



## Agenda

### Extraordinary Meeting of Land Use Management Committee

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

**Monday 11 December 2006**

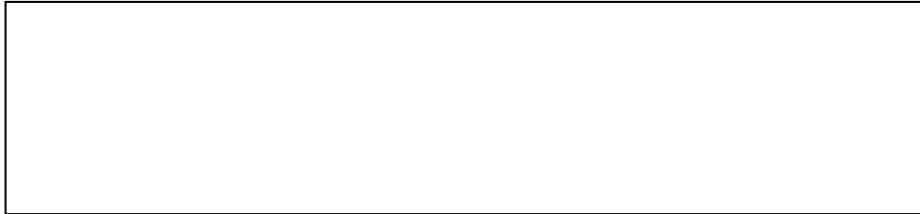
Commencing at 7:30 PM for the purpose of considering items included on the Agenda.

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

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

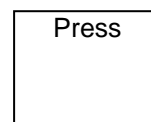
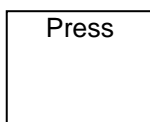
Clr Adele Heasman

Clr Dr Judy Lambert  
AM

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



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Public  
Addresses

**Public Gallery**

**Chairperson:** Clr Dr Judy Lambert  
**Deputy Chairperson:** Clr Jo Evans

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**APOLOGIES AND LEAVE OF ABSENCE**

**DECLARATIONS OF INTEREST**

**CONFIRMATION OF MINUTES**

The Land Use Management Committee of 6 NOVEMBER 2006

**SITE INSPECTIONS**

The following site inspections will take place Monday, 11 December, 2006.

45 Beatty Street, Balgowlah Heights	7:30am
12 Cecil Street, Fairlight	8:00am

**NOTICES OF RESCISSION**

**Notice of Rescission Report No. 4**  
 197 - 215 Condamine Street, Balgowlah  
 Totem Redevelopment..... 2

**ENVIRONMENTAL SERVICES DIVISION**

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**CLOSED COMMITTEE ITEMS**

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

**TO: Extraordinary Meeting of Land Use Management Committee - 11 December 2006**  
**REPORT: Notice of Rescission Report No. 4**  
**SUBJECT: 197 - 215 Condamine Street, Balgowlah Totem Redevelopment**  
**FILE NO: DA101/06**

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Mayor Peter Macdonald, Councillor Jo Evans, and Councillor Pat Daley will move:

“That the Council’s decision of 4 December, 2006 being Item 69 in respect of 197-215 Condamine Street, Balgowlah be and is hereby rescinded.”

If the above Notice of Rescission is carried it is proposed to move the following alternate motion:

That the original staff recommendation for this Report be recommitted for debate.

**ATTACHMENTS**

**AT- 1** Notice of Rescission - LUM Report 69 2 Pages

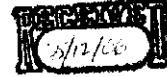
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\*\*\*\*\* End of Notice of Rescission Report No. 4 \*\*\*\*\*

ATTACHMENT 1

Notice of Rescission Report No. 4 - 197 - 215 Condamine Street, Balgowlah  
Totem Redevelopment  
Notice of Rescission - LUM Report 69

06/12 2006 16:09 FAX



10/06

Notice of Rescission

We hereby move that the following Council decision of December 4<sup>th</sup>, 2006 **Environmental Services Division Report No. 69 - 197-215 Condamine Street, Balgowlah Totem Redevelopment**, be and is hereby rescinded.

Signed:

Mayor Peter Macdonald \_\_\_\_\_

Cr Jo Evans \_\_\_\_\_

Cr Pat Daley \_\_\_\_\_

**Alternate Motion**

That the original staff recommendation for this Report be recommitted for debate.

ATTACHMENT 1

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Notice of Rescission Report No. 4 - 197 - 215 Condamine Street, Balgowlah  
Totem Redevelopment  
Notice of Rescission - LUM Report 69

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**Notice of Rescission**

We hereby move that the following Council decision of December 4<sup>th</sup>, 2006 **Environmental Services Division Report No. 69 - 197-215 Condamine Street, Balgowlah Totem Redevelopment**, be and is hereby rescinded.


Signed:

Mayor Peter Macdonald



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Cr Jo Evans



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Cr Pat Daley

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**Alternate Motion**

That the original staff recommendation for this Report be recommitted for debate.

