Manly Council

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:

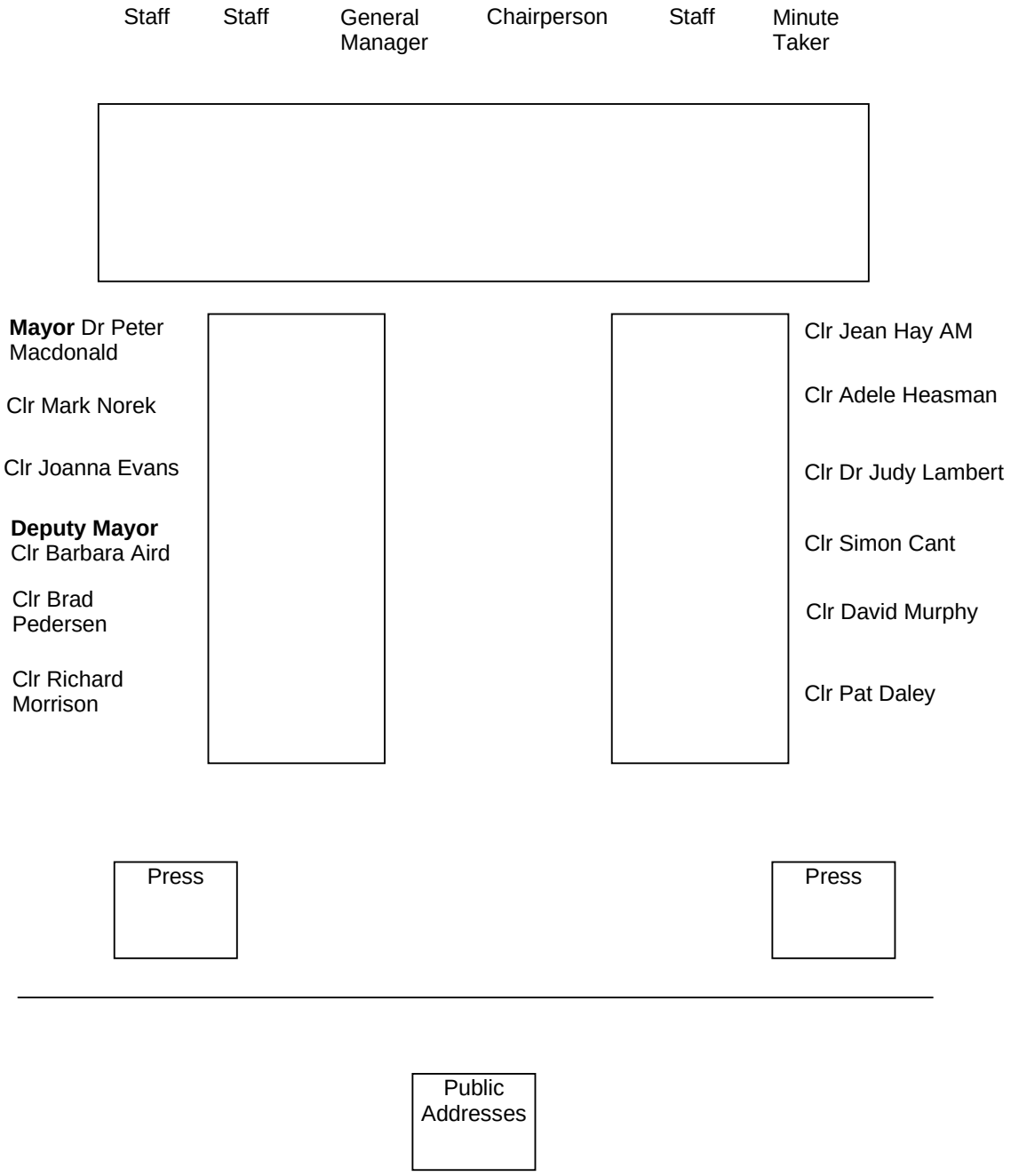
Monday 6 March 2006

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

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

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

Seating Arrangements for Meetings



Public Gallery

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

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The Land Use Management Meeting of 6 FEBRUARY 2006

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30 - 38 Ethel Street, Balgowlah 8 :00am
Balgowlah RSL Club

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CLOSED SESSION

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

TO: **Land Use Management Committee - 6 March 2006**

REPORT: **Corporate Planning And Strategy Division Report No. 9**

SUBJECT: **Manly Futures Forum**

FILE NO:

SUMMARY

The Futures Forum took place on Setpember 17th and September 24th 2005 and was open to members of the Manly community to attend. It involved presentations from expert speakers about social and environmental isssues that will affect Manly in future and a panel discussion with participants and facilitated workshops. These issues have now been put together in a report.

REPORT

The Manly Futures Forum Report (A copy of the printed document will be made available to each Councillor) brings together the themes that emerged from guest speakers and participant workshops at the Forum events. The report organises the material in 7 themes which are 'opportunities' for the future. For each opportunity there are associated challenges. The opportunities are:

1. Future accommodation eg affordable and adaptable housing
2. Living in Manly – inclusive society and culture
3. A well governed Manly – the role of local council
4. A natural Manly – a sustainable environment
5. A Visitor to Manly – making tourism work
6. A safer Manly – crime and community safety issues
7. Transport, access and getting around in Manly

The report will be central in setting an overarching direction for Manly Council in future, as it sets a vision to 2025. The opportunities will be fundamental to inform planning, policy and process in all aspects of Council and also to tie in with NSW Government initiatives such as the Metropolitan Strategy, Regional Strategy and planning reform processes. The report also sets down some directions for the role that the local community can contribute to build a desirable future.

This will be distributed separately.

RECOMMENDATION

It is recommended that Council receive the report and note the issues raised at the Forum by the speakers and local community, and that the report be endorsed by the Council.

ATTACHMENTS

There are no attachments for this report.

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***** End of Corporate Planning And Strategy Division Report No. 9 *****

TO: **Land Use Management Committee - 6 March 2006**

REPORT: **Environmental Services Division Report No. 1**

SUBJECT: **10 Salisbury Square, Seaforth** **Section 96 Modification**

FILE NO:

PREVIOUS ITEMS: 37 - Land Use Management Committee - 1 August 2005

SUMMARY

Application Lodged:	24 October 2005
Applicant:	Sandberg Schoffel Architects
Owner:	S & K Weller
Estimated Cost:	$750,000
Zoning:	Manly Local Environmental Plan, 1988 - Residential
Surrounding Development:	Single and two storey dwellings.
Heritage:	n/a

SUMMARY:

1. COUNCIL AT ITS LAND USE MANAGEMENT COMMITTEE MEEETING OF 1 AUGUST 2005 RESOLVED TO GRANT CONSENT FOR THE DEMOLITION OF THE EXISTING DWELLING ERECTION OF A NEW TWO STOREY DWELLING WITH BASEMENT GARAGE AND REAR YARD SWIMMING POOL AND POOL HOUSE.
2. THE APPLICANT IS NOW SEEKING TO AMEND TWO OF THE CONSENT CONDITIONS WITH THE LODGEMENT OF AN APPLICATION UNDER SECTION 96 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.
3. THE MODIFICATION APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTTY OWNERS WITH ONE OBJECTION RECEIVED.
4. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEEE MEETING AT THE REQUEST OF COUNCILLOR NOREK.
5. THE APPLICATION IS RECOMMENDED FOR APPROVAL SUBJECT TO AN ADDITIONAL CONDITION.

LOCALITY PLAN

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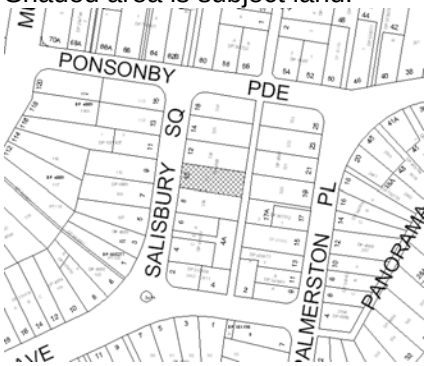

REPORT

Introduction

The subject site is located on the eastern (high) side of Salisbury Street and adjoins a laneway at the rear. The allotment is rectangular in configuration having a frontage of 20.115m and depth of 51.82m. The site has an east/west orientation and is currently developed with a part one and part two storey dwelling with garaging under as well as a detached single garage in the rear yard.

Environmental Services Division Report No. 1 (Cont'd)

Council at it's Land Use Management Meeting of 1 August 2005 granted consent for the following:

- Demolition of the exiting dwelling house and detached garage.
- Erection of a new dwelling containing basement level comprising 2 x double garages and storage areas, ground floor level comprising 3 bedrooms, bathroom, 2 x ensuite, games room and study and first floor level comprising living, dining, family rooms and kitchen with associated terrace areas.
- Provision of a rear yard in-ground swimming pool with detached pool house containing pool equipment room, shower room/WC, sink and benches.
- Landscaping works

The consent included conditions 2 and 5 as follows:

"1. The proposed dwelling is to be repositioned to achieve a 0.9m setback from the northern boundary to minimise overshadowing impacts on the adjoining property to the south, plans being suitably amended prior to issue of the Construction Certificate."

"5. The proposed external stair from the first floor level terrace to the rear yard is to be repositioned such that it does not extend beyond the eastern edge of the terrace, to reduce privacy impacts and minimise visual bulk of the development, plans being suitably amended prior to issue of the Construction Certificate."

Council is now in receipt of an application under Section 96 (2) of the Environmental Planning and Assessment Act 1979 to delete conditions Nos.2 and 5 from the consent.

The modification application includes revised plans which lower the height of the whole building by 0.5m and position the building 0.1m toward the northern side boundary. The revised plans also show the external stair positioned such that it is generally contained within the footprint of the approved terrace area.

