



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 2 April 2007

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

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

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www.manly.nsw.gov.au*

Seating Arrangements for Meetings

Staff Staff General Manager Chairperson Staff Minute Taker



Mayor Dr Peter Macdonald

Clr Mark Norek

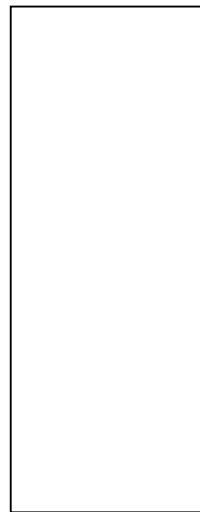
Clr Joanna Evans

Clr Barbara Aird

Deputy Mayor

Clr Brad Pedersen

Clr Richard Morrison



Clr Jean Hay AM

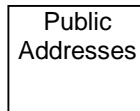
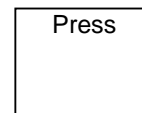
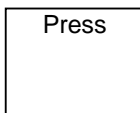
Clr Adele Heasman

Clr Dr Judy Lambert AM

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



Public Gallery

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

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The Land Use Management Committee of 5 MARCH 2007

PUBLIC ADDRESSES

SITE INSPECTIONS

There will be site inspections at the following properties on Monday 2 April, 2007.

76 Birkley Road, Manly	8:00am
36 The Crescent, Manly	8:30am
Unit 1 - 73 Fairlight Street, Fairlight	9:00am
3 Seaview Street, Balgowlah	9:30am

ENVIRONMENTAL SERVICES DIVISION

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CLOSED COMMITTEE ITEMS

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

TO: Land Use Management Committee - 2 April 2007
REPORT: Environmental Services Division Report No. 15
SUBJECT: 76 Birkley Road, Manly - DA55/05
FILE NO: DA55/05

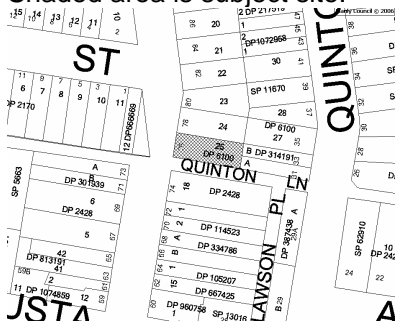
Application Lodged: 1 July 2006
Applicant: G Hannel
Owner: G Hannel
Estimated Cost: \$130,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Single and two storey detached dwellings
Heritage: not applicable

SUMMARY:

1. COUNCIL RECEIVED THE ORIGINAL DEVELOPMENT APPLICATION PROPOSING ALTERATIONS AND ADDITIONS INCLUDING A NEW FIRST FLOOR LEVEL ON 15 NOVEMBER 2004.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE IVANHOE PARK PRECINCT COMMUNITY FORUM FOR COMMENT.
4. THE APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT ON 17 MAY 2005 WHEN DEFERRED COMMENCEMENT CONSENT WAS GRANTED.
5. COUNCIL RECEIVED AN APPLICATION UNDER SECTION 96 (1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 TO AMEND THE DESIGN AND TO DELETE ONE OF THE DEFERRED COMMENCEMENT CONDITIONS REQUIRING DELETION OF A PROPOSED BALCONY AT FIRST FLOOR LEVEL.
6. THE MODIFICATION APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
7. THE MODIFICATION WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 22 SEPTEMBER 2005 WHERE IT WAS REFUSED.
8. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.
9. THE REVIEW APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
10. THIS DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR PETER MCDONALD.
11. A SITE INSPECTION IS RECOMMENDED.
12. THE APPLICATION IS RECOMMENDED FOR DEFERRED COMMENCEMENT CONSENT.

LOCALITY PLAN

Shaded area is subject site.



Environmental Services Division Report No. 15 (Cont'd)

REPORT

Introduction

Site Description

The subject site is located on the eastern side of Birkley Road and is rectangular in configuration with an east west orientation. The site has front and rear boundaries of 12.5m and side boundaries of 35.0m. The land has a slight cross fall from south to north side and is currently developed with a part one and part two storey weatherboard dwelling and single carport.

Original Proposal

The proposal is to add 2.5m x 4.0m to the existing kitchen at ground floor level and provide a new first floor level comprising sitting room, bedroom and ensuite. A first floor level deck 4.0m x 4.8m facing the rear yard is also proposed off the bedroom area.