**TO:** Extraordinary Meeting of Land Use Management Committee - 11 December 2006  
**REPORT:** Environmental Services Division Report No. 76  
**SUBJECT:** 45 Beatty Street, Balgowlah Heights  
**FILE NO:** DA243/06

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**Application Lodged:** 9.6.06  
**Applicant:** G Quick  
**Owner:** G and R Quick  
**Estimated Cost:** \$1,000,000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
Within the Foreshore protection Area  
**Surrounding Development:** Residential  
**Heritage:** N/A

**SUMMARY:**

1. THIS IS A PROPOSAL FOR ALTERATIONS AND ADDITIONS THE EXISTING DWELLING.
2. THE PROPOSAL WAS NOTIFIED AND THREE (3) SUBMISSIONS WERE RECEIVED.
3. THE APPLICANT MET WITH OBJECTORS AND AGREEMENTS WERE REACHED.
4. THE APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT MEETING BY COUNCILLOR LAMBERT.
5. A SITE INSPECTION IS RECOMMENDED.
6. APPROVAL IS RECOMMENDED.

**LOCALITY PLAN:**

Shaded area is subject land.



**REPORT**

**Site Analysis:**

The site is located on the west side of Beatty Street  
The site has an eastern orientation.  
The site is legally described as Lot 13, DP 11774.

The site slopes from the rear RL 37.63 to the front RL 24.56. The property is 15.41 m and 15.24 m wide with side boundaries being 41.94 m and 44.235 m. Total site area is 656.5m<sup>2</sup>. The site is developed with a two storey dwelling.

**Proposed development:**

Development approval is sought for the demolition and alterations and additions the existing dwelling to create a three storey dwelling with basement car park and landscaping.

## Environmental Services Division Report No. 76 (Cont'd)

**Mainly DCP for the Residential Zone 2001 Numerical Assessment:**

The following numerical is an assessment of the proposal's compliance with the numerical standards of the DCP> Where a variation is proposed to the standards, an assessment is included in the Planning Comments

Site area: 656.5m <sup>2</sup> Sub-zone 7 GFA: 448 m <sup>2</sup>	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Density	1 dwelling/ 1150 m <sup>2</sup>	1 dwelling/ 656.5 m <sup>2</sup>	no
Floor space ratio	0.4:1 max	0. 68:1	no
Wall height - North	8m	9.7 m	no
Wall height - South	8m	5.9 m	yes
Roof height	3.0m	2.7 m	yes
Setback side - North/	3.2 m	2.7 ,6.01.4 ,4.0 m	no
Setback side - South/West	1.97 m	1.54 ,3.0 , m	yes
Rear setback	8.0m	5 m	existing
Open space - Total	70%	66.5%	no
Open space - Total	460 m <sup>2</sup>	438.9 m <sup>2</sup>	no
Open space - Soft	50%	51%	yes
Open space - Soft	18 m <sup>2</sup>	87 m <sup>2</sup>	yes
Open Space - Above Ground	<25%	9.8%	yes
Endemic Trees	3	3	yes
Car Parking - Residents	2	4	yes
Shadow - adjoining east west orientation	> 2 hrs sunlight retained	> 2 hrs retained to front and rear living areas	yes
Excavation	3m depth max	10 m	no

**Applicant's Supporting Statement**

In support of the application the applicant has submitted a Statement of Environmental Effects. This is on file.

**NOTIFICATIONS:**

The application was notified from 21.06.06 to 5.07.06 and 3 submissions were received 2 objecting and 1 in favour from I McDonald 16 Tutus Street; J and D Darragh 14 Tutus Street; R Millen 14A Tutus Street

The following issues were raised:

- The heights of the roof of the property the lift well skylight and western wall are not shown on the plans only the height of the eaves. What will be the impact of the roof and extensions on my existing view?
- The tree planned for the southwest corner of the property could reach a height of 15 metres in the width of 10 metres, where it will severely impact on the views from my property, which will in turn affect the value of my property. The DCP, states that existing view should



**Environmental Services Division Report No. 76 (Cont'd)**

- be maintained as much as possible. The existing trees on the northwest corner already encroach on my view, the previous owner agreed to maintain the noxious trees to minimise view loss and if uncontrolled a large part of my present view of North Harbour would be blocked. These trees should be removed altogether.
- The impact of the rendered wall on the western side in the height and width. I would like to know the extent of this wall. It is not clearly shown on the plans that will affect the outlook from my house. It appears the western wall exceeds the height of the dwelling quite considerably and its mass would be inappropriate for the purpose of a boundary fence.
  - The entertainment area with terrace and the pergola on the north western upper ground level is very close to my property. This may create some noise problems as my bedroom is on the eastern side of my house.
  - The dotted line is showing possible extensions to number 47 these have not been notified.
  - The excavation to build the garage seems to be excessive. I am concerned about the impact this may have on surrounding properties, and the issues of subsidence on a steep block.
  - The overall size of the house has increased dramatically, a request Council require the developer to determine more accurately the size of the proposed building
  - If the lift motor is on the roof, how can we be sure that there is no undue noise. The DCP states that the lift well cannot protrude above the maximum height of the roof. It appears from the plans that it does.
  - The distance from the western boundary seems to have changed with the new development through the inclusion of an outdoor terrace and concerns potential noise levels and the adjacent homes bedrooms. If this is an entertainment area
  - A floor space ratio with 0.68:1 where the DCP has a maximum of 0.4:1 seems to be a gross overdevelopment and needs to be reviewed in light of impact on neighbouring properties.
  - There appears to be no mention of the colour and request that it is in keeping with good architectural design principles and have minimal visual impact

