



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:

Tuesday 4 October 2005

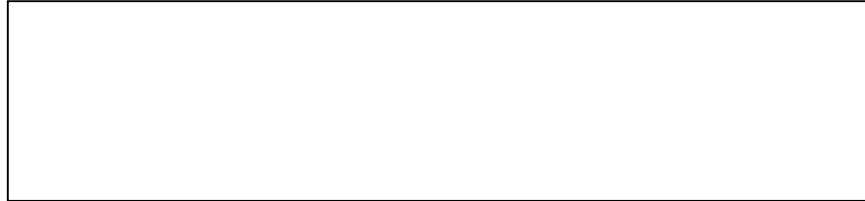
Commencing at 7:30 pm for the purpose of considering items included on the Agenda.

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*

Seating Arrangements for Meetings

Staff Staff General
 Manager Chairperson Staff Minute
 Taker



Mayor Dr Peter
Macdonald

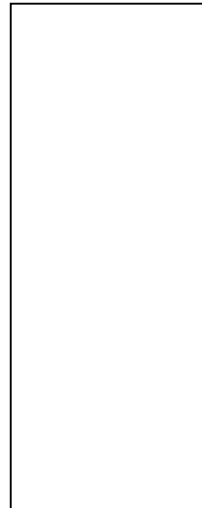
Clr Mark Norek

Clr Joanna Evans

Deputy Mayor
Clr Barbara Aird

Clr Brad
Pedersen

Clr Richard
Morrison



Clr Jean Hay AM

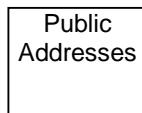
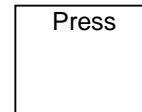
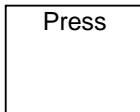
Clr Adele Heasman

Clr Dr Judy Lambert

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



Public Gallery

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

LAND USE MANAGEMENT COMMITTEE

APOLOGIES AND LEAVE OF ABSENCE

DECLARATIONS OF INTEREST

CONFIRMATION OF MINUTES

The Land Use Management Committee of 5 SEPTEMBER 2005

PUBLIC ADDRESSES

SITE INSPECTIONS

The following site inspections will take place on Tuesday , 4 October, 2005.

5 Lombard Street, Balgowlah 8:00 am
80 West Street, Balgowlah 8:20 am

ENVIRONMENTAL SERVICES DIVISION REPORTS

Environmental Services Division Report No. 53
5 Lombard Street, Balgowlah..... **2**

Environmental Services Division Report No. 54
80 West Street, Balgowlah..... **13**

Environmental Services Division Report No. 55
8-28 The Corso, Manly **23**

Environmental Services Division Report No. 56
Development Applications Being Processed During October 2005. **34**

Environmental Services Division Report No. 57
Appeals List for October 2005..... **36**

CLOSED COMMITTEE ITEMS

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

TO: Land Use Management Committee - 4 October 2005
REPORT: Environmental Services Division Report No. 53
SUBJECT: 5 Lombard Street, Balgowlah
FILE NO: DA301/05

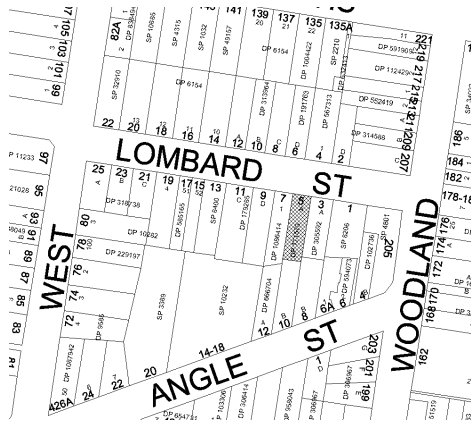
Application Lodged: 12 May, 2005
Applicant: Rawson Homes
Owner: Michael & Anne Pastega
Estimated Cost: \$356,000
Zoning: Manly Local Environmental Plan, 1988 - Residential.
Surrounding Development: One and two storey dwelling houses and two storey residential flat buildings.
Heritage: N/A

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR THE DEMOLITION OF THE EXISTING SINGLE STOREY DWELLING AND ERECTION OF A TWO STOREY DWELLING HOUSE.
2. THE APPLICATION WAS NOTIFIED TO ADJOINING AND NEARBY PROPERTY OWNERS WITH SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE BALGOWLAH PRECINCT COMMUNITY FORUM FOR COMMENT.
4. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
5. SITE INSPECTION IS RECOMMENDED.
6. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

LOCALITY PLAN

Shaded area is subject land.



REPORT

Introduction

The subject site is located on the southern side of Lombard Street three allotments to the west of the intersection of Lombard Street and Woodland Street. The allotment is rectangular in configuration with a north/south orientation. The topography of the site falls slightly from east to west. The land is currently developed with a single storey dwelling with metal roof.

Environmental Services Division Report No. 53 (Cont'd)

Consent is sought for the demolition of the existing dwelling and the erection of a new two storey dwelling house. The plans show the proposed dwelling is to be finished with painted rendered walls and a pitched metal roof. The proposal is summarised as follows:

Ground Floor

- ❖ A single car garage integrated into the main dwelling.
- ❖ Entry/foyer area, living/dining room, kitchen and family room, laundry, toilet.
- ❖ A deck with a vergola outside the kitchen and family room on the southern (rear) elevation.
- ❖ New driveway to replace existing driveway.

NOTE: The Landscaping Plan indicates a front fence on the site plan. There are no drawings on any of the architectural plans. The applicant has confirmed that there is no front fence proposed in this application.

First Floor

- ❖ Four bedrooms and a living area/ 'media room'.
- ❖ Two bathrooms
- ❖ Balcony off the media room and Bedroom 4 on the northern (street) elevation with powder coated steel railings.

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 4	1/300m ²	1/414m ²	Yes
Floor space ratio	0.5:1	0.5:1	Yes
Wall height East Side	6.5 metres	5.2-5.7metres	Yes
Wall height West side	6.5 metres	5.2-6.2metres	Yes
Roof height	3 metres	2 metres	Yes
Setback Front	6.0 metres or consistent with adjoining	5m(6.7.0m)	Yes
Setback Rear	8.0 metres	14.345 metres	Yes
Side Setbacks East	1900mm	1440mm	No
Side Setbacks West	2100mm	1430mm	No
Open space - total	55%	70%	Yes
Open space - soft	35%	70%	Yes
Number of Endemic Trees	2	2	Yes
Car Parking	2	2 (tandem)	Yes

Applicant's Supporting Statement

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

Submissions

The application was notified to adjoining and nearby property owners with one submission received raising the following concerns:

- Overdevelopment of site.

Environmental Services Division Report No. 53 (Cont'd)

- Excessive bulk and height
- Inadequate setbacks
- Loss of privacy
- Unsatisfactory overshadowing
- Unsympathetic to streetscape

Precinct Community Forum Comments

The applicant and one objector attended the meeting. Neither spoke as they were unable to understand how the Precinct Community Forum could affect the outcome of the application. No motions.

Building Comments

No objections to the proposal subject to appropriate conditions of consent.

Engineers Comments

No objections to the proposal subject to appropriate conditions of consent.

Landscape Architects Comments

No objections to proposal subject to appropriate conditions of consent.

Planning Comments

The site is located in a residential zone on the southern side of Lombard Street, approximately 50m west of its intersection with Woodland Street, Balgowlah. A single storey timber cottage with metal roof occupies the site. The site is regular in shape with a frontage of 11m to Lombard Street. The site has a depth of 38m.

Floor Space Ratio

The subject site is in Density Sub-zone 4. The proposed FSR is 0.54:1 and does not comply with the maximum FSR of 0.5:1 that is permitted in the Density Sub-zone 4. The floor area is 19m² over the permissible floor space.

