



## Agenda

### Land Use Management Committee

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

**Monday 5 December 2005**

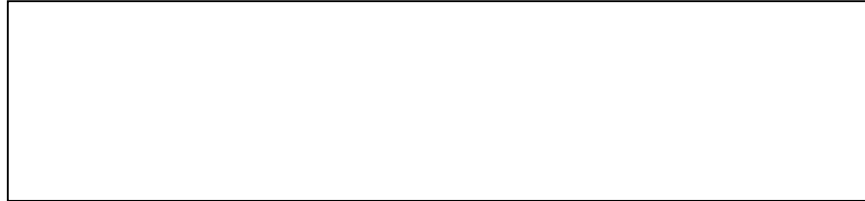
Commencing at 7:30 pm for the purpose of considering items included on the Agenda.

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](http://www.manly.nsw.gov.au)*

# Seating Arrangements for Meetings

Staff      Staff      General  
                                 Manager      Chairperson      Staff      Minute  
   Taker



**Mayor** Dr Peter  
Macdonald

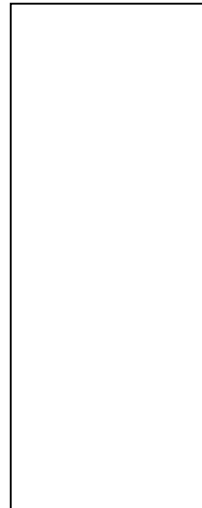
Clr Mark Norek

Clr Joanna Evans

**Deputy Mayor**  
Clr Barbara Aird

Clr Brad  
Pedersen

Clr Richard  
Morrison



Clr Jean Hay AM

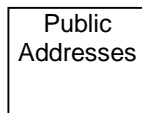
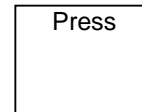
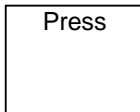
Clr Adele Heasman

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

## TABLE OF CONTENTS

Item	Page No.
------	----------

**APOLOGIES AND LEAVE OF ABSENCE****DECLARATIONS OF INTEREST****CONFIRMATION OF MINUTES**

The Land Use Management Meeting of 7 NOVEMBER 2005

**PUBLIC ADDRESSES****SITE INSPECTIONS**

On Monday 5 December 2005 there will be site inspections for the following properties:

40 Birkley Road, Manly	8 :00am
95 Lauderdale Avenue, Fairlight	8 :30am
20 Ernest Street, Balgowlah	9 :00am
2 Lombard Street, Balgowlah	9 :30am
29 Edgecliffe Esplanade, Seaforth	10 :00am

**ENVIRONMENTAL SERVICES DIVISION REPORTS**

<b>Environmental Services Division Report No. 64</b> 40 Birkley Road, Manly .....	2
<b>Environmental Services Division Report No. 65</b> 95 Lauderdale Avenue, Fairlight Section 96 Modification .....	8
<b>Environmental Services Division Report No. 66</b> 20 Ernest Street, Balgowlah.....	13
<b>Environmental Services Division Report No. 67</b> 2 Lombard Street, Balgowlah.....	26
<b>Environmental Services Division Report No. 68</b> 29 Edgecliffe Esplanade, Seaforth.....	39
<b>Environmental Services Division Report No. 69</b> 118 North Steyne, Manly.....	50
<b>Environmental Services Division Report No. 70</b> Development Applications Being Processed During December 2005 .....	63
<b>Environmental Services Division Report No. 71</b> Appeals List for December 2005.....	70

**CLOSED SESSION**

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

**TO:** Land Use Management Committee - 5 December 2005  
**REPORT:** Environmental Services Division Report No. 64  
**SUBJECT:** 40 Birkley Road, Manly  
**FILE NO:** DA133/05

---

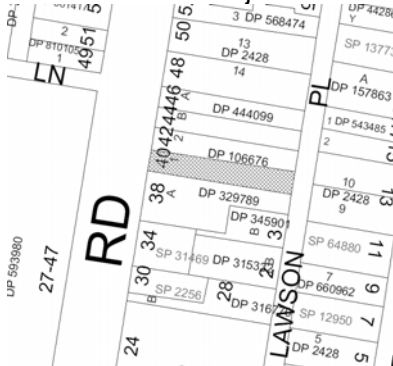
**Application for review lodged:** 27 July 2005 (revised plans 22 November 2005)  
**Applicant:** All Walls Pty Limited  
**Owner:** Broлга Estates Pty Limited  
**Estimated Cost:** \$100,000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
**Surrounding Development:** Single and two storey semi attached and detached dwellings  
**Heritage:** Not applicable

**SUMMARY:**

1. DEVELOPMENT APPLICATION NO.133/05 WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON THE 12 MAY 2005 WHERE THE APPLICATION WAS REFUSED.
2. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.
3. THE APPLICATION FOR REVIEW WAS NOTIFIED TO NEARBY AND ADJOINING OWNERS WITH ONE SUBMISSION RECEIVED.
4. THE APPLICATION FOR REVIEW WAS REFERRED TO THE IVANHOE PARK PRECINCT COMMUNITY FORUM FOR COMMENT.
5. THE APPLICATION WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 25 OCTOBER 2005 WHERE IT WAS RECOMMENDED FOR REFUSAL.
6. THE APPLICANT HAS SINCE HAD DISCUSSIONS WITH COUNCIL STAFF AND HAS SUBMITTED REVISED PLANS.
7. THE REVISED PLANS WERE NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
8. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR NOREK.
9. A SITE INSPECTION IS RECOMMENDED.
10. REFUSAL OF THE APPLICATION IS RECOMMENDED.

**LOCALITY PLAN**

Shaded area is subject land.



**Environmental Services Division Report No. 64 (Cont'd)****REPORT****Introduction**

The subject site is located on the eastern (low) side of Birkley Road and has a rear boundary adjoining Lawson Place. The site is rectangular in configuration having a frontage of 7.13m and a depth of 49.0m. The site has a slight fall from front to rear and is currently developed with a single storey semi detached dwelling.

Council received the original development application on 9 March 2005. The application was notified to nearby and adjoining property owners with two submissions received.

The application was considered by Council's Development Assessment Unit on 12 May 2005 where it was refused for the following reasons:

1. The proposal is considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, and is considered to be unsatisfactory. In particular the development is not considered satisfactory under the provisions of the Manly Local Environmental Plan and Development Control Plan for the Residential Zone 2001, Amendment 1 (Section 79C(1)(a)(i)&(iii)); the likely impacts of the development (Section 79C(1)(b)); the suitability of the site (Section 79C(1)(c));
2. The proposed objectives of the Manly Local Environmental Plan, 1988, are not considered to be satisfied.
3. The proposal does not satisfy Council's objectives and controls under Manly Development Control Plan (DCP) for the Residential Zone 2001(Amendment 1).
4. The proposed demolition and excavation of the existing site is not considered to satisfy Council's Residential DCP in respect of heritage criteria as the property is identified as having strong potential as a heritage item. In this regard the DCP seeks to retain and conserve properties of potential heritage significance.
5. The proposal development is not considered to be sympathetic in terms of the height, bulk and scale of dwelling houses in the locality. Moreover the proposed design of the first floor addition is not considered to be sympathetic to the existing dwelling.
6. The proposal development does not comply with Council's DCP provision of Floor Space Ratio (FSR). The Council's Development Control Plan objectives in relation to floor space are also not considered to be achieved.
7. The proposed development does not comply with Council's controls for overshadowing in relation to the adjoining property to the south. The Council's Development Control Plan objectives in relation to height are not considered to be achieved.
8. The proposed development is not considered to demonstrate adequate consistency with the existing topography of the land.
9. The proposed development is not in the public interest having regard to Section 79C(1)(e) of the Environmental Planning & Assessment Act 1979.

Council received the current application for review of determination on 27 July 2005. The review application included revised plans. The application for review was notified to nearby and adjoining owners with one submission received.

**Environmental Services Division Report No. 64 (Cont'd)**

The application for review was considered by Council's Development Assessment Unit on 25 October 2005 where it was recommended for refusal. The applicant sought discussions with Council staff and requested the opportunity to submit further revised plans. Council received further revised plans on 22 November 2005. The 22 November plans are the subject of this assessment.

**Development Control Plan Numerical Assessment**

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

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Floor space ratio	0.6:1	0.6:1	Yes
Floor space ratio - existing	0.42:1		Yes
Wall height North side	6.8m	7.3m	No
South side	6.8m	7.0m	No
Roof height	3.0m	1.3m	Yes
Setback Front	6.0m	6.0m	Yes (existing)
Setback Rear	8.0m	10.0m (ground floor level deck) 14.0m (Additions)	Yes Yes
Setback north side	N/A semi		N/A
Setback south side	2.33m (new first floor level) 1.95 (new stairwell)	2.3m 1.2m	No No
Open space - total	55% (190sqm)	39% (137.5sqm)	No
Open space - soft	35% (66sqm)	50% (95sqm)	
Private Open Space	18sqm	71sqm	Yes
Car Parking – Residents	2	nil	No
Shadow -adjacent open space	<1/3 <sup>rd</sup> existing sunlight access open space.	<1/3 <sup>rd</sup> 2hrs (1.00pm – 3.00pm family room window)	Yes
adjoining EW orientation	>2hrs living room windows from 9.00am to 3.00pm		Yes
exist north facing roofs	> 10sqm	>10sqm	Yes

**Applicant's Supporting Statement**

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

**Submissions**

The application for review and revised plans were notified to nearby and adjoining owners with one submission received raising the following concerns:

- Non compliance with DCP requirements in respect of height, setbacks, overshadowing, privacy and overlooking, and external material selection.
- Overshadowing to living area and outdoor area greatest concern.
- Statements by the applicant that these areas are already in shade are incorrect.
- Rear deck ground floor level will overlook rear outdoor area and living room window

**Environmental Services Division Report No. 64 (Cont'd)**

- Concrete roof tile selection no in character- colorbond to match would be an appropriate choice.
- Suggest lower the proposed addition by 1.7m which is possible as the proposal involves substantial demolition of the rear of the dwelling.

**Precinct Community Forum Comments**

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

“Owner spoke for the DA. Owner of 38 Birkley (David Bedingfield) spoke against. Main concerns are overshadowing and loss of direct sunlight. The Precinct notes that although the neighbours were consulted the objections were not acted on when the DA was submitted. Note that the shadow diagram was not available for review by the Precinct at this time, making further resolution impossible. We recommend the assessing officer ensures that the overshadowing complies with the DCP. A letter from the objecting owners is attached. The applicant for the DA reiterated that he believed the DA complied in all respects.”

The application for review was referred to the Ivanhoe Park Precinct Community Forum with the following comment received.

“Owner/developer spoke for the development. Owner at No.38 Birkley Rd spoke against. Primary concern was overshadowing, loss of amenity and privacy. E Harrington, owner of No.42 spoke against. Primary concerns were loss of privacy and the brick wall being built down the adjoining side.

Motion: The Precinct moves that although the new proposal as resubmitted attempted to address the concerns raised by Council, more consultation is required with neighbours concerning overlooking by the upstairs balcony”

**Engineers Comments**

No objections subject to recommended conditions.

**Building Comments**

No objection subject to recommended conditions.

**Planning Comments**

The current proposal still exhibits a number of departures from Council's Residential Development Control Plan (Amendment 1) (DCP) in regard to wall heights , south side setback, open space and car parking.

The variance to the wall height is 0.5m on the north side and 0.2m on the south side. The variation on the south side is minor in isolation however the variance contributes to amenity impacts on the adjoining property to the south in terms of overshadowing and visual bulk.

The variance to south side boundary setback for the new first floor addition is minor however again the non compliance contributes to impact on the amenity of the adjoining property in terms of overshadowing and visual bulk. The new stairwell above the existing wall at ground floor level stands 0.75m within the permitted setback. The vertical surface area in breach is 3.3sqm, whilst relatively minor the breach contributes to impact on the amenity of the adjoining property.

The proposal does not reduce the existing amount of open space on the site as the proposal utilises generally the same building footprint as existing. The proposal does increase the available

**Environmental Services Division Report No. 64 (Cont'd)**

open space by approximately 8sqm with the removal of the existing laundry lean to at the south side of the dwelling.

There is no provision for on site car parking on the site although vehicle access could be provided off Lawson Place at the rear. The area is closely occupied with the demand for street parking being high. In view of the limited open space available for occupants of the site it is considered provision of on site car parking for at least one vehicle should be required.

The adjoining property owner raises concerns in respect of non compliances with Council's DCP, these are discussed above. The concern in regard to sunlight access to the living room window is noted. It is apparent that this window currently receives direct sunlight during the winter solstice. The proposal will result in the window receiving sunlight in the afternoon period only from approximately 1.00pm. The adjoining owner has provided a floor plan of the dwelling at No.38 which shows the window in question is the only living room experiencing direct sunlight. Accordingly any loss of sunlight to this area would have significant amenity impacts on the occupants. The adjoining owner also draws attention to the loss of sunlight to the existing outdoor area which has been developed and is used outdoor eating and recreation as it is positioned close to the dwelling. Whilst the proposal has been assessed as complying with the numeric requirements of the DCP it is apparent the overshadowing impacts will be significant and the proposal cannot be supported in its current form.

Concerns in respect of privacy impacts from the first floor level bedroom window are noted and plans show obscure glazing to the lower half of the window only. This is not sufficient to address overlooking potential and the height of the sill or obscure glazing should be increased to a minimum 1.6m Privacy impacts from the proposed deck areas (note proposal shows privacy screens to sides) are considered acceptable in the areas close residential context.

Neighbour concerns in respect of materials and finishes are acknowledged and are considered valid. Any addition to the building should utilise materials that are consistent with the built character of the area. The use of concrete roof tiles as shown on plans is not appropriate.

It is noted that the applicant has endeavoured to revise the proposal in order to address non compliances with Council's DCP and the concerns of adjoining property owners however, having regard to the cumulative effect of the non compliances and the extent of impact on the amenity of the adjoining property to the south, the proposal cannot be supported.

**CONCLUSION:**

The application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 1988, and the Development Control Plan for the Residential Zone 2001 (Amendment 1) and is not satisfactory, accordingly the application is recommended for refusal.

**RECOMMENDATION**

That the application for Review of Determination of Development Application no. 133/05 for alterations and additions to the existing semi detached dwelling at No. 40Birkley Road, Manly be refused for the following reasons;

1. The proposal is considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, and is considered to be unsatisfactory. In particular the development is not considered satisfactory under the provisions of the Manly Local Environmental Plan and Development Control Plan for the Residential Zone 2001, Amendment 1 (Section 79C(1)(a)(i)&(iii)); the likely impacts of the development (Section 79C(1)(b)); the suitability of the site (Section 79C(1)(c));



**Environmental Services Division Report No. 64 (Cont'd)**

2. The proposed objectives of the Manly Local Environmental Plan, 1988, are not considered to be satisfied.
3. The proposal does not satisfy Council's objectives and controls under Manly Development Control Plan (DCP) for the Residential Zone 2001(Amendment 1).
4. The proposed demolition of part of the building is not considered to satisfy Council's Residential DCP in respect of heritage criteria as the property is identified as having strong potential as a heritage item. In this regard the DCP seeks to retain and conserve properties of potential heritage significance.
5. The proposal development is not considered to be sympathetic in terms of the height, bulk, scale and materials/finishes of dwelling houses in the locality.
6. The proposed development does not comply with Council's controls for overshadowing in relation to the adjoining property to the south. The Council's Development Control Plan objectives in relation to height are not considered to be achieved.
8. The proposed development is not considered to demonstrate adequate consistency with the existing topography of the land.
9. The proposed development is not in the public interest having regard to Section 79C(1)(e) of the Environmental Planning & Assessment Act 1979.

**ATTACHMENTS**

There are no attachments for this report.