Following receipt of these objections the architects approached the neighbours and obtained letters from both objectors supporting the proposed design. The letter from 14 Tutus Street, asked that the applicant keep protrusions on the roof to a minimum. The letter from 16 Tutus Street, pointed to an agreement concerning the application provided modifications to the northwest parapet, were carried out. A sketch was submitted to Council in this regard, indicating a reduction in the extent of the parapet/roof area.

**Precinct Community Forum Comments:**

The application was referred to the Balgowlah Heights Community Forum for comment. No precinct comments were received from Audit Services at the time of preparing this report.

**Building comments**

This appears to be a new building. No objections to the proposed class 1(a) dwelling subject to the inclusion of conditions in the consent.

**New South Wales Rural Fire Service comments**

Council received a response to the submission to the New South Wales Rural Fire Service including a number of conditions that would be imposed on any approval.

**Engineers comments**

Objections subject to the imposition of the attached conditions.

**Environmental Services Division Report No. 76 (Cont'd)**

**Landscape comments**

The proposal retains all existing trees within the open space areas. The landscape plan is compliant with the development control plan in regard to endemic species to be utilised. Approval is recommended subject standard conditions of consent being imposed.

**PLANNING COMMENTS**

This application is an example of one that does not comply with many of the controls contained in the development control plan. However, upon a view of the site it is apparent that other developments in the immediate neighbourhood have been permitted that have a considerable bulk and presentation towards Beatty Street. That means that applying the current controls to the subject site would amount to discrimination against the subject site and would result in a development that is out of keeping with others that have previously been approved.

This application has a floor space ratio of 0.68 in an area where 0.4 is the appropriate figure. In support of this figure of the architect has pointed out that the site is more than 20% less than the required site area in this neighbourhood, and that in order to provide a dwelling compatible with the existing area a greater floor space ratio is appropriate. In this regard, it is noted that the dwelling of 448 square metres will approximate a 0.4:1 floor space ratio on a 1150 square metre block.

The applicant has submitted his plans on the basis that the site was previously the subject to extensive excavation in order to provide a car parking area towards the front of the dwelling with then staircases leading up to the upper levels of the site to a two-storey dwelling set towards the rear of the site. The applicant has therefore argued that the wall heights should be measured from, what will have been the original ground line and not the line of the current excavated carpark. This is contrary to the development control plan however, given the form of development to the south of the subject site this proposition is considered to be a reasonable argument. The proposed design indicates a car parking level for four vehicles plus a turnaround area contained in excavation underneath the proposed dwelling. This is contrary to the controls contained within the development control plan. However, given the contour of the land and the difficulty of parking in Beatty Street the applicant has requested that Council consider the provision of additional car parking spaces on-site. The excavation for the carpark comes to within 300 millimetres of the side boundary, and it is considered that the setback should be increased in order to avoid any potential damage to the adjacent building. It is noted that a geotechnical report has been submitted with the application and that the recommendations contained within this report should be followed in carrying out any excavation on-site. It is noted that notwithstanding, the proposal includes approximately 55 square metres of additional floor area due to the additional provision of four car parking spaces that the proposition is accepted that car parking in Beatty Street during the summer months is a problem and that Council should consider provision of additional car parking one site. The proposal includes additional excavation for an entry hall leading to a lift and staircase in deep excavation this lift then extends up to the main levels of the dwelling.

Above the carpark level on what is called the proposed activities floor is a large activities room with bar area and toilet a study and a fourth bedroom with en suite and walk in wardrobe. Off the bedroom study and activities room is a large terrace extending right to the northern boundary of the subject site. This is considered inappropriate, and a condition is suggested requiring the balcony to maintain a setback of 1.4 metres from the common boundary in order to allow some landscaping within this area to soften the design and provides some mutual privacy between the properties. In this regard reference is made to the landscaping plan which indicates a row of planting along this common boundary. A condition to this effect is included in the recommendation.

The proposed lower ground floor level contains the master bedroom with walk in robe en suite, and has a balcony across the eastern frontage. Bedroom two has an en suite and also a balcony

**Environmental Services Division Report No. 76 (Cont'd)**

towards the front. Bedroom number three has a walk in robe as well as an en suite and has a small balcony. On this level is also proposed a laundry and storage facility.