Development Control Plan Numerical Assessment

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

	Permitted/Required	**Proposed**	**Complies Yes/No**
Floor space ratio	0.45:1	0.447:1	Yes
Wall height north side	6.9m	5.9m	Yes
south side	6.8m	5.9m	Yes
Roof height	3m	1.8m	Yes
Setback Front	6m	11.0m	Yes
Setback Rear	8m	17.0m (Dwelling) 0.0m (Pool House)	Yes No
north setback side	1.9m	2.0m	Yes
south setback side	1.9m	2.8m	Yes
Open space - total	55%	71%	Yes
Open space - total	573.3sqm	738.7sqm	Yes
Open space - soft	35%	68%	Yes
Number of Endemic Trees	2 trees	2 trees	Yes
Private Open Space	18sqm /lot	>18sqm	Yes
Car Parking – Residents	2 spaces	4 spaces	Yes
Energy Efficient Rating	40% water 25% energy thermal	certified	Yes

Environmental Services Division Report No. 1 (Cont'd)

Submissions

The modification application was notified with one (1) submission received raising the following issues:

- Council approved this development with one very clear and simple condition to relocate the building to the north so that it would be 0.9m off its northern boundary, i.e. a further 1.2m from the southern boundary. The reason for this was to provide greater separation between living and recreational areas on the adjoining property to the south and the proposed building. This increased separation would also reduce the bulk and scale of the development when viewed from the adjoining property and reduce loss of sunlight caused by this dominating structure.
- The revised scheme makes a mockery of the Council condition by moving the building only 100mm (or 4 inches) to the north, not the 1200mm (or 4 feet) as was conditioned and approved by Council after considerable debate.
- No valid reason why the building could not be set down 1200mm to compensate for the setback reduction – this would have the advantage of providing greater amenity by reduced bulk and reduced loss of sunlight. This could be easily achieved without compromising the development.
- Adjoining owners have a right to be protected from such substantial overdevelopment that has very serious affectations on their lifestyle and enjoyment of their home and environs.

Applicant's Supporting Statement

The applicant submitted a letter in support of the modification, a copy of which is available for viewing on Council's file.

Precinct Community Forum Comments

The Precinct requests Council closely examine the application, as there appear to be issues with solar access and privacy.

Building Comments

No objection subject to standard conditions.

Landscape Architects Comments

No objection.

Planning Comments

The application seeks deletion of Condition 1 and Condition 5 from the consent. The plans submitted with the modification application show a reduction in the height of the building of 0.5m, repositioning of the building 0.1m toward the northern boundary and revision to the external stair location.

Section 96 (2) of the Environmental Planning and Assessment Act 1979, states that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted. In this regard it is considered that the proposal as modified would be substantially the same as that for which consent was granted.

Environmental Services Division Report No. 1 (Cont'd)

The reason for condition No.1 is stated in the condition itself, being "..to minimise overshadowing impacts on the adjoining property to the south,". Analysis of the proposal shows the revisions to the height of the building and minor repositioning to the north will result in shadow impacts matching that of the approved development as conditioned (i.e. including repositioning the building to achieve a 0.9m setback from the northern boundary). The proposal as modified generally complies with the numeric requirements of the Residential DCP in particular south side building height and south side setback.

The proposed dwelling has an overall south side wall length of 23.5m with a 0.9m roof overhang at the front and rear. Whilst the extent of built form in this area of the site is substantial it is noted that the wall is articulated in both horizontal and vertical planes and the wall is constructed of a lower level in rendered brickwork and upper level in horizontal timber cladding which offers visual interest to the southern façade.

Plans show only one window at first floor level in the south elevation which serves to provide light and ventilation to the proposed kitchen area. There is potential visual privacy issues with overlooking of the adjoining dwelling and outdoor areas of the adjoining property to the south. In this regard it is considered that the kitchen window should be glazed with obscure glass or alternatively have a minimum sill height of 1.4m to maintain reasonable privacy levels.

The submission made on behalf of an adjoining property owner raises issues related to achieving greater separation and therefore reducing visual bulk and scale of the development as viewed from the adjoining property to the south. Having regard to the 2.8m south side setback and landscape plantings within the setback area, the visual bulk and scale of the revised proposal is considered acceptable.

The proposed amendments to the external stair address privacy concerns associated with the original submission, accordingly there is no objection to deletion of condition No. 5 from the consent.

Other considerations

Under Clause 10 of the Manly Local Environmental Plan the Residential zone objectives are considered as follows;

(a) to set aside land to be used for purposes of housing and associated facilities;
The proposal is for residential purposes and therefore satisfies this objective.

(b) to delineate, by means of development control in the supporting material, the nature and intended future of the residential areas within the Municipality;
The proposal has been assessed having regard to the relevant control plan and is considered satisfactory subject to conditions included in the Recommendation.

(c) to allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council area;
The proposal will maintain the overall residential character of the area and provide variety to the nature of housing type in the area.

(d) to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment;
The proposal, subject to conditions contained in the Recommendation will not unduly detract from the amenity of adjoining properties or adversely effect the quality of the environment.

(e) to improve the quality of the residential areas by encouraging landscaping and permitting greater flexibility of design in both new development and renovations;
The proposal includes detailed landscaping plans which meet Council's DCP requirements.

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

(g) to ensure full and efficient use of existing social and physical infrastructure and the future provisions of service and facilities to meet any increased demand;
The occupants of the dwelling will continue to utilise existing social and physical infrastructure.

(h) *to encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.*
The proposal is considered to be suitable redevelopment for the area and is recommended for approval subject to conditions.

Under Clause 33 of the LEP, the site is not with 500m of class 4 land

CONCLUSION:

The application has been considered having regard to Section 79C of the Environmental Planning and Assessment Act1979, the Manly Local Environmental Plan 1988 and the Manly Development Control Plan for the Residential Zone 2001 (Amendment 1) and is considered satisfactory and is therefore recommended for approval subject to condition controlling the sill height of south side first floor level window.

RECOMMENDATION

THAT the application to modify Development Consent No.196/05 for demolition of the existing building and erection of a new two storey dwelling with basement garage and rear yard swimming pool and pool house at No. 10 Salisbury Square be approved with Condition 1 amended and Condition 5. deleted as follows;

1. The proposed window at first floor level in the south elevation serving the kitchen area is to be glazed with obscure glass or alternatively have a minimum sill height of 1.4m, to minimise privacy impacts on the adjoining property to the south, plans being suitably notated prior to issue of the Construction Certificate.

5. Deleted.

ATTACHMENTS
There are no attachments for this report.

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***** End of Environmental Services Division Report No. 1 *****

TO: **Land Use Management Committee - 6 March 2006**

REPORT: **Environmental Services Division Report No. 2**

SUBJECT: **30 - 38 Ethel Street, Balgowlah Balgowlah RSL Club**

FILE NO: **DA480/05**

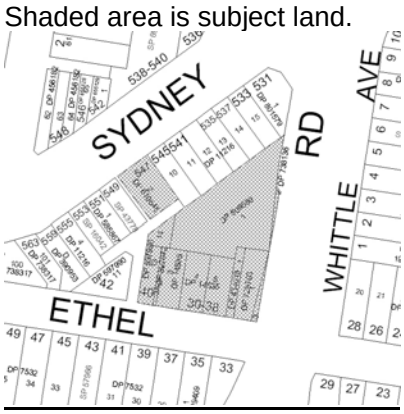
Application Lodged:	7 November 2005
Applicant:	Paynter Dixon Pty Ltd
Owner:	Balgowlah RSL Memorial Club
Estimated Cost:	$5 million
Zoning:	Manly Local Environmental Plan, 1988 - Business
Surrounding Development:	Shops, offices and Child Care Centre
Heritage:	Not Applicable

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO THE EXISTING BALGOWLAH RSL CLUB.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING PROPERTIES AND WAS ALSO ADVERTISED IN THE MANLY DAILY.
3. THE APPLICATION WAS REFERRED TO THE SEAFORTH PRECINCT COMMUNITY FORUM FOR COMMENTS.
4. THE APPLICATION IS PRESENTED TO LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR NOREK.
4. SITE INSPECTION IS RECOMMENDED.
5. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL APPROVAL.

LOCALITY PLAN

Shaded area is subject land.



REPORT

Introduction

The proposed development consists of demolition of the existing sub-branch building, as well as removal of some trees adjacent to the street frontage of the site in order to enable construction of a two level carpark on the apron of the development adjacent to Ethel Street. This allows a new entry to be constructed at first-floor level with access from a new Porte Cochere at this level. The overall scheme, results in a rationalisation of the entry exit points associated with the development with the entry to the new Porte Cochere and carpark at first-floor level, a separate entry exit using the Council laneway, as well as land generated by the demolition of the sub-branch building and a third entry exit .giving access to a future new second-floor carpark level constructed on top of the existing carpark structure adjacent to Manly Road. The proposal overall is to increase the amount of carparking by 89 spaces to a total to 232 parking spaces on site. The application indicates an intermediate stage with an increase of 37 spaces, giving 180 spaces on site without the extra

Environmental Services Division Report No. 2 (Cont'd)

carpark level adjacent to Manly Road. The parking layout includes five accessible spaces that first-floor level, adjacent to the Porte Cochere and on the ground floor level are two additional accessible spaces. It is noted that there is a new lift provided from the ground floor carpark to the first-floor entry foyer giving disabled access from the ground level to the new entry.

Development Control Plan Numerical Assessment

The following is an assessment of the proposal's compliance with the numerical standards of the D.C.P for the Business Zone 1989, Amendment 4. Where a variation is proposed to the standards an assessment is included in the Planning Comments.

	Permitted/ Required	Proposed	Complies Yes/No
Floor space ratio	2.0:1	0.77:1	Yes
Floor space ratio - existing	2.0:1	0.72:1	Yes
Wall height east side	10.5	7.8	Yes
west side	10.5	7.9	Yes
Car Parking	40.5	89	Yes
Excavation	3	2.2	

Applicant's Supporting Statement

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

Submissions

The proposal was advertised in the Manly daily and letters sent to the adjacent to nearby property owners and occupies. No submissions were received.