LUM051205ESD\_2.DOC

\*\*\*\*\* End of Environmental Services Division Report No. 64 \*\*\*\*\*

**TO:** Land Use Management Committee - 5 December 2005  
**REPORT:** Environmental Services Division Report No. 65  
**SUBJECT:** 95 Lauderdale Avenue, Fairlight Section 96 Modification  
**FILE NO:** DA412/99  
**PREVIOUS ITEMS:** 79, Land Use Management Committee (17 April 2000)

---

<b><u>Application Lodged:</u></b>	2 September 2005
<b><u>Applicant:</u></b>	AGP Constructions
<b><u>Owner:</u></b>	Nighlock Pty Ltd
<b><u>Estimated Cost:</u></b>	N/A for S.96 modification of consent
<b><u>Zoning:</u></b>	Manly Local Environmental Plan, 1988 - Residential
<b><u>Surrounding Development:</u></b>	2 and 3 storey detached dwelling houses and multi-unit buildings.
<b><u>Heritage:</u></b>	No.
<b><u>Foreshore Scenic Protection</u></b>	Yes

**SUMMARY:**

1. CONSENT WAS GRANTED FOR CONSTRUCTION OF TWO (2) ATTACHED DWELLINGS OVER FOUR (4) LEVELS WITH ROOF TOP PARKING ON 17 APRIL 2000.
2. WORK COMMENCED ON THE SITE 26 MAY 2003.
3. ON 22 JULY 2005 A PRE-LODGEMENT MEETING WAS CONDUCTED BETWEEN THE APPLICANT AND COUNCIL STAFF TO DISCUSS PROPOSED MODIFICATIONS INCLUDING ENCLOSURE OF BALCONIES. ISSUES OF INCREASED FLOOR SPACE RATIO (FSR), REDUCED PRIVATE OPEN SPACE AND PRIVACY WERE RAISED FOR THE APPLICANT TO CONSIDER.
4. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION UNDER SECTION 96 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT REQUESTING ADDITIONAL WINDOWS, ENCLOSURE OF SEVERAL BALCONIES, AND MINOR CHANGES TO MATERIALS AND FINISHES.
5. THE SECTION 96 APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING OWNERS IN ACCORDANCE WITH COUNCIL'S POLICY WITH ONE (1) SUBMISSION OBJECTING TO THE PROPOSAL AND A PETITION IN SUPPORT OF THE PROPOSAL RECEIVED.
6. THE SECTION 96 APPLICATION WAS REFERRED TO THE FAIRLIGHT PRECINCT COMMUNITY FOURM WITH COMMENTS RECEIVED.
7. A RECENT INSPECTION OF THE SITE REVEALS WORKS HAVE BEEN CARRIED OUT WITHIN THE ADJOINING FORESHORE RESERVE. THESE WORKS DO NOT FORM PART OF THE PROPOSED MODIFICATIONS AND APPROVAL FOR THIS WORK IS NOT SOUGHT UNDER THIS APPLICATION.
8. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR'S MACDONALD AND LAMBERT.
9. A SITE INSPECTION IS RECOMMENDED.
10. APPROVAL IS RECOMMENDED TO THE PROPOSED MODIFICATIONS EXCEPT FOR ENCLOSURE OF SOUTH FACING BALCONIES ON LEVELS 2 AND 3.

## Environmental Services Division Report No. 65 (Cont'd)

**LOCALITY PLAN**

Shaded area is subject land.

**REPORT****Introduction**

The site is located on the southern (low) side of Lauderdale Ave one allotment to the east of the intersection between Lauderdale Ave and King Avenue. The site has an irregular configuration and adjoins the foreshore and foreshore reserve to the south and southeast respectively. The site falls steeply from road level toward the rear boundary. Council at its Ordinary Meeting of 23 May 2000 granted consent to Development Application No.412/99 for two attached dwellings extending over four levels with car parking above.

This application is made pursuant to Section 96 Modification of Consent, requesting design amendments to the approved plans. Construction of the building is well underway with slabs and walls nearing completion for all 4 levels.

The amendments are summarised as follows:

- A. Level 1 – new window openings in northern wall for storeroom and cellar
- B. Level 1 – enclose south-western corner of living room with additional 5.6m<sup>2</sup> floor area
- C. Level 2 – enclose 2 x north side decks facing retaining wall below street
- D. Level 2 – enclose south facing decks attached to bedrooms 1 and 3
- E. Level 3 – enclose south facing deck attached to living & dining room
- F. Level 3 – enclose 2 x north side decks facing retaining wall below street
- G. East elevation – addition of rendered & and painted spandrels below windows
- H. West elevation – add face stonework to portions of exterior wall

**Applicant's Supporting Statement**

A detailed Statement of Modification was submitted with the Section.96 application. This is discussed with the planning comments. A copy of the statement is available for viewing on Council's file.

**Submissions**

The Section 96 application was notified to nearby and adjoining owners with one submission objecting to the proposal and one (1) petition in favour of the proposal (containing 13 signatories, being neighbours in Lauderdale Avenue) received. No reasons for support of the proposal were provided as part of the petition.

**Environmental Services Division Report No. 65 (Cont'd)****Precinct Community Forum Comments**

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

**Motion 1:** Precinct has no objection provided it conforms to the Development Control Plan (DCP).

**Proposed** Warwick McKenzie                      **Seconded** David Drage  
**Passed** Unanimous

**Motion 2:** Precinct urges Council to give urgent consideration to the widening of the southern footpath from the Scenic Walkway to King Avenue while work is being done for that part adjacent to 95 Lauderdale. This is a major bottleneck for pedestrians, prams, wheelchairs and this seems an ideal opportunity to complete an important improvement.

**Proposed** Warwick McKenzie                      **Seconded** David Drage  
**Passed** Unanimous

**Engineers Comments**

N/A for this S.96 application.

**Building Comments**

No objection to the proposed modifications subject to compliance with the original conditions of consent.

**Landscape Architects Comments**

N/A for this S.96 application.

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

The proposed modifications relate to the approval for two (2) attached dwellings and are permissible with consent.

The modifications are considered satisfactory in response to the objectives of the residential zone except for the request to enclose the south facing balconies on levels 2 and 3. This is considered to result in increased impacts of visual bulk which is considered unacceptable given the sites prominent location adjoining the foreshores of North Harbour and Esplanade Reserve. On this basis these particular modifications are also considered unsatisfactory in context of the requirements of Clause 17 of the LEP with their setting within the Foreshore Scenic Protection Area.

**Residential DCP 2001**

The proposed modifications result in changes to compliance as follows:

***Floor Space Ratio***

The approved development has a FSR of 0.69:1 / 489m<sup>2</sup>. Under the DCP, the site is located within subzone 4 whereby a maximum FSR of 0.5:1 is permitted.

The proposed balcony enclosures result in an increase in floor area of 99m<sup>2</sup>, resulting in a FSR of 0.83:1. The increase in floor area occurs on both the north side and south side of the building,

**Environmental Services Division Report No. 65 (Cont'd)**

therefore the proposed enclosures on either side of the building need to be considered separately in terms of their potential impacts.

The increases in floor area resulting from the north facing balconies is considered acceptable as these face the retaining wall below Lauderdale Avenue and cause minimal increase in visual bulk. The increase in floor area resulting from enclosing the south facing balconies (modifications D & E as described) however is considered unacceptable given that these balconies are prominent structures on a highly visible façade facing the foreshores and water. As such their enclosure would result in an additional 43m<sup>2</sup> of floor area, and have the effect of reducing articulation of the façade, increasing visual massing and bulk as viewed from the water and foreshores. Furthermore enclosing the balconies has the effect of cumulatively reducing private open space to each unit, with the amount of reduction considered unacceptable given the acceptance to enclosure of the north facing balconies.

The applicants justification for this points to additional land area made available through a lease executed over a portion of council land at the north-western corner of the site, thereby resulting in an adjusted reduced FSR. In real terms the site area remains unchanged and the lease arrangement cannot be relied upon for this purpose. Also, in view of the fact that the balcony enclosures of issue are on the south side of the site, the use of this leased land in providing additional landscaped space will not provide any visual benefit to the southern side where the increase in bulk occurs.

The applicant also points to the objectives of the FSR control and suggests that as the increase in floor area is within the approved building envelope, there will be no increase in bulk. The statement that the enclosures are within the approved envelope are disputed and, as stated above, in view of the proposed south facing balcony enclosures causing increased visual bulk and massing, these enclosures are not supported as part of the modifications.

***EP&A Act, 1979 – Section 96 Modification of Consent***

The main issue arising from this Section 96 modification of consent is that of increased visual impact to the Foreshore Scenic Protection Area. This arises from increased bulk, caused by the proposed enclosure of 3 south facing decks to levels 2 and 3.

In carrying out an assessment under Section 96 – Modification of Consent, the criteria for assessment are as follows:

- (a) whether the proposed modification is of minimal environmental impact; and*
- (b) whether the proposed modifications result in substantially the same development.*

The intention of enclosing decks on the northern and southern sides of the two attached dwellings is to increase internal living space. The proposed modification as described result in substantially the same development as originally approved when the approved and modified plans are compared. Amenity impacts of overshadowing, view sharing and privacy remain largely unchanged. Additional bulk resulting from the north facing balcony enclosures is considered acceptable as the increase in bulk will occur below street level, facing a retaining wall and, as such the enclosures will not be highly visible nor cause a noticeable increase in building bulk.

The increase in FSR associated with enclosing the south facing balconies on levels 2 and 3 however is considered to result in increased impacts of visual bulk, as well as causing a considerable reduction in private open space to each unit. This is considered unacceptable given the prominent location on a visually sensitive site adjoining the foreshores of North Harbour and Esplanade Reserve, and the limited amount of private open space provided for each unit. As a consequence the proposed modifications are considered acceptable except for the proposed enclosure of the south facing balconies on levels 2 and 3.

**Environmental Services Division Report No. 65 (Cont'd)****CONCLUSION:**

The proposed modifications are considered to be satisfactory pursuant to the provisions of Section.96 of the Environmental Planning & Assessment Act 1979, except for the proposal to enclose balconies on the southern side of levels 2 and 3. Subject to a condition requiring these decks to remain open, the remaining modifications will not result in no significant increase in impacts and the development will be substantially the same development as approved. Consequently the proposed modifications are recommended for approval on this basis.

**RECOMMENDATION**

That the application to modify DA412/99 for construction of two (2) attached dwellings at 95 Lauderdale Avenue, Fairlight, be approved subject to revision of Condition 1 and new condition 1A added as follows:-

1. This approval relates to drawings/plans Nos. DA3126/01 – DA3126 dated 23 July 1999 and received by Council on 4 August 1999, and amended drawing Nos. SK01 – SK03 dated 10 November 1999 and received by Council on 16 November 1999 as amended by drawings/plans Nos. A-01 – A-05, Issue B, dated 8/8/2005 and received 2 September 2005, ***except for the enclosure of south facing balconies on level 2 (from unit 1: bedroom 1 and bedroom 3 balconies) and on level 3 (from unit 1: living and dining room balcony)***
- 1A. The south facing balconies on levels 2 and 3 are all to remain open, and shall not be enclosed, plans being suitably notated prior to issue of the amended Construction Certificate.

**ATTACHMENTS**

There are no attachments for this report.

LUM051205ESD\_1.doc

\*\*\*\*\* End of Environmental Services Division Report No. 65 \*\*\*\*\*

**TO:** Land Use Management Committee - 5 December 2005  
**REPORT:** Environmental Services Division Report No. 66  
**SUBJECT:** 20 Ernest Street, Balgowlah  
**FILE NO:** DA367/05

---

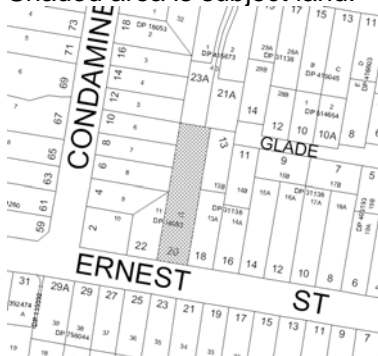
**Application Lodged:** 15 August 2005  
**Applicant:** Provincial Planning Pty Ltd  
**Owner:** S. Scothmer  
**Estimated Cost:** \$65,000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
**Surrounding Development:** 1 & 2 storey dwellings,  
**Heritage:** Nil

### **SUMMARY:**

1. DA 367/05 FOR ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING AND SUBDIVISION INTO TWO ALLOTMENTS WAS LODGED ON 15 AUGUST 2005.
2. AS PART OF THE PROPOSAL 2 TREES IDENTIFIED ON THE SITE REQUIRE REMOVAL TO ENABLE CONSTRUCTION OF AN ACCESS DRIVEWAY WITH AN ARBORISTS REPORT SUBMITTED.
3. NOTIFICATION OF THE PROPOSAL TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE (3) SUBMISSIONS RECEIVED.
4. THIS APPLICATION WAS REFERRED TO THE BALGOWLAH PRECINCT COMMUNITY FORUM FOR COMMENT.
5. THE PROPOSAL RESULTS IN NON-COMPLIANCE WITH THE FRONT SETBACK AND ACCESS WIDTH CONTROLS OF THE RESIDENTIAL DCP. NOTWITHSTANDING THE PROPOSAL IS CONSIDERED TO SATISFY THE OBJECTIVES OF THESE CONTROLS.
6. A REPORT RECOMMENDING APPROVAL OF THE DA WAS FORWARDED TO COUNCIL'S DEVELOPMENT CONTROL UNIT MEETING OF 22 NOVEMBER 2005 WHEREUPON THE ASSESSMENT PANEL RESOLVED TO RECOMMEND APPROVAL OF THE DEVELOPMENT APPLICATION.
7. THIS APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT MEETING BY COUNCILLORS MACDONALD AND LAMBERT.
8. A SITE INSPECTION IS RECOMMENDED.
9. APPROVAL OF THIS DEVELOPMENT APPLICATION IS RECOMMENDED.

### **LOCALITY PLAN**

Shaded area is subject land.



**Environmental Services Division Report No. 66 (Cont'd)****REPORT****Introduction*****The site and surrounds***

The site is located on the lower northern side of Ernest Street, east of its intersection with Condamine Street.

The site has an elongated form with front southern and rear northern boundaries of 18.29m and eastern and western side boundaries of 61.845m for a total site area of 1,496m<sup>2</sup>. The site also has a mild fall towards the northern rear boundary of approximately 6 metres. The rear portion of the site is also characterised by several mature trees including several eucalypts.

Existing development on the site comprises a two storey brick dwelling with pitched tile roof. The garden has a terraced form with landscaping comprising a mix of lawns, shrubs and some 22 identified trees ranging in a height up to approximately 20 metres.

Development in the surrounds comprises a mix of one and two storey dwellings. To the north and northeast are single storey dwellings. To the east along the rear half of the site is a single storey dwelling, and along the front half of the eastern boundary is a 2 storey dwelling. To the west along the front half of the western boundary is a 2 storey house is a single storey dwelling. Further north along the western boundary are 4 x 1 and 2 storey dwellings which have frontage to Condamine Street. To the south on the opposite side of the street are 1 and 2 storey dwellings.

***Proposed development***

Development consent is sought for alterations and additions to the existing dwelling and subdivision of the site into two allotments, with the existing dwelling located on the front allotment (Site A) and the rear allotment (Site B) vacant at this stage.

Demolition of the carport/garage adjoining the western side of the house is required in order to facilitate construction of a battleaxe driveway access to the proposed rear allotment. A new double carport is proposed at the front of the existing dwelling, with the driveway extending 90 degrees across the front of the dwelling to service the carport.

Subdivision of the site into two allotments would result in Site A (containing the existing dwelling) at 717m<sup>2</sup>, and Site B (being vacant) at 540m<sup>2</sup>, excluding the area of the access handle.

In order to construct the driveway a Sydney Red Gum of approximately 14 metres height and located adjacent to the north western corner of the existing dwelling height requires removal. A second tree located 5m to the north, identified as a Lillypilly of 11 metres height also requires removal for this reason.

Amended plans also provide details of an indicative building footprint for a future dwelling whereby the remainder of the trees on site are to be retained, being a total of 20 out of 22 trees.

**Development Control Plan Numerical Assessment**

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



**Environmental Services Division Report No. 66 (Cont'd)**

Site area 1,496m<sup>2</sup>

Subzone 5 – min. 500m<sup>2</sup>/dwelling

	<b>Permitted/Required</b>	<b>Proposed</b>	<b>Compliance</b>
Subdivision	500m <sup>2</sup> (excluding access handle)	Lot A – 717m <sup>2</sup> Lot B – 540m <sup>2</sup>	Yes
Access width	6.0m	4m – 6m	No
Lot A dwelling	<b>Permitted/Required</b>	<b>Proposed</b>	<b>Compliance</b>
Open space	55% of site area	Lot 1 – 400m <sup>2</sup> / 56%	Yes
Soft Landscaping	35% of open space	320m <sup>2</sup> / 80%	Yes
FSR	0.45:1 / 322m <sup>2</sup>	0.43:1 / 307m <sup>2</sup>	Yes
Height (carport)	6.9m	2.4m	Yes
Setback – side	0.8m for carport	2.87m	Yes
Setback – rear	8m	22m	Yes
Setback – front	6m	3.44m carport	No
Fence height	1.5m (1m solid)	-	N/A
Parking	2 spaces	2 spaces	Yes

**Applicant's Supporting Statement**

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

**Submissions**

Notification of the proposal resulted in 3 submissions being received from neighbouring property owners, raising several issues which are each addressed as follows:

***Removal of 2 mature trees along western boundary***

As noted a Sydney Red Gum of approximately 14 metres height and located adjacent to the north western corner of the existing dwelling height requires removal. A second tree located 5m to the north, identified as a Lillypilly of 11 metres height also requires removal for this reason. An arborist's report submitted with the proposal identifies these trees as having a 'significance rating' of 3 out of 5, with a rating of 1 being the highest. With this rating, the rating system suggests it may be a good tree specimen, but may be removed if it constrains opportunities to achieve a complying development.

Amended plans also provide details of an indicative building footprint for a future dwelling whereby the remainder of the trees on site are to be retained, being a total of 20 out of 22 trees. Given the large majority of trees that are to be retained and that the development generally complies with the DCP, removal of the 2 trees in these circumstances is considered reasonable.

***Loss of natural amenity / Clearing of vegetation***

The trees to be removed are recognised to contribute towards the natural setting. Given that 20/22 trees on the site will be retained and that the development generally complies with the DCP, the loss of natural amenity resulting from the proposed subdivision is not considered unreasonable.

***Loss of habitat***

The trees form part of a local 'pocket' of trees in the locality however they are not within a corridor that provides habitat for significant / threatened bird species.