For reasons outlined below in relation to the relative ground levels between the subject site and the adjoining property at No 7, and the non compliance with the side setbacks, it is considered that Bedroom 1 on the first floor must be reduced so that the south western portion containing the proposed walk in robe will be at least 2100mm from the western boundary to comply with the DCP setback controls.

The following comments are made in respect of the Development Control Plan for the Residential Zone (DCP) objectives regarding floorspace ratio (with the amendments suggested above):

a) to control the bulk of building

The bulk of the existing building is an acceptable one for the site.

b) to ensure that the scale of development does not obscure important landscape features

There are no important landscape features on the site.

c) to be consistent with the existing and future character of the residential area

The proposal subject to recommended conditions will be consistent with the future character of the area.

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

Environmental Services Division Report No. 53 (Cont'd)

There will be no significant impact on the views and sunlight to the adjoining developments. Some privacy concerns can be addressed (see below on assessment of height).

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

The proposal is in conformity with the numeric requirements of the DCP.

Height

The new dwelling complies with the roof height and wall height controls. The adjoining property at No 7 is located on the lower (west) side of the street. The ground floor level of the existing house on the subject site is 1300mm higher than the ground floor level of No7. The ground floor of new dwelling will be approximately 750mm lower than the existing. The proposal satisfies the following objectives of the height controls in the DCP.

- a) to control the height of buildings by specifying maximum wall and roof/ridge heights*
- b) to provide for building heights that are consistent with the locality*
- c) to minimise disruption to views, loss of privacy and loss of sunlight to existing residential development*
- d) to provide sunlight access to private open spaces within the development site and maintain adequate sunlight access to private open spaces windows of living spaces of adjacent dwellings.*

Setbacks and Streetscape

The proposal complies with the controls in the DCP with respect to wall and building height, landscaping, excavation and overshadowing. There will be no impact on views and subject to recommended conditions, the privacy of the adjoining properties will not be significantly affected.

The only area of non compliance is the proposed 1440mm and 1430mm setbacks from the eastern and western side boundaries respectively. These side boundary setback is marginally less than that required under Clause 3.5.2 (ii) of the DCP. The setback required is approximately 1900mm to 2100mm (one third wall height). However, the middle part of the new building will be set back 3100mm from the eastern boundary and 2400mm from the western boundary.

It is considered that with the first floor bedroom 1 west side wall must be set back 2.1m to comply with the DCP requirement. This is possible and can be achieved without significant change to the proposed floor plan layout by amendments to the area of Bedroom 1 and the walk in robe. This will reduce also the floor space by approximately 3.0sqm, bringing the proposal closer to compliance with the floor space ratio requirements of the DCP. It is considered that with the change to Bedroom 1 as suggested, the proposed setback satisfies the following objectives and controls in Clause 3.5 of the DCP.

- a) to preserve and enhance the existing streetscape*
- b) to provide privacy*
- c) to provide equitable access to light and sunshine*
- d) to promote flexibility in the siting of building*
- e) to enable view sharing*
- f) to accommodate planting of native vegetation including endemic trees*

Double Garage/ Streetscape

There are two panel lift double garage doors proposed. It is considered that the proposed panel lift garage door adjacent to entry area be deleted as it leads only to a storage area which is not large enough to accommodate a car. This door should be replaced by rendered wall with a window to give the impression of a habitable room to improve the streetscape.

Environmental Services Division Report No. 53 (Cont'd)Excavation/ cut and fill

The proposal includes a minor excavation (approximately 1.0m) along the eastern portion of the site. The excavated material is to be removed from the site. There is no fill proposed.

Privacy

One of the main concerns raised in the neighbour submission is in relation to loss of privacy. It is noted that the rear of the adjoining dwelling to the west has an area orientated towards the subject site rather than to the rear of the site. The double French doors from the living area of the adjoining dwelling to the west opens to the eastern elevation. The orientation of the adjoining dwelling to the west and the relative ground levels of the two properties have resulted some privacy issues.

The new dwelling has highlight windows on the western elevation off the family room at the rear to prevent overlooking. There are three floor to ceiling windows off the living room in the middle portion along the western side of the new dwelling. It is recommended that these windows have a sill height of not less than 1200mm to provide a reasonable degree of privacy to the adjoining property. The neighbour submission requests that these windows be glazed with translucent glass, but this is not considered to be reasonable.

To reduce the overlooking into the rear yard of the adjoining property, it is recommended that the height of the rear deck off the Family/Kitchen/Meals Room be reduced in height (0.17m) to RL45.85 and a 1600mm high solid privacy screens be erected along the full width of the western edge.

The only overlooking from the first floor windows will be from Bedrooms 2 and 3 on the western elevation. These side windows are in the central portion of the proposed dwelling and will not result in any significant loss of privacy. The proposed balcony at the front of the building will have no major impact on the privacy to the usable open space of the adjoining properties.

Parking

Parking for the new dwelling will be in accordance with the DCP.

Clause 10 Objectives

The following comments are made in relation to the objectives of the Residential Zone in Clause 10 of the Local Environment Plan 1988.

(a) to set aside land for the purposes of housing and associated facilities.

The proposal is for continued use of the site for residential purposes and therefore satisfies this objective.

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

The proposal has been assessed having regard to the relevant control plan and is considered satisfactory subject to conditions included in the recommendation.

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

The proposed dwelling is an appropriate form of development for the subject site. The development to the immediate locality are one and two storey dwelling houses, with some residential flat buildings.

Environmental Services Division Report No. 53 (Cont'd)

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

The height, bulk and scale of the development are generally in sympathy with the general character of the area.

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

There is sufficient modulation in the design to allow landscaping to be adequately provided.

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

N/A

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

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

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

The proposal will replace a dwelling on the site and subject to conditions is considered to be suitable redevelopment of the site.

(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 No57) applies.

N/A

CONCLUSION:

The proposed development is considered to be a suitable replacement of the existing dwelling on the site. The proposed height, bulk and scale of the proposal are considered to be in character with the adjoining buildings and to the streetscape.

The proposal has been assessed pursuant to Section 79C(1) of the Environmental Planning and Assessment Act, 1979, the Manly Local Environmental plan 1988 and the Manly Development control Plan for the Residential Zone and is considered satisfactory subject to the recommended conditions.

RECOMMENDATION

That Development Application No 301/05 for the demolition of the existing dwelling and the erection new two storey dwelling at 5 Lombard Street, Balgowlah be approved subject to the following conditions:

1. This approval relates to plans/drawings Nos. DA01 to DA10 issue B dated March 2005 received by Council 12 May 2005.
2. The proposed three windows to the living room along the western side of the new dwelling are to have a minimum sill height of 1200mm above finished floor level to reduce privacy impacts on the adjoining property, plans being suitably amended **prior to issue of the Construction Certificate.**
3. The height of the rear deck is to be reduced to RL 45.85 and a 1600mm high solid privacy screens be erected along the full width of the western edge, to reduce privacy impacts on the adjoining property, plans being suitably amended **prior to issue of the Construction Certificate.**

Environmental Services Division Report No. 53 (Cont'd)

4. The width of the rearmost 4.23m of the proposed dwelling at first floor level must be reduced so that the western wall in this portion of the building is at least 2100mm from the side boundary, to reduce impacts on the amenity of the adjoining property, plans being suitably amended **prior to issue of the Construction Certificate.**
5. The garage door to the storage area adjacent to the proposed entry area be replaced by a rendered wall with a window, to maintain streetscape character, plans being suitably amended **prior to issue of the Construction Certificate.**
6. Any front fence and/or side boundary fencing within 6.0m of the front boundary is to be a maximum 1.0m in height unless otherwise approved by Council.

DA16 Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$7,500. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

DA17 No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.

DA342 The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.