The application was considered by Council's Development Assessment Unit 17 May, 2005 where it was approved as a Deferred Commencement Consent as follows:

"Council determined the application on 17 May 2005, that pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, Development Application No. 55/05 for a "Alterations & Additions to Dwelling" at 76 Birkley Road, Manly, be approved but shall not operate until the applicant has:-

- a) Submitted amended plans that include the following:
 - The western side dormer documented within the rear elevation.
 - The proposed kitchen extension documented within the south elevation.
- b) Deleted the first floor balcony from the plans and the roof design amended accordingly. Amended plans to be submitted to Council for approval.
- c) Lowered the front and side dormer by approximately 300mm to ensure the ridge of the dormer roof is below the roof ridge of the main dwelling. Amended plans to be submitted to Council for approval."

On 14 December, 2005 Council received an application to modify the consent seeking to revise the proposal and delete Deferred Commencement condition b). The modification application was considered by Council's Development Assessment Unit 22 September, 2006 where it was refused.

On 21 July, 2006 Council received an application for review of determination under Section 82A of the EPA Act 1979.

The application for review included has revised the plans showing the new first floor level now comprising a single bedroom with walk in robe and ensuite, with the balcony area reduced to 2.5m x 4.0m. The revised plans address items (a) and (c) above but not condition b).

Development Control Plan Numerical Assessment

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

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Floor space ratio	0.6:1	0.42:1	Yes
Floor space ratio - existing	0.35:1		Yes

Environmental Services Division Report No. 15 (Cont'd)

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Wall height North side	7.0m	8.0m	No
South side	6.9m	6.0m	Yes
Roof height	3.0m	1.8m	Yes
Setback Front	6.0m	12.0m (addition)	Yes
Setback Rear	8.0m	14.0m	Yes
North setback side	2.66	2.9m	Yes
South setback side	2.0m	1.93m	No
Open space - total	55%	52%	No
Open space - total	240sqm	227sqm	No
Open space - soft	35%	80%	Yes
Number of Endemic Trees	2	2	Yes
Private Open Space	18sqm	211sqm	Yes
Car Parking – Residents	2	1	No
Shadow - adjacent open space	Max 1/3 rd of existing	<1/3 rd	Yes
- adjoining EW orientation	Min 2hrs	>2hrs	Yes
- exist north facing roofs	>10sqm	>10sqm	Yes

Applicant's Supporting Statement

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

Submissions

Each of the three applications (the original, the section 96 modification and the review application) were notified to nearby and adjoining property owners with one submission received in respect of each application, all from one adjoining property owner raising the following concerns;

- The proposed development will result in a loss of privacy in the main living area of my home as well as the back verandah and rear yard.
- Reference on plans to "First floor outline as per original DA approval" is misleading as the approval was deferred commencement deleting the balcony. The balcony remains and is in fact 2.5m closer to my property.
- This modification is substantially larger and higher than the approved plan. This latest application has larger area of eastern windows from a larger closer room facing my property.
- The proposed first floor balcony will result in the same loss of privacy as the previously refused balcony.
- The eastern first floor windows are closer, higher and about double the area of those in the original plans.
- Obscure glass in the bathroom facing east would help a little.
- I would be happier if the proposal retained the windows facing Birkley Road, rather than having five windows facing into my living area and property.
- The application is for a building 1.12m higher and 9.9m high in the north elevation – does this exceed height limits in the LEP or DCP?
- At no time did the applicant discuss the proposal with me.
- I did not notice any privacy screens to reduce the impact on me.

Precinct Community Forum Comments

The original application and review application were referred to the Ivanhoe Park Precinct Community Forum with no comments received at the time of writing this report.

Environmental Services Division Report No. 15 (Cont'd)**Engineers Comments**

No objections subject to original conditions.

Building Comments

No objections subject to original conditions.

Landscape Architects Comments

No objections subject to original conditions.

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

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

The proposed alterations and additions are permissible with the consent of Council.

Manly Local Environmental Plan 1988 Clause 10 Objectives

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

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

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

(c) *to allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council area;*
The proposed additions will be in character with the existing architecture of the dwelling and that in the locality and the character of the residential area will be maintained.

(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 will result in privacy impacts on the adjoining properties to both the north and east. In this regard it is considered necessary to include conditions in the recommendation to require deletion of the proposed deck at first floor level and reduction in the size of window openings in the rear elevation.

(e) *to improve the quality of the residential areas by encouraging landscaping and permitting greater flexibility of design in both new development and renovations;*
The proposal will not alter the existing landscaped areas of the site.