Precinct Community Forum Comments

Hendrik Visser (CEO) and Ian Traveller (President) of the RSL Club, gave an extensive presentation of the plans. The meeting asked numerous questions in regard to potential loss of a public parking and loss of public thoroughfares, both during and after construction. Hendrik assured the meeting that the club had no intention of reducing the public car parking complement, and that there was a possibility of increasing the number of public spaces, should the club proceed with Stage 2 of development of the third level carpark. The meeting felt that Council may be able to financially assist the Stage 2 development through the use of Section 94 contributions, which will accrue from future Seaforth developments. There was also discussion about the staging of the development works and the impact of construction on access to public car spaces, traffic in Ethel Street and general on street parking in Ethel Street.

However, the Precinct Committee did not adopt any formal resolution on the application.

Engineers Comments

No objections subject to conditions contained within the Recommendation.

Traffic Engineers Comments

No concerns in relation to the proposed vehicular access or geometric layout of the off-street carparking areas detailed on the submitted plans. It is to be noted that the agreed level of public parking is to be negotiated between the applicant and Council Officers.

Environmental Services Division Report No. 2 (Cont'd)

Building Comments

No objections to the proposed alterations and additions to a Class 6 & 7 building subject to the inclusion of conditions contained within the Recommendation.

Planning Comments

The RSL building has some extensions proposed, including additions to create the entry at first-floor level on the eastern corner of the existing buildings. Part of the application includes construction of new outdoor terrace on the southern corner of the building a new terrace in the link over the Council laneway to the west and provision of planter boxes etc to the existing terrace to the north of the building. These terraces will be partly covered and will provide for outdoor smoking areas associated with the changed legislation that will require these areas.

The plans indicate refurbishment of the existing building at the first floor level including the members lounge television viewing area bar area change and count rooms gaming area a new coffee shop, and a new bottle shop. At first-floor level is a slight expansion of the floor area associated with the members lounge adjacent to the new outdoor deck. The existing ground floor entry is replaced with the RSL office meeting room the library, and an event reception area. On the second-floor level changes are indicated to the CEO's office and administration area and storerooms in the existing floor area

The statement accompanying the application refers to construction of a mezzanine level in the existing liquor store however this is not supported by the plans submitted with the application. The architects indicated this was in relation to a new level over what is currently a store room in the building fronting Sydney Road and will be the subject of a separate application.

The existing club has a floor space of 3507 square metres and has provision of 143 carparking spaces. This proposal is to add a further 163 square metres of licensed area as well as the external terraces and provide an additional 37 parking spaces, giving a total of 180 carparking spaces on site. The scheme makes the provision to add a further 52 carparking spaces on a new top level of the carpark structure adjacent to Manly Road, giving overall total of 232 carparking spaces on site.

Plans submitted with the application indicate a staging of the development. However, additional details were sought from the architects in order to ascertain the potential impact of the development project on the level of carparking available as the project advances. As part of this ongoing discussion a more detailed staging of the project was presented to Council as well as a written submission. Part of this submission made reference to the fact that there would be a reduction of the usable floor space within the club of approximately 45% and it is therefore anticipated that there would be a lower club usage of the carpark during this time. It was pointed out that the main activities of the club would take over the top-level, which is currently used for functions and restaurant. During the construction period which was anticipated to be between April and November this year there would be no function facilities available.

Reference is also made to the club considering extending the operation of the courtesy bus service during the construction period in order to reduce the demand on the available carparking spaces and offset any inconvenience to members. It was pointed out that the courtesy bus is currently operating on Thursday nights between 5.00pm and midnight and is becoming more popular and it was anticipated that the usage of this service would increase during the construction period.

A lease exists over part of the land so that Council can provide 50 parking spaces to the general public. This figure has been reduced to 49 spaces, due to the need for a disabled space when the disabled spaces on the kindergarten land, adjacent to the access lane, was sold to a private individual. It is essential that parking spaces are available for the general public associated with this business zone, and that the public is not disadvantaged by the proposed project. It would

Environmental Services Division Report No. 2 (Cont'd)

seem that the degree of alterations and additions to the RSL Club take a large portion of the gaming and entertainment area out of operation. The discussions reveal that the second-floor level, which is currently used for functions and restaurant, would be used for the normal operation of the club while the first-floor is being extended and upgraded. The architects have estimated that there will be a reduction of 45% of the licensed area of the club during the construction period and that this would result in a significant reduction in activity and demand for carparking over this period.

With stage one there is a parking reduction of 36 cars leaving 107 spaces available. This amounts to taking over the front apron area excluding the sub-branch which will act as the site works offices and avoid the need to occupy other parking spaces. This stage allows for excavation for part of the new carpark, as well as construction of portion of the slab and lift associated with the development. The existing driveways will remain with the change that the exit near the bridge over Manly Road, will become an entry exit to allow for the circulation for both levels of the carpark. The approximate time for this work is to be 10 weeks during which time 47 Council spaces, would be available on the top-level of the members carpark adjacent to Manly Road as well as one row of the at ground carpark, adjacent to the entry exit at Manly Road.

Stage two of the project, amounts to expansion of the work area to include construction of the slab to the east at first-floor level as well as further expansion of the excavation for the carpark at the front of the club. This results in the elimination of an additional 23 cars, including those at ground level in front of the club and the row of cars immediately adjacent to Manly Road in order to locate the driveway along this eastern boundary of the property. At this stage there would be a total of 84 cars parked on site and Councils spaces would be reduced to 31 over a ten week period.

Stage three of the project would entail demolishing the existing sub - branch building to allow for the excavation in this location. At this stage, nine carparking spaces would become available, giving a total of 93 on site with 42 available to the Council for the general public. At this stage work inside the club would be taking place. It is anticipated that this aspect of the development would take six weeks.

Stage four of the project includes further work inside the club building, establishing the entry exit in place of the current laneway and carrying out the excavation on the portion of the site immediately adjacent to Manly Road. At this stage, an additional 19 parking spaces would become available giving a total of 112 on site for an approximate six-week period. There would be 42 spaces available to Council for the general public.

On completion there would be a gain of 68 parking spaces giving a total 180 spaces, and once again 49 would be available in terms of the Council lease.

This development application also indicates an additional carparking level on top of the existing carpark adjacent to Manly Road however this proposed as a future project and not to part of the timing of the current construction.

The application requires removal of the trees adjacent to Ethel Street and the applicants have submitted an Arborist report, in this regard Council's landscape architect has agreed and has put forward conditions of consent in relation to the proposed planting.

Discussions with Council's administration section revealed that there has been no agreement at this stage in relation to the reduced carparking numbers on site in terms of the Council's lease. While a condition could be placed on the development requiring the 49 spaces to be available for the general public at any time, it is noted that it would be a difficult policing issue to have portion of the area in the lower level of the members carpark available to the general public in comparison with the suggestion made by the club that the top-level of the members carpark be available thus separating the general public from the members. In this circumstance a reduced number could be accepted providing Council has compensated in terms of the lease for the reduced numbers.

Environmental Services Division Report No. 2 (Cont'd)

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

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

The site is used by the Balgowlah RSL Memorial Club, and has been for many years. This is a proposal for a slight expansion of floor space and provision for smoking areas to comply with new regulations as well as some refurbishment. The proposal also includes new carpark structures. The proposal amounts to a slight expansion of this business activity, which will lead to greater employment opportunities and meet this objective.

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

This objective does not apply.

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

The development provides more than sufficient car parking for the proposed minor expansion of the club development. While there will be some short-term disadvantage as portions of the existing carpark are out of operation due to the construction there will be the long-term benefit of the more carparking provided on site. The club includes the proposal to expand the courtesy bus service in order to overcome any short-term disadvantage caused by the construction work. The development meets this objective.

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

The proposal includes an expansion of the existing driveways and redirecting the on-site traffic flow as well as provision of additional carparking both on the apron in front of the development and creating another level of carpark in the longer term on top of the existing carparking structure adjacent to Manly Road. Separate pedestrian access is provided from Ethel Street, in order to minimise conflicts between vehicles and pedestrians. The development meets this objective.

The proposed development has been assessed under Section 79 C - Heads of Consideration of the Environmental Planning and Assessment Act 1979 and these are addressed as follows:-

a) the provisions of:

(i) any environmental planning instrument
(ii) any draft environmental planning instrument
(iii) any development control plan
(iv) the regulations

This proposal is permissible in the zone and has been assessed under the provisions of the Development Control Plan for the Business Zone 1989, Amendment 4.

(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 amounts to only a small increase in the area of floor space of the RSL club building as well as provision of terraces to be used by smokers. The increased carparking will provide for greater on-site carparking than the increased floor space requires that will take parking pressure off the surrounding road system. The capacity of Ethel Street to take the increased traffic has been assessed as being acceptable by traffic engineers.

Environmental Services Division Report No. 2 (Cont'd)

The one aspect of the development that requires consideration by Council is timing of the construction whereby it is imperative that sufficient car parking is available to not only the club members but the parking leased by Council for the provision of carparking for the general public

(c) the suitability of the site for the development,
The site is suitable for this development and the small expansion of the club can easily be accommodated on-site. The expansion of the car parks on site will mean the site can provide for all the carparking demand generated by the club

(d) any submissions made in accordance with this Act or the regulations,
No submissions were received as result of the advertising and notification process

(e) the public interest.
It is considered that this development would be in the public interest as it would result in additional carparking being provided on-site, thereby relieving the pressure on the surrounding road system during peak times. It is also noted that this application provides for smokers areas outside on terraces in order to comply with the latest state legislative requirements which is also a public interest.

CONCLUSION:

The proposal has been considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan, 1988, the Development Control Plan for the Business Zone 1989 (Amendment 4). The proposal is subsequently recommended for conditional approval.

