for the following grounds:

1. The proposed shop and its uses as a coffee shop and toy shop is prohibited in the zone, being uses that are not identified as permissible uses of a "small shop" in the residential zone as identified under Schedule 1 of the Manly Local Environmental Plan 1988.

Environmental Services Division Report No. 30 (Cont'd)

2. The proposal seeks retrospective development consent for unauthorised commencement of the use, which cannot be lawfully granted under the provisions of the Environmental Planning and Assessment Act, 1979.
3. The use of the rear of the premises as a “small shop” is considered unacceptable due to removal of on-site parking which is required pursuant to Clause 3.12 of the Development Control Plan for the Residential Zone 2001.
4. The proposal is unacceptable pursuant to S.79C (1)(a)(i) – the provisions of any Environmental Planning Instrument, being development that is prohibited in the zone.

Part B.

That the matter of unauthorised use of the premises be referred to Council's Compliance Manager for appropriate legal action.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 30 *****

TO: Land Use Management Committee - 5 June 2006
REPORT: Environmental Services Division Report No. 32
SUBJECT: Development Applications Currently Being Processed.
FILE NO:

SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING JUNE 2006.

REPORT

The following applications are currently with Council's Development Assessment for determination.

DA#	Date Rec by Council	Site Address	Proposal	Target Date	DEL DAU LUM
DA319/03	16-Jul-03	14 Kempbridge Avenue	Alterations & Additions	Awaiting Information	
DA525/03	20-Oct-03	22 Wentworth Street	Change of Use	Awaiting Information	
DA286/04	09-Jun-04	16 Ellery Parade Seaforth	Alterations & Additions	09-Jun-06	DEL
DA169/05	24-Mar-05	20 George Street Manly	Section 96 Modification	09-Jun-06	DEL
DA587/02	03-May-05	14 Reddall Street	Section 96 Modification	Awaiting Information	
DA216/05	06-May-05	241 & 243 Sydney Road Fairlight	Boundary Re alignment & Shop Parking	Awaiting information	
DA423/05	29-Sep-05	59 Ethel Street	Erection of Mixed Use Development	07-Jun-06	DAU
DA426/05	01-Oct-05	43 Bower Street	Alterations & Additions	13-Jun-06	DAU
DA146/95	04-Oct-05	17 Belgrave St	Section 96 Modification	09-Jun-06	DEL
DA474/05	19-Oct-05	55 Eurobin Avenue	Alterations & Additions to RFB (duplex)	15-Jun-06	DAU
DA450/05	20-Oct-05	2 Beatty Street	Inclinitor	30-Jun-06	DAU
DA428/05	21-Oct-05	7 Pacific Parade	Demolition & Erection of new Dwelling, Parking & Pool	Awaiting Information	
DA469/05	25-Oct-05	45 Gurney Crescent	Demolition, New Dwelling	Awaiting Information	
DA506/05	06-Nov-05	3 Pacific Parade	Alterations & Additions to Residential Flat Building	Awaiting Information	
DA485/05	08-Nov-05	46-48 East Esplanade	Retail, Office & Commercial Premises	13-Jun-06	DAU
DA518/05	30-Nov-05	151 Darley Rd Lot 9	3 Storey Dwelling & Pool	Awaiting Information	
DA519/05	30-Nov-05	151 Darley Rd Lot 10	3 Storey Dwelling & Pool	Awaiting Information	
DA520/05	30-Nov-05	151 Darley Rd Lot 11	3 Storey Dwelling & Pool	Awaiting Information	
DA521/05	30-Nov-05	151 Darley Rd Lot 12	3 Storey Dwelling & Pool	Awaiting Information	
DA517/05	05-Dec-05	7-9 Golf Parade	Alterations & Additions	Awaiting Information	

Environmental Services Division Report No. 32 (Cont'd)