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

n/a

Environmental Services Division Report No. 15 (Cont'd)

(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 suitable development subject to conditions contained in the recommendation.

(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

Manly DCP for the Residential Zone 2001:**Wall Height**

The proposal seeks a variance to the wall height (north side) requirement of the DCP. The permitted height being 7.0m where 8.0m is proposed. The additional wall height is designed in the form of a part gable within the main roof form and will not result in any significant impact on adjoining property in terms of visual bulk and scale. The proposed wall height has been minimised by lowering the eave to 2.1m rather than 2.4m and using Cathedral ceilings. The proposed roof pitch will match that of the existing dwelling. The proposal is considered to comply with the DCP objectives in respect of building height in that the height of the building will be consistent with other buildings in the locality, there will be no significant adverse effect on views or sunlight access. Privacy impacts have been identified and draft conditions of consent are included in the recommendation in this regard.

Side setback

The proposal seeks a minor variance (0.07m) to the DCP requirement in respect of side setback to the south boundary. It is noted that the site adjoins a laneway to the south. There is little, if any identifiable negative impact on the nearest adjoining residential land to the south. The proposal is considered to comply with the DCP objectives in regard top side setbacks, in that the streetscape is maintained, there is no privacy impact to the south side, the proposal allows access to sunlight and views and allows sufficient space for planting of native vegetation.

Open Space

The proposal falls marginally short of the minimum area required for open space. It is noted that the new work at ground level is minor being a 2.4m x 4.9m addition with the majority of the new work being confined to the new upper floor level. As such there is little impact on the existing landscaped open space on the site. The proposal will not effect the function of the available open space area. The proposal is considered to comply with the DCP objectives in respect of open space and landscaped design.

Privacy

Concerns raised by the adjoining property owner in the submissions received are noted and it is considered that the proposal will result in adverse impacts. This is primarily due to the provision of a balcony at the new first floor level which has the potential to overlook adjoining properties to the east and north as well as the large window area in the rear (east) elevation. In this regard it is considered that the deck should be deleted and the window area reduced to 1.5m in length and 1.0m high with minimum 1.0m sill height. Further, it is considered that the bathroom window in the rear elevation should be glazed with obscure glass.

Environmental Services Division Report No. 15 (Cont'd)**EP&AA 1979 – Section 79(C)**

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

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

- (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 is considered acceptable in terms of its impacts on the natural and built environment subject to conditions contained the recommendation. There will be no identifiable effect on social or economic conditions.

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

The site is suitable for the proposed additions subject to conditions contained the recommendation.

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

The concerns raised in the submissions received have been considered as discussed above.

- (e) *the public interest.*

Subject to recommended conditions the proposal is considered to be in the public interest.

CONCLUSION:

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

The proposal is considered satisfactory subject to conditions contained in the recommendation.

RECOMMENDATION

That, pursuant to Section 82A of the Environmental Planning and Assessment Act 1979, Council grant Deferred Commencement Consent in respect of Development Application No. 55/05 for a "Alterations & Additions to Dwelling" at 76 Birkley Road, Manly, with the consent not operating until the applicant has submitted amended plans showing;

- a) The first floor balcony deleted from the plans and the area shown as balcony replaced with a pitched roof to match the existing roof,
 - b) The bathroom window in the northeast elevation glazed with translucent glass, and
 - c) The windows in the northeast elevation of proposed bedroom 3 reduced in size to 1.5m in length and 1.0m height with minimum 1.0m sill height, to reduce impacts on the privacy of adjoining residential properties.
1. This approval relates to plans/drawings Nos. 11-05-BIR Sheets 1 to 5 amendment A dated 1 December 2005, as amended by the above deferred commencement conditions.

Environmental Services Division Report No. 15 (Cont'd)

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 15 *****

TO: Land Use Management Committee - 2 April 2007
REPORT: Environmental Services Division Report No. 16
SUBJECT: 36 The Crescent, Manly - DA553/06
FILE NO: DA553/06

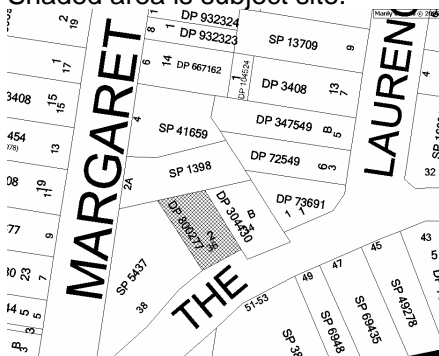
Application Lodged: 18 December 2006
Applicant: Mr. T G Batt
Owner: Mr. T G Batt
Estimated Cost: \$45,000
Zoning: Manly Local Environmental Plan, 1988 - Residential, Foreshore Scenic Protection Area
Surrounding Development: Mix of Detached 2 - 3 Storey Dwellings and Multi Storey Residential Flat Buildings
Heritage: Nil