**Environmental Services Division Report No. 66 (Cont'd)*****Loss of privacy***

The proposal is for subdivision only, with an indicative dwelling layout provided for Lot B. Subject to approval of the subdivision, privacy impacts of a new dwelling on Lot B would be considered upon receipt a DA for a dwelling on this allotment.

***Overshadowing***

As per the issue of privacy, overshadowing impacts would be considered upon receipt a DA for a dwelling on Lot B.

***Noise***

As per the issues of privacy and overshadowing, noise impacts would be considered upon receipt a DA for a dwelling on Lot B.

***Construction impacts***

As per the above issues, construction impacts would be considered upon receipt of a DA for a dwelling on Lot B. In context of the proposal, construction impacts of the access driveway along the western boundary can be minimised subject to compliance with the recommended conditions of consent.

**Precinct Community Forum Comments**

No comments received at time of writing this report.

**Engineers Comments**

The proposed subdivision requires separate drainage systems to be provided. Amended hydraulic plans are to be submitted prior to issue of a Construction Certificate. Standard conditions of consent have also been advised.

**Building Comments**

Standard conditions of consent advised.

**Landscape Architects Comments**

Standard conditions of consent advised.

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

The site is located in Zone No.2 – The Residential Zone. Pursuant to Clause 11 of the LEP subdivision is permissible with development consent.

Objective (d) of the residential zone requires that development being “building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment”. In response to this objective the proposed subdivision will facilitate the construction of one new dwelling at the rear on lot 2 and addition of a carport to the existing dwelling on lot 1.

The configuration of the subdivision indicates a dwelling footprint on site B that will provide open space at its front and rear in a manner similar to the existing dwelling on site A and in the surrounds. The subdivision is also consistent with the two neighbouring properties to the east, such that the site is considered capable of supporting a dwelling on Lot 2 without causing adverse impacts to the amenity of neighbouring properties in terms of overshadowing, outlook and privacy. In terms of landscaping, the proposed subdivision is considered acceptable with 20 out of 22 trees on the site identified for retention.

In terms of density, the proposal is consistent with the varying density of the immediate locality which has a mix of detached dwellings on allotments of varying sizes. As a result the proposed subdivision will not result in allotments that are out of character with the local subdivision pattern,

**Environmental Services Division Report No. 66 (Cont'd)**

and will not generate excess demands on infrastructure services in its local context. Consequently the proposal is considered an acceptable form of development in response to the objectives of the Residential Zone.

***Manly DCP for the Residential Zone 2001****Objectives of subdivision*

A key objective of the subdivision control is to consider *“the importance of existing natural features on lot boundaries and any potential impact from the proposed development”*. As discussed under the LEP objectives, the proposal indicates a dwelling footprint for Lot B that allows open space to be provided at its front and rear. Whilst two mature trees will require removal to enable access driveway construction, the remaining 20 out of 22 identified trees will be retained on the site which is considered an acceptable outcome. Given that the site areas for lots A and B are surplus to the minimum lot size and the indicative dwelling footprint provided, lot B is considered capable of supporting construction of a dwelling without requiring further removal of trees. Consequently the proposal is considered to satisfy the objective for subdivision.

*Access width*

The width of the access corridor is proposed at 4.04m whereas a minimum of 6m is required. Compliance with this could be achieved however would require demolition of the western side of the front dwelling, in particular its rear living room. It would also result in the accessway being a visually prominent part of the site in context of the streetscape as well as reducing the site area for the front and rear lots open space and landscaping.

Given that the rear allotment is limited in development capacity to a single dwelling, the traffic generation associated with this is not considered to require a 6.0m wide carriageway to enable passing in either direction. Furthermore the driveway allows straight unimpeded sight lines from front to rear. Consequently the proposed access width is considered acceptable on merit.

*Front setback*

The proposed double carport has a front setback of 3.44m which is significantly less than the minimum required front setback of 6.0m. In response to this it is noted that the front building line for Ernest Street varies.

Whilst the carport will be a noticeable structure within the front landscaped setback, it will be an open structure with horizontal slats allowing some transparency in a form similar to that required for front fences. The carport will also be screened by a series of shrubs along the front boundary. Consequently the position of the carport and its design is considered acceptable in context of the streetscape. The position of the carport within the front setback area is also considered acceptable in context of neighbours amenity, whereby solar access and outlook will be retained.

**CONCLUSION:**

The application has been assessed pursuant to Section 79C of the EP&A Act, including the Manly Local Environmental Plan 1988 and the Manly Development Control Plan for the Residential Zone, and is considered consistent with the intent of relevant planning controls. From this assessment the proposed subdivision is considered suitable for the site, with sufficient site area to comfortably accommodate a dwelling on the rear allotment without requiring substantial tree removal. Non-compliance with the DCP provisions for front setback and access width are considered acceptable on merit, with no unacceptable adverse impacts considered to result, and no submissions received in this regard. The design is also considered satisfactory on merit in response to issues raised in submissions such that it may be considered within the public interest and recommended for approval.

**Environmental Services Division Report No. 66 (Cont'd)****RECOMMENDATION**

THAT Development Application 367/05 for alterations and additions to the existing dwelling and Torrens title subdivision at 20 Ernest Street, Balgowlah, be approved subject to the following conditions of consent:

**DA1**

This approval relates to drawings/plans Nos.1306-S01-A dated 14 November, 2005 and received by Council 21 November, 2005, Nos. S02, S03 dated April 2005 and received by Council 15 August, 2005 and Nos. 2005-01-C dated June 2005 and received by Council 21 September, 2005.

**ANS01**

All engineering works including driveways, provision of services and drainage works to Lot A are to be completed prior to the issue of the Subdivision Certificate.

**ANS02**

Removal of the Sydney Red Gum and Lilly Pilly trees (2 trees total) adjacent to the western boundary to enable construction of the vehicle access is to be carried out in accordance with the recommendations of the Arborists Report dated July 2005 as submitted with the Development Application.

**ANS03**

Any future development on Lot B is to be generally in accordance with the building footprint shown on plan number 1306-501 Rev C dated 2 November, 2005.

**DA012**

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

**DA013**

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

**DA016**

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$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. .

**DA342**

Separate application shall be made to Council's Infrastructure Division for approval to complete, to

**Environmental Services Division Report No. 66 (Cont'd)**

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

**DA343**

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

**DA018**

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

**DA019**

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

**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.

**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.

**DA048**

**Environmental Services Division Report No. 66 (Cont'd)**

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.

## DA075

All driveways, carparking areas and pedestrian paths shall be surfaced and sealed. Details of treatment to these areas shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

## DA077

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.

## DA109

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

## DA111

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

## DA084

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

## DA088

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

## DA089

An easement is to be created through the adjoining property/properties for the disposal of stormwater runoff and services, to the requirements of Council or its delegate. The easement shall be registered prior to the issue of the Construction Certificate. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.

## DA091

Details of any proposed easement shall be submitted to Council. The easement shall be registered prior to the issue of the Construction Certificate.

## DA095

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

**Environmental Services Division Report No. 66 (Cont'd)**

stormwater detention.

**DA097**

Any work to be constructed over the easement shall not prohibit or divert any natural overland flow of water.

**DA100**

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

**DA101**

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

**DA102**

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

**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.

**DA232**

A heavy duty pavement shall be constructed along the full length of the proposed right-of-way. Details shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

**DA236**

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

**DA237**

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

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

**Environmental Services Division Report No. 66 (Cont'd)**

DA239

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

DA240

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

DA247

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

DA348

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

DA255

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

DA259

All engineering works are to be completed prior to the issue of the Subdivision Certificate.

DA260

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

DA261

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

On Site Detention slab X2

Framework inspection

Blockwork Steel

Drainage inspection

Driveway crossing/kerb layback

Landscaping inspection

Final inspection

The cost of these inspections by Council is \$2200. (being \$220.00 per inspection inclusive of



**Environmental Services Division Report No. 66 (Cont'd)**

**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.

**DA274**

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

**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.

**DA283**

De-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:

- a) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA certified laboratory or Manly Council for compliance with ANZECC Water Quality Guidelines
- b) If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
- c) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
- d) It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated with erosion or scouring due to the volume of water pumped.
- e) Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.
- f) Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.

**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.

**Environmental Services Division Report No. 66 (Cont'd)**

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

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.

DA298

Approval of the application for Land Subdivision the subject property is subject to the lodgment of a Subdivision Certificate application and payment of the appropriate fee.

DA323

**Environmental Services Division Report No. 66 (Cont'd)**

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

**ATTACHMENTS**

There are no attachments for this report.

LUM051205ESD\_5.doc

\*\*\*\*\* End of Environmental Services Division Report No. 66 \*\*\*\*\*

**TO:** Land Use Management Committee - 5 December 2005  
**REPORT:** Environmental Services Division Report No. 67  
**SUBJECT:** 2 Lombard Street, Balgowlah  
**FILE NO:** DA333/05

<b><u>Application Lodged:</u></b>	21 July 2005 (Amended plans received on 13 October 2005)
<b><u>Applicant:</u></b>	Mr. David Robinson
<b><u>Owner:</u></b>	Mr. D. S. Robinson & Ms B. L. Rosser
<b><u>Estimated Cost:</u></b>	\$230,000
<b><u>Zoning:</u></b>	The site is located in Zone No. 2 – Residential.
<b><u>Surrounding Development:</u></b>	Single and two storey dwellings
<b><u>Heritage:</u></b>	Not Applicable.

### **SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO THE EXISTING SINGLE STOREY DWELLING INCLUDING FIRST FLOOR ADDITIONS AND REAR DECKS.
2. THE ORIGINAL PROPOSAL WAS NOTIFIED TO ADJOINING AND NEARBY PROPERTY OWNERS WITH SIX (6) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE BALGOWLAH PRECINCT FORUM FOR COMMENT.
4. ON 27 SEPTEMBER 2005, COUNCIL'S DEVELOPMENT ASSESSMENT UNIT RESOLVED DEFERRAL OF THE APPLICATION, DUE TO DEPARTURES TO THE SETBACK PROVISIONS OF THE DCP, PRIVACY/VIEW LOSS FROM THE PROPOSED ELEVATED REAR DECKS AND OVERSHADOWING IMPACT TO THE ADJOINING REAR OUTDOOR LIVING AREAS.
5. ON 13 OCTOBER 2005, FURTHER REVISED PLANS WERE SUBMITTED.
6. THE REVISED PLANS WERE RE-NOTIFIED WITH FOUR (4) SUBMISSIONS RECEIVED.
7. ON 3 NOVEMBER 2005, THE REVISED PLANS WERE CONSIDERED AT COUNCIL'S DEVELOPMENT ASSESSMENT UNIT AND RESOLVED TO APPROVE THE APPLICATION SUBJECT TO A DEFERRED COMMENCEMENT CONSENT TO ADDRESS CONCERNS REGARDING AMENITY IMPACTS ON ADJOINING PROPERTIES AND COMPLIANCE WITH SIDE SETBACKS PROVISIONS WITHIN THE DCP.
8. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
9. A SITE INSPECTION IS RECOMMENDED
10. DEFERRED COMMENCEMENT CONSENT IS RECOMMENDED.

### **LOCALITY PLAN**

Shaded area is subject land.



**Environmental Services Division Report No. 67 (Cont'd)****REPORT****Introduction**

The subject site is located on northern side of Lombard Street, Balgowlah and currently contains a single storey dwelling with an open car space located at the front setback area of the site.

The site has a site width of 10.06m and side boundaries of 34.44m for a total site area of 346sqm. The subject site slopes towards the rear of the site.

The subject dwelling has a north south orientation, adjoining four (4) detached residences facing Woodland Street to the east (being No. 207, 209, 211 and 213 Woodland Street) with east west orientation, and a detached residence to the west (being No. 4 Lombard Street) with north south orientation.

Ocean views to the east and district views to the north-east, north and north-west are obtained from the subject dwelling and several neighbouring dwellings in the locality.

**Proposal**

Development consent is sought for alterations and additions to the dwelling as follows:

- A laundry addition on the lower ground floor
- Ground floor rear addition to allow a larger kitchen and family room attached with new elevated rear deck.
- First floor addition to allow a master bedroom with ensuite, wardrobe, a new internal staircase, and an attached rear balcony.

**Development Control Plan Numerical Assessment (as Amended)**

The following is an assessment of the proposals (as amended) compliance with the numerical requirements of the DCP. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

<b>Control</b>	<b>Provision</b>	<b>Proposal</b>	<b>Compliance</b>
FSR	0.5:1 / m <sup>2</sup>	174.10m <sup>2</sup> / 0.5:1	Yes
Height	West: 7.3m	5m to 5.3m (single storey) 5.0m to 6.1m (2 storey)	Yes
	East: 7.4m	5.3m to 7.1m (2 storey)	Yes
Setback – Front	6.0m	6.0m	Yes – existing (no change)
Setback – Rear	8.0m	Proposed new elevated ground deck: 9.7m Proposed addition: 13m	Yes
Setback – West side	1.7m (single storey)	0.9m	No
	2.33m (second storey)	0.9m – 2.1m –	No
Setback – East	1.8m (single storey)	1.06m	No

**Environmental Services Division Report No. 67 (Cont'd)**

side	2.3m (second storey)	2.28m	No
Open Space	190.3m <sup>2</sup> / 55% min	210.04m <sup>2</sup> (including the area immediate below the proposed rear deck) / 61%	Yes
Soft Landscaping	35% min of O/S	139m <sup>2</sup> / 75%	Yes
Overshadowing	<1/3 of existing sunlight to open space >2 hrs to adjacent living room windows/glazed doors	>1/3 >2hrs	Yes Yes
Car parking	2 spaces per dwelling	1 spaces	No – (existing)

**Submissions**

Notification of the original application resulted in six (6) submissions received, issues raised were as follows:

- Loss of ocean views to neighbouring sunroom to the west.
- Loss of sunlight to neighbouring outdoor living areas.
- Non compliance to the side setbacks.
- Loss of privacy to neighbouring outdoor living areas.
- Insufficient on site parking facilities
- 3 storeys presentation.

*Notification of the revised plans (subject of this report) resulted in four (4) submissions received, these are discussed in the Planning Comments later in this report.*

**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.

**Balgowlah Precinct Community Forum Referral**

The original application was referred to the above forum and the following comments were provided:

"The six objectors attended the meeting the applicant did not. All objectors spoke raising the following concerns:

- From 209 Woodland St the development would present as three storeys.
- The two decks have major privacy issues.
- The upper deck is off a bedroom but is big enough to allow entertainment.
- The lower deck is too high and too close to the boundaries.
- Ocean views from 4 Lombard St will be lost.
- Both east and west setbacks do not comply.
- There is no attempt to follow the slope of the land.

**Environmental Services Division Report No. 67 (Cont'd)**

At the end of the meeting, the forum requests that Council strictly enforce the DCP guidelines in relation to this DA.”

**Building/Engineering/Landscaping Referrals**

The original application was referred to the above departments and no objections were received in reply.

**Planning Comments**

The plans subject of this report are the amended plans which attempt to address concerns regarding amenity impacts on adjoining properties. Following assessment of the original submission, the proposal was considered by Council's Development Assessment Unit on 27 September 2005 where it was resolved to defer the application to allow the applicant an opportunity to address departures from the Residential Development Control Plan (DCP) in respect of side setbacks, and concerns in respect of loss of ocean views, privacy loss and overshadowing.

On 13 October 2005, further amended plans were submitted in response to issues raised by Council, which include the following amendments:

- Splaying the western/eastern edge of the elevated ground floor deck resulting a reduction of the deck's area by 1.69sqm;
- Reconfiguring the eastern side stairs from the elevated ground floor deck
- Erecting of a 1.8m high privacy screen along the eastern side of the elevated ground floor deck
- Erecting a 1.5m high privacy screen along the eastern side of the upper floor balcony
- Deleting the stairwell windows on the western elevation of the upper floor addition.

The amended plans were re-notified with four (4) submissions were received to the proposal (as amended) in reply raising the following concerns (in summary):

- Loss of ocean views to neighbouring sunroom to the west.
- Loss of sunlight to neighbouring outdoor living areas – the objectors suggested that the privacy screen to upper floor rear balcony will further increase overshadowing impact.
- Non compliance to the side setbacks.
- Loss of privacy to neighbouring outdoor living areas – the objectors suggested that the privacy screen to the upper floor rear balcony and the splayed elevated ground floor rear deck will not improve privacy loss.

The following comments are provided in response to the non compliances to the DCP and issues raised in the submissions:

**Western Side Setback – proposed ground/first floor additions**

Concern was raised to the original proposal to its non compliance to the western side setback of the proposed ground & first floor additions, including the elevated ground floor rear deck (being more than 2m above existing ground level) and its detrimental impact to the amenity of the neighbouring property to the west – No. 4 Lombard Street, in respect to privacy/view loss and overshadowing.

Under the DCP, western side boundary setback is required to be 1.7m to 1.77m (single storey) and 1.67m to 2.03m (2 storey) from the western boundary, based on 1/3 of the proposed building height (i.e. varies from 5m to 5.3m (single storey) and 5.0m to 6.1m (2 storey) to the western boundary).