DA350/05	05-Dec-05	92 Bower Street	Section 96 Modification	20-Jun-06	DAU
DA524/05	06-Dec-05	2/447-449 Sydney Road	Change of Use	Awaiting Information	
DA536/05	12-Dec-05	133-136 North Steyne	Demolition of Buildings	Awaiting Information	
DA21/06	14-Dec-05	15-23 The Corso	Demolition, mixed use commercial - RFB parking & Strata Subdivision	22-Jun-06	DAU
DA20/06	19-Dec-05	23 Collingwood Street	Alterations & Additions	Awaiting Information	
DA27/06	21-Dec-05	88 Woodland Street	Alterations & Additions & Pool & Fence	Awaiting Information	
DA267/05	04-Jan-06	112 Sydney Rd	Section 96 Modification	13-Jun-06	DAU
DA274/04	10-Jan-06	Castle Circuit	Amended Plans		
DA38/06	13-Jan-06	65 Whistler St	Alterations & Additions	Awaiting Information	
DA264/03	16-Jan-06	4 Krui Street	Section 96 Modification	06-Jun-06	DAU
DA45/06	18-Jan-06	41 Castle Circuit	House, Carport & Pool	Awaiting Information	
DA60/06	21-Jan-06	16 Jellicoe Street	Demolition & Erection of Duplex RFB	Awaiting Information	
DA48/06	23-Jan-06	7-9 The Corso	Alts & Adds to RFB & Commercial	02-Jun-06	DEL
DA47/06	24-Jan-06	11 The Corso	Alterations & Additions to RFB & Front Awning	16-Jun-06	DAU
DA77/06	26-Jan-06	127 Seaforth Cres	Land stand Carparking	Awaiting Information	DAU
DA56/06	27-Jan-06	133-136 North Steyne	Demolition & RFB with Basement Parking & Strata Subdivision	30-Jun-06	DAU
DA65/06	08-Feb-06	21 Woodland St	Demolition & new Dwelling and Pool	27-Jun-06	DAU
DA73/06	08-Feb-06	5 Seaview Street	Alterations & 1st Floor Additions & Pool	27-Jun-06	DAU
DA595/00	14-Feb-06	54 Lauderdale	Section 96 Modification	06-Jun-06	DAU
DA82/06	14-Feb-06	1/16 Quinton Road	Alterations & Additions, Deck and Carport	09-Jun-06	DEL
DA458/04	17-Feb-06	36 Gurney Cres	Section 96 Modification	20-Jun-06	DAU
DA118/06	20-Feb-06	17 Rosedale Avenue	Pool & Garage	27-Jun-06	DAU
DA90/06	24-Feb-06	92 Bower Street	3 Lot Subdivision	30-Jun-06	DAU
DA125/06	24-Feb-06	2/16 Quinton Road Manly	Unit 2, Alts & Adds & replacement of carport	09-Jun-06	DEL
DA85/06	27-Feb-06	164 Pittwater Road Manly	Alterations & 1 st Floor Additions to dwelling	Awaiting information	
DA326/05	27-Feb-06	96 Seaforth Crescent Seaforth	Section 82A Review	Awaiting information	
DA94/06	02-Mar-06	9 Sangrado Street	Alterations & Additions & Garage	04-Jul-06	DAU
DA105/06	07-Mar-06	1/62 Osborne Road	Alterations & Additions	27-Jun-06	DAU
DA292/05	09-Mar-06	107 Frenchs Forest	Section 96 Modification	09-Jun-06	DEL
DA277/05	09-Mar-06	439 Sydney Road Balgowlah	Section 96 Modification	Awaiting information	

Environmental Services Division Report No. 32 (Cont'd)