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT TO CONSTRUCT A PRIVACY SCREEN RANGING IN HEIGHT FROM 9M - 12M ADJACENT TO THE DIVIDING PROPERTY BOUNDARY WITH THE EASTERN NEIGHBOURING PROPERTY.
2. NOTIFICATION OF THE PROPOSAL RESULTED IN ONE SUBMISSION BEING RECEIVED FROM THE EASTERN NEIGHBOURING PROPERTY OWNERS (NO. 34 THE CRESCENT).
3. ISSUES OF OBJECTION ARE SUMMARISED AS VISUAL IMPACT ON OUTLOOK AND VIEWS, LOSS OF OUTLOOK, LOSS OF AFTERNOON SUNLIGHT, LOSS OF SURVEILLANCE TO AND FROM THE STREET, VISUAL IMPACT TO STREETScape, CLOSE PROXIMITY TO DIVIDING BOUNDARY, AND POSSIBLE ALTERNATIVE OF TREE PLANTING.
4. THE PROPOSAL WAS RECOMMENDED FOR REFUSAL BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT CITING GROUNDS OF VISUAL IMPACT TO THE NEIGHBOURS PROPERTY AND STREETScape, LOSS OF OUTLOOK FROM THE NEIGHBOURS PROPERTY, AND LACK OF OVERLOOKING / PRIVACY LOSS EVIDENT.
5. THIS DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR MCDONALD.
6. A SITE INSPECTION IS RECOMMENDED.
7. REFUSAL OF THIS DEVELOPMENT APPLICATION IS RECOMMENDED.

LOCALITY PLAN

Shaded area is subject site.



Environmental Services Division Report No. 16 (Cont'd)**REPORT****Introduction**

This report provides an assessment of a proposed privacy screen structure at 36 The Crescent Manly. In reaching its conclusion, amenity impacts to neighbouring properties and the streetscape, neighbours submissions and Council's planning controls have been taken into account.

Analysis of site and surrounds

The site is located along the upper northern side of The Crescent, Manly with existing development comprising a two storey dwelling with lower level garage parking below at the street level. Fragmented views of North Harbour and its foreshores are gained looking to the south and south west, past and over surrounding dwellings and residential flat buildings. Living areas are provided on the ground and first floors with a large terrace on the south side of the ground floor and balcony above for the first floor.

Neighbouring development comprises a mix of two and three storey dwellings and multi storey residential flat buildings. The neighbouring dwelling to the east (No.34 The Crescent) is a two storey dwelling with a sitting room and south side balcony on the first floor located to maximise view opportunities.

From inspection of this neighbouring property, it is evident that some looking over the front of the subject site is an inevitable outcome from the 1st storey balcony as part of their view and broader outlook, however it does not enable any direct looking back into living rooms of the subject site.

In context of the locality, indirect overlooking is a common outcome. As such, the elevated siting of the subject dwelling and high development density of the locality, combined with its frontage to The Crescent (which has regular passing car and pedestrian traffic) results in overlooking between properties and to / from the street being a prevailing outcome.

Development Control Plan Numerical Assessment

The Residential Development Control Plan does not contain any numerical controls regarding height or setback for privacy screens.

Applicant's Supporting Statement

The applicant's request for the proposed privacy screen is detailed in their Statement of Environmental Effects. In essence, the applicant seeks approval for a privacy screen that effectively prevents any overlooking from the 1st storey balcony of the eastern neighbouring dwelling (No.34 The Crescent).

Submissions

One submission was received from C and V McEwen, owners of 34 The Crescent, Manly, being the neighbouring property adjoining to the east. Issues raised in their submission are identified and addressed as follows:

Visual impact on outlook and views loss of outlook

As discussed in this report the proposed privacy screen structure is considered unacceptable for reasons including its visual impact on the outlook from No.34.

Environmental Services Division Report No. 16 (Cont'd)*Loss of afternoon sunlight*

This impact is acknowledged however is not considered a reason alone to warrant refusal of the proposal. The deck is south facing and is not the primary area of private open space, which is located on the ground floor at the rear and is north facing.