**Environmental Services Division Report No. 67 (Cont'd)**

The amended plans involve splaying the western edge of the elevated ground floor deck so as to improve the ocean view diagonally to the east from the adjacent sunroom of No. 4 Lombard Street adjoining the site to the west. However, the ground floor family addition at the rear, adjoining with an elevated deck (being more than 2m above existing ground level) is still setback 900mm to the western boundary, as originally proposed which does not comply with the objectives and numerical requirements of the DCP and is not considered to be satisfactory. Concern is still raised that the proposed ground floor family addition at the rear will result in some loss of the ocean view diagonally to the east from the adjacent sunroom of No. 4 Lombard Street and is considered to be unacceptable as it fails to comply with objectives 3.8.1 of the DCP in respect to view sharing.

In this regard, it is recommended that the following amendments be made and should be imposed as conditions of consent should development be granted in order to enhance the amenity of the No. 4 Lombard Street adjoining the site to the west:

- i. The proposed ground floor rear addition be setback a minimum of 2m from the western boundary so as to allow the relocation of the eastern stair to the western side which is required to be in line with the existing ground floor setback on western boundary. This amendment is required so as to allow a viewing corridor (rather than having the initial blank wall/privacy screen on the western elevation) as well as reducing the overshadowing impact to the western neighbours at No. 4 Lombard Street.
- ii. No windows/doors are to be installed on the western elevation of the proposed ground floor rear addition so as to maintain privacy to the western neighbours. It is suggested that new access from the dwelling to the new amended stairs (as per recommended Condition ANS06) on the western side should be facing north.

In respect of the proposed first floor rear addition, concern was raised in the submissions in regard to the non compliance of the stairwell section on the upper floor, which is only setback 900mm on the western boundary and thus do not comply with the required side setback (varies from 1.67m to 2.03m to western boundary).

Whilst the DCP states that *“Generally Council favours walls facing side boundaries to be staggered to permit windows at 90 degrees to the boundary facing into landscaped areas. In these circumstances Council will consider permitting part of a building to be constructed closer to the side boundary than one third of the wall height, providing another part of the building equal in area to the area protruding beyond the setback line, is setback further than the one third setback requirement. This is intended to encourage better design for privacy. Other criteria such as solar access and views will also be considered.”*

In this case, the amended plans do not involve any amendment to the western side setback of the stairwell section (900mm on the western boundary), however variation is considered to be acceptable for the following reasons:

- Setback of the first floor addition varies from 900mm minimum to 2.1m maximum from the western boundary and the departure is minor (200mm) for the majority of the new work with only the 3.1m section forming the stairwell being positioned 0.9m from the boundary.
- The applicant has deleted the stairwell windows initially proposed on the western elevation which removes privacy concerns in this location.
- In respect of overshadowing, the proposal (as amended) complies with the overshadowing provisions within the DCP where at least 4 hours of solar access is maintained/achieved to the main living room areas.

**Eastern Side Setback – proposed ground floor additions**

Concern was raised to the original proposal to its non compliance to the eastern side setback of the proposed ground kitchen addition at the rear, adjoining with an elevated ground floor rear deck



**Environmental Services Division Report No. 67 (Cont'd)**

(being more than 2m above existing ground level) and its detrimental impact to the amenity of the neighbouring properties to the east facing Woodland Street.

Under the DCP, eastern side boundary setback is required to be 1.8m to 2.3m (2 storey) to eastern boundary, based on 1/3 of the proposed building height.

The amended plans involve splaying the eastern edge of the elevated ground floor deck; reconfiguring the eastern side stairs from the elevated ground floor deck; and erecting of a 1.8m high privacy screen along the eastern side of the elevated ground floor deck so as to enhance the amenity of the neighbouring properties to the east facing Woodland Street. However, the ground floor kitchen addition at the rear, adjoining with an elevated deck (being more than 2m above existing ground level) and the associated stairs is still setback 1060mm on the boundary, as originally proposed which does not comply with the objectives and numerical requirements of the DCP.

In this regard, it is further recommended that the proposed rear additions including the rear elevated ground floor deck be setback to comply with the setback provisions of the DCP and a privacy screen be erected on the eastern elevation of the ground floor deck to maintain privacy. This amendment is required so as to improve privacy as well as reduce overshadowing of the neighbouring properties to the east.

Privacy/Noise from the rear decks

The following amendments are provided within the recommendation and should be imposed as conditions of consent should development be granted which are considered to be sufficient to address concerns raised in the submissions in relation to privacy and noise from the proposed rear decks:

- i. The proposed ground floor rear addition be setback a minimum of 2m from the western boundary so as to allow the relocation of the eastern stair to the western side which is required to be in line with the existing ground floor setback on western boundary. This amendment is required so as to allow a viewing corridor (rather than having the initial blank wall/privacy screen on the western elevation) as well as reducing the overshadowing impact to the western neighbours at No. 4 Lombard Street.
- ii. No windows/doors should be erected on the western elevation of the proposed ground floor rear addition so as to maintain privacy to the western neighbours. Access from the dwelling to the new amended stairs (as per recommended Condition ANS06) on the western side is to face north.
- iii. The eastern rear stairs are to be deleted and the proposed rear additions including the rear elevated ground floor deck is to be setback to comply with the minimum setback (eastern) provisions with the Council's Development Control Plan for the Residential Zone 2001 (Amendment 1). A privacy screen shall be erected on the eastern elevation of the elevated ground floor deck to maintain privacy.

Further, concern has been raised by the eastern neighbours regarding possible loss of privacy due to the proposed first floor rear balcony even incorporating with a 1.5m high privacy screen on the side elevation. However, it is noted that the balcony is off the master bedroom and not excessive in size (3.090m in length x 2.40 in depth) and therefore is unlikely to create an adverse privacy impact to the neighbouring properties.

Sunlight:

Assessment show the proposal complies with the numeric requirements of the DCP. The amendments as recommended (including the relocation of the initial eastern stairs and increasing the side setbacks to comply with the setbacks provisions within the DCP) will improve the solar access to the neighbouring properties to the east and west.

**Environmental Services Division Report No. 67 (Cont'd)****LEP 1988 Clause 10 - Consideration of objectives for the residential zone**

The proposal (as recommended) reflects the intended residential use of the zone and satisfies key objectives of the Residential DCP controls.

(a) *to set aside land to be used for purposes of housing and associated facilities;*  
The proposal maintains the residential use of the site and therefore complies with this objective.

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

The proposal (as recommended) reflects the intended residential use of the zone and satisfies key objectives of the Residential DCP controls.

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

The proposal (as recommended) maintains the mixed character of housing in the locality, and conditions of consent are provided within the recommendation to address the non compliances and issues raised in the submissions.

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

The proposal (as recommended) does not degrade the amenity of surrounding residents or the existing quality of the environment.

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

The proposal will comply with the open space provisions within the DCP.

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

N/A

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

The proposal maintains a single dwelling on the site, occupants will continue to utilize existing social and physical infrastructure..

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

The proposed additions are considered a suitable form of development for the site as conditions of consent are provided within the recommendation to address the non compliances and issues raised in the submissions.

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

N/A

**EP&AA 1979 – section 79(c)**

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

**Environmental Services Division Report No. 67 (Cont'd)**

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

*The proposal (as amended) does not degrade the amenity of surrounding residents or the existing quality of the environment, subject to conditions provided within the recommendation regarding the non compliances and issues raised in the submissions.*

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

*The proposal (as amended) is considered to be a suitable development, subject to conditions provided within the recommendation regarding the non compliances and issues raised in the submissions.*

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

*Four (4) submissions were received which have been addressed where appropriate through recommended conditions of consent.*

- (e) the public interest.

*The proposal subject to recommended conditions is not contrary to the public interest..*

**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 "Deferred Commencement" consent.

**RECOMMENDATION**

That Development Application No.333/05 for alterations and additions to the existing dwelling including a new first floor level at No. 2 Lombard Street, Balgowlah be approved as a Deferred Commencement Consent subject to the following conditions:

**A1. Submission of revised plans showing;**

(a) The proposed ground floor rear addition setback a minimum of 2m from the western boundary with the proposed stair connecting the deck with the rear yard area being relocated from the east to the west side to align with the existing ground floor setback on western boundary.

(b) Deletion of windows/doors on the western elevation of the proposed ground floor rear addition and access from the dwelling to the amended stair location (as per Condition (a)) facing north.

(c) The rear additions including the rear elevated ground floor deck setback to comply with the minimum setback provisions of Council's Development Control Plan for the Residential Zone 2001 (Amendment 1), and a privacy screen provided on the eastern elevation of the ground floor deck.

This consent is a "**deferred commencement**".

Evidence of Items ANS06 to ANS08 are to be submitted within a period of one (1) month pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

DA1

**Environmental Services Division Report No. 67 (Cont'd)**

This approval relates to drawings/plans Nos. 05020-1 Revision A dated 8 October, 2005 and 05020-2 Revision A dated 16 August, 2005 and received by Council on 12 October, 2005 as modified by deferred commencement conditions.

**DA016**

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

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

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

**DA017**

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

**DA342**

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

**DA018**

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

**DA019**

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

**DA021**

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

**DA022**

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

**DA024**

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

**Environmental Services Division Report No. 67 (Cont'd)**

## DA026

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

## DA031

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

## DA038

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

## DA039

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

## DA040

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

## DA044

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

## 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.

**Environmental Services Division Report No. 67 (Cont'd)**

DA084

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

DA087

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

DA121

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

DA126

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

DA230

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

DA239

The felling, lopping, topping, ringbarking, willful 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.

DA348

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

DA261

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

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

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.

**Environmental Services Division Report No. 67 (Cont'd)**

DA271

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

DA285

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

DA332

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

DA337

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

DA340

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

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

DA289

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

DA319

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

DA320

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

DA323

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

**Environmental Services Division Report No. 67 (Cont'd)**

**ATTACHMENTS**

There are no attachments for this report.

LUM051205ESD\_3.doc

\*\*\*\*\* End of Environmental Services Division Report No. 67 \*\*\*\*\*



**TO:** Land Use Management Committee - 5 December 2005  
**REPORT:** Environmental Services Division Report No. 68  
**SUBJECT:** 29 Edgecliffe Esplanade, Seaforth  
**FILE NO:** DA379/05

---

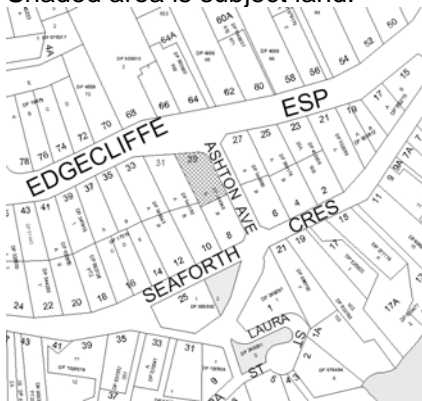
**Application Lodged:** 31 August 2005  
**Applicant:** Michael Blakeney Architects  
**Owner:** Mrs Gail Castellan and Mr Frank Castellan  
**Estimated Cost:** \$550,000  
**Zoning:** Zone No.2 (Residential) of the Manly Local Environmental Plan 1988.  
**Surrounding Development:** Single and two storey dwellings.  
**Heritage:** Not applicable

**SUMMARY:**

1. DEVELOPMENT CONSENT IS SOUGHT FOR A PART TWO (2) AND PART THREE (3) STOREY ADDITION TO AN EXISTING DWELLING HOUSE WITH ATTACHED GROUND FLOOR FAMILY FLAT, A SWIMMING POOL, WATER FEATURE, CABANA, FENCING AND LANDSCAPING WORKS.
2. THE APPLICATION WAS NOTIFIED WITH THREE (3) SUBMISSIONS OBJECTING TO THE PROPOSAL AND ONE (1) IN SUPPORT OF THE PROPOSAL RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE SEAFORTH PRECINCT COMMUNITY FORUM AND COMMENTS RECEIVED.
4. THE APPLICATION IS PRESENTED TO COUNCIL'S THE LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR NOREK.
5. A SITE INSPECTION IS RECOMMENDED.
6. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

**LOCALITY PLAN**

Shaded area is subject land.



**REPORT**

**Introduction**

The subject site is a corner allotment located on the southern side of Edgecliffe Esplanade and the western side of Ashton Avenue, Seaforth. It has a 40.3m western side boundary; 25.8m eastern side boundary; 20.1m southern rear boundary and a 14.5m irregularly shaped northern front boundary. The site has a total site area of 725.9m<sup>2</sup> and an average fall of 4.87m from the northern (front) to the southern (rear) of the property.

**Environmental Services Division Report No. 68 (Cont'd)**

There is approximately fifteen (15) metres of landscaped Council owned road reserve, between the kerb of the road (Edgecliffe Esplanade) and the northern boundary of the subject site, with an average 3.32 metre fall from the road down to the northern boundary.

A one (1) and two (2) storey brick dwelling currently exists (in a central location) on site, with vehicular and pedestrian access to the dwelling/garage off Ashton Avenue. The property shares south-east views to Middle Harbour with its western adjoining property and properties located on the northern side of Edgecliffe Esplanade, Seaforth.

The southern side of Edgecliffe Esplanade is characterized by one (1) and two (2) storey dwellings fronting Edgecliffe Esplanade, with swimming pools located within their rear setbacks. These rear setbacks average a distance of fifteen (15) metres and adjoin the rear private open space areas of properties fronting Seaforth Crescent.

**Proposed development**

The proposed development includes major alterations and additions to an existing one (1) and two (2) storey dwelling, to transform it into a two (2) and in part three (3) storey dwelling as follows:-

- Single storey northern (front) and western (side) elements of the existing building are to be demolished to improve setbacks and openspace provisions.
- A three (3) metre extension to the existing building envelope towards the rear boundary of the site is proposed. This will accommodate elements of a ground floor family flat and terraced area; a first floor bathroom and terraced area; and a second floor roofed terrace off the main living area.
- In essence, an additional floor has been added to all elements of the building and existing ceiling levels are proposed to be raised.
- The basement floor consists of a double garage and a 32.9m<sup>2</sup> family flat. The family flat consists of a bathroom, kitchen, bedroom and covered terrace area. Internal stairs are to provide access to the ground floor level from the garage.
- The ground floor consists of four (4) bedrooms, with a south facing balcony off the main bedroom and access to a roofed terrace and deck area from the northern facing bedrooms. A media/study is incorporated into the eastern stairwell and three (3) bathrooms and a laundry are also proposed for the ground floor. Due to the slope of the land this floor visually presents itself as having in part single and in part two storey elements.
- The first floor consists of a kitchen and family living/dining areas including a southern facing covered balcony and northern facing covered balcony areas accessed off the living/dining areas. The south facing balcony provides stair access to the front garden. Due to the slope of the land this floor visually presents itself as having in part two and three storey elements.
- The new swimming pool, water feature, cabana and associated landscaping works are proposed within the front setback.
- A 1.8m high brush fence is proposed along the northern front boundary and along 6 metres of the western boundary fronting the dwelling.
- Landscape screening is proposed along the rear southern boundary of the site.
- The brick fence fronting Ashton Avenue is proposed to be rendered and the pedestrian access gate relocated 2m north of the existing access path.
- Decking is proposed around the north/west corner of the building.
- A new formalized entrance fronting Ashton Avenue is proposed.
- The existing driveway and double garage shall remain unchanged.

## Environmental Services Division Report No. 68 (Cont'd)

**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.

<b>Provision/Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>	<b>Complies Yes/No</b>
Floor space ratio	0.4:1	0.52:1/ 379.145m <sup>2</sup>	No
Wall height East West	7.28m 7.2m	6.1m; 7.6m; 8.15m; 9.1m	No No
Roof height	3m	0.9m	Yes
Fence height Ashton Ave	Existing	2.3m - 1.8m solid brick fence (predominantly existing)	No
Edgecliffe Esplanade	1.5m with 30% transparency over 1m	1.8m Brush fence	No
Setbacks North (Front) East (Side) West (Side) South (Rear)	6m 3m 0m; 2m; 2.9m 8m	7.3m; 9.5m; 13.9m 4.2m; 6.7m; 8.7m 1m - 3.7m 6m	Yes Yes Yes No
Setback – swimming pool North (Front)	1m to outer edge 1.5m to water line	0.5m 1m	No No
Open space - total	508.13m <sup>2</sup> / 70%	534.5m <sup>2</sup> / 73.6%	Yes
Open space - soft	254m <sup>2</sup> / 50%	272.59m <sup>2</sup> / 53.6%	Yes
Open space - above ground	181.48m <sup>2</sup> / 25%	56.5m <sup>2</sup> / 8%	Yes
Private open space	18m <sup>2</sup>	200m <sup>2</sup>	Yes
Number of Endemic Trees	3 Trees	3 Trees	Yes
Car Parking – Residents	2	2	Yes
Shadow - adjoining N/S orientation	> 4hrs sunlight retained to adjoining dwellings windows or glazed doors of living rooms  1/3 of existing sunlight to open space of adjacent properties at 9am, 12 noon and 3pm at the winter solstice (21 June)	> 4 hours retained  Property No.8 Seaforth Crescent. Accumulative impact not indicated by shadow diagram but non-compliance is evident at 3pm  Property No.31 Edgecliffe Esplanade. Accumulative impact not indicated by shadow diagram but non-compliance is evident at 9am	Yes  No  No

**Environmental Services Division Report No. 68 (Cont'd)****Applicant's Supporting Statement**

The applicant has submitted a Statement of Environmental Effects and additional documentation to address letters of objection. This documentation is available for viewing on Council's file.