DA343 Any adjustment to the public utility service is to be carried out in compliance with their standards and the cost is to be borne by the applicant.

DA18 Details of the builder's name and licence number contracted to undertake the works shall be provided to Council **prior to issue of the Construction Certificate.**

DA19 Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council **prior to issue of the Construction Certificate.**

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.

Environmental Services Division Report No. 53 (Cont'd)

- DA26 All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.
- DA31 Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.
- DA39 Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**
- DA40 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.
- 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.
- DA59 Building work shall not progress beyond first floor level until such time as Registered Surveyor's details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.
- DA60 On completion of the building structure a Registered Surveyor's report is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.
- DA357 Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application **prior to the issue of the Construction Certificate.**
- DA65 All external cladding and trim of the approved building shall be of a non reflective nature. Details of such finishes shall be **submitted with the Construction Certificate Application.**
- DA69 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.
- DA77 An approved water interceptor shall be provided across the driveway at the street boundary and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

Environmental Services Division Report No. 53 (Cont'd)

DA109 All demolition is to be carried out in accordance with AS2601-1991.

DA111 Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

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.

DA84 Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.

DA87 A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The principal Certifying Authority shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.

DA230 No building materials may be stored on the road reserve without separate approval from Council.

DA236 Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority **prior to issue of the Final Occupation Certificate.**

DA239 The felling, lopping, topping, ringbarking, wilful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

DA240 No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA240 No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA243 The trees to be retained are to be protected from trenching or excavation works or other construction works during the building construction stage.

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

Environmental Services Division Report No. 53 (Cont'd)

adjoining roadways and land.

DA255 Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.

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
- Reinforced concrete slab
- Framework inspection
- Wet area moisture barrier
- Drainage inspection
- Driveway crossing/kerb layback
- Final inspection

The cost of these inspections by Council is \$1,540. (being \$220.00 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.**

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

DA261 **Prior to the commencement of any works** on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**

DA269 A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site.**

DA271 An Occupation Certificate is to be issued by the Principal Certifying Authority **prior to occupation of the development.**

DA279 All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.

DA285 Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority **prior to the commencement of framework.**

DA289 Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays.

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

Environmental Services Division Report No. 53 (Cont'd)

DA332 The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's 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.

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's 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's 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.

ATTACHMENTS

There are no attachments for this report.

LUM041005ESD_2

***** End of Environmental Services Division Report No. 53 *****

TO: Land Use Management Committee - 4 October 2005
REPORT: Environmental Services Division Report No. 54
SUBJECT: 80 West Street, Balgowlah
FILE NO: DA154/05

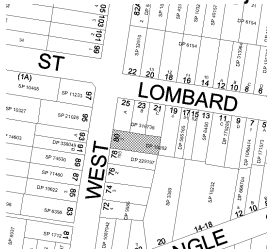
Application Lodged: 22 March 2005 (Amended plans received on 9th June 2005 & 5th August 2005)
Applicant: Mr. Xu Kha
Owner: Mr. X. & Ms K L Kha
Estimated Cost: \$95,000
Zoning: The site is located in Zone No. 2 – Residential.
Surrounding Development: Single and two storey dwellings and two storey residential flat buildings.
Heritage: Not Applicable.

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO THE REAR OF THE EXISTING SINGLE STOREY DWELLING AND LANDSCAPING WORKS.
2. THE ORIGINAL PROPOSAL WAS NOTIFIED TO ADJOINING AND NEARBY PROPERTY OWNERS WITH TWO (2) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE BALGOWLAH HEIGHTS PRECINCT FORUM FOR COMMENT.
4. FOLLOWING INITIAL ASSESSMENT OF THE APPLICATION STAFF RAISED CONCERNS WITH THE APPLICANT REGARDING POTENTIAL LOSS OF AMENITY TO THE SOUTHERN NEIGHBOURING DWELLING.
5. REVISED PLANS WERE RECEIVED BY COUNCIL ON THE 9TH JUNE 2005 WHICH PROVIDE A VIEWING CORRIDOR TO THE DISTRICT VIEWS TO THE NORTH EAST FROM THE ADJOINING DWELLING TO THE SOUTH AND CONVERTING THE ORIGINALLY PROPOSED FLAT ROOF TO A PITCHED ROOF SO AS TO BE MORE COMPATIBLE WITH THE EXISTING STREETScape.
6. ON 30 JUNE 2005, COUNCIL'S DEVELOPMENT ASSESSMENT UNIT RECOMMENDED REFUSAL OF THE APPLICATION, DUE TO DEPARTURES TO THE SETBACK AND OPEN SPACE PROVISIONS OF THE DCP.
7. THE APPLICANT WAS ADVISED OF THE ISSUES AND THE APPLICANT REQUESTED AN OPPORTUNITY TO SUBMIT REVISED PLANS.
8. ON 5 AUGUST 2005, FURTHER REVISED PLANS WERE SUBMITTED.
9. THE REVISED PLANS WERE RE-NOTIFIED WITH ONE (1) SUBMISSION RECEIVED.
10. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLORS MACDONALD AND NOREK.
11. A SITE INSPECTION IS RECOMMENDED
12. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

LOCALITY PLAN

Shaded area is subject land.



Environmental Services Division Report No. 54 (Cont'd)

REPORT**Introduction**

The site is located on the eastern side of West Street and has an east/west orientation. The site has a regular form with front and rear boundaries of 14.33m width and side boundaries of 40.235m with a total site area of 576.6m². The site has a cross fall from south to north of approximately 2m and a fall to the rear of approximately 1m.

Existing development on the site comprises a single brick dwelling with tile roof and garage under on the northern side. Landscaping comprises a mixture of lawns with shrubs and small to medium sized trees.

Surrounding development predominately consists of a mix of one to two storey dwellings with some two storey flats buildings on the opposite side of the street. District views to the north-east and north-west are available from the subject dwelling and from several neighbouring dwellings in the locality.

The subject site is elevated and overlooks the single storey dwellings to the north at Nos. 21, 23 & 25 Lombard Street, Balgowlah. A two storey dwelling with basement garage adjoins to the south (No. 78 West Street), which is sited higher than the existing dwelling on the subject site. The adjoining dwelling to the south has a living room and associated balcony with district views over the roof of the dwelling on the subject site.

Proposal

Development consent is sought for alterations and additions to the rear of the existing single storey dwelling, including the following works:

- Ground Floor:
 - Internal alterations to existing ground floor;
 - Ground floor additions to accommodate a rumpus, study, laundry and new walkway and associated stairs to the rear yard.
 - New landscaping works at the rear.

* It is noted that the undercrofted area will be enclosed for the storage of garden tools, air conditioning unit and rainwater tank.

- First Floor:
Upper floor additions to accommodate two bedrooms and a bathroom.

Development Control Plan Numerical Assessment

The following is an assessment of the proposals compliance with the numerical requirements 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>
FSR	0.5:1 / 288m ²	0.467:1	Yes
Wall height			
North side	6.5m	6.9m	No
South side	6.5m	5.4m	Yes
Roof height	3.0m	1.7m	Yes

Environmental Services Division Report No. 54 (Cont'd)

Setback – Front	6.0m	9.0m	Yes (No change)
Setback – Rear	8.0m	8.0m	Yes
Setback – North side South side	2.3m 1.8m	6.5m 1.0m (ground floor), 1.82m (first floor level)	Yes No
Open Space total	55% min	55.2%	Yes
Open Space soft	35% min of O/S	83%	Yes
Number of Endemic Trees	3	3	Yes
Private Open Space	18sqm	138sqm	Yes
Car Parking Residents	2	2	Yes
Shadow- adjacent open space	<.1/3 open space	<1/3	Yes
Adjoining east/west orientation	Min 2hrs sunlight to neighbours living areas	>2 hrs	Yes
Existing north facing roofs	Min 10sqm	>10sqm	Yes

Applicant's Supporting Statement

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

Submissions

Notification of the original application resulted in two (2) submissions received, issues raised were as follows:

- ❖ Loss of district views.
- ❖ Loss of sunlight.
- ❖ Scale and setback.
- ❖ Loss of privacy.

