



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 March 2007

Commencing at 7:30pm 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

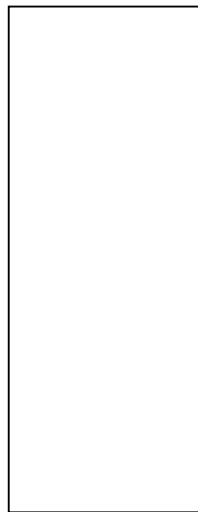
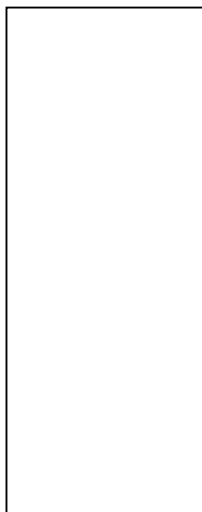
Clr Joanna Evans

Clr Barbara Aird

Deputy Mayor

Clr Brad
Pedersen

Clr Richard
Morrison



Clr Jean Hay AM

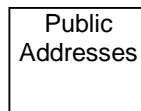
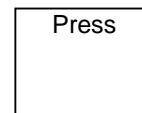
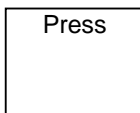
Clr Adele Heasman

Clr Dr Judy Lambert
AM

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



Public Gallery

Chairperson: Cr Judy Lambert AM
Deputy Chairperson: Cl Jo Evans

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CONFIRMATION OF MINUTES

The Land Use Management Committee of 5 FEBRUARY 2007

PUBLIC ADDRESSES

SITE INSPECTIONS

The following site inspections will take place on Monday 5 March, 2007.

472 Sydney Road, Balgowlah	8:00am
18 Augusta Road, Manly	8:30am
Unit 21, 4-8 Darley Road, Manly	9:00am

ENVIRONMENTAL SERVICES DIVISION

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CLOSED COMMITTEE ITEMS

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

TO: Land Use Management Committee - 5 March 2007
REPORT: Environmental Services Division Report No. 8
SUBJECT: 472 Sydney Road, Balgowlah - DA480/06
FILE NO: DA480/06

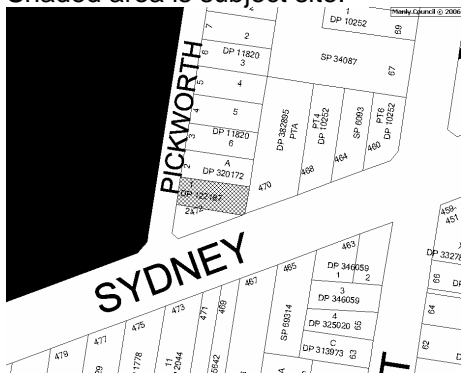
Application Lodged: 23 October 2006
Applicant: ECO Preschools
Owner: T Perry
Estimated Cost: \$63,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Open space, dwellings commercial
Heritage: The property is opposite 463 Sydney Road which is listed

SUMMARY:

1. THIS IS A PROPOSAL TO CARRY OUT ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING ON SITE AND USE IT AS A CHILD-CARE CENTRE FOR 40 CHILDREN.
2. THE ADJACENT AND NEARBY PROPERTY OWNERS WERE ADVISED OF THE APPLICATION AND NO SUBMISSIONS RECEIVED
3. THE PRECINCT WAS ADVISED OF THE APPLICATION AND POSITIVE COMMENTS RECEIVED.
4. THE APPLICATION WAS SUBMITTED TO THE DEVELOPMENT ASSESSMENT UNIT WITH A RECOMMENDATION FOR APPROVAL HOWEVER, FOLLOWING DEBATE THE APPLICATION WAS REFUSED
5. THE APPLICATION IS REPORTED TO COUNCILS LAND-USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MORRISON.
6. A SITE INSPECTION IS RECOMMENDED.
7. REFUSAL OF THE APPLICATION IS RECOMMENDED.

LOCALITY PLAN

Shaded area is subject site.



REPORT

Introduction

Site Description

The subject site is located on the north east corner of the intersection of Sydney Road and Pickworth Avenue. The land is currently developed with a part one and part two storey commercial building currently used as a florist shop and previously used as a motor vehicle service station.

Environmental Services Division Report No. 8 (Cont'd)**Proposal**

This is a proposal to carry out alterations and additions to the existing building and use it as a child-care centre for 40 children. The proposal includes construction of additional rooms across the front of the existing building on site. Part of the proposal includes provision of shade structures on the front apron of the development as well as placing new signage on the building. The proposal indicates car parking for three vehicles, one in the garage and two open spaces in the lower area off Pickworth Avenue.

Development Control Plan Numerical Assessment

The following is an assessment of the proposal's compliance with the numerical standards of the D.C.P for the Residential Zone 2001 Amendment 1. 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	0.45:1	yes
Floor space ratio - existing	0.6:1	0.28:1	yes
Wall height east side	6.5m	3.2m additions	yes
west side	6.5m	3.2m additions	yes
Open space - total	55%	57%	yes
Open space - total	326.7	340	yes
Open space - soft	35% 114.3	9% 30sq m	no
Number of Endemic Trees	3	2	no
Car Parking – staff. from the Manly DCP for Childcare Centres	3	3	yes

Applicant's Supporting Statement

The applicant submitted a statement of environmental effects, a noise assessment report by RSA Acoustics, acoustic consultant, and a report dealing with State Environmental Planning Policy 55 by Environmental and Earth Sciences, New South Wales Contaminant Soil Science and Hydrology.

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 Balgowlah Precinct Community Forum with the following comments received;

Environmental Services Division Report No. 8 (Cont'd)

"The application proposes the operation of child-care centre at this site at the corner of Pickworth Avenue and Sydney Road. After discussion it was generally accepted that it was a suitable site for this operation.

In support of the application was Jane Carter with Ben Holme seconding the proposal.

Motion by Lee Areke, seconded Jackie Hewett. That this precinct requests this DA be approved. The benefit of the community to address the specific need for child-care in the community. It offers a specific type of child-care available nowhere else in this community and will foster a sustainable future for our children.

For 33 Against nil Abstentions 4"

Engineers Comments

No objections subject the inclusion of conditions.

Building Comments

No objections from building point of view to the proposed use as a class 9(b) child-care centre subject to the inclusion of conditions in the consent.

It is suggested that the perimeter fencing to be resistant to vehicle impacts, especially given the main road location.

Landscape Architects Comments

No objections subject the inclusion of conditions.

Planning Comments**Manly Local Environmental Plan 1988:**

The site is in zone No 2 – The Residential Zone which permits child-care centres with the consent of Council.

The use of the site as a child-care centre is permissible in the zone with Council consent as ancillary to the residential uses taking place in this zone.

Manly Local Environmental Plan 1988 Clause 10 Objectives

The following comments are made in regard to the objectives for the Residential Zone as stated in Clause 10 of the Manly Local Environmental Plan 1988;

(a) *to set aside land to be used for purposes of housing and associated facilities;*
This is an application for a child-care centre, which is a facility associated with the residential zoning of the area and meets 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 application proposes alterations to the existing building and addition of two play areas to the front of the existing buildings on a site that was originally constructed as a service station. The proposal is for the use of the site as a child-care centre for 40 children. There are proposed shade structures over the apron area to provide shaded play areas for the children. The controls contained in the development control plan for the residential zone are largely irrelevant in this case.

Environmental Services Division Report No. 8 (Cont'd)

However, floor space ratio, wall heights and landscaped open space have been applied as new building work is proposed.

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

The proposal retains the existing buildings and the additions maintain the existing character of this 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 previous use of the site included shade structures over the front apron area. The construction involved with this application is to re-establish shade structures over the front area. It is also proposed to add two play rooms to the front of the existing building. It is not considered that these structures will degrade the amenity of the surrounding residents or change 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 development and renovations;*

Only minimal landscaping is provided on site and Council's landscape adviser has suggested additional planting be provided. Concern is raised at the nature of the environment with the site being on the main road and the scheme having a lack of landscaping. The question is therefore raised as to the appropriateness of such a site for a child-care centre

- (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;*

The observation has been made from a number of the adjacent business premises that cars could park in their carpark area, while dropping off children. It is considered that in accordance with Council's development control plan for child-care centres, a drop-off point should be made available on site. This would result in a fundamental change to the design of the scheme with less area available for outdoor play for the children. It is therefore suggested that the site may be more suitable for a lesser number of children with less additional floor space, and a set down and pickup area available on site with suitable barriers separating this area from the play area. These revisions amount to a significant change to the application, which cannot be dealt with by way of conditions

- (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;*

This application provides a service of child-care for the surrounding residential areas.

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

This objective does not apply.

- (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.

Manly DCP for the Residential Zone 2001:

The application includes retention of the existing building on site, which has walls close to boundaries that do not comply with the setback requirements. However, these are not varied with the current application and are therefore not subject to criticism. The proposal includes single storey additions to the existing buildings, which comply with the floor space ratio and wall heights of Council's Development Control Plan. The one aspect of the development that does not comply in relation to the residential DCP is the amount of soft landscaped open space. In this regard the

Environmental Services Division Report No. 8 (Cont'd)

plans indicate some additional perma-culture gardens being added to the western side of the play area. However, the majority of the site is not provided with soft landscaping.

Manly DCP for Childcare Centres:

The Development Control Plan for child-care centres was adopted by Council on 11 October 2004 and contains a number of **Aims and Objectives**. These are:

(a) *To encourage the provision of child-care centres in appropriate locations to meet the needs of the community.*

In relation to this application it is considered that while there is a great demand for child-care facilities a child-care centre on the main road without any let down area for children is an inappropriate location and therefore an inappropriate application.

(b) *To ensure that child-care centres are of high quality and compatible with neighbouring land uses.*

It is considered that the quality of the childcare centre on this site is largely compromised by the location on the main road, where for example suggested health conditions require closed doors and installation of air-conditioning in order for the facility to function adequately.

(c) *To ensure child-care centres are located and designed so that there is no health or safety risk to the children using the centres and to the adjacent neighbourhood.*

Once again, the main road location gives rise to the concerns for the health and safety risk to the children. There is a serious risk of children running onto the roadway while being delivered to or picked up from within the road system rather than from on site where the children would be more remote from the traffic. The site is in close proximity to the traffic lights at the intersection of Wanganella Street in Sydney Road, so that there is additional noise from vehicles stopping and starting and additional air pollution on this main road location.

(d) *To minimise the potential impact to adjoining neighbours such as those created by noise, traffic generation and on-street parking.*

This is a noisy location on the main road, and it is not the impact of the children on the adjacent residential properties, but the impact of the traffic noise on the children that is of importance. The other aspect of this development that is considered inappropriate is the request by the applicant to have car parking taking place on Sydney Road as well as in Pickworth Avenue associated with the development for the letting off and picking up of children this is considered to be inappropriate.

(e) *To ensure that the design of child-care centre is appropriately integrated into the existing residential environment in terms of the built form and landscaping.*

The proposed built form is consistent with the service station that was previously on the site, rather than the surrounding residential area. As outlined above in the assessment relative to the development control plan, the amount of soft landscaped open space on site is inadequate so that the development retains a commercial appearance, rather than that of residential.

The Development Control Plans "**General Locational Considerations**" contain a number of Performance Criteria in this regard it states.

(i) *Sites located within a non-residential dominated area require additional considerations of the safety and amenity of the children.*

The site is immediately adjacent to a number of nonconforming commercial buildings and is located on Sydney Road, a main road so the consideration of the safety of the children resorting to the site is paramount. The suggestions that people pickup and drop-off children from within the road system are inappropriate is unacceptable.

Environmental Services Division Report No. 8 (Cont'd)

- (ii) *Preference will be given to sites which form part of or adjacent to established churches, primary schools or community facilities, provides that it can satisfy the traffic and parking requirements.*

The site is immediately adjacent to the Council Reserve on the other side of Pickworth Avenue, which is a desirable asset for the area. However, the site cannot satisfy the traffic and parking requirements of the development control plan. There is sufficient car parking in a stacked arrangement within the lower level of the site to provide for the teachers parking however no set down for children has been provided.

- (iv) *Site should be located close to public transport services, due to the potential for lowering the demand on site parking and reducing traffic congestion.*

The site is near a bus stop, which is an advantage however the application also proposes use of the street to set down and pick up children, which is inappropriate.

- (v) *Sites should be flat or gently sloping from the road.*

This site has been built up so that it does form a level platform with the road with the garage set at a lower level with access from Pickworth Avenue.