The proposed ground floor level has a major living and dining and family area oriented towards the view to the east and sun to the north. The proposal includes a balcony with dimensions of 5 metres by 9 metres across the width of the dwelling. This balcony extends out beyond the balconies below, and also has a roofed element over 2 1/2 metres of its width thus increasing the apparent bulk of this portion of the building. This line extends further forward than the adjacent dwelling that 14A Tutus Street, and as such it is considered that it would be more appropriate to restrict the overall depth of this balcony to three metres in place of the five metres proposed. This change would introduce a degree of stepping into the building, rather than extending out forward than levels beneath, a condition to this effect is included in the recommendation.

Manly LEP 1988:

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

The proposed alterations and additions are permissible with consent in the zone. The proposal subject to conditions to overcome the criticisms raised above is considered satisfactory in response to the relevant objectives of the zone and the constraints of the site, with no adverse amenity impacts to neighbouring properties.

Foreshore Scenic Protection Area

The site is also located within the Foreshore Scenic Protection Area. The proposal will increase the bulk and scale of the existing dwelling, and being located on the high side of the street it will be readily visible from the waterways of North Harbour. There is some screening of the view of the development from the north by the trees on Wellings Reserve. There is little significant planting to screen the development from the East however it is considered that the form of building is consistent with the other dwellings in the street approved in recent years. This dwelling and its neighbour to the north are the only remaining small dwellings in this part of the street. Consequently the proposal is considered an acceptable form of development.

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.

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

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

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

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

(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 proposal is considered to retain acceptable levels of neighbour's amenity in terms of privacy, views, overshadowing and visual impact.

**Environmental Services Division Report No. 76 (Cont'd)**

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

The proposal has been reviewed by Council's Landscape Officer as being acceptable, with standard conditions.

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

The proposal maintains the residential use of the site.

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

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

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

The proposed alterations and additions are considered to complement the site, responding to its form, slope and surrounds.

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

N/A

**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. Subject to the controls detailed in the recommended conditions, the proposal is acceptable.

- (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 alterations and additions have been considered and, subject to the recommended conditions, will not result in any significant negative effects on the locality.

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

The site is within the Residential zone and is currently developed with a dwelling and as such the proposed alterations and additions is considered suitable development for the site.

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

The application was notified in accordance with Council's policy with 3 submissions received one in favour and two objections to the scheme. Following this, the applicants spoke to the neighbours and obtained letters of agreement subject to the height of the northwest parapet being reduced in order to avoid adverse impact. A condition to this effect is included in the recommendation

- (e) *the public interest.*

The proposal is considered to be in the public interest, subject to the recommended conditions

**Environmental Services Division Report No. 76 (Cont'd)**

**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 consistent form of development and approval is recommended.

**RECOMMENDATION**

That the Development Application 243/06 for a part demolition and alterations and additions to the existing dwelling with basement car park and landscaping at 45 Beatty Street Balgowlah Heights be approved, subject to the following conditions:

**ANSO1**

The upper parapet level is to be amended to comply with the agreements reached with the adjacent neighbour, and the sketch submitted to Council indicating the section of the north west parapet roof to be modified (shown hatched) to satisfy the neighbour at 16 Tutus Street, Balgowlah Heights. The plans are to be amended accordingly prior to submission of the construction certificate.

**ANSO2**

The north terrace on the proposed activities floor is to be reduced in its width to give a setback of 1.4 metres from the northern boundary of the subject site with this area provided with landscaping in accordance with the landscaped plans in order to provide mutual privacy between the developments. The plans are to be amended accordingly prior to submissions of the construction certificate plans.

**ANSO3**

The front terrace on the proposed ground floor plan is to be reduced in its depth to be a maximum of three metres deep and the roof over portion of this terrace reduced to a maximum overhang of one metre in order to reduce the apparent bulk of the development. In this regard the plans are to be amended accordingly prior to submission of the construction certificate.

**ANSO4**

The proposed landscape plans are to be amended so that planting in the rear yard is to be restricted to plants having a mature height no greater than the height of the roof structures proposed in the development application in order to preserve the views currently enjoyed by the adjacent neighbour's.

**ANSO5**

Excavation to the north being at least 900mm from the boundary and the plans are to be amended accordingly prior to the issue of the Construction Certificate

**ANSO6**

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

**ANSO7**

The glazing on the northern and eastern facades facing the hazard to the north and north-east shall be capable of withstanding up to 40kW square metres radiant heat load.