Notification of the revised plans (subject of this report) resulted in one (1) submission received (see planning comments).

Building Comments

Council's Building Surveyor advises that there are no objections to the proposal in terms of the Building Code of Australia requirements, subject to conditions contained in the recommendation.

Engineers Comments

Council's Engineer advises that there are no objections to the proposal, subject to conditions contained in the recommendation.

Balgowlah Heights Precinct Forum

Second storey addition and retaining wall in rear yard of property. No significant impact on streetscape.

Planning Comments

Environmental Services Division Report No. 54 (Cont'd)

The plans subject of this report are the second of two revisions which attempt to address concerns regarding amenity impacts on adjoining properties. Following assessment of the initial submission, staff communicated concerns regarding breaches of the DCP and adverse impacts on the amenity of adjoining properties to the applicant who requested the opportunity to revise the proposal. Revised plans were submitted and considered by Council's Development Assessment Unit where the application was recommended for refusal due to departures to the setback and open space provisions of the DCP causing adverse amenity impacts in terms of loss of district views, loss of outlook and overshadowing. The applicant was advised of the above issues and requested an opportunity to further revise the proposal to address concerns.

On 5 August 2005, further amended plans were submitted in response to issues raised by Council, which include the following amendments:

- Increasing the rear setback to the required 8m by reducing the area of the ground floor rear additions;
- Reducing the area of the first floor additions from 41.18sqm to 37.21sqm, whilst reducing the southern side setback from 2.1m to 1.850m
- Reducing the wall height of the proposed additions by 280mm
- Increasing the open space provision in the rear yard of the dwelling

The amended plans were re-notified with one (1) submission was received to the proposal (as amended) in reply raising the following concern:

Amenity loss due to the amended height (including a new pitch off over the proposed first floor addition) –

Comment: The applicant has amended the proposal to increase the separation between the proposed two storey section and the existing dwelling from the initial 400mm to 4200mm to 2900mm to 6200mm, reduce the area of the first floor addition at rear, reduce the wall height of the 2 storey additions by 280mm, and to convert the original flat roof to a pitched roof. These revisions seek to minimise impacts on district views to the north east from the main living room and associated balcony of the adjoining property to the south.

View Sharing

In regard to view sharing Council's DCP states:

“new developments should ensure continued to private and public access to the expansive views of the city, Harbour, Ocean, bush land, open space and recognized landmarks or buildings; minimise a view loss from adjoining or nearby properties and public places, whilst still recognizing development potential of a site and maintain and share views of existing and for future residents”.

The original proposal would have unduly impacted on the adjoining property to the south, resulting in loss of outlook and district views from its the main living room and associated balcony.

In response, the applicant has amended the proposal to increase the separation between the proposed two storey addition and the existing dwelling, reduce the floor area of the first floor addition, reduce the wall height of the additions by 280mm, and to convert the original flat roof to a pitched roof.

The applicant has erected templates on the site to indicate the bulk of the first floor addition. The templates indicate the front face on the first floor level and it is quite clear from these templates there will be some impact of the development on the adjoining property to the south in terms of loss of district views from its main living room and associated balcony. It is noted that the adjoining property to the south is sited higher than the subject site and therefore the district views to the

Environmental Services Division Report No. 54 (Cont'd)

north west and north east from its main living room and associated balcony are obtained by viewing diagonally across the subject site. It is considered that the current proposal provides for equitable view sharing in accordance with Council's DCP.

Wall Height

The proposal shows a wall height north side of 6.9m whereas the DCP permits a maximum 6.5m. The variation proposed is minor and is a result of the cross fall of the site levels from south to north. The north wall of the addition is positioned well clear of the north side boundary and will not result in any significant impacts on the amenity of properties adjoining to the north. The proposal is considered to be consistent with the objectives of Council's DCP in this regard.

Side Setback

The proposal fails to comply with the south side setback requirement of the DCP in that the ground floor level of the proposed two storey addition stands 1.0m from the boundary in lieu of the 1.8m required. The proposed first floor level stands 1.85m from the boundary and therefore this section complies with the DCP. Whilst the DCP requires the whole wall to be setback 1.8m from the boundary it is considered acceptable in this instance to locate the ground floor level and first floor level as proposed in a stepped arrangement as there are no windows in the south side of the proposal which would create privacy conflicts, there would be no adverse overshadowing impacts and the ground floor addition would match the side setback of the existing dwelling and provide sufficient separation for landscape planting. The proposal is considered to be consistent with the objectives of the DCP in this regard.

Clause 10 Objectives

The following comments are made in relation to the objectives of the Residential Zone 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;

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

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

The Manly DCP for the Residential Zone 2001, Amendment 1, has been used to assess the proposed developments consistency with this objective.

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

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

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

The proposal is considered to have some minor adverse environmental impacts on the amenity of adjoining properties; however, these are not such that warrant refusal or redesign of the proposal.

(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 proposed works maintain the existing landscape character of the site.

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

Environmental Services Division Report No. 54 (Cont'd)

Not Applicable

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

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

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

The proposed alterations and additions is considered to be suitable redevelopment for the site.

(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 land which Manly Local Environmental Plan 1988 (Amendment No.57) applies.

Not Applicable

CONCLUSION:

The application has been assessed under the provisions of the Section 79C of the Environmental Planning and Assessment 1979, Manly Local Environmental Plan 1988 and Council's Development Control Plan for the Residential Zone 2001. It is considered that the proposal is now satisfactory and the application is therefore recommended for approval.

RECOMMENDATION

That Development Application 154/05 for alterations and additions to existing dwelling and landscaping works at 80 West Street, Balgowlah be approved subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. DA04 – DA11 Revision A dated February 2005 and received by Council on 5 August, 2005.

ANS01

Existing plantings along the northern boundary of the rear yard are to maintained between 4.0m to 4.5m in height so as to maintain privacy to the adjoining properties in Lombard Street.

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 \$2,200. 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. .

DA343

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

Environmental Services Division Report No. 54 (Cont'd)

and the cost is to be borne by the applicant.

DA018

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

DA019

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

DA021

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

DA022

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

DA024

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

DA026

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

DA031

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

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

Environmental Services Division Report No. 54 (Cont'd)

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

DA047

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

DA048

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

DA058

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

DA357

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

DA109

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

DA111

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

DA084

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

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.

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.

DA269

Environmental Services Division Report No. 54 (Cont'd)

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

DA270

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

- Silt control fences
- Footing inspection - trench and steel
- Reinforced concrete slab
- Framework inspection x2
- Wet area moisture barrier
- Drainage inspection
- Final inspection

The cost of these inspections by Council is \$1760. (being \$220.00 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.**

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

DA271

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

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.

DA334

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

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.

DA339

Environmental Services Division Report No. 54 (Cont'd)

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.

DA289

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

DA319

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

DA320

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

ATTACHMENTS

There are no attachments for this report.

LUM041005ESD_1

***** End of Environmental Services Division Report No. 54 *****

TO: Land Use Management Committee - 4 October 2005
REPORT: Environmental Services Division Report No. 55
SUBJECT: 8-28 The Corso, Manly
FILE NO: DA35/04 Section 96 Modification

<u>Application Lodged:</u>	28 July 2005
<u>Applicant:</u>	London Fashion Pty Ltd
<u>Owner:</u>	London Fashion Pty Ltd
<u>Estimated Cost:</u>	N/A
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 -Business
<u>Surrounding Development:</u>	Commercial, Retail and Residential
<u>Heritage:</u>	All buildings in The Corso are listed items and are located within The Corso conservation area

SUMMARY:

1. Council is in receipt of an application under Section 96(2) to modify the deferred commencement conditions A1-A5 under Council resolution of 16 May 2005 in respect of DA No 35/04 for redevelopment of Coles at 8-28 The Corso, Manly

LOCALITY PLAN

Shaded area is subject site.