- (vi.) *Where possible the child-care centre should have a north or north-east aspect to allow maximum solar access.*

The site has a southern orientation with the buildings along the northern boundary and as well as this, there are shade structures proposed over the play area, so that there will be minimal solar access.

- (vii) *Sites on arterial roads or at busy intersections should be avoided*

This application is on the main road and it is noted that being on a main road the development cannot rely upon kerbside parking associated with its operation. It is considered that the criticism raised by adjacent commercial premises that their parking spaces could be occupied by people dropping off children is a valid concern. Having due regard to the proposed location it is considered imperative that a safe area be provided on site for letting off and picking up of children. As well as this there should be adequate barriers to prevent any vehicles proceeding on to the play areas on site. Such a proposition will decrease the area available for children's play and the number of children the site can carry.

In relation to Car Parking and Access the objectives contained in the DCP are:

- i. To provide adequate and safe on site parking for staff vehicles, as well as suitable space for deliveries service access, and the setting down and picking up of children.*

The site has a stacked parking arrangement for three staff vehicles, but there is no space for deliveries or the setting down and picking up of children.

- ii. To reduce the incidence of on-street parking, which may be detrimental to road safety and amenity of residents.*

The applicant has made reference to using Pickworth Avenue as a set down area however the parking in Pickworth Avenue is often at a premium associated with the use of the reserve so that this cannot be relied upon for picking up and setting down children. In addition, the main road cannot be relied upon as a long-term solution for dropping off and picking up children as a clearway may at some stage be introduced.

- iii. To ensure pedestrian safety in vehicle entry and exit areas.*

The car parking area on site has a solid wall to one side and a fence and a bush to the other side, so that that there is limited visibility for vehicles using the car parking area of the site. The parking of three vehicles in this area where previously they were two further exacerbates this potential problem.

Environmental Services Division Report No. 8 (Cont'd)

In relation to the Performance Criteria the DCP asks for:

i. A minimum of one off street parking space for every one employee.
This has been provided for on site in a stack car parking arrangement.

ii. Safe drop-off and pickup points should be provided within the site.
No such provision has been made in this application.

iii. Pedestrian access must be segregated from vehicular access with clearly defined paths to and from the centre.
The plans submitted to Council only show a pedestrian access to the child-care centre as the vehicle paths are within the road system.

iv. Parking and drop-off/ pickup areas must be conveniently located to allow safe movement of children to and from the centre.
The proposal relies on the road system and pedestrian footpath to take children from the vehicles to the centre. This is considered to be inappropriate.

v. A child-care centre in a cul-de-sac is not preferred.
This criterion does not apply.

The Development Control Plan deals with Indoor and Outdoor Play Areas and has as objectives:

- i. To ensure that the design and layout of the play areas provide a safe and pleasant environment for children.*
- ii. To ensure the play areas allow visual and acoustic privacy for children of the centre and the neighbouring residents.*

It is noted that this particular site does not provide any visual or acoustic privacy for children as it is exposed to the traffic noise on Sydney Road. It is considered that the conditions on site would not be a pleasant environment for the children.

The development control plan also talks about creating an appropriate environment for the children and in this regard reference is made to the lack of soft open space as outlined above. It is considered that additional soft landscaped open space would have to be provided on site in order to improve the environment within the development.

In dealing with outdoor spaces the DCP asks that outdoor play areas should have a north or north-east orientation to allow maximum solar access. The proposal has southern and western orientation with buildings along the northern elevation of the site and adjacent buildings to the east. This is a poor orientation in comparison with what is suggested in the development control plan.

The DCP asks that outdoor play areas should not be occupied by any motor vehicles or used for any other purposes during operating hours. This is a logical requirement and segregates children from vehicles. However, the observation must be made that children must be able to be let off and picked up in a safe manner in relation to any child-care centre and this has not been achieved by the current application.

In relation to landscaping the Objectives of the Development Control Plan for Childcare Centres are:

- i. Landscaping should be used for its qualities of shading screening and decorating outdoor areas.*
- ii. To provide an attractive natural environment for the users of the site.*

Environmental Services Division Report No. 8 (Cont'd)

- iii. *To provide a high visual quality to the site.*
- iv. *To preserve and enhance amenity and streetscape of the neighbourhood.*

The performance criterion asked that within the residential dominated areas landscape provision should comply with the standards under the Manly Residential DCP. This particular site is adjacent to commercial oriented premises facing Sydney Road however development facing Pickworth Avenue is purely residential in character. It is considered that appropriate soft landscaping must be provided if use for a child care centre is to be contemplated.

The DCP asks for appropriate use of planting along the street frontage to complement the neighbourhood streetscape and provision of deep soil planting area.

EP&AA 1979 – Section 79(c)

- (a) *the provisions of:*
 - (i) *any environmental planning instrument*
 - (ii) *any draft environmental planning instrument*
 - (iii) *any development control plan*
 - (iv) *the regulations*

The use of a property for a child-care centre is permissible with development consent in the residential zone.

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

It is noted that the applicant approached the occupants of surrounding properties concerning the proposal and have had a number of positive responses. However, there was the overall concern in relation to parking with people letting off children in the adjacent properties car parking area. The applicant suggested that people would park in Pickworth Avenue and let off children and also indicated car parking in Sydney Road for this purpose extending across the current double driveways. The drop off and pick up arrangements are considered unsatisfactory.

- (c) *the suitability of the site for the development,*

It is considered that this site is on the main road and its use as a child-care centre is contrary to the performance criteria under general location considerations contained in the Development Control Plan for Child-Care Centres. The child-care centre does not have any area set aside for setting down and picking up of children on site. Also being on the main road Council has been advised that it cannot rely upon kerbside parking for all time, and that "24-hour clearways" will be introduced at some time in the future. It is therefore imperative that such an operation provide suitable set down area on site, so as to provide a safe operation of the facility. The application would require major adjustment in order to provide for such a set down and pickup area and as such, it is inappropriate to recommend anything other than refusal

- (d) *any submissions made in accordance with this Act or the regulations,*

Council received no submissions to the notification. However, the applicant did supply feedback from the surrounding neighbours. A number of submissions made positive comments about wishing to make use of the facility. However, there were also legitimate concerns by people in the adjacent businesses about parents making use of their carpark for dropping off children. In the circumstances it is considered that Council should not approve a development of this nature without a safe, convenient area for letting off and picking up of children.

In addition to this the precinct provided positive feedback in relation to the proposed use.

- (e) *the public interest.*

It is considered that the proposed use of this site as a child-care centre will not be in the public interest.

Environmental Services Division Report No. 8 (Cont'd)**CONCLUSION:**

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 1988, the Manly Development Control Plan for Childcare Centres and the Development Control Plan for the Residential Zone 2001 (Amendment 1).

Council has received positive feedback from the precinct as well as some neighbours in relation to the use of the site as a child-care centre. However it is considered that as the site is on the main road it is essential to have an area for letting off and picking up children on site. It is also considered that the site being on the main road is inappropriate for a child-care centre in terms of the Development Control Plan for Childcare Centres. It is further considered that the proposed site represents an unsatisfactory environment for children, and that there is inadequate soft landscaping area available for an appropriate setting for children's play. Finally it is considered that a child-care centre on this site would not be in the public interest in that it would expose the children to higher levels of noise, fumes and risk from vehicles than can reasonably be expected.

RECOMMENDATION

That Development Application No. 480/06 for alterations and additions for the use as a Childcare Centre at 472 Sydney Road Balgowlah be refused for the following reasons.

1. The proposed development does not provide a let down and pickup area for people associated with the child care centre, which is contrary to the provisions contained in the Manly Development Control Plan for Child Care Centres having regard to section 79 C.(1) (a)(iii) (b) (c) (d) and (e) of the Environmental Planning and Assessment Act 1979.
2. The proposed use of this site is not a suitable, being on the main road , which is contrary to the provisions contained in the Manly Development Control Plan for Child Care Centres and having regard to section 79 C.(1) (a)(iii) (b) (c) and (e) will of the Environmental Planning and Assessment Act 1979.
3. The proposed development does not provide a suitable environment for children, and is contrary to the provisions contained in the Manly Development Control Plan for Child Care Centres and having regard to section 79 C.(1) (a)(iii) (c) and (e) of the Environmental Planning and Assessment Act 1979.
4. The proposed development has inadequate soft landscaping which is contrary to the provisions contained in the Manly Development Control Plan for Child Care Centres and the Development Control Plan for the Residential Zone 2001 Amendment 1 and having regard to section 79 C.(1) (a)(iii) (b) (c) and (e) of the Environmental Planning and Assessment Act 1979.
5. The proposed development is not in the public interest having regard to section 79 C.(1) (e) of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 8 *****

TO: Land Use Management Committee - 5 March 2007
REPORT: Environmental Services Division Report No. 9
SUBJECT: 18 Augusta Road, Manly - DA133/03
FILE NO: DA133/06

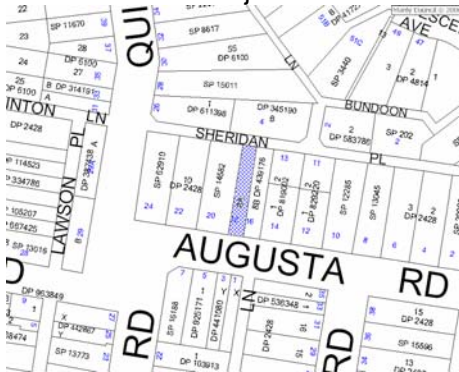
Application Lodged: 30 March 2006
Applicant: Choi Ropiha
Owner: V Tzioumis
Estimated Cost: \$300,000
Zoning: Manly Local Environmental Plan, 1988 - Residential dwellings and residential flat buildings
Surrounding Development: The property is in the vicinity of Quinton Road which is Heritage listed, as well as Ocean Road, which is listed for its sandstone kerbs.
Heritage:

SUMMARY:

1. THIS IS A PROPOSAL FOR ALTERATIONS AND ADDITIONS TO EXISTING SEMI-DETACHED DWELLING, INCLUDING A DOUBLE GARAGE TO THE REAR WITH ACCESS OFF SHERIDAN PLACE.
2. THE PROPOSAL WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE (3) SUBMISSIONS RECEIVED.
3. THE PROPOSAL WAS REFERRED TO COUNCILS DEVELOPMENT ASSESSMENT UNIT MEETING OF THE 14TH SEPTEMBER 2006 WHERE IT WAS RECOMMENDED FOR REFUSAL.
4. THE PLANNING CONCERNS WERE DISCUSSED WITH THE APPLICANT AND REVISED PLANS WERE SUBMITTED.
5. THE REVISED PLANS WERE NOTIFIED TO NEARBY AND ADJOINING PRPOERTY OWNERS WITH TWO SUBMISIONS RECEIVED.
6. THE APPLICATION IS REPORTED TO COUNCILS LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLORS LAMBERT AND MACDONALD.
7. A SITE INSPECTION IS RECOMMENDED.
8. APPROVAL OF THE APPLICATION SUBJECT TO CONDITIONS IS RECOMMENDED.

LOCALITY PLAN

Shaded area is subject land.



REPORT

Site Description

The site is located on the northern side of Augusta Road three allotments to the east of the intersection between Augusta Road and Quinton Road. The allotment is rectangular in

Environmental Services Division Report No. 9 (Cont'd)

configuration with a frontage of 7.62m and side boundaries of 43.01m (west) and 43.1m (east). The land has a 5.0m fall from front to rear and is currently developed with a three storey semi detached dwelling.

History

The application was notified to nearby and adjoining property owners with three submissions received. Following consideration of the application by Council's Development Assessment Unit on 14 September 2006 the applicant was advised of concerns. The applicant then requested an opportunity to revise the proposal. Council received revised plans on 18 October 2006. It is the revised plans which are the subject of this assessment.

Proposed Development

This proposal provides for demolition of the structure across the rear of the semi detached dwelling as well as demolition of some internal walls. It is then proposed to extend the dwelling by constructing a new section 3.8 metres deep on two levels and 2.5metres on the first floor level with a balcony 1.2 metres deep which matches the other half of the semi.

The lowest level is to contain the laundry and bathroom with toilet basin and shower.

The ground floor living room is to be extended, which will open onto a deck with 10 steps down from this level to the level of the garden terrace. It should be noted that to the west of the deck timber privacy screen (2.0 – 2.5m height) is proposed extending 6.2 metres from the new alignment of the additions, which amounts to 8 metres from the rear of the existing building.

On the first-floor level it is proposed to extend 1.75m toward the rear of the existing building and reconfigure the floor plan to provide for a master bedroom, en suite and balcony. Plans also show provision for future solar panel over the roof of the first floor addition.