RECOMMENDATION

THAT Development Application No. 480/05 for alterations and additions to the existing RSL Club at 36 - 38, Ethel Street, Seaforth be approved subject to the following conditions:-

DA1
This approval relates to plans/drawings Job 11138 SK Nos.0.00 C, 1.00 D, 1.01 G, 1.02 B, 2.00 B, 2.01 E, 2.02 F, 2.03 E, and 3.00 G dated 14 October 2005 and received by Council on 7 November 2005.

ANS01
The RSL Club ensure that all times on its obligations in terms of Manly Council's lease in relation to the provision of carparking for the general public on site. In the event that the required number of vehicles cannot be provided at any stage of the development then appropriate financial arrangements are to be made with Councils administration section prior to the work taking place.

DA001
The development shall be provided with access and facilities for people with disabilities in accordance with Australian Standard 1428.2-1992 Design for Access and Mobility Part 2: Enhanced and additional Requirements (AS1428.2).

DA002
Access in accordance with AS1428.2 shall be provided to and within the main entrance and exit points of the development in accordance with the Manly Development Control Plan for Access.

DA004
At least one unisex sanitary facility designed in accordance with AS1428.2 shall be provided in all new or refurbished buildings which provide public sanitary facilities. Details shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Environmental Services Division Report No. 2 (Cont'd)

DA007
Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory or wherever directional signage or information is provided to those buildings where access and facilities have been provided. Such signage shall have to regard to the provisions AS1428.2.

DA009
The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with the current Policy of Council. All works shall be carried our prior to the issue of Occupation Certificate.

DA010
Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property**.**

DA011
The existing surplus vehicular crossing and/or kerb layback shall be removed and the kerb and nature strip reinstated prior to issue of the Occupation Certificate.

DA012
The driveway/access ramp grades, access and car parking facilities shall comply with the Australian Standard for Off-Street Parking AS2890.1-2004 or later editions.

DA013
A long section of the driveway shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

DA016
Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of $20,000. 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. .

DA341
Any Heritage listed stone kerb, removed for construction of a driveway or other approved works, is to be removed without damaging it and contact is to be made with Council's Manager, Construction and Maintenance, for the stone to be transported to Council's Depot.

Environmental Services Division Report No. 2 (Cont'd)

DA342
Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

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

DA018
Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA021
Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

DA022
Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

DA024
A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

DA026
All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

DA031
Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

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.

Environmental Services Division Report No. 2 (Cont'd)

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.

DA045
All materials and finishes of the proposed additions are to match, as closely as possible the material and finish of the existing building.

DA047
A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.

DA048
The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

DA054
Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.

DA058
An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

DA059
Building work shall not progress beyond first floor level until such time as Registered Surveyor's details of levels are submitted to the Principal Certifying Authority. These levels shall confirm that the works are in accordance with the levels shown and approved in the development approval.

DA060
On completion of the building structure a report from a Registered Certifier is to be submitted to the Principal Certifying Authority confirming that the building has been completed in accordance with the levels as shown on the approved plan.

DA357
Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA065
All external cladding and trim of the approved building shall be of a non reflective nature (with reflectivity index of maximum 20%). Details of such finishes shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

Environmental Services Division Report No. 2 (Cont'd)

DA069
All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

DA074
Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The area set aside for carparking as shown on the approved plan shall be used for the parking of vehicles and for no other purpose. Any loading or unloading of materials of potential environmental damage must be appropriately bunded with adequate spill response equipment in place to ensure nil runoff from the site.

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.

DA078
The use at all times shall be conducted so that no odours or other air impurities are detectable beyond the boundaries of the premises.

DA081
Any discharge to the atmosphere from the subject development shall comply with the requirements of the Protection of the Environment Operations Act 1997.

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.

DA088
A system of onsite stormwater detention shall be provided within the property in accordance with Council's Specification for On-Site Stormwater Management 2003. The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded form Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council.

DA095
A copy of the approved OSD plan showing work as executed details shall be submitted to Council prior to the issue of the Occupation Certificate. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

DA100
A positive covenant in respect of the installation and maintenance of onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and prior to the release of the trust fund deposit.

DA119
A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment

Environmental Services Division Report No. 2 (Cont'd)

Regulation 2000. Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

DA120
The building being erected in Type B, class 6 and 7 building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

DA121
All building work must be carried out in accordance with the provisions of the Building Code of Australia.

DA224
The reconstruction and/or construction of footpath paving and any associated works along all areas of the site fronting Ethel Street. These works shall be carried out prior to the issue of the occupation certificate by a licensed construction contractor, at the applicant's expense and shall be in accordance with Council's Specification for Civil Infrastructure Works and Paving Design Guide.

DA225
The pedestrian footpaths and pavements in the streets surrounding the proposed development shall be constructed as per Manly Council's Paving Design guidelines dated February 2002. a detailed design showing the above details shall be submitted with the application for Construction Certificate and shall be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA229
Excavation adjacent to the road boundary shall be adequately shored to support the roadway and all improvements and services within the road reserve. Protective fencing shall be provided to ensure the safety of the public.

DA230
No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA233
The collection of garbage from the premises is not to occur between the hours of 10.00pm and 5.00am Monday to Sunday, without the prior approval of Council, to minimise disruption to neighbouring properties.

DA234
A Waste Management Plan is to be submitted with the application for a Construction Certificate in accordance with Council's Development Control Plan for Waste Minimisation and Management.

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

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.

Environmental Services Division Report No. 2 (Cont'd)

DA253
All lights used to illuminate the exterior of the buildings or site shall be positioned and/or fitted with cut off luminaries (baffles) so as to prevent the emission of direct light onto adjoining roadways and land.

DA256
The carpark levels are to be provided with a natural ventilation or mechanical ventilation in accordance with AS 1668.2 with details being submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

DA257
All towers, ventilation/ducting, exhaust fan structures and any other structures on the roof are to be the subject of a separate Development Application.

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.

DA262

1. The applicant shall lodge a Hoarding Application with Council for any protective hoardings, fences and lighting which are to be provided during demolition, excavation and building works. The Hoarding Application is to be submitted to Council with the appropriate fee, prior to any works on site or prior to the issue of the Construction Certificate.

2. All hoardings must be in accordance with Council's Hoarding Application Form and must comply with the requirements of the Department of Industrial Relations, Construction Safety Act, the WorkCover Authority and relevant Australian Standard.

   Note: On corner properties, particular attention is to be given to the provision of adequate sight distances.

3. The hoarding shall be in place prior to the commencement of works on the site.

4. Trees which are affected by the hoarding and located outside the boundaries of the allotment are not to be cut, trimmed or removed without the prior approval of Council.

5. The hoarding shall be removed immediately at the applicant's expense, if any of these conditions are not fully complied with.

6. All hoardings must be lit between the hours of sunset and sunrise. Lights are to be erected at intervals of not greater than 5.0 metres for the length of the hoarding. The applicant shall keep the hoarding presentable to the public for the whole of the time it is erected. There shall be no catch points or protrusions likely to cause injury or damage to the public from the hoarding. The hoarding shall be constructed of demountable timber frame sections lined with a smooth face material, and painted with an approved white paint which shall not wash or rub off.

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.

Environmental Services Division Report No. 2 (Cont'd)

DA267
Any future structures to be erected on the site shall be the subject of a Development Application and Construction Certificate Application.

DA269
A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

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

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

DA280
All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.

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 by 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.

DA332
The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA333
A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

DA334
Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

DA335
Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.

DA336
Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

DA337
Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

DA338
All disturbed areas shall be stabilised against erosion to Council satisfaction within 14 days of completion, and prior to removal of sediment controls.

DA340
The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land. The measures must include:-

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

DA287
No blasting is to be carried out at any time during construction of the building.

DA288
No external sound amplification equipment or loud speakers shall be used for the announcement, broadcast, playing of music or similar purposes.

DA289
Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

DA290
The operations of mechanical services are not to give rise to an offensive noise within the meaning of the Protection of the Environment Operations Act 1997.

DA291
The hours of operation of the premises shall not exceed 8.00 am to 2.00 am Monday to Sunday or 8.00 am to 3.00 am for special events, without the prior approval of Council.

DA329
The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

Environmental Services Division Report No. 2 (Cont'd)

DA323
This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

ATTACHMENTS
There are no attachments for this report.

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***** End of Environmental Services Division Report No. 2 *****

TO: **Land Use Management Committee - 6 March 2006**

REPORT: **Environmental Services Division Report No. 3**

SUBJECT: **51 Stuart Street, Balgowlah Section 96 Modification**

FILE NO: **DA250/04**

PREVIOUS ITEMS: 47 - Planning and Strategy Committee - 12 September 2005

Application Lodged:	5 December 2005
Applicant:	Blackmore Design Group
Owner:	Mr & Mrs R L Blackmore
Estimated Cost:	$700,000
Zoning:	Manly Local Environmental Plan, 1988 - Residential Within Foreshore Scenic Protection Area.
Surrounding Development:	Two storey dwellings and three storey residential flat buildings.
Heritage:	n/a

SUMMARY:

1. COUNCIL AT ITS PLANNING AND STRATEGY METING OF 12 SEPTEMBER 2005 GRANTED CONSENT FOR THE DEMOLITION OF THE EXISTING DWELLING AND ERECTION OF A NEW TWO STOREY DWELLING WITH BASEMENT GARAGING.
2. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION TO MODIFY THE CONSENT UNDER SECTION 96(1A) OF THE ENVIRONMNETAL PLANNING AND ASSESSMENT ACT 1979.
3. THE APPLICATION WAS NOTIFIED TO NEABY AND ADJOINING PROPERTY OWNERS WITH ONE (1) SUBMISSION RECEIOVED.
4. THE APPLICATION IS PRESENTED TO COUNCILS LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR NOREK.
5. THE APPLICATION IS RECOMMENDED FOR APPROVAL.