DA129/06	10-Mar-06	24 Malvern Avenue	Subdivision	Awaiting information	
DA115/06	13-Mar-06	58 Seaview Street	Alterations & Additions	08-Jun-06	DAU
DA103/06	14-Mar-06	52 Balgowlah Road	Alterations & Additions	04-Jul-06	DAU
DA116/06	16-Mar-06	33 Arthur Street	Reinstate retaining walls and remove 2 trees	Awaiting Information	
DA117/06	17-Mar-06	2 West Promenade	Surf & Footwear	15-Jun-06	DAU
DA119/06	21-Mar-06	71 Gordon Street	Alterations & Additions & Garage	20-Jun-06	DAU
DA120/06	21-Mar-06	11 Ocean Road Manly	Alterations & Additions & Garage	09-Jun-06	DEL
DA256/02	23-Mar-06	112 Addison Road Manly	Section 96 Modification	09-Jun-06	DEL
DA130/06	23-Mar-06	12 Jamieson Avenue Fairlight	Alterations & Additions	Awaiting information	
DA132/06	30-Mar-06	Suit 1, 1 Market Place Manly	Signage	09-Jun-06	DEL
DA133/06	30-Mar-06	18 Augusta Road Manly	Alterations & Additions	Awaiting information	
DA138/06	30-Mar-06	84 Seaforth Crescent	Alterations & Additions	Awaiting information	
DA333/05	03-Apr-06	2 Lombard St Balgowlah	Section 96 Modification	Awaiting information	
DA136/06	04-Apr-06	Suite 6, 563 Sydney Road Seaforth	Occupation of existing commercial premises for gymnasium	09-Jun-06	DEL
DA126/06	04-Apr-06	61 Peacock Street Seaforth	Alterations & Additions & deck, fence & driveway	Awaiting information	
DA137/06	05-Apr-06	14 Jenner Street	Alts & Adds to dwelling including façade, entry path pergola & new ballustrading	09-Jun-06	DEL
DA131/06	05-Apr-06	6 Victoria Parade Manly	Alterations & Additions to RFB	Awaiting information	
DA140/06	05-Apr-06	Lot 1, 24 Darley Road	Occupation of existing shop and alts including signage	Awaiting information	
DA134/06	06-Apr-06	33 Macmillan Street Seaforth	Swimming pool & landscaped terraces & deck	09-Jun-06	DEL
DA402/05	06-Apr-06	Shop 2-5 Manly Wharf	Section 82A Review	Awaiting information	
DA316/05	07-Apr-06	37 Lauderdale	Section 96 Modification	09-Jun-06	DEL
DA367/05	07-Apr-06	20 Ernest Street Balgowlah	Section 96 Modification	09-Jun-06	DEL
DA167/06	11-Apr-06	8 Iluka Avenue	Alterations & Additions	Awaiting information	
DA02/03	11-Apr-06	565 Sydney Road	Section 96 Modification	Awaiting information	
DA396/05	12-Apr-06	13A Alan Avenue	Section 96 Modification	Awaiting information	
DA147/06	13-Apr-06	21 Cliff Street Manly	Alterations & Additions	Awaiting information	
DA139/06	18-Apr-06	1/71 New Street	Occupation of commercial premises for a beauty salon	09-Jun-06	DEL
DA133/05	18-Apr-06	40 Birkley Road manly	Alterations & Additions & Garage	Awaiting information	

Environmental Services Division Report No. 32 (Cont'd)

DA146/06	20-Apr-06	5 Francis Street Fairlight	Alts & Adds to house and swimming pool	Awaiting information
DA540/05	02-May-06	4-10 Sydney Road Manly	Section 96 Modification	Awaiting information
DA23/98	03-May-06	201-207 Sydney Road Fairlight	Strata Subdivision	Awaiting information
DA451/05	08-May-06	27 Golf Parade manly	Section 96 Modification	Awaiting information

The following applications are currently with Council's Lodgment & Quality Assurance being advertised, notified or referred to appropriate parties.

15/11/2005

482/2004 106 Darley Rd, MANLY 2095
St Patrick's Estate -New RFB (16 units) & 22 dwellings & Subdivision
Entry via Osborne Rd

25/11/2005

516/2005 8 Brighton St, BALGOWLAH 2093
Alterations & Additions to the existing Dwelling house

26/01/2006

77/2006 127 Seaforth Cr, SEAFORTH 2092
Alterations & Additions to existing hardstand car carparking

17/02/2006

395/2003 12 Fairy Bower Rd, MANLY 2095
Section 96 to modify DA 395/03

7/03/2006

91/2006 44 Dudley St, BALGOWLAH 2093
Erection of two (2) attached dwellings

8/03/2006

572/2004 8 Yatama St, SEAFORTH 2092
Section 96 to Modify approved New Dwelling House (S94 Contributions)

37/2005

11 Benelong St, SEAFORTH 2092
Section 96 to Modify approved new dwelling house (S94 contributions)

13/03/2006

101/2006 197 Condamine St, BALGOWLAH
2093
Demolish, Excavate & Erect Buildings comprising of 2 Supermarkets,
40 Specialist Retail Shop, 270 Dwelling Units, Parking and
Landscaping