A double garage is proposed across the rear of the site coming to within 1.5 metres of the rear boundary. Pedestrian access from Sheridan Place and the garage is via a proposed path and stair adjacent to the eastern side boundary. The garage roof is flat and is too covered with lawn and landscaping and incorporated into the sites open space area.

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>
Density - Sub Zone 3	250	329	Yes
Floor space ratio	0.6:1	0.84:1	No
Floor space ratio - existing	0.6:1	0.56:1	Yes
Wall height east side	7.25m	7.6m	No
west side	7.25m	7.7m	No
Roof height	3.0m	1.7m	Yes
Setback Front	6.0m	6.0m	Existing
Setback Rear	8.0m	1.5m garage 17.5m dwelling	No Yes
west setback side	2.56m	1.6m	No
Open space - total	55%	31%	No

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	<u>Permitted/Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Open space - total	180 sq m	102 sq m	No
Open space - soft	35% of 55% 63 sq m	25% 45 sq m	No
Open space - above ground	Less than 25% OS	Greater than 25% (only 25% included)	No
Number of Endemic Trees	2	2	Yes (condition)
Private Open Space	18 sq m	60sq m	Yes
Car Parking – Residents	2	2	Yes

Applicant's Supporting Statement

In support of the original proposal, the applicant submitted a detailed statement of environmental effects and later a Heritage impact statement.

In support of the amended plans the applicant submitted another statement responding to the previous criticisms.

Submissions

The original application was notified to nearby and adjoining property owners with three (3) submissions received from G Eastwood on behalf of R Eastwood 2/20 Augusta Road, D & S Diepeveen 16 Augusta Road and L Smith 6/20 Augusta Road raising the following concerns:

- Blocking of existing views from unit 2 / 20 Augusta Road.
- My mother purchased the unit in the mid-nineties and being at the rear in the northern end of the ground floor she enjoys good views to the beaches and Ocean, which contributes substantially to property values.
- This development, which extends the existing fibro construction will block the view from the lounge room
- The proposed timber screen wall, which intends to screen them from the neighbour's rear deck, will only add to completely diminish the views from the lounge room window.
- We had similar problems some years back, with the neighbouring building, 16 Augusta and their extensions. Thankfully a compromise was agreed upon and Council agreed to a shorter rear extension. The occupier then proceeded to plant trees on the 18 Augustus side of his property which do a very good job blocking my mother's views.
- The proposed extension and new screen wall should not be allowed to extend beyond the existing building line. Extending the building at 18 to line up with its neighbours existing rear extension should not be allowed as it presents a problem to others as it extends right up to the second-floor.
- The adjoining owners in number 16 are impacted by the proposed works.
- The plans lack any detail in respect of the garage and do not show an elevation from the eastern boundary. The proposed garage structure will not provide any buffer between the two properties and would necessitate the removal of all existing tree planting along the western boundary
- The issues of privacy and overshadowing are a direct result of the applicant's proposal to construct an elevated terrace area over the entire rear yard of the subject site. The terrace extends to the common boundary with a floor being 1.85 metres above the principal open space of number 16. The proposal also indicates a 900 millimetre planter box with plantings along the common boundary. The planter box does not satisfy Council requirements to address privacy concerns. When we comment on the effects of overshadowing, we have based our submission on the inclusion of a 1.8m high solid privacy screen placed on the proposed terrace along its common boundary line between 16

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- and 18. The inclusion of such privacy screen results in a wall height of 3.65 metres when measured from the floor of the principal open space of number 16 Augusta Road.
- The issue of aural privacy arises due to the proximity of the adjoining entertaining terraces of 18 and 16 Augusta Road.
 - The proximity and height differential results in problems of visual privacy. The occupants of 18 look directly down into the rear yard of 16 and also back into the ground floor deck area.
 - The extent of overshadowing on the principal private open space of 16 caused by the proposed elevated terrace fails to satisfy the objectives of Council's DCP. As part of our submission we have submitted professionally prepared drawings to illustrate the loss of sunlight
 - The floor space ratio is excessive. We comment because of the clear relationship between floor space ratio and building bulk which directly contributes to problems of privacy and overshadowing. The applicant has excluded certain areas of floor space in their calculations, namely the top deck sunroom, laundry storeroom and double garage. An accurate assessment of the floor space ratio arrives at a figure of 0.908:1 compared with the applicant's figure of 0.6:1. The applicant's figure does not accurately indicate the bulk of the building. The true figure does not satisfy the objectives of the DCP.
 - The amount of total landscaped open space and soft open space is of concern in that it directly relates to the issue of privacy and solar access. The 55% open space requirement cannot be satisfied. If the allowable 25% of open space for elevated terraces this only allows 45 square metres of open space. Added to this the front yard area of 45 square metres and the total open space available is approximately 90 square metres, representing 27% open space, well short of the 55% requirement.
 - The applicant has failed to take seriously Council's controls regarding floor space ratio landscaped open space overshadowing and privacy and has produced a design that has severe impacts on the amenity of the adjacent premises. We have discussed these issues with the applicant and suggested alternative design solutions.
 - The loss of sunlight to an elderly retired widow, who will be increasingly confined to a small unit as result of arthritis and knee problems are significant. The proposed extension and privacy screen will have a significant impact on natural light.
 - My mother bought the unit 10 years ago. The main attraction was the light and views and leafy outlook. She has just finished an extensive refitting on the basis that this is the place she expects to live out her remaining life. The proposed development will significantly diminish all these aspects. As well as losing natural light, she will now spend her days staring at a blank wall if the application is approved. I understand the developers want to improve their own amenity however, they already enjoy three stories of ocean views from the substantial property
 - They would have purchased a property at a discount because it is next to a block of humble units. Now they want to obliterate the unit block from their sight even at the expense of seriously, reducing the quality of another person's life. I asked Council to seek a compromise in design, and I am sure the amenity of both parties can be retained with more sympathetic and respectful design.
 - The adjoining semi, 16, was developed, approximately five to seven years ago. The council assured us that such a development would never be approved again for the adjoining property 18 Augusta Rd. The matters went through Council mediation and obtained agreement binding on all parties. The current application goes against what Council fought so hard to achieve and promised. We refitted, the unit on the assurance that the future amenity of the unit was secured.
 - The development drawings do not indicate three new windows which have been installed to the roof level of the west elevation. These windows now compromise our privacy.
 - During the recent renovations, the external roof has been extended beyond the line of existing western wall to accommodate a new gutter. This extension has not been indicated on the proposed development drawings.
 - We are concerned at the bulk of the new extension which does not conform with the requirements of the height / setback ratio.

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The amended plans were renotified with two (2) submissions received from D & S Diepeveen 16 Augusta Road AND G Eastwood on behalf of R Eastwood 2/20 Augusta Road, which in part reiterated previous reasons for objection and include the following additional points of objection.

- The amended plans do not show any details to provide screening between number 16 and number 18 at the proposed deck levels and steps down to the garage platform. The design shows that the adjoining decks do not have any solid privacy screening along the common boundary, and it will not provide any visual or oral privacy between the two semi-detached properties
- The amended proposal will still allow the occupants of number 18 to look directly down into the private open space of 16 and also back into the ground floor deck area of number 16 to some extent
- The existing green space will be significantly diminished, and we trust that the proposed plantings as shown on the drawings will be completed as part of the project and that Council will ensure compliance with this issue.
- If the plans are to be approved it should be conditional upon providing of solid privacy screens at all levels that is at the side of the stairs to the garage, the first floor deck level and the upper-level, to a height of not less than two metres

Precinct Community Forum Comments

The application was referred to the Ivanhoe Park Precinct Community Forum with the following comments received;

“The Precinct recommends that Council facilitate close consultation to address privacy, overshadowing and the visual impact concerns of the neighbour's. The precinct notes the applicant's willingness to try to address these issues.”

Engineers Comments

No objection is subject to conditions.

Heritage Comments

The proposal is confined to the rear of the property is not visible from Quinton Road and will therefore have no impact on Quinton Roads significance.

Building Comments

No objections to the proposed alterations and additions to a class 1(a) dwelling and new class 10(a) garage subject to conditions.

The Landscape Architects Comments

No objection, subject to conditions

Planning Comments

The first aspect of this developed application that requires consideration is the floor space ratio, whereby 0.84:1 is proposed were 0.6:1 is the appropriate figure in Council's Residential Development Control Plan (DCP). In this regard it is noted that the existing floor space ratio is 0.56:1. The applicant states that the laundry and bathroom area proposed underneath the building do not increase the bulk of the development and should be ignored in the calculation. However, the DCP does include these areas in calculating floor space ratio notwithstanding the fact that they are underneath the building. The applicant also states that the proposed garage is partly in

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excavation and should therefore be excluded. However the ceiling of the proposed double garages is at RL 38.55 so that the majority of the garage does extend more than one metre above the natural ground level and is therefore included as floor space under the DCP. The only aspect of any significance that can be argued is the fact that the adjacent development has been extended and that it would be equitable to allow the subject site to be extended in a similar fashion.

On the ground floor level it is proposed to demolish the existing 2.1 metres of asbestos cement extension at the rear of the building, reconstruct this area and add a further 1.7m to provide a combined kitchen, dining and living room. There is objection from the adjacent neighbour concerning loss of view as a result of this proposed extension. However a site view reveals that extending the building out in this location will block the view of some of the greenery that has grown on number 16 and not the view of the water. While a view of a blank wall from a living room is unattractive this room still retains diagonal views.

The proposal includes provision of a deck at the same floor level extending three metres forward of the living room and a timber screen/balustrade extending 6.2 metres north from the rear of the building with a top edge of RL 41.95 (1.0m high balustrade above deck level). This balustrade/screen component varies in height from 2.0m to 2.6m. There is objection from the adjacent premises concerning loss of view including the impact of this privacy screen on their outlook. It is noted that the privacy screen has an RL 41.95 and the sill of the adjacent premises is at RL 42.66 and the head of the window at RL 44.03 the view from the window will therefore be over the top of this proposed screen.

At first floor level, it is proposed to demolish the existing 2.5 metres asbestos cement extension to the part rear wall of the original dwelling and rebuild to provide for a master bedroom and ensuite. A small balcony 1.2m wide is also proposed across the rear of the building accessed from the master bedroom, which extends to the line of the balcony of the adjoining semi at number 16. It is noted that the objection has been made from the adjoining neighbour that no screens are indicated between the proposal and themselves in this regard to provide a balcony in this location without any additional screening would result in a loss of privacy. It is considered that the balcony extension on this level should be eliminated from the proposal in order to avoid any adverse effects to the adjoining property. A condition to the subject is included in recommendation.

While it is agreed that the garage facing Sheridan Place can be related to other garages and carports in this street it is considered that the presentation of the building with a major beam across the top and then a lightweight screen adds to the apparent bulk of this garage structure, which is not considered to be appropriate within such close proximity to the property boundary. While the applicant has made reference to the adjacent development of number 16 it is noted that this is in fact a single garage and does not have the same presentation in terms of bulk as the subject proposal. It is considered that it would be more appropriate to allow a single garage in this circumstance to avoid the overbearing impact of the current proposal on the streetscape. A condition to this effect is included recommendation.

To the south behind the garage is indicated a retained soil area 2.7 by 5.9 metres, which raises the ground level 1.3 metres to the height of the garage roof terrace and provides a lawn area associated with the development. It is noted that this lawn area is elevated above the ground level and affords a clear view into the yard of the adjacent premises. While a landscape plan has planter boxes illustrated around the northern and western side of this lawn area the landscaping proposed will not provide an effective screen between the neighbours. A condition requiring the provision of a privacy screen is recommended

Manly LEP 1988:

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

Environmental Services Division Report No. 9 (Cont'd)Manly Local Environment Plan 1988 - Clause 10 Objectives

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 and meets 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. The proposal has excessive floor space, wall heights, and does not comply with setback and open space requirements however; it is consistent with the adjacent development and is considered acceptable in the immediate context.

(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 existing semi-detached dwelling will retain the character of the building as seen from the street.

(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 development is considered to be acceptable subject to conditions of consent being imposed on the development

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

This proposal includes provisions of the elevated deck above the proposed double garage as well as an elevated landscape area between the proposed additions and the double garage. There is a planter box around the edge of the deck above the garage. However, this is planted with landscaping that will not provide any effective screening and mutual privacy between this yard and the adjacent yard of the other half of the semi. A condition requiring construction of a privacy screen is included in the Recommendation.

(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 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 development subject to conditions included in the Recommendation will result in suitable redevelopment.

(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.