**Environmental Services Division Report No. 76 (Cont'd)**

**ANS08**

Remaining elevations are to be constructed to comply with AS3959 – 1999 level 3 'Construction of Buildings in bushfire prone areas'. Entire roof and adjoining areas are to be constructed to comply with AS3959 – 1999 level 3 'Construction of Buildings in bushfire prone areas'.

**ANS09**

There is to be no exposed timber on the proposed structure on the northern or eastern facades.

**ANS10**

Roofing shall be gutterless or have leafless guttering and valleys which are to be screened with non-corrosive mesh to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5.

**ANS11**

A final Geotechnical engineers report regarding the stability of the site is to be submitted to the Council/Principal Certifying authority prior to the issue of the Construction Certificate. The recommendations and requirements contained in this report are to be embodied in the construction of the development.

**ANS12**

The upper parapet level is to be amended to comply with the agreements reached with the adjacent neighbour, and the sketch submitted to Council indicating the section of the north west parapet roof to be modified (shown hatched) to satisfy the neighbour at 16 Tutus Street, Balgowlah Heights. The plans are to be amended accordingly prior to submission of the construction certificate.

**ANS13**

The north terrace on the proposed activities floor is to be reduced in its width to give a setback of 1.4 metres from the northern boundary of the subject site with this area provided with landscaping in accordance with the landscaped plans in order to provide mutual privacy between the developments. The plans are to be amended accordingly prior to submissions of the construction certificate plans.

**ANS14**

The front terrace on the proposed ground floor plan is to be reduced in its depth to be a maximum of three metres deep and the roof over portion of this terrace reduced to a maximum overhang of one metre in order to reduce the apparent bulk of the development. In this regard the plans are to be amended accordingly prior to submission of the construction certificate.

**ANS15**

The proposed landscape plans are to be amended so that planting in the rear yard is to be restricted to plants having a mature height no greater than the height of the roof structures proposed in the development application in order to preserve the views currently enjoyed by the adjacent neighbour's.

**DA1**

This approval relates to drawings/plans Nos. A3.01-03, 04A, 05, 06, 07A 08-11, 12A 13-15 and LA3 19 and 20 dated 30 May 2006 and received by Council on the 9 June 2006.

**DA009**

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

**Environmental Services Division Report No. 76 (Cont'd)**

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 centerline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$10,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

DA342

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

DA343

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

**Environmental Services Division Report No. 76 (Cont'd)**

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.

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.



**Environmental Services Division Report No. 76 (Cont'd)**

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.

DA344

A dilapidation report in regard to adjoining properties and Council land is to be submitted to Council with the Trust Fund **Deposit 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.

DA083

All work involving lead paint removal must not cause lead contamination of the air or ground.

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.

**Environmental Services Division Report No. 76 (Cont'd)**

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.

DA87

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

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](http://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 on on-site stormwater detention.

DA100

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

DA121

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

DA126

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

DA230

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

DA237

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

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

DA238

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

**Environmental Services Division Report No. 76 (Cont'd)**

DA239

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

DA240

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

DA247

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

DA346

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

DA348

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

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.

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.

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:

**Environmental Services Division Report No. 76 (Cont'd)**

Silt control fences  
Footing inspection - trench and steel  
Reinforced concrete slab X 4  
Framework inspection  
Drainage inspection  
Final inspection

The cost of these inspections by Council is \$2,070. (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.

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.

**Environmental Services Division Report No. 76 (Cont'd)**

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.

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 nonstructural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

DA320

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

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.

**Environmental Services Division Report No. 76 (Cont'd)**

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. 76 \*\*\*\*\*

**TO:** Extraordinary Meeting of Land Use Management Committee - 11 December 2006  
**REPORT:** Environmental Services Division Report No. 77  
**SUBJECT:** 12 Cecil Street, Fairlight 82A Review  
**FILE NO:** DA25/05

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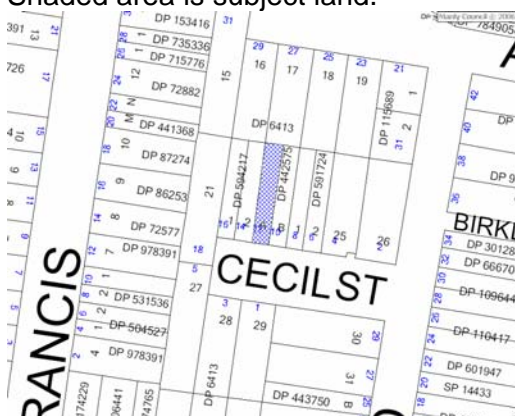
**Application Lodged:** 13 June 2006  
**Applicant:** Addbuild Master Builders Pty Ltd  
**Owner:** N Hill & N Mendez  
**Estimated Cost:** \$130,000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
**Surrounding Development:** Single storey detached and semi detached dwellings  
**Heritage:** Not Applicable