Loss of surveillance to and from the street

This impact is acknowledged however is not considered a reason alone to warrant refusal of the proposal. The balcony will remain in view from the south and south east.

Visual impact to streetscape

As discussed in this report the proposed privacy screen structure is considered unacceptable for reasons including its visual impact on the streetscape given its significant scale at 9m - 12m.

Close proximity to dividing boundary

As discussed in this report the proposed privacy screen structure is considered unacceptable for reasons including its close proximity to the dividing boundary, with this having an imposing effect blocking part of the outlook from No.34.

Possible alternative of tree planting

This is acknowledged as a viable alternative that could be carried out without consent (planting of trees and shrubs does not require development consent). This approach would considerably reduce the applicant's issue of the possibility of indirect overlooking from No.34, whilst not having such an intrusive effect on the outlook from No.34.

Offer to install privacy screen to balcony edge

Mr. and Mrs. McEwen also highlighted in their submission that as part of their approved and constructed 1st storey additions, Council did not require a privacy screen to be installed along the western side of their 1st storey balcony. From inspection of the view and outlook from their first storey sitting room and balcony, a privacy screen in this regard is not considered necessary, with no direct overlooking to the west into No.36 The Crescent (the subject site of this DA).

Notwithstanding, in an attempt to resolve issues of overlooking with No.36, they offered to install a privacy screen for 2/3 the side length of the balcony which would virtually eliminate any indirect overlooking into No.36 whilst maintaining the other 1/3 as 'open' would minimise its impact on their outlook and views to the south west. This was also the subject of a draft Deed of Agreement, however Mr. Batt (the applicant at No.36 for this DA) refused to accept this offer on the basis that it compromised on his request for a full length privacy screen.

Precinct Community Forum Comments

No comments received.

Building Comments

Standard conditions of consent advised.

Planning Comments

In summary the proposed privacy screen structure is considered unacceptable due to its visual impact on the streetscape and to the eastern neighbours, and due to its impact on the outlook and views from the eastern neighbouring dwelling.

Whilst it would prevent any overlooking back to the subject site, no direct overlooking or direct loss of privacy results, consequently it is not considered to be justified on grounds of privacy. Furthermore the site is in a locality where mutual overlooking is prevalent between neighbouring

Environmental Services Division Report No. 16 (Cont'd)

properties and from the street, whereby an expectation to have 100% privacy cannot be realistically achieved.

Manly Local Environmental Plan 1988:

The proposed privacy screen structure is ancillary to the existing dwelling and is permissible with consent in the Residential Zone.

In response to the objectives of the zone, the proposed privacy screen raises concerns of visual impact as viewed from the neighbouring dwelling and from the street, and fails to achieve a balance between privacy and maintaining neighbours outlook. Consequently the proposal is considered an unacceptable form of development. An alternative proposal to install a privacy screen along the eastern side of the applicant's first storey balcony may be acceptable, however as this represents a substantial change to the proposal in terms of size and location, it would require a new DA.

The site is also located within the Foreshore Scenic Protection Area. Whilst the structure will not be clearly visible from the nearby waterways and foreshores, it is considered detrimental to the amenity of the neighbouring property and streetscape. Specifically its bulk and scale is considered out of character with development in the locality which forms part of the foreshore area, and excessive in its impact on the outlook to the natural foreshores and waterways from the neighbouring dwelling.

Manly Local Environmental Plan 1988 Clause 10 Objectives

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

(a) *to set aside land to be used for purposes of housing and associated facilities;*

The proposal maintains the residential use of the site.

(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 against the relevant controls of Council's Residential Development Control Plan whereby the proposal is considered an unacceptable form of development.

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

The proposal is considered unsympathetic to the residential character of the locality and the expectations of new development to minimise impacts on outlook and views.

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

The proposal is considered unsympathetic to the amenity of a neighbouring dwelling in terms of its impact on their view and outlook.

(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 seeks to use a large solid structure to achieve 100% privacy screening from a neighbouring dwelling rather than more sympathetically and appropriately using tree and shrub landscaping to achieve the same outcome of privacy screening.

(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

Environmental Services Division Report No. 16 (Cont'd)

- (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;*

N/A

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

The proposal represents additions to an existing dwelling which is considered unsuitably designed and located to achieve its intention of privacy screening due to its impact on the neighbour's outlook and views, and to the streetscape.