Environmental Services Division Report No. 9 (Cont'd)**Section 79(C) of the Environmental Planning and Assessment Act 1979**

- (a) *the provisions of:*
- (i) *any environmental planning instrument*
 - (ii) *any draft environmental planning instrument*
 - (iii) *any development control plan*
 - (iv) *the regulations*

The proposal has been assessed having regard to the Manly Local Environmental Plan 1988 and the Development Control Plan for the Residential Zone 2001, Amendment 1.

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

The impacts of the proposed development have been considered to be acceptable subject to the imposition of conditions.

- (c) *the suitability of the site for the development,*

The site is within the Residential zone and is currently developed with a semi detached dwelling. The proposal is to carry out alterations and additions which exceed a number of the controls in the DCP however it is noted that the adjacent development has already been extended in the past and that this is a proposal for a compatible development of similar nature.

- (d) *any submissions made in accordance with this Act or the regulations,*

The application was notified in accordance with Council's policy with submissions received. The submissions received raise concerns in relation to the proposal, which are addressed in the report and can be dealt with by way of conditions.

- (e) *the public interest.*

The proposal as recommended is considered to be in the public interest

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 a suitable development of the site and consequently approval is recommended.

RECOMMENDATION

THAT Development Application 133/06 for alterations and additions for the existing semi-detached dwelling including a new double garage and landscaping at 18 Augusta Road, Manly be approved subject to the following conditions:

DA1

This approval relates to project number 0602 drawings/plans Nos. DA 03 06 13 issue A dated March 2006 and received by Council on 30 March 2006 and DA02 05 07 09 issue B and DA04 08 issue C dated March 2006 and DA09A issue A dated Oct 2006 received by Council on 18 October 2006.

ANS01

A minimum of two (2) endemic species of tree are to be included within the landscape plan and the plans are to be amended accordingly prior to issue of the Construction Certificate

Environmental Services Division Report No. 9 (Cont'd)

ANS02

A solid privacy screen is to be provided along the eastern side of the site from the rear wall of the dwelling extending a minimum 6.5m, and along the eastern side of the garage roof terrace/lawn area in order to provide effective screening between the subject site and the rear yard of the adjoining property to the east, plans are to be amended accordingly prior to the issue of the construction certificate.

ANS03

The proposed double garage is to be reduced to a single garage (extending a maximum 3.5m in width from the western side boundary), with the area between the garage and the eastern side boundary landscaped and planted with trees/shrubs in order to reduce the visual impact of the development on the streetscape of Sheridan Place, plans being amended accordingly prior to issue of the Construction Certificate.

ANS04.

The proposed balcony accessed off the master bedroom at first floor level is to be deleted, to maintain the amenity of adjoining properties, plans being suitably amended 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.

DA011

All surplus vehicular crossings and/or kerb laybacks 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.

DA014

No portion of the proposed building or works, including gates and doors during opening and closing operations are to encroach upon any road reserve or other public land.

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.

Environmental Services Division Report No. 9 (Cont'd)

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.

DA341

Any heritage listed stone kerb removed for construction of a driveway or other approved works, is to be removed without damaging it and contact is to be made with Councils Works Manager on Telephone 9976 1455 for the stone to be transported to Councils Depot.

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 full 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.

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.

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.

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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.

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.

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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.

DA066

Suitable internal or external clothes drying facilities shall be provided. Where external clothes drying facilities are provided, details of the screening of these facilities are to be incorporated in the landscape design. Details of clothes drying facilities shall be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA069

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

DA077

An approved water interceptor shall be provided within the property, across the driveway at the property boundary, and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

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 are 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 (OSD) or Onsite Stormwater Retention (OSR) 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.

DA95

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 plans 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.

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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.

DA229

Excavation adjacent to the road boundary shall be adequately shored to support the roadway and all improvements and services within the road reserve. Protective fencing shall be provided to ensure the safety of the public.

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.

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.

DA241

Details shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate indicating the proposed method of water proofing and drainage of the concrete slabs over which landscaping is being provided.

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.

Environmental Services Division Report No. 9 (Cont'd)

DA253

All lights used to illuminate the exterior of the buildings or site shall be positioned and/or fitted with cut off luminaries (baffles) so as to prevent the emission of direct light onto adjoining roadways and land.

DA254

Glare from internal lighting shall not be permitted to extend beyond the limits of the building authorised by this approval.

DA260

Detailed engineering drawings of all work shall be submitted for approval by the Council/Accredited Certifier prior to the release of the Subdivision Certificate/Construction Certificate.

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.

DA264

All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.

DA265

Once commenced the development hereby permitted shall only be continued in accordance with the conditions of approval and to the satisfaction of the Principal Certifying Authority.

DA267

Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.

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 X 6
- Framework inspection
- Wet area moisture barrier
- Drainage inspection
- Final inspection

The cost of these inspections by Council is \$2,760. (being \$230 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 1414.

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 \$110.

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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.

DA280

All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.

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.

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.

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.

Environmental Services Division Report No. 9 (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.

DA287

No blasting is to be carried out at any time during construction of the building.

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.

DA290

The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.

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".

DA329

The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

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. 9 *****

TO: Land Use Management Committee - 5 March 2007
REPORT: Environmental Services Division Report No. 10
SUBJECT: Unit 21, 4-8 Darley Road, Manly - DA156/06
FILE NO: DA156/06

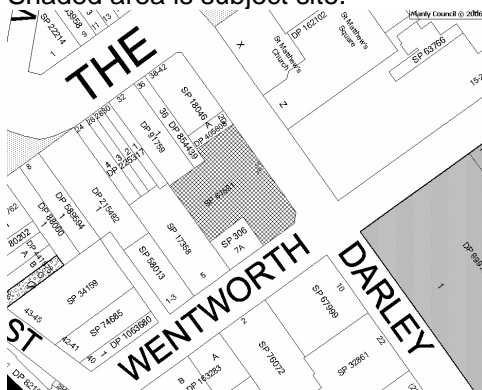
Application Lodged: 18 October 2006
Applicant/Owner: J & Z Burt
Estimated Cost: \$5,000.00
Zoning: Manly Local Environmental Plan, 1988 - Residential
 And within the Foreshore Scenic Protection Area
Surrounding Development: Mixed Residential and Business developments
Heritage: Within The Corso Conservation Area

SUMMARY:

1. COUNCIL RECEIVED DEVELOPMENT APPLICATION 156/06 ON 4 APRIL 2006. THE APPLICATION PROPOSED THE ERECTION OF AN AWNING OVER THE EXISTING BALCONY OF UNIT 21 ON THE UPPERMOST FLOOR OF A MIXED COMMERCIAL AND RESIDENTIAL BUILDING.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH NO SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFUSED UNDER DELEGATED AUTHORITY ON 6 SEPTEMBER 2006 FOR REASONS RELATING TO VISUAL BULK, INCONSISTENCY WITH EXISTING ARCHITECTURAL STYLE AND INADEQUATE DRAINAGE CONTROL.
4. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.
5. THE REVIEW APPLICATION WAS NOT NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS AS THERE IS NO CHANGE FROM THE PROPOSAL PREVIOUSLY NOTIFIED.
6. THE REVIEW APPLICATION WAS NOT REFERRED TO THE PRECINCT COMMITTEE, AS THE PRECINCT COMMITTEE DID NOT COMMENT ON THE ORIGINAL APPLICATION.
7. THE APPLICATION IS REPORTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
8. A SITE INSPECTION IS RECOMMENDED.
9. REFUSAL OF THE APPLICATION IS RECOMMENDED.

LOCALITY PLAN

Shaded area is subject site.



Environmental Services Division Report No. 10 (Cont'd)**REPORT****Introduction**

Site Description

The subject site is located on the south west corner of the intersection of Darley Road and Wentworth Street. The existing building contains basement car parking, retail use at ground floor level and four levels of residential apartments above. The subject apartment is located at the uppermost floor level directly at the corner of Darley Road and Wentworth Street.

Proposal

Council refused the application for the construction of an awning over the existing balcony at Unit 21 of the subject property under delegated authority on 6 September 2006 for the following reasons:

1. The proposal will increase the visual bulk and scale of the building and result in adverse impacts on the visual amenity of the Manly Town Centre, having regard to Section 79C(1) of the Environmental Planning and Assessment Act 1979.
2. The proposal is inconsistent with the existing architecture form of the building and will set an undesirable precedent for future development in the immediate area, having regard to Section 79C(1) of the Environmental Planning and Assessment Act 1979.
3. The proposal is unsatisfactory in that roof water is not effectively collected and disposed, having regard to Section 79C(1) of the Environmental Planning and Assessment Act 1979.

The applicants have now applied for a Section 82A Review of Determination. No additional information has been submitted with the application.

Development Control Plan Numerical Assessment

No change is proposed to the numerical standards of the Development Control Plan for the Business Zone, 1989, Amendment 4.

Applicant's Supporting Statement

The applicants have not submitted any additional information with the Section 82A - Review of Determination application. The accompanying letter submitted with the application states as follows:

"Following our previous exchange of correspondence on the abovementioned matter, we hereby submit a Section 82A (Unaltered) for your kind consideration."

The original application was accompanied by a single page Statement of Environmental Effects in the form of a letter. This statement is on file.

Submissions

The Section 82A Review of Determination application was not notified.

Environmental Services Division Report No. 10 (Cont'd)**Precinct Community Forum Comments**

The original application was referred to The Corso Precinct Community Forum for comment. No comments were received from the precinct forum. The Section 82 A Review of Determination application was not referred to the precinct as the application contained no change and no new information.

Engineers Comments

No objection, subject to the stormwater drainage from the proposed works being disposed of to the existing drainage system and all work being carried out in accordance with Council's standards and specifications for stormwater drainage.

Building Comments

No objections to the proposed sheeting of an existing balcony pergola to a unit in a Class 2 & 7 building, subject to standard conditions of consent.

Heritage Comments

No objection to the proposed awning from a heritage point of view.

Planning Comments

The site is located in Zone No 3 – The Business Zone, under the Manly Local Environmental Plan 1988. The proposed awning structure is ancillary to an existing unit and is therefore permissible with Council consent.

With respect to the relevant objectives of the zone, the installation of the awning will not result in any additional amenity impacts resulting to neighbouring properties in terms of overlooking, overshadowing or noise. However, in terms of streetscape, the awning which is proposed to be attached to the top of the existing pergola over the balcony of Unit No. 21, will alter the existing design of the building as it will be the only one with an awning over the pergola. It is considered that the addition of the awning will increase the perceived bulk of the building. The existing open nature of the pergola will give way to a roofed balcony and will not be in keeping with the other balconies of the building.

The site is also located within the Foreshore Scenic Protection Area. Clause 17 of the Manly LEP states that 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 subject site is located away from the Harbour and Oceanfront and is not directly visible from the waterways. The proposed awning addition is not considered to result in any adverse visual impacts to the foreshore scenic protection area.

With regards to the residential component of the subject building, some of the objectives of the Development Control Plan for the Residential Zone, 2001, Amendment 1 would apply. The proposed awning over the existing balcony pergola maintains compliance the relevant DCP provisions with no change in open space, landscaping, height or setback. It is also considered to satisfy the relevant design objectives of the DCP with no adverse amenity impacts to neighbouring properties. It is, however, considered that the proposed awning will increase the bulk of the development as viewed from the street. The proposed awning will also not be in keeping with the adjoining pergolas of the other units on the top level of the building and will set an undesirable precedent.

Environmental Services Division Report No. 10 (Cont'd)

The plans submitted with the application are vague and no details have been submitted with regards to the drainage of the roof water. In this regard, Council received an e-mail from the applicant indicating that the roof water will continue to fall on the balcony as it does currently. The submitted sketch, prepared by "Supershades" received by Council on 19 January 2006, indicates a slope of about 8 degrees for the awning. The depth of the balcony (as approved) is 1500mm with a section protruding another 450mm. The proposed depth of the proposed awning is 1430mm. However, considering the slope of the awning a gutter and downpipe would be required. The applicant has not provided any details for rainwater disposal. In this regard it should be noted that the subject building has concealed pipes and to have any downpipe exposed would detract from the design and architectural style of the building.

The site is located in a prominent and important part of Manly Business zone and as such the design of any additions requires appropriate consideration. The submitted plans do not provide adequate details for a proper assessment of the application.

The applicant states that the awning is required to alleviate the effects of the sun's rays on the windows and consequent heating up of the unit. This must be the case with all the top floor units of the subject building. There are currently eight (8) balconies with open pergolas at the top level and the best way forward would be to propose a comprehensive design for all the top floor units with a proper method of discharging rainwater from the awning – a design that will compliment the architectural style and character of the building and not present as an add-on.