**SUMMARY:**

1. DEVELOPMENT APPLICATION 25/05 FOR ALTERATIONS AND FIRST FLOOR ADDITIONS TO THE EXISTING SEMI DETACHED DWELLING WAS LODGED WITH COUNCIL 16 DECEMBER 2004.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ON TWO JOINT SUBMISSIONS RECEIVED.
3. THE APPLICANT SUBMITTED REVISED PLANS ON 17 NOVEMBER 2005.
4. THE REVISED PLANS WERE NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE JOINT SUBMISSION WITH FOUR SIGNATORIES RECEIVED.
5. THE APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT ON 12 JANUARY 2006 WHERE IT WAS DEFERRED FOR FURTHER INFORMATION.
6. THE APPLICATION WAS AGAIN CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT ON 17 JANUARY 2006 WHERE THE APPLICATION WAS REFUSED.
7. COUNCIL RECEIVED AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ON 13 JUNE 2006.
8. THE APPLICATION FOR REVIEW WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH TWO JOINT SUBMISSIONS, EACH WITH TWO SIGNATORIES RECEIVED.
9. COUNCIL RECEIVED REVISED PLANS ON 19 OCTOBER 2006.
10. THE REVISED PLANS REPRESENT CHANGES IN RESPONSE TO THE MOST RECENT OBJECTIONS AND REDUCE AMENITY IMPACTS ON ADJOINING PROPERTIES.
11. A SITE INSPECTION IS RECOMMENDED.
12. APPROVAL OF THE APPLICATION IS RECOMMENDED.

**LOCALITY PLAN:**

Shaded area is subject land.



**Environmental Services Division Report No. 77 (Cont'd)**

**REPORT**

**INTRODUCTION:**

Site Description

The subject site is located on the northern side of Cecil Street which is a cu-del sac street and currently contains a single storey semi-detached dwelling. Number 10 is identical to Number 12, as they share the same roof span.

The subject site has a frontage of 6.155m and side boundaries of 30.480m, which results in a total site area of 215.2sqm. The semi is one of the three pairs of semis currently located on the northern side of Cecil Street.

Proposed development

The application seeks development consent for alterations and a first floor addition to an existing semi-detached dwelling.

The proposed works (amended plans as received on 17 November 2005) include:

- A first floor addition including the provision of a family room with an attached rear balcony, a bedroom, and a bathroom.
- Minor internal alterations to the existing ground floor to accommodate a new internal stairs to the proposed first floor addition.

History

Development application 25/05 for alterations and first floor additions to the existing semi detached dwelling was lodged with Council 16 December 2004. The application was notified to nearby and adjoining property owners with two joint submissions received (four signatories in total). On 13 May 2005, a letter was sent to the applicant regarding Council's concerns to the non compliances to the proposed Floor Space Ratio (FSR), building wall height, setbacks, as well as concerns raised in the submissions as to the impact of the proposed development on the existing streetscape and the amenity area both public and private lands.

On 30 May 2005, a letter in response to issues raised in Council's previous letter of 13 May 2005 was received from the applicant.

In response to applicant's correspondence of 30 May 2005, a letter was sent to the applicant on the 16 June 2005 clarifying issues raised in Council's previous letter of 13 May 2005 (including issues discussed at meeting with Council's Liaison Officer, the owner, the architect and the applicant on 10 October 2003).

On 1 July 2005, a letter was received from the applicant advising Council that this Development Application has been referred to Mr. Ross Fleming of Turnbull and Associates – Town Planners to undertake further consultation with Council.

Revised plans were received on the 17<sup>th</sup> November 2005. The revised plans were notified to nearby and adjoining property owners with one joint submission (four signatories in total) received. The application was considered by Councils Development Assessment Unit on 12 January 2006 where it was deferred for further information from Councils assessing officers. The application was again considered by Councils Development Assessment Unit on 17 January 2006 where it was refused.



**Environmental Services Division Report No. 77 (Cont'd)**

Council received an application for review of determination under section 82a of the Environmental Planning and Assessment Act 1979 on 13 June 2006. The application for review was notified to nearby and adjoining property owners with two joint submissions (four signatories) received. The issues raised in the submissions and those of Council staff were advised to the applicant. Council received revised plans on 19 October 2006. The revised plans represent changes to the proposal which are in direct response to the objections and issues raised by Council staff and represent reductions in amenity impacts that could be achieved through conditions of consent, accordingly further notification is not considered necessary. The latest revised plans are the subject of this report.