**Submissions**

The application was notified to nearby and adjoining property owners with three (3) submissions received objecting to the proposal and one submission in support. The concerns raised in the submissions are as follows:-

- Bulk and Scale, visual impacts
- Non-compliance with FSR requirements
- Loss of privacy to rear entertainment area
- Overshadowing impacts
- Loss of sunlight to main outdoor and indoor living areas, windows and bi-fold doors especially during winter months in non-compliance with the DCP. The proposed development seeks to develop a house of considerable bulk and scale essentially from the start of our home right to the end of our backyard. It will completely and formidably cast a shadow on not only our main living areas but also our backyard area.
- Privacy will be adversely compromised, with the development overlooking the whole of our pool area via 2 levels of balconies (south facing). Privacy screening to these balconies will further reduce our solar access. Landscaping to a maximum height of 2.5m is not going to provide adequate screening with respect to density and height from level 1, let alone 3 levels of the proposed development.
- Opposition to pool within the front setback, as it will forever deter from the aesthetic value of Edgecliffe Esplanade and allow for a huge building along the entirety of their block. Creating a house with its backyard clearly facing Edgecliffe Esplanade will only create confusion and will not allow for a uniform and aesthetic streetscape.
- Non-compliance with FSR calculations in accordance with DCP requirements. The site survey should be used when determining land size, not that which is indicated on Council's rates notice.
- Non-compliance with height requirements of the DCP. A three (3) storey dwelling will create adverse overshadowing impacts and is not appropriate for the subject site or surrounding streetscape
- Non-compliance with front and rear setbacks. The pool and cabana will be built right on the boundary of a scenic public reserve with possible impacts for the reserve.
- Eliminates view sharing from the scenic reserve corridor that currently commences fronting our property and carries across the entire front of 29 Edgecliffe Esplanade allows for a beautiful public vista of middle harbour. The proposed development will completely block this public view. Hence, by no means meeting the DCP objective for view sharing.
- A huge house that is oddly and un-aesthetically positioned building.
- Objection to Edgecliffe Esplanade as the front of the property. The main street address should be Ashton Avenue.
- The proposed development does not comply with DCP requirements and is an overdevelopment of the site.
- Bulk and scale will have a detrimental impact on surrounding view corridors from Edgecliffe Esplanade and Ashton Avenue; The park-like open space road reserve which adjoins the property to the north; The neighbourhood and foreshore scenic protection area; and the view and outlook from our property and other nearby and adjoining properties. It will not enhance view corridors for the existing streetscape.
- It is recommended that a template is erected on the development site to indicate the height and bulk of the proposed development to ensure that view sharing is maximised and the loss of views is minimised.

**Environmental Services Division Report No. 68 (Cont'd)**

- Objection to Edgecliffe Esplanade being the main street address. The front (east) setback should be measured from Ashton Avenue and the side (north rear) setback measured from the council owned boundary to the north. Non-compliance with the front setback requirement to the patio entrance, which would have an adverse impact on the character of the streetscape, excessive in height bulk and scale. There is no setback to the north as the swimming pool, water feature and cabana are proposed within it.
- Objection to any detrimental impact resulting from locating a water feature, swimming pool and cabana on the boundary of the reserve. Not in keeping with the natural or landscape character of an openspace zone.
- Adverse impact on the Foreshore Scenic Protection Area. The bulk and scale of the proposed development particularly the eastern side of the building degrades the amenity of the streetscape, neighbourhood and surrounding residence in the Foreshore Scenic Protection Area, particularly the view corridor to the Sydney Heads and Middle Harbour from Edgecliffe Esplanade and Ashton Avenue.
- Objection to FSR non-compliance with DCP objectives and performance criteria.
- Excessive stairwell void on the eastern side of the property which extends well beyond the building line of the main building towards Ashton Avenue and will result in maximum disruption of views from our property and the view corridor along Edgecliffe Esplanade.
- Detrimental impact to the amenity of the area due to the multiple windows, doors and terraces which face north to Edgecliffe Esplanade.
- Height non-compliance with the DCP and 3 storey elements create excessive bulk and scale impacts.

**Precinct Community Forum Comments**

The Precinct Committee considered the proposal at its meeting on Wednesday 12 October 2005 and requested Council reject the application in its present form.

*Council is requested to ensure that the application is compliant with the DCP in respect to setbacks, FSR, wall heights and view sharing.*

These objections have been addressed under 'Planning Comments' of this report.

**Engineers Comments**

No objections, subject to recommended conditions.

**Building Comments**

No objections to the proposed alterations and additions to an existing dwelling and the creation of a family flat being a Class 2 building, a Class 10(a) cabana and Class 10(b) swimming pool, subject to recommended conditions.

**Landscape Architects Comments**

No objections, subject to recommended conditions.

*Comment:* No objection is raised to the proposed relocation of the pedestrian path and steps fronting Ashton Avenue on planning grounds, subject to a recommended condition requiring that the width of this path be reduced to 1.2m and that existing levels not be altered nor steps permitted on Council land.

**Environmental Services Division Report No. 68 (Cont'd)****Planning Comments*****Floor Space Ratio (FSR)***

The proposal involves an FSR of 0.52:1 (379.145m<sup>2</sup>) which presents a major non-compliance with the required FSR of 0.4:1 (290.36m<sup>2</sup>) for relevant subzone No.7.

The FSR objective is to control the bulk of buildings to ensure the scale of development does not obscure important landscape features. It seeks to ensure development is consistent with the existing and desired character of the residential area and to minimise disruption to views, loss of privacy and loss of sunlight to existing residential development as well as the proposed development.

Accordingly, objection is raised to the FSR non-compliance on planning grounds as a number of the FSR objectives of the DCP fail to be met by the proposed development, as outlined under relevant sections below.

***Height***

The DCP seeks to control the height of buildings by specifying maximum wall and roof/ridge heights. This is required so that new developments are consistent with the locality and minimise disruption to views, loss of privacy and loss of sunlight to existing residential development.

In accordance with the DCP height requirement, the maximum allowable height for the eastern elevation is 7.28m. The eastern wall height varies, yet only 2.5m of the 18.95m length of the building complies with the height requirement. At the most the maximum permitted wall height is exceeded by 1.82m. The solid roof and structural columns of the northern and southern facing balconies also serve to emphasize the height non-compliances and the three storey element of the building. As specified in the DCP Council does not favour development having more than 2 storeys. The height non-compliance would present a building of excessive bulk and scale of when viewed from Ashton Avenue.

The excess in height may also have view impacts for property No.66 Edgecliffe Esplanade located on the northern side of Edgecliffe Esplanade and for pedestrian views to Middle Harbour. The extent of these impacts is unclear without height poles being erected on site. Height poles have not been requested to the added expense of the Applicant at this stage, given that the height, privacy, overshadowing, FSR and rear setback non-compliances warrant adequate reasons to recommend refusal of the application. However, any view impacts incurred by non-compliances in wall height are considered unacceptable on planning grounds.

***Bulk, Scale and Design***

The solid roof and structural columns of the southern facing balconies serves to emphasize the dwellings non-complying three storey elements. The three storey visual elements combined with the non-complying southern rear setback, overshadowing and privacy impacts, presents a dwelling of excessive bulk and scale, which would visually dominate approximately 60% of the site when viewed from Ashton Avenue. Accordingly, objection is raised to the bulk and scale of the proposed building on planning grounds.

***Setbacks***

A number of objectors have queried the appropriate street frontage for the subject dwelling. In accordance with the DCP the front setback is determined by postal address. The postal address of the subject property is No.29 Edgecliffe Esplanade, Seaforth and the development shall be assessed accordingly.

Section 3.4.2 *Rear Setbacks* of the DCP states that:-

**Environmental Services Division Report No. 68 (Cont'd)**

*In all height sub-zones, the distance between any part of a building and the rear boundary must not be less than 8m.*

A 6m Southern (rear) setback is proposed. The 6m rear setback combined with a three storey visual element located on the upper slope of land sloping south towards Seaforth Crescent, would create a dwelling that unreasonably impacts on the rear adjoining property No.8 Seaforth Crescent, Seaforth. Privacy and overshadowing impacts associated with this non-compliant rear setback are outlined under relevant headings below. Accordingly, the non-compliant rear setback cannot be supported on planning grounds.

The Northern (front), Eastern (side) and Western (side) setbacks comply with the setback requirements of the DCP.

***Privacy Impacts***

Objection is raised to the privacy impacts generated by the third storey rear balcony proposed off the living/dining area, only 6m from the rear boundary. This balcony would directly overlook the rear adjoining properties private open space and swimming pool area. Privacy screening plantings proposed along the rear boundary would not adequately screen direct overlooking from the 6.3m high balcony proposed.

A 1.6m high privacy screen along the rear balconies western elevation would reduce privacy impacts for the western adjoining properties rear private open space area. Privacy screening would however increase the visual bulk and scale of the building when viewed from the western adjoining property. Privacy impacts for the western adjoining property are generally acceptable, as an adequate side setback is proposed and windows are predominantly located off bathroom areas.

***Overshadowing***

More than four (4) hours sunlight is retained to adjoining dwellings windows and glazed doors off living room areas in compliance with the DCP requirement.

Section 3.7.1 of the DCP also requires that new development must not eliminate more than 1/3 of existing sunlight to the open space areas of adjacent properties at 9am, 12 noon and 3pm at the winter solstice (21 June). Adequate shadow diagrams have not been submitted to enable a true determination of the full extent of overshadowing to the open space area of adjoining property No.31 Edgecliffe Esplanade, Seaforth. The information submitted does however indicate that more than 1/3 overshadowing will be incurred at 9am to its rear open space area and swimming pool being a non-compliance with DCP requirements. The rear open space area of rear adjoining property No.8 Seaforth Crescent, Seaforth, will also be overshadowed by more than 1/3 of that existing at 3pm contrary to DCP requirements.

***Opens Space and Landscaping***

The proposed development generally complies with landscaping requirements however, Council's Landscape Architect has recommended additional landscape plantings along western side setback to soften the visual impact of the proposed development and improve privacy for the western adjoining property.

***Fencing***

The DCP permits a 1.5m high fence with 30% transparency within the front setback. The application proposes a 1.8m high solid fence. Given the slope of the land and the reserve fronting Edgecliffe Esplanade it is considered that the proposed 1.8m high fence would not be viewed at 1.8m in height from Edgecliffe Esplanade and in fact would not reach the height of the road and additionally would be screened by existing vegetation on the road reserve. Accordingly, no objection is raised to the proposed front fence on planning grounds, as long as it complies with the safety fencing requirement under the Swimming Pools Act and Regulations 1992.

**Environmental Services Division Report No. 68 (Cont'd)**

Alterations to the existing brick fence fronting Ashton Avenue is proposed involving filling, rendering and painting of the fence and alterations to its height to form a front gateway for pedestrian access to the dwelling. To reduce the visual dominance of the fence on the streetscape, it is recommended that any modifications to the existing fence does not exceed 1.8m in height. The existing metal designed insets also allows for visual breaks and interest along the long expanse of fence fronting Ashton Avenue. It is recommended that the level of transparency of these insets be maintained (and the fence potentially redesigned) to form a positive design contribution to the Ashton Avenue Streetscape.

**Views**

The extent of view impacts for properties in the vicinity and the Edgecliffe Esplanade streetscape are unclear without a height template being erected on site. Height poles have not been requested given other issues such as height, FSR and rear setback non-compliances which signal refusal of the application. Any view impacts incurred by non-compliances in FSR are considered unacceptable on planning grounds. It is noted however that the stairwell (of considerable bulk and scale) proposed to the eastern side of the dwelling may result in the majority of views lost from the first floor living/dining area of property No.66 Edgecliffe Esplanade, Seaforth.

**Swimming Pool, Cabana and Water Feature**

The proposed development is for alterations and additions to an existing dwelling which is centrally located on a corner allotment. The swimming pool is proposed within the front setback, fronting Edgecliffe Esplanade. The swimming pool is acceptable in terms of amenity impacts on the western adjoining dwelling with adequate setbacks providing for visual and aural privacy. The pool and associated structures would not impact adversely on the streetscape due to the wide road reserve (15m) which provides adequate visual screening.

Adequate details have not been submitted however, to determine pool depth and construction; true side setbacks; relative levels around the perimeter of the pool coping and adjoining land; location of the pool pump/filter; and details with respect to the height and material adequacy of the northern boundary pool fence, to address public safety issues from the adjacent Council road reserve, in accordance with the safety fencing requirements under the Swimming Pools Act and Regulations 1992. Cabana details and water feature details are also required to be submitted to Council for an adequate assessment of streetscape impacts on Edgecliffe Esplanade.

Council's Landscape Architect has also recommended a condition that all trees located on adjacent public and private property be protected during the construction period. This could be conditioned accordingly.

**Family Flat**

The family flat fails to comply with the DCP in that the development as a whole does not meet the provisions and objectives of a single dwelling.

**Carparking and Access**

The existing driveway access and double garage shall remain unchanged. The proposed development also involves an existing pedestrian access path from Ashton Avenue to the dwelling, to be relocated approximately 2m north. The 2.4m width of this concrete path is proposed over Council owned road reserve and is considered excessive and unnecessary.

**Foreshore Scenic Protection Area (FSPA)**

The site is located within the Foreshore Scenic Protection Area (FSPA). Clause 17 of Manly 1988 states: *"The Council shall not grant consent to the carrying out of development unless it is satisfied that the development will not have a detrimental effect on the amenity of the Foreshore Scenic Protection Area."*



**Environmental Services Division Report No. 68 (Cont'd)**

The proposed alterations and additions are considered an overdevelopment of the subject site, excessive in bulk and scale. Accordingly, the proposed development would have an adverse visual impact on the amenity and character of the FSPA and is not supported on planning grounds.

***Overdevelopment of the site***

The proposed development in its current form is excessive in bulk and scale and does not comply with the required FSR, rear setback, height, overshadowing or privacy objectives of the DCP. To determine the developments compliance with the view sharing requirement of the DCP would require height poles to be erected, which have not been requested at this stage for reasons outlined above. Accordingly, the proposed development in its current form is considered an overdevelopment of the subject site and is not supported on planning grounds.

**Clause 10 Objectives**

(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 proposed alterations and first floor additions will result in an overly dominant dwelling with respect to height, bulk and scale. The proposed development is not consistent with the desired character the surrounding streetscape.

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

The proposed development will result in a loss of amenity to adjoining dwellings with respect to its imposing height, bulk and scale, privacy and overshadowing impacts and possible view impacts.

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

Councils Landscape Architect has recommended a condition that a landscape plan be prepared for the subject development by a qualified professional.

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

Not applicable

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

The proposed development will use existing infrastructure and services.

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

The proposed development is considered not-suitable for the development 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 No 57) applies.*

Not applicable

**Environmental Services Division Report No. 68 (Cont'd)****EP&AA 1979 – section 79(c)**

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

The proposal has been considered having regard to the relevant instruments and control plans and is not considered acceptable.

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

The proposed alterations and additions would be an overdevelopment of the site, excessive in height, bulk and scale and not consistent with the desired character of development in the surrounding area. The proposed developments privacy and overshadowing impacts for adjoining residence is considered unacceptable and does not warrant support in this instance. Negligible economic impacts would result from the proposed development.

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

The proposed development is considered an overdevelopment of the site and is not considered suitable in this respect.

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

Four (4) submissions have been received in association with this Development Application (see above).

- (e) *the public interest.*

The proposal is not considered to be in the public interest as is evident by the proposals inability to meet the FSR, setbacks, height, bulk and scale, privacy and overshadowing, requirements of the Development Control Plan for the Residential Zone 2001, Amendment 1.

**CONCLUSION:**

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

**RECOMMENDATION**

That Development Application No.379/05 for a part two (2) and part three (3) storey addition to an existing dwelling house with attached ground floor family flat, a swimming pool, cabana, water feature, fencing and landscaping works at property No.29 Edgecliffe Esplanade, Seaforth, be refused for the following reasons:-

1. The proposed development does not comply with the aims and objectives of the Residential Zone pursuant to Manly Local Environmental Plan, 1988, having regard to Section 79C(1) (a) (i) of the Environmental Planning and Assessment Act 1979.
2. The proposed development will have an adverse impact on the amenity of the adjoining properties and the character of the Edgecliffe Esplanade and Ashton Avenue streetscapes as a result of its excessive bulk and scale, having regard to Section 79C(1) (c) of the Environmental Planning and Assessment Act 1979.
3. The proposed development does not comply with Floor Space Ratio provisions of the Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to

**Environmental Services Division Report No. 68 (Cont'd)**

Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.

4. The proposed development would be an overdevelopment of the site, and would create an undesirable precedent for the future character of development along Edgecliffe Esplanade and Ashton Avenue, having regard to Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.
5. The proposed development does not comply with setback provisions of the Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.
6. The proposed development does not comply with the height provisions of the Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.
7. The proposed development does not comply with privacy provisions of the Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.
8. The proposed development does not comply with overshadowing provisions of the Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.