Manly Local Environmental Plan 1988 - Clause 10 Objectives of the Business Zone

- (a) *to provide for and encourage the development and expansion of business activities which will contribute to the economic growth and employment opportunities within the Manly Council area;*

The proposed construction of an awning over the existing balcony will not have any adverse impact on the existing retail businesses on the ground level.

- (b) *to accommodate retail, commercial and professional services in established locations in the residential neighbourhoods where such development is compatible with the amenity of the surrounding areas;*

The subject site is located on land that is zoned Business where a residential flat building is permissible with Council consent. The proposal is for the construction of an awning over the balcony of an existing balcony to a unit. The proposed awning will not have any adverse impact on the functioning of the retail businesses on the site.

- (c) *to ensure there is adequate provision for car parking in future development in the business areas; and*

There is adequate provision for parking within the subject building and Council carparks in the vicinity.

- (d) *to minimize conflicts between pedestrians and vehicular movement systems within the business areas.*

The proposed modification will not lead to any conflict between pedestrians and vehicular movement systems.

EP&AA 1979 – section 79(c)

- (a) *the provisions of:*
- (i) *any environmental planning instrument*
 - (ii) *any draft environmental planning instrument*
 - (iii) *any development control plan*
 - (iv) *the regulations*

Environmental Services Division Report No. 10 (Cont'd)

The application has been assessed under the provisions of the Manly Local Environmental Plan 1988 and the Manly Development Control Plan for the Business Zone, 1989, Amendment 4. It is considered that the proposed awning is not sympathetic to the design of the building and will have an adverse impact on the architectural quality and character of the building

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The subject site is located in a prominent and important corner of Manly and as such the design of any additions requires appropriate consideration. Given the existence of the pergola, the addition of the tinted awning will result in additional built form which will set an undesirable precedent for other owners in the building with resultant increase in bulk and visual impacts to the street.

(c) the suitability of the site for the development,

The proposed awning is not suitable for the subject unit. The proposed pergola is to the most prominent corner of the building and will be highly visible from the street and will detract from the character and architectural style of the building. The proposal has also not included any method of disposing rainwater from the awning. The rainwater from the awning may adversely impact on the lower floor units.

(d) any submissions made in accordance with this Act or the regulations,

The Section 82A application was not re-notified. The original application was notified and no submissions were received.

(e) the public interest.

The proposal is not considered to be in the public interest as it will set an undesirable precedent for future development.

CONCLUSION:

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 1988 and the Development Control Plan for the Business Zone 1989 (Amendment 4).

In view of the above, it is considered that the proposed awning is not satisfactory and that the application in its current form cannot be recommended for approval, without adequate details regarding stormwater disposal and lack of a comprehensive design for all units on the top floor.

RECOMMENDATION

That Development Application No. 156/06 for the construction of an awning over the existing balcony at Unit 21, 4 – 8, Darley Road, Manly be refused for the following reasons:

1. The proposal will increase the visual bulk and scale of the building and result in adverse impacts on the visual amenity of the Manly Town Centre, having regard to Section 79 C (1) (b) of the Environmental Planning and Assessment Act 1979.
2. The proposal is inconsistent with the existing architecture form of the building and will set an undesirable precedent for future development in the immediate area, having regard to Section 79 C (1) (b) & (c) of the Environmental Planning and Assessment Act 1979.
3. The proposal is unsatisfactory in that roof water is not effectively collected and disposed, having regard to Section 79 C (1) (c) of the Environmental Planning and Assessment Act 1979.

Environmental Services Division Report No. 10 (Cont'd)

4. The application has not provided adequate details as required by Schedule 1 – Forms, under the Environmental Planning & Assessment Regulation 2000, for a proper assessment of the application.

5. The proposal is not in the public interest, having regard to Section 79 C (1) (e) of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 10 *****

TO: Land Use Management Committee - 5 March 2007
REPORT: Environmental Services Division Report No. 11
SUBJECT: Development Applications Currently Being Processed
FILE NO:

SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING MARCH, 2007.

REPORT

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

DA#	Date Rec by Council	Site Address	Proposal
428/05	21-Oct-05	7 Pacific Parade	Demolition & Erection of new Dwelling, Parking & Pool
118/06	20-Feb-06	17 Rosedale Avenue	Pool & Garage
326/06	03-May-06	5 College Street	Demolition, New Dwelling & Pool
186/06	12-May-06	17 Carlton Street	Alterations & Additions
231/06	06-Jun-06	31 The Corso	Alterations & Additions to Ivanhoe Hotel
233/06	08-Jun-06	15 The Crescent	Alterations & Additions, Strata Subdivision & Carparking
238/06	09-Jun-06	40 Beatty Street	Demolition, Alterations & Additions, Pool & Garage
328/06	03-Jul-06	8 Paris Street	Demolition & 2 New Attached Dwellings
276/06	06-Jul-06	35 Ponsonby Parade	Alterations & Additions & Pool
297/06	10-Jul-06	25 Fairlight Crescent	3 Storey RFB Converted to Single Dwelling
309/06	18-Jul-06	16 Eurobin Avenue	Amended Plans - 2 Storey Dwelling
491/06	27-Jul-06	7 Parkview Road	Strata Subdivision
322/06	28-Jul-06	42 Malvern Avenue	Alterations & Additions, Garage & Loft
339/06	04-Aug-06	35 Amiens Road	Amended Plans, Pool Carport & Cabana
412/06	10-Aug-06	Skiff Club - East Esp	Extension to Disabled Ramp, Alts & Adds
373/06	06-Sep-06	11 Barrabooka Street	Dem - new dwelling & pool
396/06	12-Sep-06	23 Kitchener street	Demolition - 2 New Dwellings & Land Sub
381/06	12-Sep-06	Manly Bathers - West Esp	Maritime Office, Café and Store
392/06	14-Sep-06	4 Camera Street	Alterations & Additions & Garage
390/06	21-Sep-06	71 Gordon Street	Alterations & Additions
400/06	22-Sep-06	85 Castle Circuit	Alterations & Additions
417/06	25-Sep-06	72 Balgowlah Road	Alterations & Additions to Tennis Club
47/06	25-Sep-06	11 The Corso	Amended Plans
418/06	26-Sep-06	43 Gordon Street	Alterations & Additions
404/06	27-Sep-06	Manly Council - Library	Alterations & Additions including 3rd Floor
421/06	28-Sep-06	10 Peronne Avenue	Alterations & Additions
429/06	29-Sep-06	29 Grandview Grove	Amended Plans - Alts & Adds
438/06	04-Oct-06	14 West Street	Alterations & Additions, Deck & Basement Floor
444/06	09-Oct-06	12A Seaview Street	Alterations & Additions
462/06	13-Oct-06	151 Darley Road	Construction of a new Public Access walkway at St Pats
464/06	13-Oct-06	106 Darley Road	Demolition of Existing Garage & Garbage and Erection of New Demountable Classroom and Garbage Storage
466/06	16-Oct-06	42 Beatty Street	Alterations & Additions

Environmental Services Division Report No. 11 (Cont'd)

458/06	18-Oct-06	10 Quinton Road	Alterations & Additions
484/06	18-Oct-06	16 Bligh Crescent	Construct garage & stairs
473/06	25-Oct-06	85-97 Balgowlah Road	Child Care Centre
237/06	30-Oct-06	51 Bower Street	Amended Plans
478/06	31-Oct-06	1A Edgecliffe Esplanade Seaforth	Alterations & Additions & Pool
477/06	31-Oct-06	87 Clontarf Street	Demolition & New Dwelling
127/06	01-Nov-06	67 Seaforth Crescent	Amended Plans
496/06	03-Nov-06	34 Dudley Street	Demolition & Construction of 2 Attached Dwellings and Subdivision
499/06	06-Nov-06	12 Smith Street	Alterations & Additions, Pergola & Parking
495/06	06-Nov-06	10 Boronia Lane	New Residential Dwelling
498/06	07-Nov-06	26 The Crescent	Internal Alterations
503/06	08-Nov-06	6 Oyama Avenue	Alterations & Additions, pool, deck and landscaping
502/06	08-Nov-06	5 Wanganella Street	Demolition, New Dwelling & Pool
505/06	10-Nov-06	51 Peacock Street	Alterations & Additions & Carport
510/06	17-Nov-06	5 Marine Parade	Alterations & Additions to RFB
524/06	01-Dec-06	155A Seaforth	Swimming pool & deck
526/06	04-Dec-06	14 Lombard Street	Dem & Construct 2 attached dwellings
528/06	05-Dec-06	69 Upper Beach Street	Alterations & Additions
532/06	05-Dec-06	7 Cove Avenue	Alterations & Additions + carport
535/06	06-Dec-06	80 Cutler road	Alterations & Additions new deck and fence
536/06	08-Dec-06	18 Acacia Road	New Dwelling & Swimming Pool
538/06	11-Dec-06	25 Lodge St Balgowlah	Demolition & erect two attached dwellings
537/06	11-Dec-06	128-130 Bower St	Demolition and Construct RFB
536/06	12-Dec-06	42 North Steyne	New awning & advertising
541/06	13-Dec-06	43 Ethel Street	Demolition and construction 2 dwelling houses & subdivision
540/06	13-Dec-06	46 The Corso	Replace pews, minor internal alts new doorway new paving glass steel canopy structure
546/06	14-Dec-06	1 and 3 - 94 Bower Street	Alterations & Additions
543/06	14-Dec-06	6 Peronne Avenue	Alterations & Additions & new vehicular access
542/06	14-Dec-06	45 Ethel Street	Strata Subdivision
545/06	14-Dec-06	8 Yatama St	Swimming Pool
544/06	14-Dec-06	11 Benelong	Swimming Pool
549/06	15-Dec-06	4 Lombard St	Alterations & Additions
552/06	18-Dec-06	21 Malvern Avenue	Alterations & Additions
553/06	18-Dec-06	36 The Crescent	Installation of privacy screens
556/06	19-Dec-06	71 Sydney Road	Alterations & Additions
555/06	19-Dec-06	Units 1 & 2 - 29 Pacific Street	Alterations & Additions
557/06	19-Dec-06	13 Benelong	New Dwelling
572/06	20-Dec-06	28 Belgrave Street	Internal Alterations & Additions
561/06	21-Dec-06	24 Willyama Avenue	Dem. New Dwelling & Pool
559/06	21-Dec-06	52 Balgowlah Road	Fitout & Occupation for bulky goods retail & office for stationary supplies
560/06	21-Dec-06	1/129 Bower Street	Internal Alterations
566/06	22-Dec-06	62 Curban Street	Alterations & Additions
569/06	22-Dec-06	21 Golf Parade	Alterations & Additions and garage
563/06	22-Dec-06	210-214 Pittwater	Alts & Adds to existing mixed business, commercial & residential incl. new street awning / balcony and total of 4 units, car parking and strata

Environmental Services Division Report No. 11 (Cont'd)

565/06	22-Dec-06	Telecommunications - Wakehurst Parkway	Co-location of telecommunications equipment
567/06	22-Dec-06	3 Brighton Street Balgowlah	Demolition & Construct 4 townhouses
562/06	22-Dec-06	94 Beatrice Street	Demolition & construction of a dwelling
571/06	22-Dec-06	7 Sangrado Street	Demolition storeroom, construct new garage
568/06	22-Dec-06	14 & 15, 7 South Steyne	Internal Alterations
1/07	04-Jan-07	12 Baltic Street	Alts & Adds to dwelling + new first floor
3/07	11-Jan-07	5 Carlton Street	Alterations & Additions
4/07	11-Jan-07	5 Scales Parade	Alterations & Additions
6/07	12-Jan-07	17 & 18 - 93-95 North Steyne Manly	Alterations & Additions
8/07	15-Jan-07	51 Beatrice	Swimming Pool
11/07	16-Jan-07	4 Cliff Street	Alterations & Additions
24/07	30-Jan-07	25-27 South Steyne	Change of use from takeaway to café
28/07	01-Feb-07	97 Peacock St Seaforth	Alterations & Additions
29/07	02-Feb-07	57 The Corso	Alterations to retail shop & Signage
548/06	15-Dec-07	60-64 The Corso	Alterations & Additions
570/06	22-Dec-07	85-87 Lauderdale Avenue	Alterations & Additions to RFB
428/05		7 Pacific Parade	Demolition, New Dwelling, Pool & Parking
433/06	19-Jan-06	1 Curban Street	Section 96 Modification
55/05	12-Jul-06	76 Birkley Road	Section 96 Modification
382/04	21-Aug-06	33 Beatty Street	Section 96 Modification
519/05	05-Oct-06	7-9 Golf Parade	Section 96 Modification
300/02	22-Nov-06	1 Gordon Street	Section 96 Modification
251/06	28-Nov-06	32 Kangaroo Street	Section 96 Modification
561/03	22-Dec-06	77 Cutler Road	Section 96 Modification
562/03	22-Dec-06	Lot 10, 77 Cutler road	Section 96 Modification
524/04	11-Jan-07	7 South Steyne	Section 96 Modification
320/05	16-Jan-07	24 Hogan Street	Section 96 Modification
591/03	25-Jan-07	29-33 Pittwater Road	Section 96 Modification
411/06	01-Feb-07	36-38 South Steyne	Section 96 Modification
10/06	08-Feb-07	4 Daintrey Street	Section 96 Modification
272/06	22-Jan-06	25 Ocean Street	82A Review
381/05	18-May-06	18 Collingwood Street	82A Review
469/05	29-Jun-06	45 Gurney Crescent	82A Review
74/06	24-Aug-06	8 Seaview Street	82A Review
495/05	27-Sep-06	1 Waratah Street	82A Review
179/06	25-Oct-06	32 Arthur Street	82A Review
312/05	31-Oct-06	29A Quinton Road	82A Review
508/05	02-Nov-06	2 Castle Rock	82A Review
510/05	02-Nov-06	2 Castle Rock	82A Review
218/06	13-Nov-06	2 North Harbour	82A Review
507/05	14-Nov-06	31 Boyle Street	82A Review
300/06	06-Dec-06	189 Woodland St	82A Review
463/05	07-Dec-06	31 Victoria Parade	82A Review

The following applications are currently with Council's Lodgment & Quality Assurance team for notification, advertising and referral to other departments.