LOCALITY PLAN

Shaded area is subject land.

REPORT

Introduction

The subject site is known as 51 Stuart Street, Manly and is located on the northeast side of Stuart Street, Manly. The site is rectangular in shape and has an area of 306.9m2. The frontage along Stuart Street is 10.06 metres. The site is 30.48m deep.

Environmental Services Division Report No. 3 (Cont'd)

The site is currently developed with a single storey dwelling house with parking under. A three storey brick residential flat building is located to the immediate east of the site at 53 Stuart Street. There is a two storey building containing four flats to the west at 49 Stuart Street. A two storey dwelling house is to the rear at 10 Marshall Street.

History
On 27 May 2004, Council received Development Application DA 250/04 for the erection of new two storey dwelling house, including rooftop terrace and basement garage. Council refused the development application on 22 February 2005.

A Section 82A Review of the above determination was lodged on 21/06/05. Notification of the Section 82A Review was on notification from 04/07/05 to 18/07/05. On 21/09/05 Council approved the development application with several conditions to modify and reduce the bulk of the dwelling to address concerns from the adjoining owners at 10 Marshall Street and from 49 and 53 Stuart Street, Manly

On 17/11/05, the applicant lodged a Section 96 application modify the consent. This Section 96 application was on notification from 06/12/05 to 21/12/05. One submission was received from the owners at 10 Marshall Street, Manly. This report will address the changes sought in this Section 96 application.

The Proposal
The proposed modifications sought are highlighted (clouded) in the plans and include the changes to satisfy some of the conditions of consent and to amend the approved proposal.

The amendments made to satisfy the conditions of consent are:
- Roof height adjusted and lowered by 500mm by lowering roof level and deleting parapet (Consent Condition No2).
- Set back north-western wall of proposed dining room 500mm from side boundary (Consent Condition No3).
- Provide 1200mm – 1500mm high rendered and painted brick fence on northwest boundary adjacent to living and dining room (Consent Condition No4).
- Rooftop service room relocated to basement level (Consent Condition No5).
- View corridor increased minimum 200mm (Consent Condition 6)
- Set back balcony column300mm from front boundary (Consent Condition No7).
- Provide screening to western edge of rooftop terrace (Consent Condition No9).
- Delete OSD tank and install rainwater storage tank (Consent Condition No44 &45).

The following changes are also sought in the amended plans. The two most significant considerations relate to the changes made to address Condition 8 of the consent for works on the first floor. Condition 8 required the provision of a 1.6m high privacy screen on the balcony on the southeast elevation and the balconies in the rear elevation to be deleted and replaced with a non trafficable roof. The applicant proposes to retain the rear balcony and has proposes full height privacy screens across the whole width of the balcony to provide screening to No 10 Marshall Street. It is also proposed to replace the balcony area on the southeast elevation with a habitable space, thus increasing the floor area by 5m2.

Other modifications sought are:
- Internal modifications to room layout
- Relocate entry steps on ground floor level
- Increase height of part of boundary wall for a length of 2m on southeast elevation to match entry wall level to provide an enclosed undercover area in front of entry door for the construction of a glass canopy.
- Minor modifications to size of window openings on side boundary.
- Delete decorative timber beam to northwest of the level 1 master bedroom balcony.

Environmental Services Division Report No. 3 (Cont'd)

- Extend dining room 1.0m toward the rear.
- Extend main bedroom balcony on level 1 by 500mm towards the street.
- Increase depth of dining room by 500mm
- Provide enclosed and screened off garbage room adjacent to car entry ramp.
- Flat concrete roof with pebble cover and skylights to replace glass roof over internal entry area.
- New Skylights, etc

Submissions

The modification application was notified to nearby and adjoining property owners with one (1) submission received raising the following concerns;

- Building lowered 0.5m at front but then steps up at the rear.
- Previous application was approved following agreement between all parties with the building envelope limited to enable view sharing.
- Request and trust that Council will ensure the matters agreed to previously are maintained.

Precinct Community Forum Committee

The application was referred to the Little Manly Precinct Community Forum with the following comment received.

"No representation and the meeting therefore recommended acceptance."

Planning Comments

Section 96 (1A) of the Environmental Planning and Assessment Act 1979, states that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if it is satisfied that the proposed modification is of minimal environmental impact and it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified. In this regard it is considered that the proposed modifications are substantially the same development as the original development that has been consented to.

The amendments made to satisfy the consent conditions are considered to be satisfactory. Conditions 2, 3, 4 5, 6, 7 and 9 have now been satisfied and can be deleted from the conditions of consent.

Most of the modifications sought are minor and will have no significant impact on the amenity of the adjoining owners. The minor 1.0m extension of the dining room towards the rear boundary is a satisfactory compromise to the increased setback from the northwest boundary. The dining room will be 7m back from the rear boundary and is below the first floor slab level and setback 1m further back than the approved guest bedroom. The increase in the width of the balcony off the front master bedroom to 4.3m from the front boundary is also considered to be satisfactory as it is set further back than the terrace on the ground level. It is also set further back than the adjoining building at No 53 Stuart Street.

The two most significant changes are associated with condition No.8 which states:

"8. In order to protect the privacy of adjoining properties, the first floor balcony on the south eastern elevation is to be provided with a privacy screen 1.6m minimum height above balcony floor level and the first floor balcony along the rear of the proposed dwelling is to be deleted and replaced with a non trafficable roof."

The modification seeks:

1. The replacement of the balcony area on the first floor southeast elevation with a habitable space, thus increasing the floor area by 5.0sqm.
2. The retention of the rear balconies on the first floor and the provision of a full height privacy screen across the whole width of the balcony to provide privacy to the rear.

The proposal to enclose the rear of the balcony with full height privacy screens is not acceptable as the enclosure will add visual bulk and scale to the building which is already in excess of the floor space ratio permitted under Council's Residential DCP. It is considered that, in lieu of screen enclosures, suitable privacy can be achieved and the visual bulk of the building can be effectively controlled by provision of a 0.6m wide planter box/balustrade to the northern edge of the rear balconies. The rear setback of 6.0m to the balconies and 8.0m to the wall of the dwelling is acceptable having regard to the fact that the rear portion of the proposed dwelling is partially excavated and habitable levels are lower than that of the adjoining dwelling to the rear.

The proposal to enclose the southeast balcony is considered to be acceptable in terms of achieving privacy to the adjoining property. It is noted that the enclosure will add a further 5.0sqm to the overall floor space of the building. The increase in floor space is minor and the location of the balcony to be enclosed is not visible from adjoining properties or the street. In the circumstances it is considered that the enclosure of the southeast balcony is not a matter which would warrant refusal of the application.

Council received an objection from the owners of 10 Marshall St that the reduction in the height of the dwelling is only to the front portion of the dwelling. This is correct. The amendments are in accordance with condition No.2 of the consent which required that area above the master bedroom, study, ensuite void and stairwell to be reduced in height. The revised plans introduce a skillion roof to the upper level which will add visual bulk to the proposal. It is recommended that the roof revert to a flat roof as per the original approval, a condition in this regard is included in the Recommendation.

Conditions 44 and 45 relate to stormwater management and Council's Development Engineer has advised the proposal to install water storage tanks is acceptable and there is no objection to deletion of the conditions.

Clause 10 objectives of the Residential Zone under the Manly LEP 1988:

(a) to set aside land to be used for purposes of housing and associated facilities;
The proposal is for continued residential use of the subject land and is therefore consistent with this objective.

(b) to delineate, by means of development control in the supporting material, the nature and intended future of the residential areas within the Municipality;
The proposal has been assessed having regard to the relevant control plan and is considered acceptable.

(c) to allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council area;
The proposal will add variety to the existing housing stock of the area and will maintain the residential character of the area.

(d) to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment;
Proposal will 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 includes landscaping of the site in accordance with Council's Residential DCP requirements.

(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;

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

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

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

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

n/a

Conclusion

The proposal has been considered pursuant to Section 79C and 96 of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan, 1988 and the Development Control Plan for the Residential Zone 2001. It is recommended that the Section 96 application be approved subject to the following conditions:

RECOMMENDATION

That Development Application 250/04 Section 96(1A) application to modify development consent 250/04 for demolition of the existing dwelling and erection of new two storey dwelling with rooftop terrace and basement garaging at No.51 Stuart Street, Manly be approved with conditions 1 and 8 amended, conditions 2, 3, 4, 5, 6, 7 and 9 deleted, and new condition 65 added as follows:

1. This approval relates to drawings/plans in Job Number DA01 to DA10 dated 20/04/05 and received by Council 22 April 2005, except where amended as shown in Sketch numbered SK01 & SK02 dated 9 August 2005, as amended by drawing/plans No A01 & A02 S96(1) dated 1 December by Blackmore Design Group and received by Council on 5 December 2005."

2. Deleted.

3. Deleted.

4. Deleted.

5. Deleted.

6. Deleted.

7. Deleted.

Environmental Services Division Report No. 3 (Cont'd)

8. The proposed full height privacy screens to the first floor level rear balcony are to be deleted and a 0.6m wide planter box/balustrade is to be provided along and inside the northern edge of the rear balcony, plans being suitably amended prior to issue of the Construction Certificate.

9. Deleted

65. The skillion roof over the upper level is to be deleted and a flat roof provided as per the original approval, plans being suitably amended prior to issue of the Construction Certificate.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 3 *****

TO: **Land Use Management Committee - 6 March 2006**

REPORT: **Environmental Services Division Report No. 4**

SUBJECT: **Development Applications Currently Being Processed**

FILE NO:

SUMMARY

Development Applications Currently Being Processed During March 2006.