- (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

Manly DCP for the Residential Zone 2001:

Several objectives and performance criteria under the DCP's controls for privacy and security, and views are relevant to the proposal. Each of these are addressed as follows.

Privacy and security - The objectives and performance criteria for privacy are identified and addressed as follows in relation to the proposal.

- a) *To screen between closely spaced buildings*

The proposed form of screening achieves complete protection against indirect overlooking (looking from the neighbour's balcony back into the front balcony and room of the subject dwelling) but is considered unsympathetic and inappropriate given its scale and its effect on the neighbour's outlook. As such additional tree planting is considered a far more balanced approach which would achieve greater privacy as sought by the applicant, and maintain outlook from the neighbour's balcony as sought by them.

- b) *To mitigate direct viewing into windows from others*

The proposed screen is not considered necessary given that there is no direct view from the eastern neighbour (No.34 The Crescent) into any living room windows, or open space on the applicant's property. This is due to the front balcony on the 1st storey of No.34 being positioned some 4m forward of the front balcony of the subject site, therefore overlooking can only occur from No.34 by looking diagonally back into the subject site. Whilst such indirect overlooking may be possible, it is important to note this is a prevailing situation with neighbouring properties, with several units at No.51-53 located opposite having a clear view of the applicant's front living areas and balcony / terrace. Furthermore several units neighbouring to the west at No.38 look onto the terrace and balcony of the subject site.

- c) *To provide screening to outdoor living areas*

See comments under point a), above.

- d) *To encourage increased security between neighbours*

The proposed screen will primarily block surveillance opportunities between the subject site and No.34 to the east.

- f) (performance criteria) *architectural or landscape screens must be provided to balconies*

As part of the approval for 1st storey additions at No.34 to the east, privacy screening along the eastern side of the balcony was not considered necessary and was not required as a condition of consent. From an inspection of the privacy situation from the neighbouring dwelling, it is apparent that no direct overlooking occurs from its first storey balcony (which is what the applicant wishes to screen with the proposal).

Environmental Services Division Report No. 16 (Cont'd)

Furthermore, the use of the neighbour's balcony is considered likely to be limited for the following reasons:

- it is relatively small with limited sitting and standing space;
- it is exposed to traffic noise from a busy roadway;
- it does not extend from the main living area;
- it is not the principle area of private open space,
- both the main living area and principle area of private open space are located on the ground level.

For these reasons the neighbour's use of their first storey balcony is likely to be limited in duration and frequency which further abates any concern of privacy.

It is also apparent that the proposed privacy screen structure would effectively block part of the neighbour's outlook from their 1st storey balcony and lounge room. Given its close proximity to their balcony and its height, extending to the eaves of their balcony, its appearance is considered unsympathetic and intrusive on their pleasant outlook to the south west, which includes water and foreshore views. Although the water views would be mostly unaffected, the impact of the screen on their broader outlook is considered unacceptable.

View sharing

A key objective of the DCP as stated is:

b) To minimise view loss from adjoining or nearby properties...

In response to this, as discussed above the proposed privacy screen is considered unsympathetic and intrusive on the eastern neighbour's outlook to the south west, which includes water and foreshore views.

Although these views would be mostly unaffected, the impact of the screen on their broader outlook is considered unacceptable given its close proximity and scale adjacent to the dividing boundary causing an intrusive 'built in' effect on the outlook. Furthermore it is unjustified given that no direct overlooking is considered to result. Consequently the proposed screen is considered unacceptable in context of the objective of view sharing.

EP&AA 1979 – section 79(c)

(a) the provisions of:

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

The Manly Local Environmental Plan 2001 and Manly Residential Development Control Plan are the two relevant documents to this proposal and have been both addressed in this report.

(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

In summary the proposal is considered unacceptable due to its impact on residential amenity in terms of its visual impact on the streetscape and to the eastern neighbours, and due to its impact on the general amenity and outlook and views from the eastern neighbouring dwelling.

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

The site is considered suitable for additional development that could achieve the applicant's objective of maximising privacy, however the proposed location and size of the screen makes it unsuitable for the site.

Environmental Services Division Report No. 16 (Cont'd)

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

These have been addressed in this report, with the proposal considered unacceptable due to amenity impacts as identified in the neighbour's submission.

(e) *the public interest.*

The public interest is best served by permitting development that is consistent with the relevant planning controls and objectives. In these circumstances the proposal is considered unacceptable.