18/12/2006

554/2006

Alterations & Additions to Dwelling

50-52 Bower Street, MANLY

Environmental Services Division Report No. 11 (Cont'd)

20/12/2006 124/2000 Dwelling	29 Ponsonby Parade, SEAFORTH
22/12/2006 558/2006 Demolition and Construction of a residential flat building at 25-27 Victoria Parade and alteration and additions to the 'Eversham' building at 29 Victoria Parade.	29 Victoria Parade, MANLY
9/01/2007 2/2007 Alterations & Additions to an existing Dwelling including first floor and new swimming pool	29 Kirkwood Street, SEAFORTH
15/01/2007 9/2007 Demolition and Construction of two (2) dwellings, two (2) swimming pools and land subdivision into two (2) lots	11 Seaforth Crescent, SEAFORTH
16/01/2007 142/2003 Section 96 to modify approved Demolition of existing and Erection of a New two (2) storey dwelling	48 Edgecliffe Esplanade, SEAFORTH
10/2007 Strata Subdivision of approved Residential Flat Building	174 Sydney Road, FAIRLIGHT
12/2007 Alterations & Additions to existing Dwelling including conversion of roof space into a first storey	9 Smith Street, MANLY
17/01/2007 13/2007 Alterations & Additions to existing dwelling	19 Herbert Street, MANLY
14/2007 Construction of double car port in place of existing car port	
15/2007 Demolition and construction of new dwelling	102 Balgowlah Road, BALGOWLAH
19/01/2007 16/2007 deck, 1st floor and front fence	61 New Street, BALGOWLAH
17/2007 Extension to existing deck at rear of dwelling	7 Abernethy Street, SEAFORTH
22/01/2007 18/2007 Alterations & Additions to Dwelling including new garage, rear living room, addition of deck and pool	11 Scales Parade, BALGOWLAH HEIGHTS

Environmental Services Division Report No. 11 (Cont'd)

23/01/2007 19/2007 Construction of a brick fence on front boundary with sliding gate	142 Condamine Street, BALGOWLAH
20/2007 Installation of 2 air conditioning units on roof of residential unit building	3 James Street, MANLY
21/2007 Subdivision of two (2) semi detached dwellings into two (2) Torrens Title Allotments	3 James Street, MANLY
24/01/2007 22/2007 Construction of two (2) attached double garages	49 Golf Parade, MANLY
25/01/2007 508/2004 Section 96 to Modify approved Alterations & Additions to existing heritage cottage including 6 storey Residential Flat Building & basement carpark	118 North Steyne, MANLY
29/01/2007 277/2006 Section 82A Review to refused Alterations & Additions to semi-detached Dwelling including First storey addition	23 Ocean Road, MANLY
23/2007 Alterations & Additions to an existing Dwelling including new room in roof and roof dormer	11 Ocean Road, MANLY
31/01/2007 413/2006 Section 96 Application to modify DA 413/06 in respect of the approved Location of swimming pool filter and heater equipment	35 Alexander Street, MANLY
25/2007 Construction of deck	20A Quinton Road, MANLY
1/02/2007 26/2007 Erection of covered rear deck addition & landscaping works	19 Parkview Road, FAIRLIGHT
27/2007 Demolition and construction of a Residential Flat Building containing three (3) units	120 Bower Street MANLY
5/02/2007 309/2006 AMENDED PLANS – Demolish and construct new two (2) storey Dwelling house	16 Eurobin Avenue, MANLY
32/2007 Unit 2- Alterations & Additions including two (2) new windows & internal alterations	2 Augusta Road, MANLY

Environmental Services Division Report No. 11 (Cont'd)

6/02/2007 33/2007 Demolition & Construction of a new dwelling house	59 New Street, BALGOWLAH
34/2007 Alterations & Additions to Dwelling & construction of new deck	21 Peronne Avenue, CLONTARF
7/02/2007 35/2004 Section 96 to modify approved Demolition of existing buildings and construction of a Coles Supermarket, Retail Shops and Residential Apartments	8 The Corso, MANLY
35/2007 Alterations & Additions to Dwelling including new first floor and new swimming pool	31 Grandview Grove, SEAFORTH
36/2007 Alterations & Additions to an existing semi detached dwelling and new swimming pool	36 Augusta Road, FAIRLIGHT
8/02/2007 272/2006 Section 82A Review of refused: Alterations & Additions to an existing semi detached dwelling	25 Ocean Road, MANLY
9/02/2007 37/2007 Demolition & Construction of new double garage including new front walls & excavation	29 Jamieson Avenue, FAIRLIGHT
12/02/2007 547/2005 Section 96 application to modify alterations and additions to existing dwelling	6 Geddes Street, BALGOWLAH
427/2006 Section 96 to modify approved Internal Alterations and Additions to existing dwelling	14 Margaret Street, FAIRLIGHT
38/2007 Construction of Dwelling House	92 Beatrice Street, BALGOWLAH HEIGHTS
39/2007 Alterations & Additions to a Residential Flat Building including extension of entry to Unit 6	4 Reddall Street, MANLY
40/2007 Alterations & Additions to dwelling including construction of new garage, deck & swimming pool	16 Amiens Road, CLONTARF
41/2007 Alterations & Additions to an existing dwelling house including new first floor balcony	33 White Street, BALGOWLAH

Environmental Services Division Report No. 11 (Cont'd)

14/02/2007 339/2006 AMENDED PLANS - Demolition & Erection of dwelling & pool. Alterations & Additions to existing carport & cabana	35 Amiens Road, CLONTARF
341/2006 AMENDED PLANS - Erection of dwelling house	14 Boronia Lane, SEAFORTH
42/2007 Construction of front fence and roller door at rear boundary	16 Smith Street, MANLY
16/02/2007 47/2007 Alterations & Additions to Dwelling	11 Old Sydney Road, SEAFORTH
19/02/2007 348/2005 Section 96 Modification	28 Cliff Street, MANLY
308/2006 AMENDED PLANS - Alterations & Additions to an existing Duplex Building	39 Pine Street, MANLY
48/2007 Alterations & Additions to a semi-detached Dwelling including new room in the roof	27 Pine Street, MANLY
20/02/2007 409/2006 Section 96 to modify approved Demolition of existing garage and Reconstruction of double garage, balcony and stairs to existing dwelling	16 Russell Street, CLONTARF
49/2007 Unit 4 - Alterations & Additions including two(2) new front windows	96 Lauderdale Avenue, FAIRLIGHT
21/02/2007 50/2007 Pergola/Awning	57 Peronne Avenue, CLONTARF
22/02/2007 56/2006 Section 96 to modify approved demolition & construction of residential flat building with basement carparking and strata subdivision	22 Bonner Avenue, MANLY
51/2007 Strata Subdivision	4 Craig Avenue, MANLY
52/2007 Alterations & Additions to Dwelling	38 Birkley Road, MANLY

Environmental Services Division Report No. 11 (Cont'd)

23/02/2007	48 Curban Street, BALGOWLAH HEIGHTS
184/2005 Section 96 to modify approved Alterations and Additions to a dwelling including 1st floor addition, carport and landscaping	
126/2006 Section 96 Modification to delete condition ANS06 enabling removal of a tree	61 Peacock Street, SEAFORTH
418/2006 AMENDED PLANS - Alterations & Additions to an existing Dwelling	43 Gordon Street, CLONTARF
43/2007 Dwelling	21 Castle Circuit, SEAFORTH
53/2007 Fencing	14 Hill Street, FAIRLIGHT
26/02/2007 231/2006 AMENDED PLANS - Alteration to the Ivanhoe Hotel and Part of 29-35 The Corso for Extension of Hotel Use	31 The Corso, MANLY
44/2007 Carspace	25 Daintrey Street, FAIRLIGHT
45/2007 Dwelling	76A Curban Street, BALGOWLAH HEIGHTS
46/2007 Alterations & Additions to Dwelling	8 Valley Road, BALGOWLAH
54/2007 Construction of two (2) new pergolas (vergola)	9 Vista Avenue, BALGOWLAH HEIGHTS
27/02/2007 55/2007 Dwelling and Land Subdivision	2 Bundoon Lane, MANLY

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM050307ESD_2.doc

***** End of Environmental Services Division Report No. 11 *****

TO: Land Use Management Committee - 5 March 2007
REPORT: Environmental Services Division Report No. 12
SUBJECT: Appeals List for March 2007
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
DA97/04	10592/05	2	Clontarf St, Seaforth	15/03/05	Abbott Tout	Judgement reserved 14/08/06
DA231/06	10765/06	27-35	The Corso, Manly	30/08/06	Abbott Tout	Hearing adjourned 06/02/07
DA538/04	10859/06	51	Wood Street, Manly	15/09/06	Pike Pike & Fenwick	Callover 21/03/07
DA458/04 and building certificate	10895/06 and 10896/06	36	Gurney Crescent, Seaforth	28/09/06	Pike Pike & Fenwick	Judgement reserved 15/02/07
DA69/06	10656/06	16	Castle Circuit, Seaforth	10/10/06	Pike Pike & Fenwick	Hearing adjourned 07/02/07
DA280/06	11008/06	11-13	The Crescent, Manly	25/10/06	Pike Pike & Fenwick	Hearing 21/03/07
DA314/06	11073/06	110-114	Bower Street, Manly	10/11/06	Pike Pike & Fenwick	Callover 16/03/07
DA389/05	11102/06	9	Smith Street, Manly	28/11/06	Abbott Tout	Callover 07/04/07
DA513/05	11212/06	59	Collingwood Street, Manly	17/12/06	Pike Pike & Fenwick	Callover 27/04/07

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM050307ESD_3.doc

***** End of Environmental Services Division Report No. 12 *****

TO: Land Use Management Committee - 5 March 2007
REPORT: Environmental Services Division Report No. 13
SUBJECT: Response from the General Manager to the Report on 'A Review of the DA Process'
FILE NO:

Introduction

Council at its meeting of 15 August 2005 resolved on the motion of Mayoral Minute the follows:

“That Council engage an independent consultant to work with a “Councillor Working Group” to review the process with a view to increasing transparency, making the process more customer-focussed and to the extent possible, easing the workload and the pressures on existing staff. This Group will call for submissions from residents, applicants, Precinct Committees, architects and any interested parties and hold hearings if need be. It will also hold ongoing discussions with Council staff as a major stakeholder and examine the processing undertaken by other Councils. It will make recommendations to the General Manager.”

The Councillor Working Group recommended that I on behalf of Council should engage Tania Sourdin of La Trobe University and Nina Harding Mediation Services to undertake the proposed Review. I agreed with their recommendation and the consultant partnership was engaged accordingly.

The Review Brief that was consistent with the resolution of the Council was issued to the Consultants as a guide for them to develop their methodology for the Review. The study methodology used in the Review is fully described in the Final Report. A copy of the Back-Brief is attached as Attachment 1.