REPORT

Introduction

Council, on 16 May 2005, approved DA No 35/04 as a Deferred Commencement Consent subject to five (5) deferred commencement conditions and two hundred and eighteen (218) conditions of consent upon the consent becoming active.

The conditions A1-A5 were to be acted upon within 3 months of the date of the resolution i.e. 16 August 2005. A separate application under section 96(1A) has been considered and recommended for extension of this time to twelve (12) months of the date of the resolution

The applicant has been acting upon those conditions, in particular A-3 requiring seeking of the views of Councils Heritage Committee.

The Heritage Committee and sub committee have consulted with the applicant regarding the matters of the Corso façade under deferred commencement condition A-3 and in agreement to the façade have raised other matters that relate to Conditions A1-A4.

The Conditions

Environmental Services Division Report No. 55 (Cont'd)

The deferred commencement conditions of Councils determination of 16 May 2005 are as follows:

- "A1 Submitted revised plans showing the Esplanade building set back a depth equal to two elevational bays on level 6 (i.e. equal to the depth of the of unit 602) to achieve a feathering of the edge of the building and to ensure that no part of that building is visible above the Corso elevation when viewed from the Corso area. This is to include redesign of the elevation of the Esplanade building to achieve a proportioned and balanced appearance to the building form.
- A2 Submitted revised plans showing an additional setback on level 4 to the Esplanade elevation equal in width to the living space in unit 401 for a depth of 2.5m to create a recess in the building form to differentiate the Esplanade building mass visually when viewed from the East Esplanade area. This area may be utilized as an open balcony.
- A3 Submitted a detailed sample board and plans showing façade design, external materials and finishes, including treatments design showing the Corso façade differentiated in colour and treatment from the rest of the building and from each other to ensure that the building elevation read as separate elements up to 5 treatments rather than as one long elevation. Colours and designs being to the satisfaction of Council. **Council noting that the General Manager will seek the view of the Heritage Committee in respect of appropriate rhythm of the façade treatment as suggested in the attached schematic and as articulated in council's Draft DCP for the site – attached)**
- A4 Submitted revised plans showing unit C101 redesigned to eliminate the need for an internalized courtyard/lightwell to the bedrooms. This is to be achieved by changing this unit to a 1 bedroom unit rather than a 3 bedroom unit.
- A5 submitted details as to any works intended within the Private Laneway including evidence of owners consent."

Other conditions that are affected by the application and the Heritage committee's resolution are:

"1. *Approved Plans*

The development is to be carried out in accordance with plans drawn by Wolski Lycenko and Brecknock Architects titled Commercial/Residential Development 2-28 the Corso Manly for London Fashions Pty Ltd dated October and November 2004 issue B 20.10.04 and numbered DA 01b, 02d, 03c, 04b, 05b, 06b 07b, 08b, 09b, 10b, 11b, 12b, and 13b, except as varied by the above deferred commencement conditions and conditions hereunder.

3. *Roof top terraces similar to roof terraces on The Corso building are to be provided on the Wentworth building to supplemented private open space for the development. Plans to be amended accordingly, **prior to the issue of Construction Certificate.**"*

Condition 218 requires the amended plans to be returned to the first available Council meeting to allow Councilors to view the final plans.

Applicant's Supporting Statement

The applicant has submitted an application in accordance with the Regulations, to amend the deferred commencement conditions.

The full application and submission is available on Councils File.

Environmental Services Division Report No. 55 (Cont'd)

The applicant suggests that following the consultations with the Heritage committee and the recommendation of both the sub committee and the full Heritage Committee that the deferred commencement conditions be modified as follows;

- "A1. Submit revised plans showing the roof terrace deleted from the Corso building.*
- A2. Revised plans shall not provide for roof terraces on the Wentworth building.*
- A3. Submit a revised elevation of The Corso façade incorporating general details, colours and materials which have been endorsed by the Council's Heritage Committee.*
- A4. The revised elevation referred to in deferred commencement condition A3 shall be generally in accordance with drawing DA 11C."*

The applicant further requests that condition 3 be amended to reflect consistency with the Heritage committee sub committee consultations as follows;

- "3. Prior to the submission of an application for a Construction Certificate, the Applicant is to consult with the Council's Heritage Committee regarding The Corso façade."*

The effect of these amendments as sought would be re-instatement of the deleted sections of The Esplanade building known as the "top notch" unit removal, condition A1, and the lower " notch" of condition A2, and the re-instatement of the bedrooms for unit C101 of conditions A4, the removal of all private roof terraces from the development and the removal of the A5 conditions for details of the works within the Private Laneway. This latter condition is proposed to be removed on the basis that no works are proposed in the Private Laneway.

The application satisfies the requirements of the Regulations and the Architect has submitted the required Design statement of SEPP 65.

The applicant has submitted a further clarifying statement in regards to conditions A1-A4. That submission states in respect of those conditions;

A1:

"The project Architect has provided the following comments in relation to the need to maintain Unit E602:

'From an urban design perspective, the reinstatement of the North western corner would remove the "ad hoc": weak, stepped building mass and create a strong vertical edge that Professor Toon described:

'In urban design terms the overall massing has several excellent qualities. The principal benefit is that the Corso frontage component reinforces the scale of the 'civic place'; it is compatible in height with the existing corner elements (corners at The Corso/East Esplanade, The Corso/Whistler Street and Belgrave Street/West Esplanade) that define the 'civic place'.

The second benefit is that the extension of the row of unit developments behind east Esplanade completed this edging to Manly Cove, and by filling in this visual gap it gives greater visual emphasis to the major gap which is the entrance to The Corso. This is a significant urban design improvement. The design of the upper two levels of the end wall of the 'row' enhances the 'civic place' by emphasizing the relationship of the end of this row to the war memorial which is an important element in the "civic place."

'From East Esplanade, the extension of the 'row' will fill the gap and thus give greater visual emphasis to the major gap which is the entrance to The Corso. This will also be

Environmental Services Division Report No. 55 (Cont'd)

the case when approaching the wharf by ferry. The overall effect will be to give stronger definition to the urban form of Manly and to the important 'gateway' to Manly from the harbour'.

The stronger vertical edge will create a strong 'end' and edge definition to the row of buildings facing the harbour.'

A2:

"In response to this deferred commencement condition, the Project Architect has provided the following response which details the reasons why Unit C401 should not be recessed:

'..... the design intent was to create a hard edge to the taller buildings that run from Wentworth Street to The Corso. The link building between The Corso building and the Esplanade building is stepped back from the Esplanade Buildings southern façade. In contrast to the glass façade of the taller Esplanade Building the Link building has a more solid, punched masonry façade. A further recess to Unit C401 would diminish the hard edge between the Link building and the taller Esplanade building and reduce the portal effect of the Esplanade building. The Esplanade and Link buildings are two homogeneous rectangles in elevation and the addition of a third treatment of the recess would be detrimental to the overall urban design intent of their relationship.'

A3

"Negotiations were undertaken with the Heritage Sub-Committee and a new façade for The Corso building has been devised. The new façade to The Corso building was presented to the Heritage Committee. We are advised that the Heritage Committee concurs with the amendment to The Corso façade."