14/03/2006

576/2003 535-537 Sydney Rd, SEAFORTH 2092
Section 96 Modification to condition ANS02

3/04/2006

192/2004 21 Mulgowrie Cr, BALGOWLAH HEIGHTS
2093
Section 96 to modify approved Alts & Adds including Deck & Terrace

Environmental Services Division Report No. 32 (Cont'd)

155/2006 80 Frenchs Forest Rd, SEAFORTH 2092
Erection of Deck and Landscaping

5/04/2006
121/2006 10 Clifford Av, FAIRLIGHT 2094
Demolition & Erection of dwelling house, garage & landscaping

62/2004 151 Darley Rd, MANLY 2095
Section 96 to Modify approved 44 Apartments & 16 Townhouses on land known as Precincts 3 & 12 of St Patrick's Estate

62/2004 151 Darley Rd, MANLY 2095
Section 96 to Modify approved 44 Apartments & 16 Townhouses on land known as Precincts 3 & 12 of St Patrick's Estate

62/2004 151 Darley Rd, MANLY 2095
Section 96 to Modify approved 44 Apartments & 16 Townhouses on land known as Precincts 3 & 12 of St Patrick's Estate

7/04/2006
88/2004 22 Arthur St, FAIRLIGHT 2094
Section 96 to modify approved Alterations & Additions to Dwelling

10/04/2006
72/2006 29 Bungaloe Av, BALGOWLAH 2093
Section 96 to modify the approved Alterations and Additions to dwelling

11/04/2006
121/2005 26 Ethel St, SEAFORTH 2092
Section 96 to modify approved Alterations & Additions to Dwelling

127/2006 67 Seaforth Cr, SEAFORTH 2092
Demolition, new dwelling house, garage, inclinators & landscaping

148/2006 10 Benelong St, SEAFORTH 2092
Alterations & Additions to an existing Dwelling including Deck

18/04/2006
135/2006 2 Abernethy St, SEAFORTH 2092
Land Subdivision and erection of a dwelling house

19/04/2006
407/2004 3 Farrar St, BALGOWLAH 2093
Section 96 to modify approved Alterations & Additions to Dwelling

152/2006 3 Clifford Av, FAIRLIGHT 2094
Alteration and Additions to an existing Balcony of Unit 9

20/04/2006
160/2006 267 Sydney Rd, FAIRLIGHT 2094
Demolish & Erect Semi-Detached Dual Occupancy and Strata Subdivision

Environmental Services Division Report No. 32 (Cont'd)

21/04/2006
142/2006 104 Whistler St, MANLY 2095
Alterations & Additions to an existing dwelling

24/04/2006
154/2006 47 Rickard St, BALGOWLAH 2093
Erection of detached outbuilding for "Study/ Storage"

26/04/2006
149/2006 241-243 Sydney Rd, FAIRLIGHT 2094
Strata Subdivision

149/2006 241-243 Sydney Rd, FAIRLIGHT 2094
Strata Subdivision

153/2006 33 Clontarf St, SEAFORTH 2092
Construction of New Two (2) Storey Dwelling

27/04/2006
150/2006 5 Judith St, SEAFORTH 2092
Alterations & additions to existing dwelling and garage

28/04/2006
151/2006 348 Sydney Rd, BALGOWLAH 2093
Shop 4 - Erection of Signage

46/2004 36-38 South Steyne, MANLY 2095
Section 96 Modification to modify DA 46/04

2/05/2006
157/2006 394 Sydney Rd, BALGOWLAH 2093
Erection of new driveway and gate to eastern side for parking purposes

244/2004 22 Seaforth Cr, SEAFORTH 2092
Section 96 Modification to amend DA 244/04

158/2006 4 Sydney Rd, MANLY 2095
Erection of under awning signage

159/2006 25 Waterview St, SEAFORTH 2092
Erection of decks

485/2004 77-78 North Steyne, MANLY 2095
Section 96 to modify approved Residential Flat Building

485/2004 76 North Steyne, MANLY 2095
Section 96 to modify approved Residential Flat Building

485/2004 76-78 North Steyne, MANLY 2095
Section 96 to modify approved Residential Flat Building