**ATTACHMENTS**

There are no attachments for this report.

LUM051205ESD\_4.doc

\*\*\*\*\* End of Environmental Services Division Report No. 68 \*\*\*\*\*

**TO:** Land Use Management Committee - 5 December 2005  
**REPORT:** Environmental Services Division Report No. 69  
**SUBJECT:** 118 North Steyne, Manly  
**FILE NO:** DA508/04  
**PREVIOUS ITEMS:** 10, Ordinary Meeting (17 October 2005)

---

## SUMMARY

1. COUNCIL AT IT'S LAND USE MANAGEMENT MEETING OF 17 OCTOBER 2005 RESOLVED THAT STAFF PREPARE A REPORT REGARDING POTENTIAL RELOCATION OF THE EXISTING HERITAGE LISTED BUILDING AND ITS DONATION TO THE COMMUNITY.
2. THE MATTER HAS BEEN ADDRESSED WITH INPUT FROM COUNCIL'S HERITAGE PLANNER, SOCIAL PLANNER AND THE MANAGER HUMAN SERVICES AND FACILITIES.
3. THE REPORT RECOMMENDS AGAINST RELOCATION.



## LOCALITY PLAN

Shaded area is subject site.



## REPORT

### Introduction

When considering a development application for the erection of a six storey residential flat building at the rear of the heritage listed dwelling on the subject site Council at it's Ordinary Meeting of 17 October, 2005 resolved:

**Environmental Services Division Report No. 69 (Cont'd)**

- a) That Council urgently prepare a report regarding relocation of the cottage at 118 North Steyne, Manly, including full restoration by the applicant and donation of the cottage to the community. In return, the applicant will redevelop the site and ensure it is 100% compliant with Council's DCP. That such a report be considered by the applicant and if this option is preferred, a separate DA addressing the new proposal be lodged.
- b) That Council actively participate in the neutral evaluation process at the Land and Environment Court.

Accordingly this report: assesses the impact of the relocation on the established cultural significance of the property; discusses the full restoration; and donation of the cottage to community.

**Background**

Based on a report from Clive Lucas Stapleton in July 2002 which assessed the heritage significance of 'Brise de Mer' 118 North Steyne, Manly, Council sought to conserve and protect 118 North Steyne as an item of environmental heritage and listed the property in the Manly Local Environmental Plan 1988.

Council resolved at the Planning and Strategy meeting held on the 8 September 2003, in relation to 118 North Steyne, to "negotiate a relaxation of the provisions of the Residential Development Control Plan for the Residential Zone, as it might apply to the property, in order to allow a sympathetic design of additional development".

On 19 September 2005 a development application for the alterations and additions to the existing cottage (including the replacement of the rear and new attic area), and the erection of a six storey residential flat building containing five units with basement car parking at 118 North Steyne, was presented to the elected Council.

The proposal contravened a number of aims and objectives of the Manly Local Environmental Plan 1988; was contrary to a number of provisions of the Manly Residential Development Control Plan for the Residential Zone 2001; and had a detrimental impact on the heritage significance of the site. The applicant however argued that they had considered the constraints and opportunities of the site and that the restoration and adaptation of the heritage listed house together with the six storey apartment building to the rear of the site was an appropriate outcome for the site.

**RELOCATION OF THE COTTAGE****Approach to assessment**

Council is required to take into account the impact of a proposal on the cultural significance of an item before making a decision about it. Cultural significance is established using the NSW Heritage Manual assessment criteria (a) – (g). To assess the extent to which the proposal to relocate the cottage would affect the established cultural significance of the item a grading of high, moderate or low level impact will be used.

**Established Cultural Significance**

The cultural significance of "Brise de Mer", 118 North Steyne, Manly commissioned by Manly Council was established by Clive Lucas, Stapleton & Partners in July 2002. (Refer to Attachment "A" Statement of Significance).

The Heritage Impact Statement submitted by the Applicant and prepared by City Plan Heritage in October 2004 provided further information on the cultural significance of "Brise de Mer", 118 North Steyne, Manly. (Refer to Attachment "B" Statement of Significance).

**Environmental Services Division Report No. 69 (Cont'd)****Assessment of Impact on the Cultural Significance of the Cottage**

The following assessment will determine the level (high, moderate or low) of impact that the proposed relocation of the cottage will have on its cultural significance.

Criterion (a) – Historical Significance

*An item is important in the course, or pattern, of the local area's cultural or natural history*

- Brise de Mer is very rare in Manly. Historically it is probably the oldest surviving building on the Steyne (Clive Lucas, Stapleton & Partners).
- Brise de Mer is historically very significant at a local level as a rare surviving beach house which once formed part of a row of similar houses and small blocks of flats along North Steyne in Manly. (City Plan Heritage).

The historical significance of 118 North Steyne is embedded in the relationship of the cottage to the Steyne and the heritage listed Beach Reserve. Consequently a proposal to remove the cottage from its historic location would have a **high impact** on its historical significance.

Criterion (b) – Associational Significance

*An item has strong or special associations with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area.*

- The house has strong connections with the Stedman family, who were active locally since 1906 or before as a prominent industrial family of New South Wales (Clive Lucas, Stapleton & Partners).
- The property has some local significance due to its continuous occupation by members of the Stedman family since 1927 (City Plan Heritage).

Associational significance would be reduced if the cottage were to be relocated from its historic location.

Criterion (c) - Aesthetic Significance

*An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.*

- Historically it is probably the oldest surviving building on the Steyne and distinctively a house, a large holiday house. The house is rare as a large timber house with a slate roof, a type of architecture once common in New South Wales and now quite rare (Clive Lucas, Stapleton & Partners).
- Although not distinguished architecturally, the c1909 house has local aesthetic significance based on its large but simple slate roof, symmetrical façade, regular footprint, enclosed verandah, entry porch and weatherboard exterior which combines to create a style which typifies a beach house (City Plan Heritage).

The distinctive aesthetic attributes of the cottage reinforces its relationship to the Steyne and the heritage listed Beach Reserve. Therefore removal of the cottage from its historic location would have a **high impact** on its aesthetic significance.

Criterion (d) – Social Significance

*An item has strong or special associations with a particular community or cultural group in the area for social, cultural or spiritual reasons.*

Not applicable as there is no information available that suggests that the item has strong or special associations with a particular community or cultural group in the area for social, cultural or spiritual reasons

**Environmental Services Division Report No. 69 (Cont'd)**Criterion (e) – Technical/Research Significance

*An item has potential to yield information that will contribute to an understanding of the area's cultural or natural history.*

- Historically it is probably the oldest surviving building on the Steyne and distinctively a house, a large holiday house, the very sort of building along with apartments and small hotels which have made Manly distinctive from its earliest days (Clive Lucas, Stapleton & Partners).
- Brise de Mer is historically very significant at a local level as a rare surviving beach house which once formed part of a row of similar houses and small blocks of flats along North Steyne in Manly. Its conversion from a holiday house to a permanent residence reflects the transition of Manly from a tourist resort to a desirable residential area (City Plan Heritage).

The cottage in its historic location demonstrates the development of Manly from the early days of settlement. Therefore removal of the cottage from its historic location would have a **high impact** on its technical/research significance

Criterion (f) – Rarity

*An item possess uncommon, rare or endangered aspects of the area's cultural or natural history.*

- Brise de Mer is very rare in Manly. Historically it is probably the oldest surviving building on the Steyne (Clive Lucas, Stapleton & Partners).
- The subject house is a rare surviving example of a beach house which developed along North Steyne (City Plan Heritage).

The cottage in its historic location possesses a rare, uncommon and endangered aspect of the cultural history of the local area. Therefore removal of the cottage from its historic location would have a **high impact** on its rarity significance.

Criterion (g) – Representative

*An item is important in demonstrating the principal characteristics of a class of the area's*

- *cultural or natural places; or*
- *cultural or natural environment*

- Historically it is probably the oldest surviving building on the Steyne and distinctively a house, a large holiday house. The house is rare as a large timber house with a slate roof, a type of architecture once common in New South Wales and now quite rare (Clive Lucas, Stapleton & Partners).
- Brise de Mer is historically very significant at a local level as a rare surviving beach house (City Plan Heritage).

The cottage typifies a particular way of life and is a fine example of its type. Therefore removal of the cottage from its historic location would have a **high impact** on its representative significance.

**Summary Assessment of Impact**

The above assessment establishes that Brise de Mer's historical, aesthetic, technical/research, rarity and representative significance is embedded in its relationship to the Steyne and the heritage listed Beach Reserve. The proposed removal of the cottage from its historic location will have a high impact on the above criterion and impact on its associational significance. As a consequence the cultural significance of the cottage will be severely reduced.

**Environmental Services Division Report No. 69 (Cont'd)****FULL RESTORATION OF THE COTTAGE**

Full restoration of the cottage will contribute to improving the cottage's remaining authenticity. Full restoration would require returning the existing fabric to the known earlier state by removing accretions or by reassembling existing components without the introduction of new material. Although the applicant has proposed modifications to the cottage to 'adapt the house for modern living' substantial restoration such as: retention and restoration of the slate roof; and the restoration of the front rooms have also been proposed. Thus full restoration could easily be achieved with minimal additional financial outlay particularly as the existing cottage is relatively intact.

**DONATION OF THE COTTAGE TO THE COMMUNITY**

Discussions were held with Council's Manager Human Services and Facilities, and Council's Social Planner regarding the possible community use for the relocated cottage. Uses identified from the Manly Social Plan (2004-9) included: affordable housing accommodation; supported accommodation; nursing home; a child care facility; a cultural centre/museum; and a community or neighbourhood centre. Refer to Attachment "C" discussion of the above options. Of these either an accommodation facility or a museum that provided a low impact use were considered the most appropriate to minimise additional impacts on the cottage's significance.

All suggestions above for adaptive re-use require considerable additional research to fully ascertain the economic cost, social impact, and operational feasibility of the proposed use. For example, all uses incur considerable costs to Council in terms of set-up and on-going maintenance costs, and associated staff costs to run the facility. Importantly, without a determined location on which to re-site the building a full understanding of social and other impacts is difficult.

The over-riding advice was that from a governance and probity point of view urban planning matters should be made on clear planning principles and criteria outlined in Council's LEP. Nevertheless even if it were determined that the cottage relocation was a feasible option it is considered that in all cases a purpose built facility would be preferable. With the information to hand staff do not view the re-use of the building currently located at No.118 North Steyne as the 'ideal' first option when considering the future development needs of Council's community facilities.

**Further Information**

Further information for comparison was sought on similar buildings of significance that have been relocated. Investigation revealed that because of the numerous implications and loss of integrity experienced, the Australian Heritage Commission actively discourages proposals to relocate heritage listed buildings. Refer to Attachments "D", "E", and "F" where the Australian Heritage Commission commissioned the Museums and Galleries Foundation of NSW to produce brochures to deter proposals for relocation.

**CONCLUSION**

The above assessment of the relocation of the cottage on its cultural significance established: that Brise de Mer's historical, aesthetic, technical/research, rarity and representative significance is embedded in its relationship to the Steyne and the heritage listed Beach Reserve; and that the proposed removal of the cottage from its historic location will significantly reduce its cultural significance.

Full restoration of the cottage can be achieved with minimal additional financial outlay particularly as the existing cottage is relatively intact. This may contribute to improving the cottage's authenticity especially if the cottage is to be relocated.



**Environmental Services Division Report No. 69 (Cont'd)**

The donation of the cottage to the community is not considered as the 'ideal' first option. In all cases a purpose built facility would be preferable when considering the future development needs of Council's community facilities.

**RECOMMENDATION**

- (A) That Council receive and note the information contained in this report:
- (B) That Council continues to actively participate in the neutral evaluation process at the Land and Environmental Court to ensure that: a sympathetic design is achieved that respects the established significance of the cottage; and satisfies reasonable environmental requirements such as privacy, daylight access, security and other justifiable user needs.

**ATTACHMENTS**

<b>AT-1</b>	Statement of Significance - Clive Lucas, Stapleton & Partners commissioned by Manly Council (July 2002)	1 page(s)
<b>AT-2</b>	Statement of Significance - City Plan Heritage commissioned by the Applicant (October 2004)	1 page(s)
<b>AT-3</b>	Options for the re-use of the cottage	1 page(s)
<b>AT-4</b>	Moved Buildings - Not a good idea - Museums & Galleries Foundation of NSW	1 page(s)
<b>AT-5</b>	Moved Buildings for Museums - Not an easy solution - Museums & Galleries Foundation of NSW	1 page(s)
<b>AT-6</b>	Museums and Galleries in Heritage Buildings - Museums & Galleries Foundation of NSW	2 page(s)

LUM051205ESD\_7.DOC

\*\*\*\*\* End of Environmental Services Division Report No. 69 \*\*\*\*\*

## ATTACHMENT 1

---

### Environmental Services Division Report No. 69

118 North Steyne, Manly

### Statement of Significance - Clive Lucas, Stapleton & Partners commissioned by Manly Council (July 2002)

---

**Statement of Significance by Clive Lucas, Stapleton & Partners commissioned by Manly Council (July 2002):**

" Brise de Mer is very rare in Manly. Historically it is probably the oldest surviving building on the Steyne and distinctively a house, a large holiday house, the very sort of building along with apartments and small hotels which have made Manly distinctive from its earliest days. The house has strong connections with the Stedman family, who were active locally since 1906 or before as a prominent industrial family of New South Wales. The house is rare as a large timber house with a slate roof, a type of architecture once common in New South Wales and now quite rare. It retains its curtilage to the north in the smaller but much altered apartment building built at the similar time.

The Stedman house, formally Brise de Mer, appears to be unusual in that it was large holiday house as a single dwelling as opposed to a block of flats. Built of timber but with a slate roof it is substantial, has its own garage and faces directly onto the beach. Although not inspected internally, the house is clearly intact, showing the only addition as the enclosing of the front verandah".  
(A note was added to the statement that the statement should be further refined once access might be gained to the house)

## ATTACHMENT 2

Environmental Services Division Report No. 69

118 North Steyne, Manly

Statement of Significance - City Plan Heritage commissioned by the Applicant (October 2004)

---

**Statement of Significance by City Plan Heritage commissioned by the Applicant (October 2004):**

"Brise de Mer is historically very significant at a local level as a rare surviving beach house which once formed part of a row of similar houses and small blocks of flats along North Steyne in Manly. Its conversion from a holiday house to a permanent residence reflects the transition of Manly from a tourist resort to a desirable residential area.

Although not distinguished architecturally, the c1909 house has local aesthetic significance based on its large but simple slate roof, symmetrical façade, regular footprint, enclosed verandah, entry porch and weatherboard exterior which combines to create a style which typifies a beach house. Internally, although not significant, the layout of the front rooms reflect "Brise de Mer"'s federation origins, while the later wood paneling reflects the decorative quality which was added when the house was converted in 1927 to a family home for Septimus Stedman and his family.

The property has some local significance due to its continuous occupation by members of the Stedman family since 1927"

---

Environmental Services Division Report No. 69

118 North Steyne, Manly

Options for the re-use of the cottage

---

**Options For Re-use of the Building**

The following suggestions are drawn from the Manly Social Plan for potential uses for the building which are desirable to develop in Manly based on community needs. These needs were recommended in the Social Plan derived from community consultations, professional advice and demographic analysis of Manly.

**Childcare facility**

- Waiting lists for Childcare in Manly are reducing owing to new private Centres which have opened in the region however demand remains high (200 plus people on wait list).
- The interior and exterior would require substantial modification to meet licensing requirements, which would almost certainly affect heritage status. This has significant economic impacts for Council. Staff preference would be the development of a new purpose built facility. Costs of adaption of the existing dwelling at 118 North Steyne would be high.

**Affordable housing**

Two options exist under this heading as follows:

- *Affordable housing accommodation*
- *Supported accommodation*

In both cases the interior would require substantial modification with impacts as listed above for the Childcare centre.

**Nursing Home**

Establishing additional nursing home beds within Manly while desirable is best achieved through private and external community based agencies in the community on land that they control. Local Government is not normally speaking in the business of providing nursing homes. As above, internal modifications required to the building together with associated costs to Council are highly likely to affect the heritage integrity of the building.