A4

"Unit C101 has been redesigned and the Project Architect has provided the following comments on that amended layout:

'The urban design concerns regarding privacy in this courtyard from C214 is overcome by the provision of a translucent glass screen in accordance with DA condition 2. the courtyard is of sufficient size to provide adequate light, ventilation and landscaped space to create a satisfactory living environment both internally and externally for the occupants of these two minor bedrooms. Also the dwelling's western end has been reversed so a balcony is now opposite the proposed eastern bedrooms. This reduces the dwelling's depth by 2.5m increasing cross ventilation and therefore improving amenity.'

The applicant now considers deferred commencement conditions A1 & A2 should be deleted and conditions A3 & A4 to have been fulfilled.

It is considered that all deferred commencement conditions should be deleted for the reasons as outlined below. It is considered that A3 has been partly fulfilled and the remainder more appropriately dealt with in a condition in the determination.

Submissions

The Application has been notified to surrounding properties from 11th August 2005 until 29th August 2005. One (1) submission has been received within the notification period.

That submission lodged by the architect for the adjoining property in The Esplanade, objects to the proposal on the grounds that no drawings were lodged with the written document nor details of private discussions held.

Environmental Services Division Report No. 55 (Cont'd)

The objector claims the report refers only to deleting the roof top terraces but does not address the requirements for deletion of units and upgrading of amenity for units.

The objection further asserts that before the objector can assess the impact of the changes they consider that drawings of the proposed changes imposed by Council need to be considered.

In response to this submission, it is considered that the request is clear to the objector in that the application seeks the proposal that was exhibited and considered in the independent consultants reports to Council that included plans to be re-instated as well as the deletion of the roof terraces as suggested by the Heritage Committee subcommittee.

While production of such a set of plans may assist in comparison, the section 96 request for removal of the deferred commencement conditions imposed by Council reflects amenity and impact issues not objected to by the objector in the previous plans.

It is not considered that absence of a set of plans indicating the scheme the deferred commencement conditions represent is fatal to the application as the proposal the subject of the section 96 application is and has been available and is clear in the impact upon those adjoining properties for the objector, as an architect, to consider.

Precinct Community Forum Comments

The Corso Community Forum has considered the Application at its meeting of September 2005.

The Forum has advised that it has no comment on the section 96 application

The Heritage Committee Recommendation.

The Heritage Committee met on 7th September 2005 to consider the Façade design produced by the applicant as a result of consultation with the committees sub committee.

The recommendation of the Committee is as follows:

“The Committee supports the S(96) modifications as presented to us, namely:

- 1) The Committee was pleased to note the changes to the façade of the Coles building and was happy to work with the developers on finalising the detail, in particular of the appearance of the bay windows.
- 2) With regard to the roof terraces, the Committee is happy to see their deletion from the Corso, and regards their provision on the Wentworth building as more of an amenity than an aesthetic issue.
- 3) The Committee supports the reinstatement of the deleted portion of the building, for aesthetic reasons, and also on heritage grounds, namely, its impact on the adjacent townscape as viewed in particular from the south.”

Engineers Comment

No comments required.

Building Comments

No comments required.

Environmental Services Division Report No. 55 (Cont'd)**Landscape Architects Comments**

No comments required.

Heritage Officers Comments

The Heritage officer has reviewed the application and stated:

"I refer to the following documents received for this report

Drawing set by: Wolski Lycenko Brecknock Architects Dated: 31 August 2005

Planning Report by: Nexus Environmental planning Pty Ltd Dated: 22 July 2005

Heritage Status:

Heritage Item: No
Conservation Area: Yes
Vicinity of heritage Item: Yes

Approved proposal:

Deferred Commencement Consent was granted by Manly Council on 16 May 2005 for a supermarket, retail shops and residential apartments development at 8-28 The Corso, Manly.

Section 96(a) Application

Application to modify deferred commencement conditions A1-A4
(only contentious heritage issues are dealt with in this analysis)

Deferred Commencement Condition A1

The applicant has submitted Dwg. da09c and Dwg.da12c indicating on level six the reinstatement of Unit 602 and the deletion of the roof terrace. In consideration of the overall context of the approved proposal and the setback from The Corso and East Esplanade the reinstatement of Unit 602 will have little further impact on the view from The Corso or the harbour

In addition the applicant has submitted amended drawings No. da07c and No. da11 indicating the deletion of the roof terraces to The Corso building. The roof terraces on residential units are not compatible with the established heritage character of the street. Therefore deletion of the roof terraces to The Corso building is supported.

Deferred Commencement Condition A2

The recessed balcony to Unit 401 as created by conditions of consent has been deleted on the revised drawings No. da07c and da12c. Unit 401 on the fourth level is already set back from the adjoining Unit 402 providing a break in the building mass. Increasing the depth of the balcony will not visually differentiate the Esplanade building mass when viewed from East Esplanade and the harbour. Therefore the deletion of Condition A2 is acceptable

Drawing No da08c indicates that roof terraces are not provided on the Wentworth building. As the Wentworth building is situated well behind the building fronting The Corso the roof terraces on the Wentworth building will have little adverse impact on the established heritage character of The Corso. Given that there will be little direct sunlight to the Wentworth building units the retention of the roof terraces is supported.

Deferred Commencement Condition A3

The submitted elevation to The Corso has generally interpreted the underlying subdivision patterns evident in The Corso and expressed the established rhythm of the street façade. However further consideration is required particularly to the design and detailing regarding the shopfronts as well as the external materials, details and finishes of the development. Although there have been

Environmental Services Division Report No. 55 (Cont'd)

discussions with the Heritage Committee and the applicant, it is essential that the deferred commencement Condition A3 is retained.

Summary

Condition A1

- Reinstatement of Unit 602 is acceptable as it will have little further impact on the Conservation Area
- Deletion of the roof terraces to The Corso building is supported as the terraces are not compatible with the established heritage character of the street.

Condition A2

- The deletion of an increase in the recessed balcony to Unit 401 is acceptable as it will not visually differentiate the Esplanade building mass when viewed from East Esplanade and the harbour.
- The retention of the roof terraces to the Wentworth building is supported as they will increase the amenity of the development while having little impact on the Conservation Area.

Condition A3

- Retain the deferred commencement Condition A3 as further consideration is required to the external materials, details and finishes of the development (particularly to the design and detailing of the shopfronts)"

Heritage Office of NSW Comments

The application was forwarded to the Heritage Office of NSW for comment on 12th August 2005. Comments have been received and are attached to this report.

Urban Design Consultants Comments

The application subject to the determination of Council on 16 May 2005 had been the subject to lengthy and detailed consideration by the independent urban design consultant m/s Gabrielle Morrish.

The proposed amendments under this section 96(2) application were also referred to her for comment and continuity of consideration.

Her report is attached to this report and concludes;

"Therefore I support removal of the existing conditions. I do not support the introduction of the new conditions relating to the removal of terraces on the Wentworth building which in my opinion reduce the amenity of the of the proposal in terms of private open space."

Planning Comments

The parties concerned have dealt with the issue as expeditiously as possible but have not been able to resolve the matter within the set period. The Heritage committee met on 7th September 2005 to consider the matters of condition A-3 of the Deferred Commencement Conditions and have resolved that issue with further recommendations which impact upon the section 96 (2) application also presently before Council on this matter.

The issues and conditions in detail are as follows:

- Condition A1:
This condition requires the removal from the upper level of The Esplanade building of the northern unit known as unit 602. In place of the unit a private terrace would be proposed. The independent assessors of the application before Council on 16 May 2005 had considered such a proposal but did not recommend the action on Architectural and

Environmental Services Division Report No. 55 (Cont'd)

aesthetics grounds. It was considered the “stepped” effect on the Northern end of The Esplanade building, particularly when viewed from The Esplanade, the public domain and water was inferior to the proposal as presented.

This view has been again considered and supported by the Heritage Committee and its subcommittee.