REPORT

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

DA#	Date Rec by Council	Site Address	Proposal	Target Date	DEL DAU LUM
DA319/03	16-Jul-03	14 Kempbridge Avenue	Alterations and Additions	Awaiting information	DAU
DA525/03	20-Oct-03	22 Wentworth Street	Change of Use	Awaiting information	DAU
DA538/04	22-Nov-04	51 Wood Street	Alterations Guest House into to Dwellings and Strata Subdivision	09-Mar-06	DAU
DA144/05	15-Mar-05	21 Francis Street	Alterations & Additions & Family Flat	14-Mar-06	DAU
DA187/05	11-Apr-05	3A Magarra Place	Demolition & New Multi Level Dwelling, Carpark and Landscaping	14-Mar-06	DAU
DA194/05	19-Apr-05	31 Seaforth Crescent	Demolish & Construct 3 Storey Dwelling	21-Mar-06	DAU
DA587/02	3-May-05	14 Reddall Street	Section 96 Modification	Awaiting information	DAU
DA345/05	27-Jul-05	74 Cutler Road	Demolition, Alts & Adds to Dwelling	09-Mar-06	DAU
DA389/05	8-Aug-05	9 Smith Street	Alts & 1st Floor Adds	16-Mar-06	DAU
DA358/05	24-Aug-05	266 Sydney Road	Strata Subdivision of 1 House into 2 Units	30-Mar-06	DAU
DA342/05	27-Aug-05	10 & 10A Addison Rd	Demolition & Erection of RFB and Strata Subdivision	04-Apr-06	DAU
DA390/05	5-Sep-05	51 Lewis Street	Alterations and Additions to Dwelling	Awaiting information	DAU
DA415/05	15-Sep-05	37 Lodge Street	Strata Subdivision of Existing RFB	Awaiting information	DAU
DA405/05	15-Sep-05	86 Ellery Parade	Alts & Adds including 1st Floor	28-Mar-06	DAU
DA453/05	20-Sep-05	5 Alto Avenue	Single Carport	14-Mar-06	DAU
DA507/04	21-Sep-05	23 Francis Street	Section 96 Modification	09-Mar-06	DAU
DA482/05	26-Sep-05	24 Tabalum Road	Deck & Balcony	09-Mar-06	DAU
DA451/05	29-Sep-05	27 Golf Parade	Alterations & 1st Floor Additions, Garage & Pool	24-Mar-06	DAU
DA423/05	29-Sep-05	59 Ethel Street	Erection of Mixed Use Development	02-Mar-06	DAU
DA444/05	29-Sep-05	85 West Street	Alterations & Additions to RFB	28-Mar-06	DAU
DA463/05	30-Sep-05	31 Victoria Parade	Alts & Adds to RFB & New Upper Floor	Awaiting information	DAU

Environmental Services Division Report No. 4 (Cont'd)

DA449/05	6-Oct-05	23 Barrabooka Street	Alterations & Additions to Dwelling	28-Mar-06	DAU
DA67/05	7-Oct-05	123 Bower Street	Section 96 Modification	28-Mar-06	DAU
DA456/05	18-Oct-05	43 Addison Road	Alts & Adds, Carport, Pool and Landscaping	16-Mar-06	DAU
DA474/05	19-Oct-05	55 Eurobin Avenue	Alts & Adds to RFB (duplex)	16-Mar-06	DAU
DA466/05	20-Oct-05	421 Sydney Road	Demolition & Erection of Duplex RFB	09-Mar-06	DAU
DA428/05	21-Oct-05	7 Pacific Parade	Demolition & Erection of new Dwelling, Parking & Pool	Awaiting information	DAU
DA469/05	25-Oct-05	45 Gurney Crescent	Demolition & New Dwelling	07-Mar-06	DAU
DA478/05	1-Nov-05	21 East Esplanade	Alterations & Additions to Dwelling	21-Mar-06	DAU
DA445/05	1-Nov-05	59 Ethel Street	Land subdivision & Boundary Adjustment	02-Mar-06	DAU
DA448/05	2-Nov-05	1 Gordon Street	Garage, Pool, Cabana and Landscaping	02-Mar-06	DAU
DA476/05	3-Nov-05	2 Raglan Street	Retail Liquor Outlet	16-Mar-06	DAU
DA469/02	4-Nov-05	10 Nolan Place	Section 96 Modification	02-Mar-06	DEL
DA506/05	6-Nov-05	3 Pacific Parade	Alterations & Additions to Residential Flat Building	14-Mar-06	DAU
DA483/05	7-Nov-05	52 Peacock Street	Alts & 1st Floor Adds	30-Mar-06	DAU
DA485/05	8-Nov-05	46-48 East Esplanade	Retail, Office & Commercial Premises	30-Mar-06	DAU
DA491/05	8-Nov-05	46 Curban Street	Carport, Stairs and Veranda	Awaiting information	DAU
DA499/05	9-Nov-05	37 Roseberry Street	Alts & Adds, Retail Coffee & Barista Training	30-Mar-06	DAU
DA472/05	11-Nov-05	55 New Street	Alts & Adds to Dwelling & Garage	23-Mar-06	DAU
DA493/05	14-Nov-05	165a Seaforth Crescent	Alts & Adds & New Lower Level Family Room	28-Mar-06	DAU
DA495/05	16-Nov-05	1 Waratah St	Alterations & Additions to Carport	16-Mar-06	DAU
DA509/05	16-Nov-05	39 Cutler Road	Erection of Decks	14-Mar-06	DAU
DA176/04	18-Nov-05	2 Moore Street	Section 96 Modification	Awaiting information	
DA501/05	21-Nov-05	110 The Corso	Awnings		DAU
DA502/05	21-Nov-05	4 Benelong Street	Alts & Adds & New Carport	30-Mar-06	DAU
DA376/05	21-Nov-05	50-52 Bower Street	Section 96 Modification	16-Mar-06	DAU
DA503/05	23-Nov-05	17 Belgrave Street	Signage	16-Mar-06	DAU
DA504/05	24-Nov-05	51 Ethel Street	Strata Subdivision	23-Mar-06	DAU
DA252/05	24-Nov-05	51 Whistler Street	Section 96 Modification	04-Apr-06	DAU
DA512/05	28-Nov-05	8B Beatty Street	Alts & Adds and Pool & Boatshed	Awaiting information	DAU
DA513/05	28-Nov-05	59 Collingwood Street	Alterations & Additions	Awaiting information	DAU
DA515/05	30-Nov-05	14 Bower Street	Alterations & Additions	Awaiting information	DAU
DA528/05	2-Dec-05	120 Seaforth Crescent	Alterations & Additions to Dwelling	Awaiting information	DAU
DA535/05	2-Dec-05	5A Raglan Street	Signage	16-Mar-06	
DA506/04	2-Dec-05	101 Bower Street	Section 96 Modification	Awaiting information	

Environmental Services Division Report No. 4 (Cont'd)

DA529/05	2-Dec-05	227 Woodland Street	Swimming Pool	Awaiting information	
DA532/05	2-Dec-05	31 Wanganella Street	Alterations & Additions & Pool	Awaiting information	
DA526/05	5-Dec-05	110-112 The Corso	Café & Outdoor Eating Area	30-Mar-06	DAU
DA517/05	5-Dec-05	7-9 Golf Parade	Alts & Adds to Semi-detached	Awaiting information	
DA527/05	5-Dec-05	147 Balgowlah Road	Duplex & Strata Sub	Awaiting information	
DA524/05	6-Dec-05	2 / 447-449 Sydney Road	Change of Use	Awaiting information	DAU
DA530/05	6-Dec-05	6 Bower Street	Alts & Adds & Pool	Awaiting information	
DA263/05	7-Dec-05	8 West Street	Section 82A Review	23-Mar-06	DAU
DA525/05	7-Dec-05	93 Sydney Road	Erection of Awning	07-Mar-06	DEL
DA537/05	7-Dec-05	90 The Corso	Alterations & Additions 1st Floor at rear	Awaiting information	
DA539/05	8-Dec-05	7 Mossgiel Street	Alterations & First Floor Additions	Awaiting information	
DA531/05	9-Dec-05	111B Seaforth Crescent	Alterations & Additions	Awaiting information	
DA544/05	9-Dec-05	73 Kangaroo Street	Alterations & Additions	Awaiting information	
DA545/05	9-Dec-05	16 Rosedale Avenue	Alterations & Additions & Pool	Awaiting information	
DA547/05	9-Dec-05	6 Geddes Street	Alterations & Additions	Awaiting information	
DA548/05	13-Dec-05	7A Alan Avenue	Alterations & Additions & Relocate Pool	Awaiting information	
DA541/05	14-Dec-05	535 Sydney Road	Deli & Café	Awaiting information	
DA546/05	16-Dec-05	136-138 Addison Road	Handrails and Balustrades	Awaiting information	
DA29/06	19-Dec-05	6 / 6-8 Lawrence	Alts & Adds, balcony & stairs	Awaiting information	
DA13/06	20-Dec-05	9 Kangaroo Street	Paved Area	Awaiting information	
DA549/05	21-Dec-05	13 Lewis Street	Alterations & Additions & Pool	Awaiting information	
DA9/06	21-Dec-05	14 Alto Avenue	1st Floor Additions, Carport, Pergola	Awaiting information	
DA27/06	21-Dec-05	88 Woodland Street	Alterations & Additions & Pool & Fence	Awaiting information	
DA348/04	22-Dec-05	21 Gordon Street	Section 96 Modification	Awaiting information	
DA6/06	23-Dec-05	379 Sydney Road	Advertising Sign	Awaiting information	
DA12/06	23-Dec-05	10 Reid Street	Alterations & Additions	Awaiting information	
DA16/06	23-Dec-05	20 / 74-78 The Corso	Fitout Commercial Use	Awaiting information	
DA17/06	23-Dec-05	24 La Perouse	Alterations & Additions	Awaiting information	
DA19/06	23-Dec-05	223 Condamine Street	Strata Subdivision	Awaiting information	
DA22/06	23-Dec-05	26 Ogilvy Road	Demolish, New Dwelling & Pool	Awaiting information	
DA18/06	29-Dec-05	8 Grandview Grove	Strata Subdivision	Awaiting information	