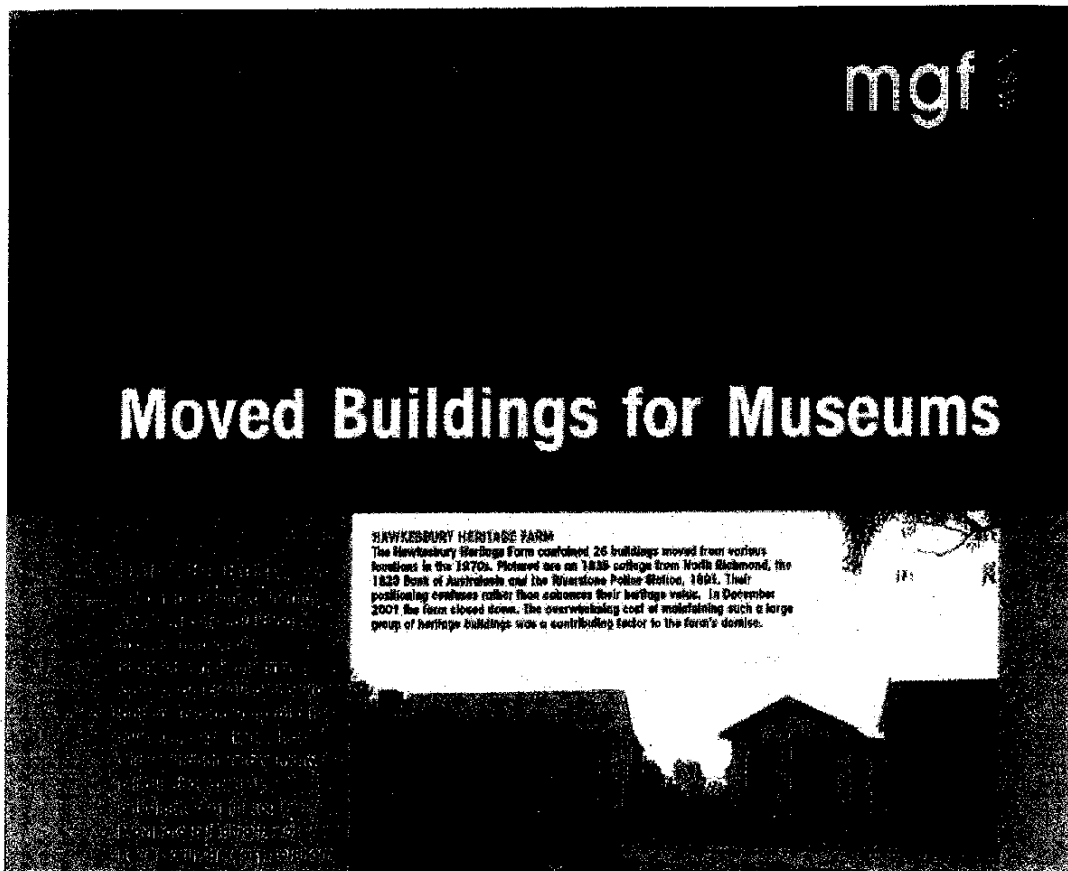
**Community Centre or Neighborhood House**

Such facilities usually are programmed to meet the needs of the local area and run a combination of leisure, lifestyle and learning programs. To be operationally successful such a centre requires at least a part time and preferably a full time coordinator and a program and ongoing utilities and maintenance budget which incurs costs to Council in the order of \$60 - 80,000 per annum. Some adaptation of the existing facility would be required and community land would need to be found. The time and effort and financial resources involved would arguably be better invested in re-developing one of Councils existing facilities such as Kangaroo Street Community Centre the current design of which limits its use. In addition, a new community centre / neighborhood facility could be incorporated in the new proposed aquatic centre facility.

**Cultural Centre / Museum**

Council already funds the operation of a Regional Art Gallery and Museum in conjunction with State Government funds. A Council the size of Manly would not normally fund more than one major cultural facility.





## Moved Buildings for Museums

**SUNNYBURY HERITAGE FARM**  
 The Sunnybury Heritage Farm contained 26 buildings moved from various locations in the 1970s. Moved are an 1838 cottage from North Richmond, the 1828 Boat of Australia and the Waverstone Police Station, 1861. Their positioning enhances rather than enhances their heritage value. In December 2001 the farm closed down. The overwhelming cost of maintaining such a large group of heritage buildings was a contributing factor to the farm's demise.

### Significance of Context

Historic buildings are valued by museums as they provide a tangible link to the past. The more intact the building, the stronger the historic story the building tells. The heritage significance is strengthened by related contents and setting. For example a shearing shed has more meaning in a paddock surrounded by peas with piece picking table and wool press in place than it would if removed to the main street of town between two shops. By moving the building, the attributes that make it significant are reduced or lost altogether. It is harder to understand how it once worked or appeared.

### Common arguments for moving buildings

\* **To "save" the building.** The main argument for moving a building is to save it from planned demolition or neglect. There may be irreversible activities such as a dam construction, which would destroy the building. However, in general, a building won't be destroyed if it is left in situ. Moving it may cause destructive change or damage to the fabric and will reduce its heritage value, as the surroundings cannot be taken with it.

\* **To "improve" the museum.** It is often argued that additional buildings on a site will increase visitor experience and expand the heritage value of the museum. However, further buildings will undoubtedly alter the historic nature of any site, as well as placing the building being moved in a new context.

\* **To provide more space for storage or exhibition.** Unfortunately, museum collections and historic buildings don't always mesh: the museum are often too small for exhibitions or storage units; old

buildings are not generally designed for disabled access, the walls cannot be drilled or altered, light fittings and hanging spaces are difficult to install and environmental conditions (heat, heat and too much light) may not be ideal to display or store collections.

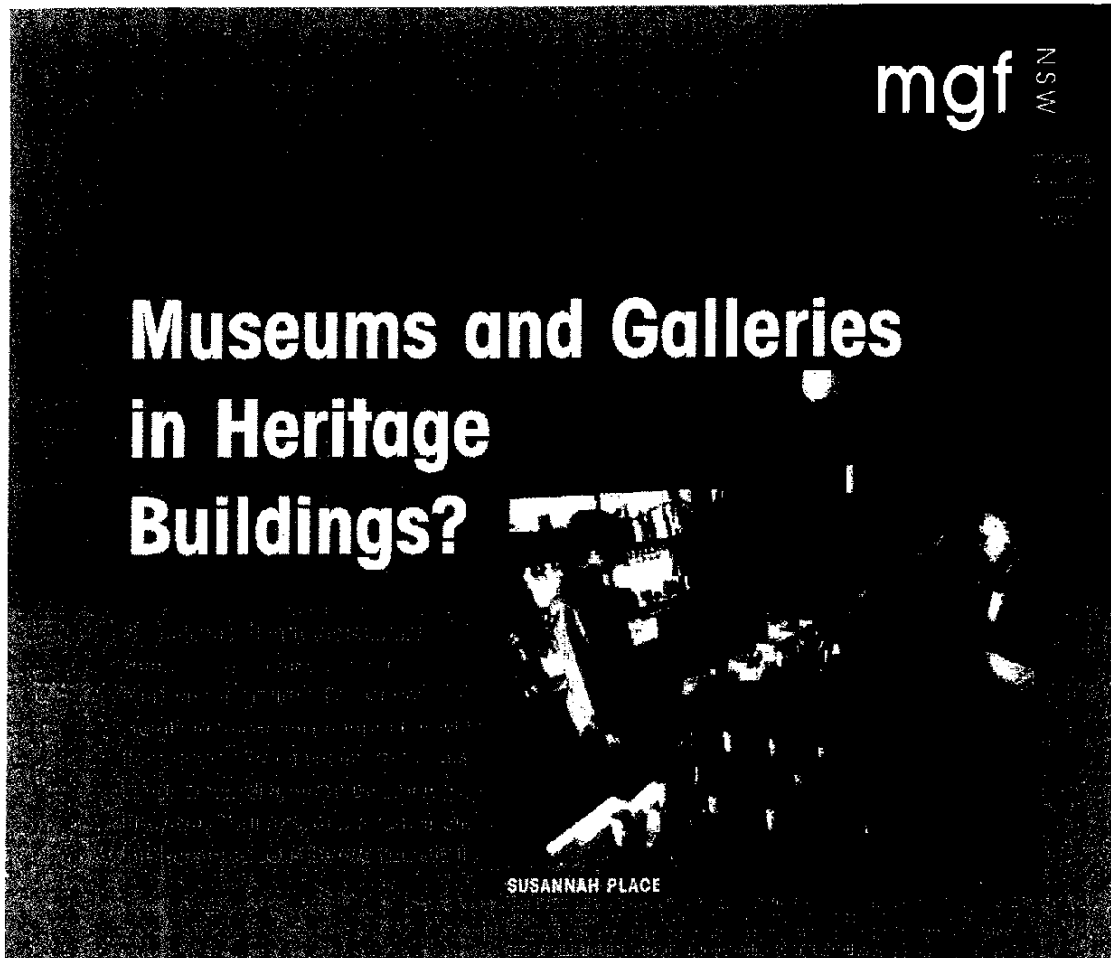
\* **To make the building more accessible and visible.** It is sometimes argued that redundant rural buildings should be moved into the museum so that they can be seen and appreciated by non-experts and visitors. By moving the building out of its remote location the significance is greatly diminished and visitors can no longer experience the building in context.

\* **The building provides a cheap, new space.** There are many hidden expenses in moving a building. These may include the cost of the purchase of the building, removal, repair and reconstruction after moving, installation of amenities and long term maintenance (which should not be forgotten). This may double or triple initial estimates. This may leave moved buildings in a worse state than before they were moved.

\* **A moved building may also exclude a museum from assistance.**

As there are limited funds available for heritage buildings, funding bodies concentrate on buildings of significance. Funds are not usually available for restoration, repair or addition to moved buildings as their significance has been significantly diminished.

Some buildings are designed to be moved. Some buildings such as portable schoolhouses, police task units and transportable homes were designed to move. However, if the building has remained on a particular site for a period of time, it is likely that it has developed an association with its surroundings and should not be moved.

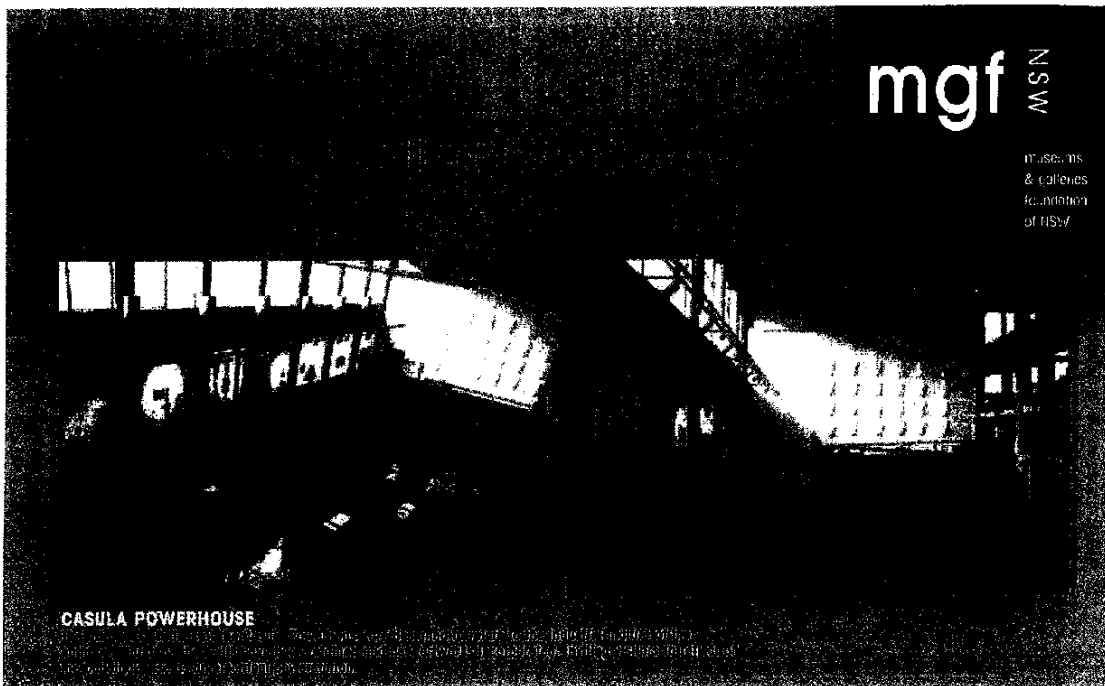


**Advantages**

- A heritage building has an acknowledged value in the community encouraging ongoing support and community interest.
- Many heritage buildings have great character that can be used to promote the museum to the community and visitors.
- Heritage buildings may be well located near the centre of town. This is advantageous both in attracting visitors to the site and providing ease of access to facilities such as cafes.
- Heritage buildings may provide an appropriate physical setting, history or context that can enrich the interpretation of historic collections and cultural experiences.
- While there are exceptions, many heritage buildings are solidly built and provide a stable physical and climatic environment for collections.
- The ambience and spaciousness of some heritage buildings, such as powerhouses and railway workshops, favour use as gallery and exhibition spaces.
- A heritage building may be in public ownership with possible savings on purchase and maintenance costs.
- Heritage buildings can potentially attract both local and state funding support.
- Museum/gallery use provides a life for the building (even if short term) not otherwise available.

**Disadvantages**

- Problems in the use of heritage buildings relate to the costs of adapting an existing building for a new purpose and the risk of downgrading the building's integrity and value in the process.
- The museum/gallery development may not suit a particular building. A contemporary art space, for instance, would be a challenging use for a small cottage, while an old schoolhouse isn't the most appropriate place to display farm machinery.
- The community may not readily accept a new use for a building with a long-established history. It may take years to change local perceptions and the venture may lose community support that means the difference between success and failure.
- Room sizes and layouts, access, circulation through the building, as well as light and climate control, may not be suitable for the envisaged museum. Some physical characteristics cannot be altered in a heritage-listed building.
- The building may be in poor structural condition and require considerable remedial work to make it weatherproof, environmentally sound and able to withstand increased visitor traffic. You need to consider whether the cost of work justifies the result or whether it



CASULA POWERHOUSE

would be more appropriate to start from scratch with a newer or purpose-designed building.

**Critical questions**

Some aspects of a building can be changed or adapted, but others, such as location, simply cannot. Before you engage consultants or carry out detailed studies, consider the following:

- Is the building appropriate for a new use, can it accommodate the public, museum staff and volunteers? Is it sufficiently robust for a new public use?
- Will the story of the building be lost, if its use is radically changed? Can the significance of the building be interpreted without impinging on the new museum use?
- Is the building easy to access?
  - Is the location easy to find? Is there public transport to the area? How frequently does it run and is it available on weekends?
  - Is there sufficient and appropriate car or bus parking space?
  - Can visitors with disabilities enter and move around the building and experience all that a more mobile visitor can?
  - Can collection material, exhibitions, and office and catering supplies be delivered to and around the site with ease?
- Are there environmental factors to consider?
  - What are the climatic conditions of the area, what impact will this have on the building and collection? Is the area vulnerable to bushfires or flooding?
  - Are there neighbouring businesses or activities which will have a negative impact on the museum?
  - Is the building located in an area with appropriate zoning for the activities associated with a museum or gallery?

Many local councils have Local Environment Plans and Development Control Plans, that outline allowable building usage in different areas. Your heritage consultant or local government planning department could advise you on how to proceed.

**What does the community think?**

Community consultation is highly productive in generating solutions to problems. Ideas from the community will ensure their participation in and ownership of the project that may be crucial to its success.

- Have you got the funds to sustain ongoing museum or gallery operations?
- You will require funds both to set up of the facility and maintain the historic building fabric. An historic collection will also have ongoing needs. Ensure that funding is well-secured and that you plan and budget beyond the opening date.

**Alternative uses for a heritage building**

If you decide that an available heritage building is not suitable for a museum or gallery there are many optional uses for the building. In the first instance consider a use which maintains its current or original use. If the building was a post office, could it have a business which provides postal or courier services, or perhaps a business transaction centre? A house, could remain as a home, or small office environment or provide accommodation for visitors to the area. If you own the building its sale or lease could help you with more suitable accommodation.