In addition, the creation of a private terrace on that level was not considered to be a positive amenity impact on adjoining sites.

Both the independent consultants and the Heritage Committee and its subcommittee support the views of the applicants project architect.

It is recommended that Condition A1 of the deferred commencement conditions be deleted.

- Condition A2:

This condition requires a 2.5m recess to the balcony area of unit 401 on The Esplanade building southwestern façade to differentiate the buildings of The Corso building and The Esplanade building.

Again the Heritage Committee subcommittee and the independent consultants who agree with the opinion of the applicants projects architect have considered this matter.

It is recommended that Condition A2 of the deferred commencement conditions be deleted.

- Condition A3;

This condition requires the General Manager to seek the views of the Heritage Committee in respect of appropriate rhythm of the façade treatment.

The applicant has had lengthy and detailed consultation with the Heritage Committee subcommittee and the plans as presented to the Heritage Committee on 7th September 2005 have been accepted and endorsed by that committee.

The full extent of this deferred commencement condition has not been complied with in regards to detailed sample board, however the applicant and Heritage Committee have agreed to further liaison regarding these details.

To endorse this situation it is considered a condition in the approval is satisfactory.

It is recommended that condition A3 of the deferred commencement conditions be deleted.

- Condition A4;

This condition requires the unit number C101 being that adaptable unit facing The Corso on the North-western corner to be reduced from a 3 bedroom unit to a single bedroom unit. The outcome of this proposal increases the courtyard area of this unit that is located between the adjoining building number 6 The Corso and the Coles storage area.

The opinion of the applicants project architect has been considered and concurred with provided condition Number 2 remains.

It is recommended that condition A4 of the deferred commencement conditions be deleted.

- Condition A5;

This condition requires submission of details of any works intended in the Private Laneway and evidence of the owners consent.

The applicant has stated that no works are proposed in the Private Laneway.

It is considered that a more appropriate control of this issue is a condition requiring separate approval of Council for any works in the Private Laneway with any such proposal to be accompanied by appropriate owners consent and that condition A5 of the deferred commencement conditions be deleted.

- Condition 1;

This condition lists the approved plan numbers. These plan numbers will be required to be amended to reflect Councils decision.

Should the recommendation of this report be accepted then Plan numbers da 04 to da 13 issue B will be replaced with plan numbers da 04 to da 13 issue C.

Environmental Services Division Report No. 55 (Cont'd)

- Condition 3;
This condition needs amendment and consideration. The Heritage Committee supports the removal of the private rooftop terraces from The Corso building but leaves the issue of the rooftop terraces on The Wentworth building as an amenity issue.
It is considered that the rooftop terraces envisaged by this condition are a positive amenity issue for the Wentworth building residents and should be retained.
This issue is a policy issue for Council regarding the balance of private open space in Shop top housing and perceived impacts of acoustic and amenity impacts upon adjoining developments and the public domain.
It is the view of the independent assessors that the rooftop terraces to the Wentworth building do not impose a detrimental impact upon adjoining nor internal residences and should remain.
It is recommended that condition 3 be amended by deletion of the words " similar to roof terraces on The Corso building".
- Condition 218;
This condition requires the amended plans to be returned to the first available Council meeting to allow Councilors to view the final plans.
It is considered this condition is now redundant and should be removed.

It is considered that the application is of minimal environmental impact, is substantially the same development, has been notified in accordance with the Regulations and does not require Ministerial concurrence.

CONCLUSION:

The applicant has conferred with the Heritage Committee of Council and its subcommittee and a design for the Corso façade agreed. Flowing from that agreement suggestions of other issues the subject of the deferred commencement conditions have been made. It is considered the deferred commencement conditions are no longer necessary and the application with the recommended conditions can be approved.

RECOMMENDATION

That the Application under Section 96(2) of the Environmental Planning and Assessment Act 1979 (as amended) for DA 35/04 being 8-28 The Corso Manly for modification the deferred commencement conditions A1-A5 be approved by deletion of the reference of the deferred commencement section of the Determination, and conditions 1, 3 and 218 and the addition of the following conditions;

1. Approved Plans
The development is to be carried out in accordance with plans drawn by Wolski Lycenko and Brecknock Architects titled Commercial/Residential Development 8-28 The Corso for London Fashions Pty Ltd October and November dated October and November 2004 and July 2005 and numbered da 01b, 02d, 03c, 04c, 05c, 06c, 07c, 08c, 09c, 10c, 11c, 12c and 13c except as varied by conditions hereunder.
3. Roof top terraces are to be provided on the Wentworth building to supplement private open space for the development. Plans to be amended accordingly, **prior to issue of the Construction Certificate**
- 218 A separate approval of Council is required for any works in the Private Laneway with such proposal to be accompanied by the appropriate owners consent.
- 219 The General Manager to seek the views of the Heritage Committee on the materials and finishes when submitted, **prior to the issue of the Construction Certificate.**

Environmental Services Division Report No. 55 (Cont'd)

ATTACHMENTS

AT-1 Heritage Comments - NSW Heritage Office 1 page(s)

LUM041005ESD_3

***** End of Environmental Services Division Report No. 55 *****

Environmental Services Division Report No. 55
8-28 The Corso, Manly
Heritage Comments - NSW Heritage Office

From: +61 2 9873 8599 Page: 2/2 Date: 9/29/2005 2:36:17 PM



NSW
Heritage Office

3 Marist Place
Parramatta NSW 2150
Locked Bag 5020
Parramatta NSW 2124
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500
Facsimile: 61 2 9873 8599
heritageoffice@heritage.nsw.gov.au
www.heritage.nsw.gov.au

Contact: R. Maini
Telephone: 02 9873 8592
mainir@heritage.nsw.gov.au
File: S50/01619/005
Our Ref: HRL 36325
Your Ref:

General Manager
PO Box 82
Manly NSW 1655

Dear Sir,

Sub: Development Application No. 35/04, 8-28 The Corso, Manly – S96 Referral

I refer to your letter dated 12 August 2004 referring S96 amendment application to the Heritage Office for comment.

Please note that as the subject property is not currently listed on the State Heritage Register, the NSW Heritage Office is not the consent authority for this Development Application and does not therefore, have a statutory role in the planning process in this instance.

However, the subject properties are located within a Conservation Area and in the vicinity of several identified heritage items.

The Heritage Office requests that Manly Council ensures that the above amendments of the proposed development do not visually dominate the Conservation area/ heritage items in the vicinity, but remain recessive elements in sympathy with the existing heritage characteristics of the Conservation area/ heritage items in the vicinity in order to conserve its significance.

The Heritage Office recommends that Council undertake this assessment of the heritage impact of the development proposal by:

- (a) considering the cumulative impact of the proposed amendments on the subject Conservation Area and the heritage items in the vicinity; and
- (b) taking into account the recommendations of Council's heritage adviser in relation to the proposal.

I hope that this information is of assistance. If you have any query in this regard, please contact Rajeev Maini on (02) 98738592.

Yours sincerely,

Vincent Sicari
Principal Heritage Officer

Helping the community to conserve our heritage

This fax was received by Manly Councils fax server.

TO: Land Use Management Committee - 4 October 2005
REPORT: Environmental Services Division Report No. 56
SUBJECT: Development Applications Being Processed During October 2005.
FILE NO:

SUMMARY

Development Applications Currently Being Processed During October 2005.