Foreword

I would like to thank the Councillor Working Group for undertaking and delivering the Review Report. I would also like to thank staff for providing pertinent information to assist the consultants in their conduct of the Review.

I have noted the Review Report and even though I have residual reservations regarding aspects of the Report, I genuinely appreciate the intent of the recommendations.

My general response to and observations about the Review Report together with the detailed response to the recommendations contained in this report have been the subject of extensive discussions held with staff involved on a day-to-day basis in the DA process. I would like Council to note that staff are keen to move forward on the issue, and have provided guidance to me on many of the recommendations contained in the Review Report. To my staff I express my thanks.

I would like to also acknowledge that any system of work, be it simple or complex, should be reviewed periodically, and sometimes for no other reasons other than to ensure that such a system remains capable of meeting the requirements of their users particularly in changing circumstances. The Manly DA process system which was under the subject a review process should therefore be of no exception.

Environmental Services Division Report No. 13 (Cont'd)**General Response to the Report**

I must acknowledge that the information provided in and or capture by the Review Report have made the Report an extremely useful reference document not only because it provides a snapshot and an aggregation of knowledge base on the Manly DA process, the contemporaneous commentary on the attitudes of certain users (and class of users) of the system is an important reference and benchmark point for future studies. The response contained in this section of my report is therefore set in this context and critiques provided in this section form some of the basis used in the substantive response to the recommendations made in the Review Report.

In my considered assessment, while it was the intent of the Review Brief to capture a broad spectrum of representative views, the Review appeared to have captured only a limited but nevertheless motivated audience. The effect of this was the unavoidable skewing of the sample used in the Review when compared to the population within which the sample was drawn. Therefore, conclusions formed from such a sample are statistically problematic. This aspect of the Review methodology was acknowledged in consultants' Report.

It is also my assessment that the consequential examination of a narrow and statistically doubtful (non representative) "basket" of DA files (possibly constrained by the Consultant's Brief), could not have bridged the information gap the consultants would have needed to bring balance to the Report. As such, and with respect, it is more likely than not that such research oriented factors as illustrated above would have had a degree of influence on the setting for and therefore the tone of the final Report.

In regard to some of the processes featured in the Report and purportedly used by some of the councils cited in the comparative study and held out by the Report as better practises than Manly's system, I would like to suggest that it is sometimes inappropriate to fractionalise or single out any parts of an integrated system and holding them out to be examples of superior processes without firstly understanding/placing their roles within the context of the whole system that they exist in. In my view, I consider the Manly System is neither more nor less superior than the comparative systems used by other councils, this despite some of our constituent processes, on their face, may appear to be more or less superior. It is also my view, that many of the *so-called* "better practises" cited in the Report and later appeared in its recommendations are no more or less than attempts by the Report to draw attention to the differences in approach between the Manly system and ones used by councils in the comparative analysis rather than *per se* better practises. However, I do acknowledge that where service delivery is paramount, any systems that purport to deliver service must be adaptive enough to engender greater user satisfaction and actual fairness - even for those who appeared to have persistently push at the boundaries of Council's planning instruments. On this point, I note that many of the submissions received appear to have come from consultants to applicants and developers. (Whether or not the DA process is defined as a service is arguable - given that its aims are to dispense regulation in the interest of the environment).

In my discussions with staff about the Review Report and recommendations, they advised me that the Report has failed them by ignoring or not take into account their expressed views made both in formal submissions and orally and that they feel the exercise of "consulting" was just a form of verbal-therapy. The staff had expected the process to include genuine consultation not window-dressed to look like consultation. On this point, many of the staff felt that the *so-called* consultation they participated in was just a form of information gathering, not consultation. Further, it is their view and mine that aspects of the Report contained factual errors which have remained uncorrected even after these were brought to the attention of the Consultants. Finally, they would like to let known that the failure of and lack of interest from the consultants to spend time in the Division to observe their day-to-day involvement in the DA process was an unfortunate flaw in the research methodology.

Environmental Services Division Report No. 13 (Cont'd)**Relevant Comments**

The DA process is often very self centric and by nature can also be value maximising. These inevitably can lead to confrontation and cause discord in the neighbourhoods.

On the other hand, the objective of the development assessment process was always one of aiming to achieving the right balance between development and the environment, and also to achieve the correct if not the best possible environmental outcomes in the face of impact from development. And while some of the merit based considerations can sometimes be negotiated away or a compromised found for, most are matters that cannot be negotiated nor mediated away, for to do so would be against the public interest and/or against the interest of the environment. In the context of environmental outcomes, the concept of mediation between objectors and applicants can be flawed if in that process the best interest of the environment is compromised. Council as a Consent Authority has a duty to act lawfully and to follow due process by giving proper consideration to all the matters under the heads of planning consideration in the assessment of development applications that come before it. To this extent, the DA process is a process that must first and foremost protect the interests of the natural and built environments. However, against this is a process that often seeks to maximise developer and or objector value, therefore any compromises reached in this context can lead to lasting planning consequences. Set against this backdrop is the notion of service delivery. And while it is laudable for councils to strive to achieve greater satisfaction for users of the DA process, everyone would agree that this objective needs to be balanced against the greater objective of protecting the built and natural environments. And realistically (and not to take away anything from the process of mediation), some planning issues are not for negotiation. They could only be dealt with by expert input, fearless advice and considered assessment and determination. As a regulator, council is charged with the *undeleagable* responsibility to speak up for flora and fauna, the elements and future generations, all of which are voiceless *but for* what the legislature intends. In this regard, we have the added responsibility to act cautiously. Therefore, the decisions and recommendations we may make on a DA may sometimes be of a mutually exclusive nature.

In regard to transparency, I would accept that all processes we engage in, unless statutorily barred, ought to be transparent and accountable. My response to the recommendations of the Review Report will largely focus on these principles.

In regard to staffing, we don't just say that staff are our most important resources, we put in place systems that proactively work to continually achieve a work environment and a system of work that is safe, non threatening, and nurturing. The results of our HR and IR strategies of the past few years speak for themselves particularly in terms staffing stability and other measurable factors. This is a particularly important responsibility that I take very seriously as the statutory employer of staff and I will continue to safeguard my staff against external conflicts created by players involved in a DA, and against any individual who feel s they have a right to place undue influence on and or pressure upon the day-to-day work environment of my staff. And I will double this efforts where staff are vulnerable by virtual of the roles they perform with council. And planning staff are chief among them.

Response to the Recommendations of the Review Report

In terms of the recommendations of the report, a detailed response matrix which I have prepared in consultation with staff is provided as Attachment 2.

My intention in respect of implementation of certain recommendations of the Review Report or derivatives thereof is set out in the two right hand column of the matrix.

Environmental Services Division Report No. 13 (Cont'd)

Given the charter of the Councillor working Group was to make recommendations to the General Manager on the DA Process, I therefore recommend that Council receive and note this report and note my intended action in respect of the recommendations contained in the Review Report.

Conclusion

Notwithstanding the substance contained in the Review Report, I acknowledge that any review of this nature is complex. Out of this complexity however are particular suggestions that are commonsensical. And these will be implemented. And the timetable set out in Attachment 2 outlines my intentions.

Last word: At Manly, we share the passion for protecting our environment. This **Cardinal** principle is not disputed.

RECOMMENDATION

The Report be received and noted.

ATTACHMENTS

AT- 1 Description of Consultancy Services 7 Pages

AT- 2 Recommendation Response Matrix 6 Pages

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***** End of Environmental Services Division Report No. 13 *****

ATTACHMENT 1

Environmental Services Division Report No. 13 - Response from the General Manager to the Report on 'A Review of the DA Process' Description of Consultancy Services

SCHEDULE 2

Description of Consultancy Services

The Review

The University will review the Development Application (DA) process with a view to increasing transparency, making the process more customer-focused and to the extent possible, easing the workload and the pressures on existing staff. The process is being undertaken to improve and report upon quality assurance in the DA area.

The Review will involve:

- A review of the current DA processes through documentation and interviews with Manly Council staff
- Submissions from residents, applicants, Precinct Committees, architects and any interested parties
- Public hearings with interested parties
- Identifying best-practice elements of the DA process
- Regular informal progress reports to be presented to the Councillor Working Party
- A review workshop with Councillors, the General Manager and senior planning staff
- Submission of a Final Review Report to Manly Council.

The Review will be carried out in accordance with the objectives of the project (as set out in the Notice to Tenderers and the Tender Document) and in consultation with the Project Manager and Manly Council staff.

Throughout the process, the University will seek to ensure that the research analysis and reporting is relevant and appropriate to the local government environment. The design of the project will incorporate the following elements.

Review of existing processes

The University will consider the existing processes from two primary perspectives:

a) Existing complainants – A file review and data analysis will provide demographic and other information about the current use of existing processes as well as information about how the system is accessed. Reports relating to this data will seek to link demographic data to levels of satisfaction, and data relating to access and perceptions regarding the levels of assistance. In addition, potential barriers such as language, ethnicity and literacy will be explored.

Environmental Services Division Report No. 13 - Response from the General Manager to the Report on 'A Review of the DA Process'
Description of Consultancy Services

b) Stakeholder groups – Stakeholder groups and interested parties may include consumer and public-interest organisations, residents, neighbours, town planners, architects, construction firms, developers and others. It is proposed that focus groups and public hearings be convened to enable in-depth questioning and analysis to take place.

Independence and impartiality

The file-based analysis, and data collected from hearings and focus groups will be used to explore and report on independence and impartiality. This data will be cross-linked wherever possible to data relating to outcomes, demographic and other data.

Accountability

The research team will consult with members of the Manly Council to explore issues relating to accountability. In addition, the University will consider existing reports and other material. In terms of data obtained the University will also review reporting processes from a system design perspective.

Reporting

The adequacy of statistical and other reporting will be considered in the context of current resourcing and future trends in statistical reporting, an area where the University's Representative and Nina Harding have acknowledged expertise.

Fairness

Issues relating to fairness will be closely explored in focus groups. Key issues about perceptions in respect of procedural fairness, understanding, opportunities for resolution, outcomes, length of process, degree of formality and other indicators will be cross-linked to demographic and outcome data wherever possible. Overall outcome data will also be explored in focus groups and public hearings with stakeholders.

Quality of advice

These issues will be explored from two perspectives – in respect of key stakeholders (through the data analysis and focus-group approach) – and from the complainant's perspective (through the use of data analysis, public hearings and submissions). To this end, the research design will also incorporate features designed to explore whether advice rendered is neutral, informal, appropriate and useful.

Scope

University's Representative and Nina Harding understand the broad framework and nature of dispute resolution systems and issues that relate to the sector. University's Representative and Nina Harding are experienced in examining dispute resolution systems from a range of perspectives and making recommendations for change.

Usefulness of the Report

It is recognised that a primary objective of the Final Review Report is to enable systemic issues to be addressed after a genuine consultation process has occurred. It is recognised that many within Manly Council will already have practical experience in the system and may be aware of approaches that may be useful in looking at future improvements. For this reason the University

ATTACHMENT 1

Environmental Services Division Report No. 13 - Response from the General Manager to the Report on 'A Review of the DA Process' Description of Consultancy Services

will liaise closely with those within the Manly Council to determine how implementation can take place. The University's Representative and Nina Harding have recognised expertise in industry training, consumer education, policy development and law reform, and are able to use this experience to ensure that perspectives are framed in a useful and appropriate manner.

The actual review process that is outlined above will be developed in close consultation with the Project Manager, Manly Council, and will ensure that qualitative and quantitative data is analysed in the context of DA 'best practice' while considering the unique elements of the Manly municipality, and the characteristics, structures and processes of Manly Council staff.

Essentially, the University will develop a review process to address the specific needs of Manly Council and its constituents.

Copyright

The University will make available to Manly Council research materials and documentation developed within the framework of this project, and will agree that this material can be used by the Manly Council on the understanding that it will be used with acknowledgment. However, it would be desirable for the University, as academic researchers, to have the ability to use de-identified project data for their own teaching and research purposes.

Council Comparisons

The process will also include a review of the methodologies of two comparable Councils. As agreed, an additional cost of \$4,400 plus GST will be incurred to conduct this study.

Outcomes

At the completion of the process, Manly Council will have a comprehensive and independent Review Report that addresses the areas raised in the tender documentation.

Timeline

Module A – Research existing processes and system

31/5/06 – 30/7/06

The University will research existing dispute resolution mechanisms relevant to the work of Manly Council (both informal and formal). Information gained in this module will give the University a firm basis for the review process. An initial scoping meeting would be held with Manly Council's Councillor Working Group to discuss the project and to make decisions in respect of a liaison calendar and on the review process timing. The University would seek guidance from Manly Council on the best way to make approaches to other Councils. A clear and full indication of the expectations of the Review would be obtained.