3/05/2006
187/2006 4 Carlton St, MANLY 2095
Alterations & Additions to an existing Residential Flat Building

Environmental Services Division Report No. 32 (Cont'd)

4/05/2006
161/2006 4 Kamiri St, SEAFORTH 2092
Alterations & Additions to an existing dwelling

196/2006 6 Malvern Av, MANLY 2095
New Dwelling House

190/2006 17 Coral St, BALGOWLAH 2093
Alterations & Additions to Dwelling including car space & gate

162/2006 35 Griffiths St, FAIRLIGHT 2094
Alterations & Additions to dwelling & new carport

5/05/2006
197/2006 24 Smith St, MANLY 2095
Alterations & Additions to Dwelling including fence and carport
to the rear lane

192/2006 107 Frenchs Forest Rd, SEAFORTH 2092
Land Subdivision and New Dwelling House and Parking

201/2006 18 Lauderdale Av, FAIRLIGHT 2094
Alts and Adds to an existing Semi-Detached Dwelling

8/05/2006
384/2005 81 Fairlight St, FAIRLIGHT 2094
Section 82A to Review refusal for Demolition and Erection of new
dwelling

520/2004 12 Rosedale Av, FAIRLIGHT 2094
S96 to modify DA 520/04 in respect of rear windows

163/2006 40 West St, BALGOWLAH 2093
Alterations and additions to unit 1 including doors and balustrades

164/2006 5 Sandy Bay Rd, CLONTARF 2093
Erection of dwelling house and swimming pool

9/05/2006
165/2006 67 Ernest St, BALGOWLAH 2093
Erection of Swimming pool and deck

166/2006 8 Herbert St, MANLY 2095
Erection of new decking

168/2006 11 Ellery Pde, SEAFORTH 2092
Alterations & Additions to an existing Dwelling

505/2005 21B Cliff St, MANLY 2095
S.96 to modify DA505/05 in respect of new garage (condition ANS04)

318/2005 2A Beatty St, BALGOWLAH 2093
Section 96 to modify DA 318/05

Environmental Services Division Report No. 32 (Cont'd)

- 300/2002 1 Gordon St, CLONTARF 2093
Section 96 to modify approved Demolition and Erection of 2
New Dwellings
- 199/2006 39 Ponsonby Pde, SEAFORTH 2092
Alterations & Additions to an existing Dwelling
- 10/05/2006
188/2006 59 Lauderdale Av, FAIRLIGHT 2094
Alterations & Additions to Residential Flat Building including lifts
, access etc
- 505/2001 18 Osborne Rd, MANLY 2095
Section 96 Modification to modify DA 505/01
- 169/2006 68 Beatrice St, BALGOWLAH HEIGHTS
2093
Alterations & Additions to an existing dwelling and carport
- 11/05/2006
202/2006 16 Lauderdale Av, FAIRLIGHT 2094
Alterations & Additions to an existing semi-detached Dwelling House
- 203/2006 17 Woodland St, BALGOWLAH 2093
Alterations & Additions to Dwelling including New Garage & Landscaping
- 12/05/2006
206/2006 16 Pine St, MANLY 2095
New onsite Car parking space and access
- 174/2006 11A Alan Av, SEAFORTH 2092
Construction of swimming pool and modified entry gates
- 175/2006 8 Condamine St, BALGOWLAH 2093
Alterations & Additions to existing dwelling including first floor
level
- 176/2006 2 Koobilya St, SEAFORTH 2092
Excavation and construction of swimming pool
- 63/2004 26 Abernethy St, SEAFORTH 2092
S96- Demolition of existing building & construction of new dwelling
& pool
- 178/2006 43 Ethel St, SEAFORTH 2092
Alterations & Additions to an existing RFB in
relation to the existing deck
- 180/2006 45A Castle Cct, SEAFORTH 2092
Alterations & Additions to existing dwelling incl. new swimming pool
& landscaping
- 182/2006 25 Addison Rd, MANLY 2095
Alterations & Additions to existing Residential Flat Building- Unit 25

Environmental Services Division Report No. 32 (Cont'd)