REPORT

DA#	Date Rec by Council	Site Address	Proposal	Target Date	DEL DAU LUM
DA258/05	27-May-05	129 Griffiths Street	Alts & Adds & Landscaping	03-Oct-05	DAU
DA297/05	15-Jun-05	89-91 Bower Street	Extension to Access way & Carport	10-Oct-05	DAU
Da356/05	5-Aug-05	1/82 Raglan Street	Alts & Adds to RFB Unit 1	23-Oct-05	DAU
DA565/00	6-Sep-05	1A Monash Crescent	Section 96 Modification	Awaiting Information	
DA319/03	16-Jul-03	14 Kempbridge Avenue	Alterations and Additions	Awaiting Information	
DA560/04	16-Dec-04	41 Lewis Street	Demolish & New 2 Storey Dwelling with Basement Garage	04-Oct-05	DAU
DA138/05	10-Mar-05	5 Clarence Street	Subdivision into Two (2) Lots each with Dwelling Entitlements	06-Oct-05	DAU
DA587/02	3-May-05	14 Reddall Street	Section 96 Modification	25-Oct-05	DAU
DA31/03	4-May-05	9 King Avenue	Section 96 Modification	25-Oct-05	DAU
DA265/05	9-Jun-05	55 Woodland Street	Alts & 1st Floor Adds & Carport	25-Oct-05	DAU
DA312/05	30-Jun-05	29A Quinton Street	Alts & 1st Storey Adds & Pool	25-Oct-05	DAU
DA352/05	27-Jul-05	567 Sydney Road	Change of Use - Beauty Salon	25-Oct-05	DAU
DA489/04	15-Aug-05	32 Cutler Road	Section 96 Modification	25-Oct-05	DAU
DA365/05	23-Aug-05	2-4Wentworth Street	Strata subdivision	Awaiting Information	
DA269/05	6-Jun-05	10A Bungalow Avenue	Swimming Pool	Awaiting Information	
DA295/05	15-Jun-05	5 Glade Street	Pool & Deck	28-Oct-05	DAU
DA316/05	30-Jun-05	37 Lauderdale Avenue	Demolish & New Dwelling & Pool	28-Oct-05	DAU
DA318/05	6-Jul-05	2 Beatty Street	Alts & Adds to Dwelling	06-Oct-05	DAU
DA340/05	27-Jul-05	28 Jamieson Avenue	Strata Subdivision		
DA202/05	6-Sep-05	88 Griffiths Street	Section 96 Modification	06-Oct-05	DAU
DA508/04	2-Nov-04	118 North Steyne	Alts & Adds to Heritage Cottage & 6 Storey RFB with Basement Carparking	17-Oct-05	OM
DA299/05	16-Jun-05	231 Sydney Road	Alts & Adds, Tree Removal & Basement Garage	Awaiting Information	
DA107/04	4-Jul-05	25 Quinton Street	Section 96 Modification	Awaiting Information	

Environmental Services Division Report No. 56 (Cont'd)

DA106/04	19-Jul-05	27 Quinton Road	Section 96 Modification	04-Oct-05	DAU
Da349/05	17-Aug-05	9-13 South Steyne	Alts & Adds to Existing Restaurant	Awaiting Information	
DA525/03	20-Oct-03	22 Wentworth Street	Change of Use	Awaiting Information	DEL
DA538/04	22-Nov-04	51 Wood Street	Alterations Guest House into to Dwellings and Strata Subdivision	Awaiting Information	DEL
DA230/05	27-May-05	30 Castle Circuit	2 Dwellings & 2 Lot Subdivision	28-Oct-05	DEL
DA277/05	1-Jun-05	439 Sydney Road	Alts & Adds & Changes of Use	Awaiting Information	
DA144/05	15-Mar-05	21 Francis Street	Alterations & Additions & Family Flat	20-Oct-05	DAU
DA189/05	11-Apr-05	31 Amiens Road	Alterations & Additions to Dwelling including Demolition/Rebuild of Upper 2 Levels	13-Oct-05	DAU
DA194/05	19-Apr-05	31 Seaforth Crescent	Demolish & Construct 3 Storey Dwelling	13-Oct-05	DAU
DA183/05	27-Apr-05	187 Pittwater Road	Alterations & Additions to Retail	06-Oct-05	DAU
DA213/05	5-May-05	13 Augusta Road	Alterations & 1st Floor Additions	NOV	LUM
DA217/05	6-Jun-05	3 Craig Avenue	Two Residential Units with Basement Parking	06-Oct-05	DAU
DA197/05	15-Apr-05	Boronia Lane	Construction of a Fire Trail	Awaiting Information	
DA307/05	10-May-05	3 Oyama Avenue	Alts & Adds to Dwelling & Garage	Awaiting Information	
DA276/05	10-Jun-05	57A Ethel Street	Demolish - Commercial & RFB with Basement Parking	Awaiting Information	
DA499/04	19-Jul-05	121 Seaforth Crescent	82A Review	04-Oct-05	DAU
DA106/05	9-Aug-05	387 Sydney Road	82A Review	Awaiting Information	
DA267/05	23-May-05	112 Sydney Road	Demolish & New 3 Storey RFB & Parking & Landscaping & Pools	Awaiting Information	
Da345/05	27-Jul-05	74 Cutler Road	Demolition, Alts & Adds to Dwelling	Awaiting Information	
DA347/05	2-Aug-05	20 Seaforth Crescent	Alts & Adds to Dwelling, Garage & Pool	Awaiting Information	
DA222/05		141 Balgowlah Road	Demolition & Construct 2x2 Storey Dwellings	05-Oct-05	DAU

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM041005ESD_5

***** End of Environmental Services Division Report No. 56 *****

TO: Land Use Management Committee - 4 October 2005

REPORT: Environmental Services Division Report No. 57

SUBJECT: Appeals List for October 2005

FILE NO:

SUMMARY

LIST OF APPEALS RECEIVED AND THEIR CURRENT STATUS FOR COUNCILLORS' INFORMATION

REPORT

Application	Appeal #	Site Address	Appeal Lodged	Solicitor	Current Status
DA278/03	11050/04	27-29 Victoria Pde	1.09.04	Abbott Tout	Awaiting New Callover Date
DA255/04	10746/04	102 The Corso,	28.09.04	Abbott Tout	Consent Orders – Approved Subject to conditions
DA555/00	10217 & 10219/05	28 Castle Circuit (Refusal)	14.03.05	Abbott Tout	Onsite Mediation to be Arranged
DA172/05	10537/05	66 Balgowlah Rd	3.06.05	Abbott Tout	Consent Orders – Approved Subject to conditions
DA97/04	10592/05	2 Clontarf Street	21.06.05	Abbott Tout	Hearing 15.11.05
DA433/99	10624/05	Shop 5 93-95 North Steyne	7.06.05	Abbott Tout	Callover 05.10.05
DA45/05	10622/05	67 Ernest St	21.06.05	Abbott Tout	Consent Orders – Approved Subject to conditions
DA37/05	10832/05	11 Benelong St	1.08.05	Abbott Tout	Callover 20.10.05
DA572/04	10833/05	8 Yatama St	1.08.05	Abbott Tout	Callover 20.10.05
DA576/05	10919/05	57A Ethel St	12.08.05	Abbott Tout	Awaiting New Callover Date
DA159/05	10913/05	2A Woodland St	5.08.05	Abbott Tout	Callover 30.09.05
	10943/05	4 Nolan	11.08.05	Abbott Tout	Awaiting Hearing Date
	10940/05	7 Brighton St	15.08.05	Abbott Tout	Consent Orders – Approved Subject to conditions
DA273/04	10949/05	20 Denison St	17.08.05	Abbott Tout	Further Mention 30.09.05
DA529/04	10988/05	38A Rignold St	24.08.05	Abbott Tout	Callover 5.10.05
DA102/05	11001/05	42 Bower St	12.09.05	Abbott Tout	Callover 04.10.05
DA508/04	11025/05	118 North Steyne	12.09.05	Abbott Tout	Callover 18.10.05

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM041005ESD_4

***** End of Environmental Services Division Report No. 57 *****