**For further information contact:**

- [www.mgf.nsw.gov.au](http://www.mgf.nsw.gov.au)
- [info@mgf.nsw.gov.au](mailto:info@mgf.nsw.gov.au)
- [0295503000](tel:0295503000)



**TO:** Land Use Management Committee - 5 December 2005  
**REPORT:** Environmental Services Division Report No. 70  
**SUBJECT:** Development Applications Being Processed During December 2005  
**FILE NO:**

---

**SUMMARY**

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING NOVEMBER 2005

**REPORT**

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

DA#	Date Rec by Council	Site Address	Proposal	Target Date	DEL DAU LUM
DA144/05	15-Mar-05	21 Francis Street	Alterations & Additions & Family Flat	Awaiting Information	
DA187/05	11-Apr-05	3a Magarra Place	Demolition & New Multi Level Dwelling, Carpark And Landscaping	20-Dec-05	DAU
DA189/05	11-Apr-05	31 Amiens Road	Alterations & Additions To Dwelling Including Demolition/Rebuild Of Upper 2 Levels	06-Dec-05	DAU
DA197/05	15-Apr-05	Boronia Lane	Construction Of A Fire Trail	08-Dec-05	DAU
DA194/05	19-Apr-05	31 Seaforth Crescent	Demolish & Construct 3 Storey Dwelling	Awaiting Information	
DA183/05	27-Apr-05	187 Pittwater Road	Alterations & Additions To Retail	Awaiting Information	
DA587/02	3-May-05	14 Reddall Street	Section 96 Modification	Awaiting Information	
DA31/03	4-May-05	9 King Avenue	Section 96 Modification	Awaiting Information	
DA307/05	10-May-05	3 Oyama Avenue	Alts & Adds To Dwelling & Garage	13-Dec-05	DAU
DA267/05	23-May-05	112 Sydney Road	Demolish & New 3 Storey RFB, Parking, Landscaping & Pools	15-Dec-05	DAU
DA230/05	27-May-05	30 Castle Circuit	2 Dwellings & 2 Lot Subdivision	15-Dec-05	DAU
DA277/05	1-Jun-05	439 Sydney Road	Alts & Adds & Change Of Use	01-Dec-05	DAU
DA269/05	6-Jun-05	10a Bungalow Ave	Swimming Pool	Awaiting Information	
DA276/05	10-Jun-05	57a Ethel Street	Demolish - Commercial & RFB With Basement Parking	13-Dec-05	DAU
DA295/05	15-Jun-05	5 Glade Street	Pool & Deck	24-Nov-05	
DA297/05	15-Jun-05	89-91 Bower Street	Extension To Access way & Carport	15-Dec-05	DAU
DA336/03	30-Jun-05	21 Ethel Street	Section 96 Modification	Awaiting Information	

## Environmental Services Division Report No. 70 (Cont'd)

Da353/05	7-Jul-05	23 Commonwealth Parade	Strata Subdivision Of Existing RFB	Awaiting Information	
DA326/05	12-Jul-05	96 Seaforth Crescent	Demolition & Erection Of New Dwelling	08-Dec-05	DAU
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	
Da80/05	4-Aug-05	15 Judith Street	Section 96 Modification	01-Dec-05	
DA348/05	5-Aug-05	28 Cliff Street	Demolition & Erection Of Semi Dwelling And Subdivision	15-Dec-05	DAU
DA389/05	8-Aug-05	9 Smith Street	Alts & 1st Floor Adds	13-Dec-05	DAU
DA398/05	12-Aug-05	71 Collingwood	Demolition & Erection Of New Rear Floor, Balcony & Stair	08-Dec-05	DAU
DA354/05	15-Aug-05	2 Coral Street	Subdivision Into Two (2) Lots, Alts & Adds To Existing & Access To Both	01-Dec-05	
DA366/05	19-Aug-05	45 Fairlight Crescent	Demolish & Erect New Garage & Fencing	08-Dec-05	DAU
DA435/05	22-Aug-05	2 Koobilya Street	Alts & Adds To Dwelling & Garage	Awaiting Information	
DA370/05	23-Aug-05	2 Panorama Parade	Pool, Fence And Landscaping	Awaiting Information	
DA92/05	23-Aug-05	27 The Corso	Section 96 Modification	20-Dec-05	DAU
DA359/05	24-Aug-05	5 Craig Avenue	Alts & Adds To Existing Balconies		DAU
DA378/05	28-Aug-05	91 Addison Road	Alterations & Additions To Semi Detached Dwelling	20-Dec-05	DAU
DA383/05	31-Aug-05	14 Castle Circuit	New Dwelling & Pool	Awaiting Information	
DA384/05	5-Sep-05	81 Fairlight Crescent	Demolition & Erection Of New Dwelling	13-Dec-05	DAU
DA390/05	5-Sep-05	51 Lewis Street	Alterations & Additions To Dwelling	01-Dec-05	DAU
DA394/05	9-Sep-05	506 Sydney Road	Erection Of Pole Signage	Awaiting Information	
DA406/05	9-Sep-05	2a Allenby Lane	Alts & Adds To Existing Dwelling	15-Dec-05	DAU
DA401/05	12-Sep-05	60 Ellery Parade	Alts & Adds To Dwelling	Awaiting Information	
DA537/03	12-Sep-05	80 Beatrice Street	Section 96 Modification	06-Dec-05	
DA49/04	13-Sep-05	Manly Wharf - Ferry Upgrade	Section 96 Modification	Awaiting Information	
DA396/05	15-Sep-05	13a Alan Avenue	Alts & Adds To Existing Dwelling	20-Dec-05	DAU
DA405/05	15-Sep-05	86 Ellery Parade	Alts & Adds Including 1st Floor		DAU
DA415/05	15-Sep-05	37 Lodge Street	Strata Subdivision Of Existing RFB	Awaiting Information	

## Environmental Services Division Report No. 70 (Cont'd)

DA440/05	16-Sep-05	18 Castle Circuit	Swimming Pool	Awaiting Information	
DA403/05	21-Sep-05	85-87 Lauderdale Avenue	Alts & Adds To RFB Including New Basement Unit & Associated Works		DAU
DA507/04	21-Sep-05	23 Francis Street	Section 96 Modification	Awaiting Information	
DA410/05	22-Sep-05	15 Lodge Street & 227 Condamine Rd	Multi-Unit Development Four (4) Residential Dwellings	Awaiting Information	
DA414/05	22-Sep-05	31 Bower Street	Alts & Adds To Existing Dwelling	16-Dec-05	DAU
DA420/05	23-Sep-05	6 Brighton Street	Swimming Pool & Landscaping	Awaiting Information	
DA443/05	26-Sep-05	46 Addison Road	Balconies To An Existing RFB	Awaiting Information	
DA412/05	28-Sep-05	42 Cutler Road	Alts & New Upper Floor	08-Dec-05	
DA436/05	28-Sep-05	2 Eurobin Avenue	Installation Of Coffee Cart On Premises	Awaiting Information	
DA423/05	29-Sep-05	59 Ethel Street	Erection Of Mixed Use Development		DAU
DA431/05	29-Sep-05	48 Radio Avenue	Alts & Adds To Existing Dwelling, New Pool And Garage	Awaiting Information	
DA452/05	4-Oct-05	143 Pittwater Road	Occupation Of Residential Joined Land For Small Shop	Awaiting Information	
DA67/05	7-Oct-05	123 Bower Street	Section 96 Modification		DAU
DA424/05	10-Oct-05	13 Nield Avenue	Alts & 1st Floor Adds To Existing Semi-Detached Dwelling	Awaiting Information	
DA127/05	11-Oct-05	219 Woodland Street	Section 82a Review	Awaiting Information	
DA413/05	11-Oct-05	2/33 Arthur Street	Excavation & Construction Of Retaining Walls	Awaiting Information	
DA418/05	14-Oct-05	33 Osborne Road	Alts & 1st Floor Adds & Pool	16-Dec-05	DAU
DA530/03	14-Oct-05	Manly Ocean Beach	Section 96 Modification	19-Dec-05	DAU
DA292/05	21-Oct-05	107 Frenchs Forest Road	Sections 82a Review	22-Dec-05	DAU
DA427/05	21-Oct-05	4b Tutus Street	Swimming Pool & Associated Landscaping		DAU
DA462/05	21-Oct-05	13 James Street	Land Subdivision & Boundary Adjustment	Awaiting Information	
DA434/05	25-Oct-05	20 Wanganella Street	Erection Of Swimming Pool	Awaiting Information	
DA417/05	26-Oct-05	5 Francis Street	Erection Of Carport	16-Dec-05	DAU
DA532/02	31-Oct-05	8 Peronne Avenue	Section 96 Modification		DAU
DA460/05	4-Nov-05	340 Sydney Road	Fitout - Kebab & Pizza Takeaway		DEL
DA547/03	14-Nov-05	30 Peacock Street	Section 96 Modification	Awaiting Information	
DA08/01	15-Nov-05	51 Ethel Street	Section 96 Modification	15-Dec-05	DAU

## Environmental Services Division Report No. 70 (Cont'd)

DA234/04	25-Oct-05	3 Hogan Street	Section 96 Modification	06-Dec-05	DAU
----------	-----------	----------------	-------------------------	-----------	-----

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

House #	Address	Proposal	DA#	Date of Submission
43	Addison Rd, MANLY	Alts And Adds And Pool	456/05	18/10/05
93	Addison Rd, MANLY	Pool	479/05	25/10/05
15	Alexander Street, MANLY	Alterations And Additions		7/11/05
20	Alto Avenue, SEAFORTH	Demolition And New Dwelling		12/10/05
147	Balgowlah Rd BALGOWLAH	Demolition And Duplex	387/05	11/11/05
1	Bareena Drive, BALGOWLAH HEIGHTS	Signage		19/9/05
14	Bareena Drive, BALGOWLAH HEIGHTS	Section 96		12/10/05
23	Barrabooka Street, CLONTARF	Alterations And Additions		6/10/05
8b	Beatty Street, BALGOWLAH HTS	Alts And Adds To Dwg And Boatshed And Pool		24/10/05
17	Belgrave Street, MANLY	Signage		4/10/05
17	Belgrave Street, MANLY	Signage		24/11/05
24	Bellevue Street, FAIRLIGHT	Alts & Adds To Dwelling	432/05	19/9/05
4	Benelong Street, SEAFORTH	Alts And Adds And New Carport		27/9/05
2	Birkley Road	Alts And Adds To RFB		1/11/05
13	Bonner Avenue, MANLY	Demolition And Erection Of New Dwelling, Pool, Subdivision	416/05	20/9/05
50-52	Bower St, MANLY	S96		1/11/05
14	Bower St, MANLY	Alts And Adds To Building		4/11/05
43	Bower St, MANLY	Alts & Adds	426/05	1/10/05
119	Bower St, MANLY	Alts And Adds To Dwelling	446/05	20/9/05
Units1-2 / 7	Boyle Street, BALGOWLAH	New Balconies		8/11/05
8	Brighton Street, BALGOWLAH	Alterations And Additions		28/11/05
10A	Bungaloe Avenue, Balgowlah	Pool	269/05	6/6/05
18	Castle Circuit, SEAFORTH	Dwelling		16/9/05
2 (Lot 15)	Castlerock Circuit, SEAFORTH	Demolition And Erection Of Dwelling And Pool		7/11/05
2 (Lot 14A)	Castlerock Crescent, CLONTARF	Demolition And Erection Of Dwelling And Pool		7/11/05
21B	Cliff St, MANLY	Alts And Adds	505/05	25/10/05
N/A	Clontarf Marina	Kayak Hire		25/10/05
59	Collingwood Street, QUEENSCLIFF	Alts And Adds To Dwelling		29/9/05

## Environmental Services Division Report No. 70 (Cont'd)

184-190	Condamine Street, BALGOWLAH	Balloon		16/11/05
63	Condamine Street, BALGOWLAH	Alts And Adds To Dwg		5/9/05
92	Condamine Street, BALGOWLAH	Erection Of Upper Floor		16/11/05
46	Curban Street, BALGOWLAH HEIGHTS	New Carport And Alts/Adds	491/05	8/11/05
46	Curban Street, BALGOWLAH HEIGHTS	Carport, Stairs And Veranda	491/05	24/11/05
81	Darley Rd, MANLY			4/11/05
97	Darley Rd, MANLY	Strata Subdivision		6/5/05
46-48	East Esplanade, MANLY	Alts And Adds To Mixed Use Devel Incl New Unit	485/05	8/11/05
21	East Esplanade, Manly	Alts And Adds To Existing Dwelling		5/10/05
22	Ellery Pde, SEAFORTH	Convert Garage To Cabana Room		28/10/05
88	Ellery Pde, SEAFORTH	Carport		16/9/05
9	Ethel St, BALGOWLAH	Alts And Adds To Dwellings		26/9/05
55	Eurobin Ave MANLY	Alts And Adds To Duplex	474/05	19/10/05
39	Fairlight Cres	Residential		9/9/05
41	Fairlight Cres, FAIRLIGHT	Alts And Adds To Dwelling		4/10/05
7/2	Fairlight Crescent, FAIRLIGHT			1/11/05
27-Jan	Golf Parade, MANLY	First Floor To Semi- Detached	451/05	25/10/05
1	Gordon Street, CLONTARF	Alts And Adds To Dwelling		4/10/05
8	Grandview Grove, SEAFORTH	Inclinor		11/10/05
45	Gurney Crescent SEAFORTH	Demolition And Erection Of New Dwelling		25/8/05
2	High Street, MANLY	Alts And Adds To Dwg	425/05	28/9/05
49	Jackson Street, BALGOWLAH	Alts And Adds To Duplex (New Decks, Carport, New Landscaping)		30/9/05
6/34	Jamieson St, FAIRLIGHT	Alts And Adds To RFB		31/8/05
12	Judith St, SEAFORTH	Alts & Adds To Dwelling	442/05	15/9/05
10	La Perouse Street, FAIRLIGHT	Alterations And Additions		10/10/05
10	La Perouse Street, FAIRLIGHT	Pool		10/10/05
39	Lauderdale Avenue, FAIRLIGHT	Internal Alts		1/11/05
6 To 8	Lawrence Street	Alts And Adds To Unit 6, Balcony And New Stair		21/11/05
13	Lewis Street, BAL HTS	Alts And Adds To Existing Dwelling		21/11/05
8	Montauban Avenue,	Fence & Stairs	437/05	30/9/05

## Environmental Services Division Report No. 70 (Cont'd)

	SEAFORTH			
55	New Street, BALGOWLAH HEIGHTS	Alts And Adds To Dwg And Garage	472/05	24/10/05
7	Pacific Parade, MANLY	Demolition & Erection Of New Dwelling And Pool	428/05	27/9/05
30	Pacific Parade, MANLY	Alts & Adds To Dwelling	433/05	29/9/05
52	Pacific Parade, MANLY	Awning		30/9/05
52	Peacock Street, SEAFORTH			7/11/05
52	Peacock Street, SEAFORTH	Alts And Adds To Dwg-First Floor		7/11/05
49	Pittwater Road, MANLY	Alts And Adds To Terrace Dwg	487/05	31/10/05
13	Quinton Road, MANLY			7/11/05
2	Raglan Street, MANLY	Fitout For Liquor Outlet		3/11/05
70	Raglan Street, MANLY	Complying Development		24/11/05
165A	Seaforth Crescent, SEAFORTH	Family Flat	493/05	18/10/05
137A&141	Seaforth Crescent, SEAFORTH	Fence		31/10/05
Shop 2 447-449	Sydney Road, BALGOWLAH	Occupation For Office		21/11/05
266	Sydney Road, Balgowlah	Strata Subdivision	358/05	4/7/05
Shop 2 379	Sydney Road, BALGOWLAH			23/11/05
93	Sydney Road, MANLY	Awning		3/11/05
6/563	Sydney Road, SEAFORTH	Gym		19/10/05
24	Tabalum Rd, BAL HTS	Deck And Balcony		26/9/05
29-38	The Corso, MANLY	Mixed Development		30/9/05
31	The Corso, MANLY	Commonwealth Bank	441/05	31/09/05
59	The Corso, MANLY	Alterations And Additions		28/11/05
102	The Corso, MANLY			7/11/05
30	Upper Beach, BALGOWLAH	Alts And Adds To Dwelling	497/05	12/10/05
31	Victoria Parade, MANLY	(New Construction Of Two Apartments, Demolition Of Roof Top Penthouse)		30/9/05
31	Wanganella St, BALGOWLAH	Alts And Adds, Garage, Pool		14/11/05
	West Esplanade, MANLY	Radio Controlled Boat Hire		12/10/05
	West Esplanade, MANLY	Alts And Adds Café Cruz		2/11/05
5	West Street, BALGOWLAH	Alts And Adds Including New First Floor		26/10/05
55	West Street, BALGOWLAH	Alts And Adds To Dwelling	484/05	20/10/05
39	White Street, BALGOWLAH	Pool		10/10/05
8 & 11	Yatama Street/Benelong St, SEAFORTH	(Housing For Over 55's With Disability)	438/05	30/9/05

**RECOMMENDATION**

That the information be noted.

**Environmental Services Division Report No. 70 (Cont'd)**

**ATTACHMENTS**

There are no attachments for this report.

LUM051205ESD\_6.doc

\*\*\*\*\* End of Environmental Services Division Report No. 70 \*\*\*\*\*

**TO:** Land Use Management Committee - 5 December 2005

**REPORT:** Environmental Services Division Report No. 71

**SUBJECT:** Appeals List for December 2005

**FILE NO:**

## SUMMARY

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

## REPORT

Application	Appeal Ref	Site Address	Appeal Lodged	Solicitor	Current Status
DA433/99	10624/05	Shop 5, 93-95 North Steyne, Manly (Jellyfish Café)	7.6.05	Abbott Tout	Callover 9.12.05
DA424/01	10686/05	42 Bower Street	13.7.05	Abbott Tout	Discontinued
DA45/05	10622/05	67 Ernest Street	21.6.05	Abbott Tout	Appeal upheld
DA37/05	10832/05	11 Benelong Street	1.8.05	Abbott Tout	Hearing 10.12.05
DA572/04	10833/05	8 Yatama Street	1.8.05	Abbott Tout	Hearing 10.12.05
DA576/05	10919/05	57A Ethel Street	12.8.05	Abbott Tout	Callover 2.12.05
DA159/05	10913/05	2A Woodland Street	5.8.05	Abbott Tout	Hearing 8.12.05
DA273/04	10949/05	20 Dennison Street	17.8.05	Abbott Tout	Callover 1.12.05
DA401/04	41145/05	87-95 Balgowlah Road (Manly Golf Club)	14.10.05	Abbott Tout	Callover 6.12.05
DA508/04		118 North Steyne		Abbott Tout	Neutral Evaluation 9.12.05
DA228/05	11132/05	1 Parkview Road	29.9.05	Pike Pike Fenwick	Callover 9.12.05
DA334/05	11226/05	79 Darley Road	19.10.05	Pike Pike Fenwick	Callover 6.12.05

## RECOMMENDATION

That the information be noted.

## ATTACHMENTS

There are no attachments for this report.

LUM051205ESD\_8.DOC

\*\*\*\*\* End of Environmental Services Division Report No. 71 \*\*\*\*\*