- 420/2005 6 Brighton St, BALGOWLAH 2093
Section 96 to modify DA 420/05 in respect of stormwater details
- 183/2006 5 Augusta Rd, MANLY 2095
Erection of carport
- 348/2005 28 Cliff St, MANLY 2095
Section 96 to modify DA 348/05
- 184/2006 46 North Steyne, MANLY 2095
Fitout of existing premises for restaurant & takeaway food & signage
- 186/2006 17 Carlton St, MANLY 2095
Alterations & Additions to an existing dwelling
- 15/05/2006
179/2006 32 Arthur St, FAIRLIGHT 2094
Demolition & Erection of dwelling house
- 207/2006 3 Bolingbroke Pde, FAIRLIGHT 2094
Erect of inclinators and stairs
- 204/2006 10 George St, MANLY 2095
Alterations & Additions to an existing Dwelling
- 208/2006 48 Frenchs Forest Rd, SEAFORTH 2092
Demolish the existing carport and construct a new double carport
- 209/2006 73 Fairlight St, FAIRLIGHT 2094
Erection of a pergola (Vergola) - Unit 1
- 511/2005 22 Margaret St, FAIRLIGHT 2094
Section 96 to modify approved Erection of Balcony to Unit 1
- 499/2005 37 Roseberry St, BALGOWLAH 2093
Section 96 to modify approved Coffee Shop & training room within
existing factory premises
- 17/2005 16 Cutler Rd, CLONTARF 2093
S96- Alts & Adds to Dwelling incl. first floor ext. & alts to roofline
- 6/2005 18 Austin St, FAIRLIGHT 2094
S96 - Alts & Adds to Dwelling incl. additional storey
& cement rendering
- 173/2006 21 Dalwood Av, SEAFORTH 2092
Alterations & alterations incl. rectification of an existing veranda
- 442/2005 12 Judith St, SEAFORTH 2092
Section 96 to modify approved Alterations & Additions to Dwelling
including ground and first floor additions
- 177/2006 51 Francis St, MANLY 2095
Alterations & Additions to an existing dwelling

Environmental Services Division Report No. 32 (Cont'd)

- 185/2006 65 Birkley Rd, MANLY 2095
Alterations & Additions to an existing dwelling
- 16/05/2006
200/2006 43-45 North Steyne, MANLY 2095
Change of Use to a Convenience Store - Shop 2
- 17/05/2006
475/2005 10 La Perouse St, FAIRLIGHT 2094
Sec. 96 Mod. to DA 475/05 in respect of pool filter location
- 191/2006 3 Munoora St, SEAFORTH 2092
Excavation and Construction of a Swimming Pool
- 193/2006 38-40 Balgowlah Rd, BALGOWLAH 2093
Demolition and erection of new maintenance shed
- 18/05/2006
194/2006 61 Gordon St, CLONTARF 2093
Partial demolition & Alts & Adds to carport including turntable
- 195/2006 41 Castle Cct, SEAFORTH 2092
Erection of dwelling house and swimming pool
- 198/2006 21 Redman St, SEAFORTH 2092
Excavation & construction of swimming pool & new deck, walls, steps & landscaping
- 564/2004 51 Beatrice St, BALGOWLAH HEIGHTS
2093
Section 96 to modify approved demolition & Construction of 2 Storey Dwelling, new landscaping & new front fence
- 19/05/2006
212/2006 22 Ocean Rd, MANLY 2095
Extension of Pergola and Deck
- 213/2006 24 Ocean Rd, MANLY 2095
Extension of Pergola and Deck
- 22/05/2006
107/2004 25 Quinton Rd, MANLY 2095
S96 to modify approved Alterations & Additions to Dwelling including rear 1st floor additions
- 526/2004 1 Sydney Rd, MANLY 2095
Section 96 Modification to hours of operation
- 217/2004 1 Gordon St, CLONTARF 2093
S96 mod- deleting reference to House 2 & the 2 lot subdivision
- 217/2004 1 Gordon St, CLONTARF 2093
S96 mod- deleting reference to House 2 & the 2 lot subdivision
- 217/2004 1 Gordon St, CLONTARF 2093
S96 mod- deleting reference to House 2 & the 2 lot subdivision

Environmental Services Division Report No. 32 (Cont'd)

23/05/2006

470/2005

52 Pacific Pde, MANLY 2095

Section 96 to modify approved Erection of roof over existing upper floor rear balcony