**Manly LEP 1988**

The site is located within Zone No.2 (Residential) of the Manly LEP 1988. The Residential Zone permits dwelling houses subject to Council consent. The proposed alterations and additions are ancillary to the existing dwelling and are therefore permissible subject to Council's consent.

**Manly DCP for the Residential Zone 2001 Numerical Assessment:**

The following numerical is an assessment of the proposal's compliance with the numerical standards of the DCP> 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 max	0. 72:1	No
Wall height - East	6.9m	7.3 m	No
Wall height - West	6.9m	7.3 m	No
Roof height	3.0m	1.7 m	Yes
Setback side - East	n/a	n/a	n/a - Semi
Setback side - West	2.4 m	1.12 – 1.82 m	No
Front setback	6.0m	8.5 m	Yes
Rear setback	8.0m	10 m	Yes
Open space - Total	55%	46%	No
Open space - Total	128.36 m <sup>2</sup>	99 m <sup>2</sup>	No - existing
Open space - Soft	35%	>35%	Yes
Endemic Trees	1	1	Yes
Car Parking - Residents	2	0	No - existing
Shadow - adjoining N/S orientation	> 4 hrs sunlight retained	existing retained to rear living areas	Yes
Shadows open space	Max 1/3 <sup>rd</sup> of existing	Less than 1/3 <sup>rd</sup>	Yes

**Applicant's Supporting Statement**

In support of the application the applicant has submitted a Statement of Environmental Effects. This is on file.

**Environmental Services Division Report No. 77 (Cont'd)**

**NOTIFICATIONS:**

The Section 82A Plans

The Section 82A plans were notified with on joint submission received containing four signatories namely David McEwen & Felicity Stevens, 16 Cecil Street and Stephen & Audrey Haley of 14 Cecil Street.

The following issues were raised:

- o Excessive FSR non compliance with DCP
- o Excessive height non compliance with DCP
- o Side setbacks non compliance with DCP
- o Streetscape – 12 Cecil street is a single storey semi detached dwelling in the middle of a row of six such dwellings. In Cecil Street there is only one two storey dwelling at the end of the street, partially obscured by foliage and at lower level than other dwellings. Front bay window not in keeping.
- o Privacy impacts to east side from upper rear balcony

The submission goes on to suggest design changes as follows;

- (i) Commence addition behind south facing roof section of existing dwelling.
- (ii) Delete south facing dormer.
- (iii) Reduce stud height – no reason why the addition could not be contained within the existing structures maximum height.
- (iv) Set back west side of addition 2.12m from side boundary.
- (v) Add privacy screen to east side upper balcony.

Note Following discussions between the applicant and Council staff, the plans were revised to conform with (i) and (ii) above. A condition of consent is included in the Recommendation to address item (v). Items (iii) and (iv) are not considered achievable, see Planning comments.

**Precinct Community Forum Comments**

The application was referred to the Precinct Community Forum for comment and no precinct comments were received from Audit Services (late or otherwise) at the time of preparing this report.

**Building Comments**

No objections subject to recommended conditions.

**PLANNING COMMENTS**

**Planning Comments**

The following matters have been addressed as a result of variations to the requirements of the DCP Residential Zone 2001, Amendment 1.

***Design and Streetscape***

The existing dwelling is a semi-detached single storey dwelling fronting Cecil Street which is a cul-de-sac street. Number 10 Cecil Street mirrors number 12, as the roof span is split down the middle. The owner of Number 10 Cecil Street is not proposing a first floor addition at this stage.

Due to the identical nature of Number 10 and 12, it would be advised however, that any first floor addition approved for one dwelling would set a precedent for any future first floor design of the adjoining dwelling.

**Environmental Services Division Report No. 77 (Cont'd)**

Section 2.5.3 - *Roof Types* of the DCP requires consideration of the following:

*Roof forms should respond to the predominant form in the locality, and in particular those of adjacent buildings. Upper floor additions should be well integrated into the roofscape avoiding overbearing scale relationships with their neighbours.*

The revised design deletes the south facing dormer window and repositions the first floor addition behind the south facing roof of the existing dwelling. Accordingly the impacts on the streetscape are considered acceptable.

***Floor Space Ratio (FSR):***

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

The subject site is an undersized allotment located within Density Sub-zone 3, with an applicable FSR of 0.6:1. The proposed first floor addition results in an increase in FSR to 0.72:1 and therefore does not comply with the DCP. It is considered that the design, bulk and scale of the first floor addition whilst out of character with the immediately adjoining dwellings has been designed to reduce amenity impacts and with increased side and front setbacks as now proposed is considered satisfactory in terms of the aims and objectives of the DCP.