Environmental Services Division Report No. 4 (Cont'd)

DA28/06	30-Dec-05	29 Edgecliffe Esp	Alterations & First Floor Addition and Pool & Cabana	Awaiting information	
DA26/06	3-Jan-06	42-44 Beatrice Street	Alterations & Additions & Pool & Relocate driveway	Awaiting information	
DA25/06	5-Jan-06	64 Edgecliffe Esp	Demolish & Erection of New Dwelling	Awaiting information	
DA23/06	6-Jan-06	37 Kempbridge Avenue	Canteen & Covered Area	Awaiting information	
DA429/03	12-Jan-06	9 Castle Circuit	Section 96 Modification	28-Mar-06	DAU
DA77/05	12-Jan-06	58 North Steyne	Section 96 Modification	21-Mar-06	DAU
DA37/04	13-Jan-06	51 Whistler Street	Section 96 Modification	30-Mar-06	DAU
DA40/06	16-Jan-06	567 Sydney Road	Fitout of Real Estate	Awaiting information	
DA46/06	19-Jan-06	158 Woodland Street	Alts & Adds to rear of Semi	Awaiting information	
DA565/04	20-Jan-06	43 East Esplanade	Section 96 Modification	28-Mar-06	DAU
DA52/06	25-Jan-06	56 Peronne Avenue	Alterations & Additions	Awaiting information	
DA278/05	15-dec-05	42 North Steyne	Section 82A Review	16-Mar-06	DAU
DA354/05	23-dec-05	2 Carol Street	Section 82A Review	25-Mar-06	DAU
DA504/04	20-dec-05	2 Smith Street	Section 82A Review	16-Mar-06	DAU

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

565/2000 2/02/2006	1A Monash Cr, CLONTARF 2093 Section 96 to Modify approved Alterations & Additions including a Upper Floor Addition to existing Dwelling Lodgment & QA Services Referred to Building Surveyor Lodgment & QA Services
494/2001 2/02/2006	19 Bellevue St, FAIRLIGHT 2094 Section 96 Modification of DA 494/01 Lodgment & QA Services
565/2000 2/02/2006	1A Monash Cr, CLONTARF 2093 Section 96 to Modify approved Alterations & Additions including a Upper Floor Addition to existing Dwelling Lodgment & QA Services Referred to Building Surveyor Lodgment & QA Services
494/2001 2/02/2006	19 Bellevue St, FAIRLIGHT 2094 Section 96 Modification of DA 494/01 Lodgment & QA Services
505/2001 3/01/2006	18 Osborne Rd, MANLY 2095 Section 96 Modification to approved Alts and Adds to existing Dwelling Lodgment & QA Services
365/2002 21/02/2006	62 Osborne Rd, MANLY 2095 Section 96 to Modify approved Addition of First Floor Balcony Lodgment & QA Services

Environmental Services Division Report No. 4 (Cont'd)

264/2003 24/01/2006	4 Krui St, FAIRLIGHT 2094 S96 Modification in respect of DA 264/03 Lodgment & QA Services
319/2003 26/03/2004	14 Kempbridge Av, SEAFORTH 2092 Alteration and Addition of a First Floor to existing Dwelling House Lodgment & QA Services
395/2003 17/02/2006	12 Fairy Bower Rd, MANLY 2095 Section 96 to modify DA 395/03 Lodgment & QA Services
434/2003 1/02/2006	5 Brighton St, BALGOWLAH 2093 Section 96 to Modify the approved Demolition of existing dwelling and Erection of Four (4) New Town Houses Lodgment & QA Services
444/2003 16/08/2005	7 Brighton St, BALGOWLAH 2093 Sec.96 Modification in relation to first and second floor balconies Lodgment & QA Services
447/2003 24/02/2006	35 Castle Circuit, SEAFORTH 2092 Section 96 Mod. to modify the rear ground floor laundry, wc & cellar Lodgment & QA Services
26/2004 12/02/2004	197 Condamine St, BALGOWLAH 2093 Demolish & construct-14 storey mixed commercial/ residential buildings Lodgment & QA Services
35/2004 10/08/2005	8 The Corso, MANLY 2095 Section 96 Application to modify conditions A1-A5 Lodgment & QA Services
447/2004 7/02/2006	2 Augusta Rd, MANLY 2095 Section 96 Mod. Unit 2- modify plans (condition 1) & condition 2 Lodgment & QA Services
458/2004 **17/02/2006**	36 Gurney Crescent, SEAFORTH 2092 Section 96 Modification to modify the lower ground level Lodgement & QA Services
482/2004 **15/11/2004**	106 Darley Rd, MANLY 2095 St Pats Estate-New RFB (16 units) & 22 dwellings & subdivision. Entry via Osborne Rd Lodgment & QA Services
567/2004 **20/12/2004**	29 Beatrice St, BALGOWLAH HEIGHTS 2093 Section 96 to modify decks, privacy screening, handrails, fences, gates driveway, planter beds and to demolish existing garage Lodgment & QA Services
567/2004 01/03/2006	29 Beatrice St, BALGOWLAH HEIGHTS 2093 Section 96 Modification to plans including privacy screens/walls Lodgment & QA Services

Environmental Services Division Report No. 4 (Cont'd)

168/2005 30/11/2005	215 Condamine St, BALGOWLAH 2093 S96 mod- to modify conditions 32 & 33 (part A); conditions 13(vi) (part B) & correct description of section 80(4) consent. Lodgment & QA Services
185/2005 28/02/2006	98 Lauderdale Av, FAIRLIGHT 2094 Section 96 Modification to the basement level Lodgment & QA Services
244/2005 07/02/2006	49 Whistler St, MANLY 2095 Unit 2-Section 96 Modification to delete condition ANS01 Lodgment & QA Services Referred to Landscape Arch
267/2005 04/01/2006	112 Sydney Rd, FAIRLIGHT 2094 Sec. 96 Mod.- to delete or modify conditions of DA 267/05 Lodgment & QA Services
321/2005 28/02/2006 1/03/2006	69 Wood St, MANLY 2095 Section 96 Modification to modify plans & conditions ANS01 & ANS03 Lodgment & QA Services Referred to Building Surveyor
338/2005 21/02/2006 22/02/2006	36 Edgecliffe Esp, SEAFORTH 2092 Section 96 to modify the approved Demolition of existing rear garage & erection of cabana Lodgment & QA Services
450/2005 3/11/2005	2 Beatty St, BALGOWLAH 2093 Erection of inclinator Lodgment & QA Services
510/2005 30/11/2005	2 Castle Rock Cr, CLONTARF 2093 Demolition & Construction of new dwelling house & pool in lot 15 Lodgment & QA Services
516/2005 25/11/2005	8 Brighton St, BALGOWLAH 2093 Alterations & Additions to the existing Dwelling house Lodgment & QA Services
518/2005 30/11/2005	151 Darley Rd, MANLY 2095 New dwelling house Lot 9 in subdivision of Lot 3 DP 1032990 Lodgment & QA Services
519/2005 30/11/2005	151 Darley Rd, MANLY 2095 New dwelling house No 10 in subdivision of Lot 3 DP 1032990 Lodgment & QA Services
520/2005 30/11/2005	151 Darley Rd, MANLY 2095 New dwelling house No 11 in subdivision of Lot 3 DP 1032990 Lodgment & QA Services

Environmental Services Division Report No. 4 (Cont'd)

521/2005 30/11/2005	151 Darley Rd, MANLY 2095 New dwelling house No 12 in subdivision of Lot 3 DP 1032990 Lodgment & QA Services
536/2005 13/12/2005	134-135 North Steyne, MANLY 2095 Demolition of existing buildings Lodgment & QA Services
543/2005 19/12/2005	12 Bligh Cr, SEAFORTH 2092 Alts & Adds to Dwelling incl. new walls, paving & reconstructed stairs Lodgment & QA Services
549/2005 21/12/2005	13 Lewis St, BALGOWLAH 2093 Alterations & additions to an existing dwelling & new swimming pool Lodgment & QA Services
552/2005 15/12/2005	20 Magarra Pl, SEAFORTH 2092 Demolition and New attached Dual Occupancy and pools Lodgment & QA Services
553/2005 16/12/2005	10 Kempbridge Av, SEAFORTH 2092 Alteration & Additions to Dwelling including new carport & front fence Lodgment & QA Services
7/2006 23/12/2005	40 Beatrice St, BALGOWLAH HEIGHTS 2093 Demolish existing and erect new 2 storey dwelling & Pool Lodgment & QA Services
11/2006 21/12/2005	39 New St, BALGOWLAH 2093 Alts & Adds to Dwelling including carport, pavilion & fencing Lodgment & QA Services
15/2006 20/12/2005	34 Hilltop Cr, FAIRLIGHT 2094 Amended plans - Erection of Double Carport Lodgment & QA Services
21/2006 9/01/2006	17 The Corso, MANLY 2095 Partial demolition & new mixed-use development comprising of basement parking, ground floor retail level & four residential levels Lodgment & QA Services
24/2006 4/01/2006	91 Gurney Cr, SEAFORTH 2092 Alts & Adds to existing dwelling including new decking & walls Lodgment & QA Services
28/2006 30/12/2005	29 Edgecliffe Esp, SEAFORTH 2092 Alterations & Additions to Dwelling including 1st floor, pool & cabana Lodgment & QA Services
38/2006 16/01/2006	65 Whistler St, MANLY 2095 Alterations & Additions to existing cottage Lodgment & QA Services

Environmental Services Division Report No. 4 (Cont'd)