205/2006

31 The Corso, MANLY 2095

Alterations & Additions to the existing building including new stairways

24/05/2006

210/2006

25 New St, BALGOWLAH 2093

add. of an outbuilding for the purpose of a study &/or storage space

26/05/2006

211/2006

241-243 Sydney Rd, FAIRLIGHT 2094

Change of Use and signage

211/2006

241-243 Sydney Rd, FAIRLIGHT 2094

Change of Use and signage

29/05/2006

460/2004

17 Alan Av, SEAFORTH 2092

S96- Alts & Adds to Dwelling incl. ground floor adds & new first floor

30/05/2006

214/2006

5 Peronne Av, CLONTARF 2093

Alterations & Additions to an existing dwelling

215/2006

3 Peronne Av, CLONTARF 2093

Alterations & Additions to an existing dwelling

RECOMMENDATION

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ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 32 *****

TO: Land Use Management Committee - 5 June 2006

REPORT: Environmental Services Division Report No. 33

SUBJECT: Appeals List for June 2006

FILE NO:

SUMMARY

LIST OF APPEALS RECEIVED AND THEIR CURRENT STATUS FOR COUNCILLORS INFORMATION.

REPORT

DA#	L&E Appeal Reference	House #	Address	Date Appeal Lodged	Solicitor Company	Current Status
DA10/01	11025/05	118	North Steyne, Manly	27/06/05	Abbott Tout	Upheld
DA278/03	10913/05	2A	Woodland Street, Balgowlah Heights	05/08/05	Abbott Tout	Hearing 2/6/06
DA273/04	10949/05	20	Denison Street, Manly	17/08/05	Abbott Tout	Hearing 16/6/06
DA401/04	41145/05	87-95	Balgowlah Road, Balgowlah (Manly Golf Club)	14/10/05	Abbott Tout	Callover 1/6/06
DA187/03	10202/05	66B	Ponsonby Parade, Seaforth	1/02/2006	Abbott Tout	Dismissed 19/5/06
DA222/05	10102/06	141	Balgowlah Road, Balgowlah	10/02/2006	Pike Pike & Fenwick	Hearing 16/6/06
DA28/06	10108/06	29	Edgecliffe Esplanade, Seaforth	15/02/2006	Pike Pike & Fenwick	Applicant to lodge amended plans by 07/06/06
DA267/05	10167/06	112	Sydney Road, Manly	13/03/2006	Abbott Tout	Appeal discontinued
DA478/05	10270/06	21	East Esplanade, Manly	6/04/2006	Pike Pike & Fenwick	Callover 26/5/06
DA250/04	10321/06	51	Stuart Street, Manly	18/04/2006	Pike Pike & Fenwick	Callover 02/06/06
DA403/05	10254/06	85-87	Lauderdale Avenue, Fairlight	4/05/2006	Abbott Tout	Callover 02/06/06
DA389/05	10392/06	9	Smith Street, Manly	19/05/2006	Abbott Tout	Callover 28/6/06
DA196/05	10413/06	10	Salisbury Square, Seaforth	22/05/2006	Pike Pike & Fenwick	Callover 4/7/06
DA43/06	10444/06	56	Alexander Street, Manly	26/05/2006	Abbott Tout	Callover 7/7/06

Environmental Services Division Report No. 33 (Cont'd)

DA92/05	11050/04	27-29	Victoria Parade, Manly		Abbott Tout	Judgement Reserved
DA92/05	11565/05	27	The Corso, MANLY	3/01/06	Abbott Tout	Upheld 01/05/06
DA37/05	10832/05	11	Benelong Street	01/08/05	Abbott Tout	Callover 02/06/06
DA572/04	10833/05	8	Yatama Street	01/08/05	Abbott Tout	Callover 02/06/06
DA272/05	11213/05	107	Frenchs Forest Road	17/10/05	Pike Pike & Fenwick	Discontinued
DA267/05	10167/06	112- 114	Sydney Road		Abbott Tout	Callover 09/06/06
	41044/06	243- 259	Pittwater Road		Abbott Tout	Callover 06/06/06

RECOMMENDATION

THAT THE INFORMATION BE NOTED.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 33 ***** .