***Western Side Setback***

A 2.4m western side boundary setback is required, based on 1/3 of the proposed 7.3m building height. The proposed first floor addition involves a western side boundary setback of 1.12-1.82m. The non-compliance is due to restriction of the site in particular the width being 6.155m and the design objective to provide a degree of articulation in the west elevation to improve the architectural merit of the proposal. The setback of 1.12m occurs for a relatively short length of the addition being 4.79m with the remainder 4.6m and 3.5m being setback 1.82m. having regard to the circumstances the variance is considered acceptable.

***Building Wall Height***

Under the DCP, the proposed development is required to have a maximum building height of 6.9m above the existing ground floor level based on slope of 1:15. The proposed addition will result in height of 7.3m on the east/west elevation and therefore does not comply with the maximum height requirement of the DCP. Variation to the maximum height requirement within the DCP is considered to be acceptable the floor to ceiling heights and roof springing heights minimal being 2.0m for the stairwell and bathroom and 2.4m for the family room and bedroom. Section 3.4 Objective b) of the DCP in relation to wall heights is *"to provide for building heights that are consistent with the locality"*. The height of the building will not be consistent with the height of dwellings immediately adjoining however a two storey building is permissible and the nearby area contains a variety of building character of one and two storeys. A two storey dwelling in this area is considered to be a reasonable expectation on the part of the property owner.

***Parking***

In accordance with the parking requirements of the DCP, a minimum of two (2) car parking spaces are required per dwelling. The proposal does not provide for any off street car parking.

The parking provision variation is considered acceptable in this instance, given that the subject site currently has no provision for off street car parking.

Environmental Services Division Report No. 77 (Cont'd)

***Privacy – Proposed Rear First Floor Balcony***

Concern was raised during assessment with regard to a possible loss of privacy to sites adjoining each side. The applicant has shown a privacy screen is to be provided to the western side of the rear balcony which will maintain acceptable levels of privacy to the side of the dwelling and rear yard of the western neighbour. A similar screen treatment could be provided to the eastern side to maintain privacy to the adjoining site to the east. This has been included in the draft conditions of consent contained in the Recommendation.

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.

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

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

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

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

(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 additions is considered acceptable subject to conditions included in the Recommendation with neighbour's amenity in terms of privacy, views, overshadowing and visual impact being maintained.

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

The proposal has been reviewed by Council's Landscape Officer as being satisfactory.

(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 proposal maintains the residential use of the site.

(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 additions are considered to complement the site, responding to its form, slope and surrounds.

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

Not applicable

**Environmental Services Division Report No. 77 (Cont'd)**

**Section 79(C) of the Environmental Planning and Assessment Act 1979**

**Matters for consideration – general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (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. Subject to the recommended conditions, the proposal is acceptable.

- (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 additions have been considered and, subject to the recommended conditions, will not result in any significant negative effects on the locality.

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

The site is within the Residential zone and is currently developed with a dwelling; and as such the proposed addition is considered un/suitable development.

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

The application was notified in accordance with Council's policy with a submission signed by four adjoining property owners. The concerns raised in the submission have been addressed previously in this report.

- (e) *the public interest.*

The proposal is considered to be in the public interest, subject to the recommended conditions

**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 satisfactory form of development and approval is recommended:

**RECOMMENDATION**

That the Development Application 25/05 for alterations and additions including a new first floor level to the existing semi detached dwelling at No.12 Cecil Street, Fairlight be approved, subject to standard conditions and the following special conditions:

**ANS01**

Provision of a 1.6m high privacy screen to the eastern side of the rear first floor level balcony, to maintain privacy of the adjoining property to the east, plans being suitably amended prior to the issue of the Construction Certificate

**Environmental Services Division Report No. 77 (Cont'd)**

**ANS02**

Prior to the issue of any Construction Certificate the Principal Certifying Authority is to be provided with Fire Rating details for the top of the party wall shown as Detail 1 on the submitted DA plans to comply with the Building Code of Australia.

**DA16**

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

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

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.

**DA17**

Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per Australian Standard AS 1742.3, "Part 3 - Traffic control devices for works on roads".

**DA18**

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.

**DA19**

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

**DA21**

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

**DA24**

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.

**DA26**

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

**DA31**

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use

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of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

**DA38**

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the 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.

**DA39**

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

**DA44**

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

**DA48**

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

**DA58**

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

**DA357**

Four (4) 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.

**DA84**

Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.

**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.

**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.

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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:-

Framework inspection X 2

Wet area moisture barrier

Final inspection

The cost of these inspections by Council is \$920 (being \$230.00 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.

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

DA271

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

DA284

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

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.

DA334

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

DA343

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

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.



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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.

DA319

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

DA320

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

DA323

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

**ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Environmental Services Division Report No. 77 \*\*\*\*\* .