ATTACHMENT 1

Environmental Services Division Report No. 13 - Response from the General Manager to the Report on 'A Review of the DA Process' Description of Consultancy Services

Module B – Consult

30/6/06 – 10/8/06

In this module the University will liaise with staff and persons associated with Manly Council with the aim of gathering the views and suggestions of people who are engaged in the system. During this time, the University will work with Manly Council to utilise Manly Council's web site to publicise the Review and seek comments from interested parties. This process will include close liaison with the Councillors Working Group as well as management. Sample Council files will be considered and a review capture period determined (the University recommend that a six-month capture of closed files be considered). Draft file survey coding forms and data capture methods will be discussed and examined. The consultation process will involve the use of telephone discussions as well as informal face-to-face consultations.

Internet material setting out information relating to the Review will also be prepared. Web information will include submission dates, public hearing dates and process information dates. The information established in Module A will inform the information preparation and dissemination process.

Module C – Design and conduct data collection and analysis process. Conduct hearings and focus group processes

30/6/06 – 20/9/06

Design data collection instruments, focus group forms and hearing issue areas.

26/7/06 – 3/8/06

Conduct data collection, analysis and reporting process

26/7/06 – 25/8/06

- 30/6/06–30/7/06: File survey and data collection processes and methodology designed utilising existing data storage as well as review of hard-based data files held by Manly Council.
- 30/7/06–10/8/06: Conduct initial focus groups involving Manly Council staff and stakeholders.
- 10/ 8/06–25/8/06: Conduct public hearings.

Detailed information about the schemes will be collected about:

ATTACHMENT 1

Environmental Services Division Report No. 13 - Response from the General Manager to the Report on 'A Review of the DA Process'

Description of Consultancy Services

- the demographics of those contacting Manly Council regarding DA processes
- the types of complaints brought to Manly Council
- outcomes of their contact with the scheme
- times taken to determine outcomes
- costs to clients, council, stakeholders and others
- the means and procedures used to resolve disputes, including ADR use.

This information will largely be accessed from the database of Manly Council and from written file records. A data collection-coding sheet will be used to extract this information in respect of a selected sample group.

Given the large number of applications and the short time frame for the Review, the limited budget and the geographic spread of applicants involved, the University suggests that:

1. a sample of 200–300 files ‘completed’ in a specified period prior to the commencement of the Review be identified so that data can be obtained from Manly Councils records, and
2. a sample group (being the 200– 300 matters that are referred to above), that is, drawn from this database to be used for the receipt of a mailed information sheet about the Review process and options for submission of hearing attendance.

The information will be cross-matched and demographic information will be extracted.

Quantitative results that are produced in the file survey will be entered into an SPSS database and analysed using both standard parametric and non-parametric statistics. Qualitative data will be processed using content analysis based on key words and phrases agreed by University after scrutiny of the responses, submissions and oral information received.

Two public hearings will be conducted by Tania Sourdin and Nina Harding (with scribes in attendance). Both Tania and Nina have a wealth of experience in facilitating large groups, eliciting information and encouraging responses. The public hearings will focus on:

- The ease of use of the mechanisms, for example, publicity, formality, quality of information provided, assistance provided by staff or other persons

ATTACHMENT 1

Environmental Services Division Report No. 13 - Response from the General Manager to the Report on 'A Review of the DA Process' Description of Consultancy Services

- Satisfaction with the process and outcomes
- Cost and time issues
- Collection of demographic information (where possible).

Some time has been allotted for data cleaning, and data analysis. Submissions in relation to the Review will need to be submitted by 1 September 2006.

Module D – Consult on early outcomes with Background Briefing

20/9/06

A Background Paper that draws upon the material noted in Modules A, B, and C will be discussed during a briefing meeting with key Manly Council employees and the Manager. In this module, those within Manly Council will again be consulted, specifically in relation to the research, hearing and submission findings in Module C. These individuals may provide the University with further practical ideas on issues that may be relevant to the Review.

Module E – Consult on Background Briefing, establish key focus groups and formulate final Review Report

20/9/06 – 8/10/06

Following discussion and input regarding the Background Paper the University will organise a number of additional meetings with Manly Council staff to finalise the final Review Report. Updates based on the Background Paper will be posted on the Manly Council's web information site. Email notification will be provided to all involved in the consultation process. In addition, the University will commence a series of targeted consultations amongst stakeholders.

Early responses to the Background Paper will be considered and the writing up of cost-benefit analysis material, as well as material relating to awareness and publicity, will take place (for integration into the Final Review Report).

Module F – Final Evaluation, Consultations and Report

8/10/06 – 10/11/06

This module will involve the University preparing and compiling additional relevant evaluation material and then reviewing the system in accordance with the tender framework. This stage will involve close liaison with Manly Council staff. The final stage of this module

ATTACHMENT 1

**Environmental Services Division Report No. 13 - Response from the General Manager to the
Report on 'A Review of the DA Process'
Description of Consultancy Services**

will include the final Review Report and closing consultation periods.

ATTACHMENT 2

Environmental Services Division Report No. 13 - Response from the General Manager to the Report on 'A Review of the DA Process' Recommendation Response Matrix

Attachment 2 – Recommendation Response Matrix - DA REVIEW REPORT

A	Outcome a& Quality Recommendations	Staff Comments	GM Comments	Intended Action	When
1	That action be taken to simplify the Development Control Plans to remove ambiguity and clarify the planning approval policies.	Noted. Look forward to the Draft going to council	Noted – under review by Council	No action proposed	No Action (NA)
2	That all DAs that are approved more than 10% outside the Development Control Plans be the subject of a brief explanatory report that is made available on the Mantly web site.	Already explained in staff reports	Noted – when council relaxes the controls, an explanation is not always possible	Require Council to provide reasons for decisions	By May LUM
3	That Council consider using an amended Independent Hearing and Assessment Panel process so that elected officials are supported in their decision making by independent experts.	Noted	Noted – Council already has an IHAP process in place	No action proposed	NA
4	That Council use mediation processes to deal with matters where a decision has been reached or in complex matters where disputes arise in respect of conditions attached to the granting of the DA.	Give applicant a 2 day window to respond to conditions following a DAU meeting	Post determination mediation is not legally possible.	Continue with pre-determination facilitations and staff recommendation on the 2 day window	April 07
5	That the DA lodgment process be altered so that a planning officer comments upon and discusses the application in a meeting when the application is lodged and so that more detailed checklists are used at lodgment.	This is a pre lodgment matter	Noted – matters raised are of a pre-lodgment nature.	Checklists are being simplified to assist DA lodgments	May 07

ATTACHMENT 2

**Environmental Services Division Report No. 13 - Response from the General Manager to the Report on 'A Review of the DA Process'
Recommendation Response Matrix**

Staff Comments	Comment	Action	When
6	that all DAs be reviewed and actions specified by a senior team before allocation to a planning officer takes place.	The Manager of development Control already performs this role	NA
7	1. That all planning officers be required to present a preliminary view to a senior committee two weeks after lodgment. 2. that planning staff be available for set times each week to discuss an application with applicants.	Pt1 - Noted Pt2 - A system of structured meeting with applicants and objectors will be established	May 07
8	That the same senior planning officer who advises applicants in pre lodgment meetings should assess the final DA wherever possible.	Will facilitate where possible Pt1 - no action required Pt2 - will commence following the establishment of rules of engagement Will facilitate where possible	May 07

ATTACHMENT 2

Environmental Services Division Report No. 13 - Response from the General Manager to the Report on 'A Review of the DA Process' Recommendation Response Matrix

Staff Comments	Comment	Action	When
B Process Recommendations 1 That Council implements a communication policy with clear timelines that requires the assessment staff who assess each DA to be available for meetings and telephone calls for a reasonable period and for specific hours each week. 2 That Council assess how the web site can be used more effectively and enable greater transparency to operate in terms of decision making and tracking. 3 That Council implement strategies designed to increase transparency and access to information about meetings and outcomes. 4 That Council advertise a list of all DAs received on a regular basis in the 'Manly Daily' and reconsider its notification policy in view of the special topography issues present in Manly.	Applicant/objector initiated calls are not appropriate, but will trial structure meetings by appointment with applicants where necessary Website has been a useful tool – web publishing of objection is supported ???	Nil New release of eServices will resolve some or all of the issues Noted	April 07 No date set Technology dependent – say June 2007
	Will pilot structured meetings the establishment of rules of engagement Seek further legal advice re web publishing of objection letters Greater level of primary information will be provided on the web, and where appropriate, intra group communications pertinent to a DA will also be web published Commence advertising week lists	Noted	Feb 07
	Supported	Noted	Noted
	Supported	Noted	Noted

ATTACHMENT 2

Environmental Services Division Report No. 13 - Response from the General Manager to the Report on 'A Review of the DA Process' Recommendation Response Matrix

Staff Comments	Comment	Action	When
<p>5 That Council publish submissions or extracts of submissions in respect of DAs on its web site so that they can be viewed by applicants and any other interested party.</p>	<p>Supported</p>	<p>Legal issues</p>	<p>Part 2 – July 07</p>
<p>6 That Council examine how to respond to submissions made in respect of developments in a more effective way and explore mechanisms that will enable it to engage with objectors.</p>	<p>Objectors and applicants are already encouraged to resolve merit oriented issues and all issues made in submissions are addressed in the assessment process and many lead to amendments to plans where necessary</p>	<p>Pilot the involvement of objectors in structured meetings</p>	<p>May 07</p>

ATTACHMENT 2

Environmental Services Division Report No. 13 - Response from the General Manager to the Report on 'A Review of the DA Process' Recommendation Response Matrix

Staff Comments	Comment	Action	When
7	That Council implement a compliant complaints handling system in respect of DAs.	Current procedure requires complaints be handled quickly by senior planners.	<p>1 - Compliant about due process already exists.</p> <p>2 - Complaints about decisions by elected are problematic.</p> <p>2 - Reasons for decisions ought to be minuted where a resolution is contrary to staff recommendation</p> <p>2 – May 07 LUM</p>
8	That a clearer process flowchart and indicative timeframes at each stage of the DA process should be posted on the web site.	Agreed	Work on this has already started May 07
9	That where timelines are exceeded, applicants should be contacted and given reasons why this has occurred and indicative revised timelines given.	Wherever possible by email	<p>Noted</p> <p>A more structure process for notification is by email or SMS is being evaluated</p> <p>July 07</p>
10	That Council consider using fee reductions to encourage attendance at pre DA meetings. That Council consider how to report the minutes of the pre DA meeting in a more comprehensive manner.	Fees are fixed by legislation and may not be changed	<p>Mandatory for applicants to hold pre lodgment with staff for certain class of DAs</p> <p>Amend the lodgment checklist to capture DA requiring pre-lodgments</p> <p>May 07</p>
11	That referral guidelines for precinct committees be altered to reduce the number of matters that are referred to precinct committees.	Noted	Apply strictly the rules in the Notification DCP Feb 07

ATTACHMENT 2

Environmental Services Division Report No. 13 - Response from the General Manager to the Report on 'A Review of the DA Process' Recommendation Response Matrix

Staff Comments	Comment	Action	When
<p>C Staffing Recommendations</p>			
<p>1 That all staff receive regular and targeted training, communication skills training and workload planning education sessions as well as report writing seminars.</p>	<p>With respect, consultants are out of touch with reality.</p>	<p>Agreed with. Access to training opportunity already exist for all staff</p>	<p>NA</p>
<p>2 That staff numbers be increased by at least 3 full-time planners and that consideration be given to hiring contractors when required.</p>	<p>Noted – workload is assisted by contract planners already</p>	<p>Noted</p>	<p>Will further consider when proposed staff accommodation is completed June 07</p>
<p>3 That clear timelines be put in place and staff be adequately supported to meet timelines and ensure that workload levels are appropriate.</p>	<p>Staff are well supported to meet deadlines and workload is adjusted accordingly</p>	<p>Noted</p>	<p>Nil NA</p>
<p>4 That a mentoring and appraisal scheme be developed for planning staff.</p>	<p>An organizational wide scheme is operating of which planners are a part And senior planners already mentor junior staff on an informal basis</p>	<p>Affirmative action is not necessary</p>	<p>Nil NA</p>
<p>5 That clear teams be defined and that staff receive appropriate incentives for meeting deadlines.</p>	<p>Teams are not appropriate in a small council. Previous experience showed teams did not work</p>	<p>Inappropriate for manly</p>	<p>nil NA</p>