CONCLUSION:

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

The proposed privacy screen structure raises concerns of visual impact and loss of outlook from the eastern neighbouring dwelling, with this reflected in these issues being their primary grounds for objection in their submission. Whilst the structure would effectively achieve its intention to the applicant, the extent of existing overlooking which is indirect is not considered grounds for justification of the structure. Given its impact on the neighbour's outlook, its size and location is not considered acceptable, consequently the proposal is not supported and is recommended for refusal.

RECOMMENDATION

THAT Development Application No. 553/06 for construction of a privacy screen at No.36 The Crescent, Manly be refused for the following reasons.

1. Pursuant to objectives (d) and (e) of the Residential Zone under Manly Local Environmental Plan 1988, the proposal is considered unacceptable due to its adverse impact on the outlook from the neighbouring property.
2. Pursuant to Clause 17 of Manly Local Environmental Plan 1988, the proposal is considered an unacceptable form of development that negates view sharing within the Foreshore Scenic Protection Area.
3. Pursuant to Part 3.8 - View Sharing of the Manly Residential Development Control Plan 2001, the proposal is considered unacceptable by failing to provide a balanced outcome that minimises view loss to the eastern neighbouring property while serving its intention of maximising privacy.
4. Pursuant to Section 79C (1)(b) of the EP&A Act 1979 the proposal is considered unacceptable in terms of its visual impact on the outlook from the neighbouring residential property and as viewed in the streetscape.
5. Pursuant to Section 79C (1)(c) of the EP&A Act 1979 the proposal is considered unacceptable in response to issues of visual impact and loss of outlook as raised in neighbours submissions.
6. Pursuant to Section 79C (1)(d) of the EP&A Act 1979 the proposal is not considered within the Public Interest for reasons provided above.
7. The proposal results in negative impact on the streetscape contrary to Section 3.9 of the Residential DCP having regard to Section 79C (1) (a) (iii) of the EP&A Act 1979.

Environmental Services Division Report No. 16 (Cont'd)

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 16 *****

TO: Land Use Management Committee - 2 April 2007
REPORT: Environmental Services Division Report No. 17
SUBJECT: Unit 1 - 73 Fairlight Street, Fairlight - DA209/06 82A Review
FILE NO: DA209/06

Application Lodged: 12 February 2007 S82A Review
 15 May 2006 for the Original Application
Applicant: Greenfield DA Services
Owner: John & Kate Finlay
Estimated Cost: \$16,800
Zoning: Manly Local Environmental Plan, 1988 - Residential
 Manly Residential Development Control Plan 2001,
 Amendment 1 Sub Zone: 3
 Within the Foreshore protection Area
Surrounding Development: Residential mix of townhouses and individual dwellings
Heritage: N/A

SUMMARY:

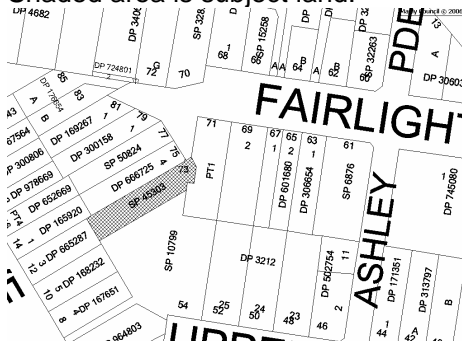
Development History:

A detailed Development History is supplied later in this report.

1. DEVELOPMENT CONSENT IS SOUGHT FOR CONSTRUCTION OF AN OPERABLE PERGOLA [TRADE-NAME: VERGOLA] ON DECK OF ONE OF THE TWO APARTMENTS IN THE RESIDENTIAL FLAT BUILDING. THIS IS THE SECOND DA, THE FIRST WAS DA361/05, WHICH WAS REFUSED AND AN APPEAL TO THE LEC BY THE OWNER WAS UNSUCCESSFUL.
2. THE CURRENT PROPOSAL WAS NOTIFIED TO ALL NEIGHBOURING PROPERTIES AND ONE LETTER OF OBJECTION TO THE DEVELOPMENT WAS RECEIVED.
3. THE APPLICATION WAS ALSO REFERRED TO FAIRLIGHT PRECINCT COMMUNITY FORUM AND COMMENTS WERE RECEIVED.
4. DA209/06 WAS REFUSED [11 AUGUST 2006].
5. AMENDED PLANS FOR SECTION 82A REVIEW WERE RECEIVED ON 12 FEBRUARY 2007 AND WERE NOTIFIED TO ALL NEIGHBOURS AND OBJECTORS. ONE LETTER OBJECTING TO THE PLANS WAS RECEIVED.
6. THE DEVELOPMENT APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
7. A SITE INSPECTION IS RECOMMENDED.
8. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL APPROVAL.