42/2006 19/01/2006	85 Birkley Rd, MANLY 2095 Alterations & Additions to dwelling Lodgment & QA Services
43/2006 20/01/2006	56 Alexander St, MANLY 2095 Land Subdivision into two (2) lots Lodgment & QA Services
45/2006 23/01/2006	41 Castle Circuit, SEAFORTH 2092 Erection of dwelling house, carport and swimming pool Lodgment & QA Services
47/2006 24/01/2006	11 The Corso, MANLY 2095 Alterations & Additions to an existing building including three (3)new residential units, refurbishment and replacement of front awning Lodgment & QA Services
48/2006 25/01/2006	9 The Corso, MANLY 2095 Alts & Adds to an existing building including ground level retail shops altered by creating 3 shops from the existing 6 units Lodgment & QA Services
49/2006 27/01/2006	92 Condamine St, BALGOWLAH 2093 Alterations & Additions to an existing semi detached dwelling Lodgment & QA Services
50/2006 31/01/2006	8 Bligh Cr, SEAFORTH 2092 Alterations & Additions to an existing dwelling Lodgment & QA Services
51/2006 31/01/2006	36 Eurobin Av, MANLY 2095 Alterations & Additions to existing dwelling Lodgment & QA Services
53/2006 3/02/2006	72 Curban St, BALGOWLAH HEIGHTS 2093 Alterations & Additions to existing dwelling house Lodgment & QA Services
54/2006	32 Denison St, MANLY 2095 To convert dwelling to a woman's dress shop and new front fence Lodgment & QA Services
55/2006 3/02/2006	48-52 Sydney Rd, MANLY 2095 Change of use for permanent occupation(previous temporary) of the Australian College of English, and modified trading hours Lodgment & QA Services
56/2006 6/02/2006	22 Bonner Av, MANLY 2095 Demolition & erection of RFB w. basement carpark & strata subdivision Lodgment & QA Services
57/2006 6/02/2006	9 Griffin St, MANLY 2095 Unit 2- Alts & Adds to windows & internal layout Lodgment & QA Services

Environmental Services Division Report No. 4 (Cont'd)

58/2006 7/02/2006	112 Seaforth Cr, SEAFORTH 2092 Alts & Adds to an existing dwelling house Lodgment & QA Services
59/2006 7/02/2006	26 Moore St, CLONTARF 2093 Alts & Adds to existing dwelling incl. new garage & pool Lodgment & QA Services
60/2006 7/02/2006	16 Jellicoe St, BALGOWLAH 2093 Demolition & Erection of a dwelling house Lodgment & QA Services
61/2006 10/02/2006	46 Radio Av, BALGOWLAH 2093 Alts & Adds to an existing dwelling incl. new decks & double carport Lodgment & QA Services
62/2006 13/02/2006	97 Pittwater Rd, MANLY 2095 Alts & Adds to existing dwelling including new double garage Lodgment & QA Services
64/2006 31/01/2006	40 White St, BALGOWLAH 2093 Pergola over an existing veranda of Unit 3 Lodgment & QA Services
65/2006 15/02/2006	21 Woodland St, BALGOWLAH 2093 Demolition and erection of dwelling house and swimming pool Lodgment & QA Services
66/2006 3/02/2006	3 Northcote Av, FAIRLIGHT 2094 Strata Subdivision of the existing common property Lodgment & QA Services
67/2006 16/02/2006	61 Eurobin Av, MANLY 2095 Alts & Adds to an existing two dwellings (duplex) to create a single dwelling Lodgment & QA Services
68/2006 16/02/2006	2 Sydney Rd, MANLY 2095 Alts & Adds to existing commercial premises incl. new signs & shop Lodgment & QA Services
69/2006 20/02/2006	16 Castle Circuit, SEAFORTH 2092 Erection of two (2) storey dwelling house Lodgment & QA Services
70/2006 9/02/2006	7 Ethel St, SEAFORTH 2092 Alts & Adds to Dwelling including rear extension and front roof Lodgment & QA Services
71/2006 20/02/2006	547 Sydney Rd, SEAFORTH 2092 Erection of awning on front terrace Lodgment & QA Services

Environmental Services Division Report No. 4 (Cont'd)

72/2006 20/02/2006	29 Bungaloe Av, BALGOWLAH 2093 Alts & Adds to an existing dwelling Lodgment & QA Services
73/2006 21/02/2006	5 Seaview St, BALGOWLAH 2093 Alterations & Additions to Dwelling including 1st Floor and pool Lodgment & QA Services
74/2006 21/02/2006	8 Seaview St, BALGOWLAH 2093 Alts & Adds to an existing dwelling Lodgment & QA Services
75/2006 21/02/2006	207 Woodland St, BALGOWLAH 2093 Alterations & Additions to the existing front fence Lodgment & QA Services
76/2006 15/02/2006	125 Seaforth Cr, SEAFORTH 2092 Erection of an Elevated Car Parking Space Lodgment & QA Services
77/2006 22/02/2006	127 Seaforth Cr, SEAFORTH 2092 Alterations & Additions to existing hardstand car carparking Lodgment & QA Services
78/2006 22/02/2006	30 South Steyne, MANLY 2095 Erection of Signage Lodgment & QA Services
79/2006 23/02/2006	63-67 The Corso, MANLY 2095 Erection of Signage Lodgment & QA Services
80/2006 17/02/2006	1 Curban St, BALGOWLAH HEIGHTS 2093 Alterations & Additions to an existing Dwelling House Lodgment & QA Services
81/2006 28/02/2006	90 Griffiths St, FAIRLIGHT 2094 Alterations & Additions to an existing dwelling Lodgment & QA Services
82/2006 28/02/2006	16 Quinton Rd, MANLY 2095 Unit 1-Alts & Adds to an existing duplex including decks & new carport Lodgment & QA Services
83/2006 1/03/2006	9 Quinton Rd, MANLY 2095 Alts & Adds to existing dwelling including new first floor room ("attic") Lodgment & QA Services
84/2006 8/02/2006	76 Cutler Rd, CLONTARF 2093 Alterations & Additions to existing Dwelling & New Garage Lodgment & QA Services

Environmental Services Division Report No. 4 (Cont'd)

	The following Development Applications are incomplete and have not yet been assigned a Development Application #.
11/3/2006	243-259 Pittwater Road, MANLY 2095 Section 96 to modify DA 76/05
10/2/2006	37 Beatty Street, BALGOWLAH HEIGHTS 2093 Erection of decks
25/10/05	Clontarf Marina, CLONTARF 2094 Recreational Kayak Business
16/11/05	20 George Street, MANLY S96 to modify 169/05
20/01/2006	8 Jellicoe Street, BALGOWLAH S96 to modify DA 47/05
19/1/2006	20 Marshall Street, MANLY Modify deck and garage roof
25/1/2006	61 Peacock Street, SEAFORTH Alts & Adds to existing dwelling
1/2/2006	9 Sangrado Ave SEAFORTH Alts & Adds to dwelling & pool
19/10/2005	Suite 6, 563 Sydney Rd, SEAFORTH Occupation for gym
21/12/2005	36 South Steyne, MANLY S96 Modification to modify conditions
16/11/2005	Shop 3-4, 38-42 The Corso, MANLY Ventilation structures

RECOMMENDATION

That the information be noted.

ATTACHMENTS
There are no attachments for this report.

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***** End of Environmental Services Division Report No. 4 *****

TO: **Land Use Management Committee - 6 March 2006**

REPORT: **Environmental Services Division Report No. 5**

SUBJECT: **Appeals List for March 2006**

FILE NO:

SUMMARY

List Of Appeals Received And Their Current Status For Councillors Information

REPORT

DA#	Appeal #	House	Address	Date Appeal	Solicitor Company	Current Status
DA222/05	10102/06	141	Balgowlah Road	10/02/06	Pike Pike & Fenwick	Callover 17/3/06
DA401/04	41145/05 41421/05	87-95 & 38-40	Balgowlah Road (Golf Club)	14/10/05	Abbott Tout	Callover 7/3/06
DA416/05	11525/05	13	Bonner Ave,	22/12/05	Abbott Tout	Hearing 07/04/06
DA97/04	10592/05	2	Clontarf Street,	20/06/05	Abbott Tout	Hearing 28-29/02/06
DA273/04	10949/05	20	Denison Street,	17/08/05	Abbott Tout (LF)	Callover 10/3/06
DA28/06	10108/06	29	Edgecliffe Esplanade	15/02/06	Pike Pike & Fenwick	Callover 28/3/06
DA576/05	10919/05	57A	Ethel Street	12/08/05	Abbott Tout	Hearing 15/3/06
DA.361/05	11354/05	1/73	Fairlight Street	17/11/05	Pike Pike & Fenwick	Onsite Hearing 13/3/06
DA272/05	11213/05	107	Frenchs Forest Rd	17/10/05	Pike Pike & Fenwick	Discontinued
DA433/99	10624/05	5/93-95	North Steyne,	07/06/05	Abbott Tout	Callover pending
DA10/01	11025/05	118	North Steyne,	27/06/05	Abbott Tout	Callover 08/03/06
DA433/04	11367/04	209-217	Pittwater Road	12/11/04	Abbott Tout	Consent Orders 29/02/06
DA276/05	40998/05	15	Richmond Road	18/05/05	Abbott Tout	Hearing 7/3/06
DA335/05	11451/05	51	Seaforth Crescent	13/12/05	Pike Pike & Fenwick	Hearing 6-7/4/06
DA64/04	11565/05	27	The Corso	16/01/06	Abbott Tout	Callover 2/3/06
DA92/05	11050/04	27-29	Victoria Parade,	01/09/04	Abbott Tout	Hearing 14-16/3/06
DA278/03	10913/05	2A	Woodland Street	05/08/05	Abbott Tout	Callover 08/03/06

Legal Expenditure to date (July – March) $349,711
2005-2006 Budget $420,000

Environmental Services Division Report No. 5 (Cont'd)

RECOMMENDATION

That the information be noted.

ATTACHMENTS
There are no attachments for this report.

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***** End of Environmental Services Division Report No. 5 ***** .