LOCALITY PLAN:

Shaded area is subject land.



Environmental Services Division Report No. 17 (Cont'd)**REPORT****INTRODUCTION:****Site Analysis:**

The site is located on the southern side of Fairlight Street. It has a south-west/north-east orientation. The site is legally described as Pt 1, SP 802077.

The total site slopes from the street to the rear boundary. The property is irregularly shaped with a rear boundary 10.06 m wide and with side boundaries being approximately 45.46m and 40.7m. Total site area is 468.8m². [from levels Survey in file]

The site is developed with a four storey cement rendered building, comprising two dwellings and semi-underground car parking. The subject site is the upper dwelling, portion 1. Access to Fairlight Street is via a right of way.

The site is near the highest point of the Fairlight hill, at the very end of Fairlight Street, in a cul de sac. It is almost land-locked with a narrow access point shared with a neighbour.

Surrounding Developments

Adjacent properties (N^os 75, 77, 79) are stepped back to allow view sharing of the desirable North and South Head views and the view of Kilburn Towers. The other blocks are of similar size: about 10m wide and approximately 40m long on the north-east/south-west axis.

To the south east are townhouses at a lower level; the ridge heights of some of the townhouses coincide with some of the deck heights on the site. These townhouses are accessed from Rosedale Avenue and Upper Clifford Street.

The properties in this area also have expansive views of North Harbour.

Proposed development

Development approval is sought for new operable/closable pergola [trade-name: Vergola] as follows:

- Removal of existing awning
- Installation of new Vergola type pergola, fixed to upper level terrace with closable roof.
- "Light boxes" to be installed to splayed corners.

Note: Strata Plan 45303 states: "The stratum of the terraces of Pt Lot 1 Level 3 is limited in height to 2.4m above the upper surface of the hardstand of each."

Thus the proposal is an encroachment of Common Property, because the proposed Vergola is located approximately 2.93m overall above the floor of the Level 3 deck.

The applicants have provided a signed approval from Curtis Larson, the owner of Lot 2 in SP 45303 consenting to "*lodgement of the development application for a Vergola on the terrace of Lot 1 and for the review of its determination pursuant to s.82A of the EP&AA 1979.*" Mr Larson has not indicated his consent for a variation in stratum height of the Strata Plan or an encroachment of the Common Property. This approval is un-dated and does not indicate the DA number, drawing number or issue/date.

Environmental Services Division Report No. 17 (Cont'd)

Consent in writing from the Owner's Corporation of Strata Plan 45303 has not been included with the application for the Section 82A Review of Determination of DA209/06 and is required for determination. Owners consent has been requested however, has not been received at the time of writing of this report.

The earlier Assessment Report referred to inconsistencies in Levels shown:

The RLs are presumed to be incorrect, since they vary (RL52.55 on S-W elevation) and RL52.225 on S-E elevation) would indicate a height of 3.58-3.9m above the deck floor when the drawings scale at 2.8m.

Referring to documentation provided with the previous application, all the RLs on the current application are incorrect. Stephen Conroy, surveyor, has notated the plans and shown the Level 3 Terrace to be RL48.85 and the Level 4 terrace to be RL52.25 at the southern end and RL52.10 at the northern end. The levels should be confirmed.

The upper level of the Vergola had been corrected to RL51.55, although it would appear from the wall fixing detail that it should be RL51.58. The measurements and RLs are now consistent; however the applicants show the Level of Level 3 Terrace as RL48.65, whereas Council records indicate the level may have been raised to RL48.85 [having applied for the level to be increased to 49.225, which was refused]. No confirmation by a surveyor has been included.

Further the elevations and the plans show inconsistent lengths for Level 3 Terrace. The original architectural drawings scale at 6.0m from the southern face of the building to the southern end. The north-west and south-east [sic] elevations scale at 5850mm, whereas the plan scales as 6150mm.

In the DA209/06 Assessment Report, the following was noted:

The Record of Meeting [SP 45303 2 August 2006] refer to
"5. View and accept plans for a 'Vergola' type pergola to be installed at a height of 2.6m to the underside of the main frame, replacing an existing awning on the level 2 deck of Unit #1"

This is incorrect because the application is for the Vergola to be fitted to the **Level 3** deck and the height is shown on the drawings as **2.65m** to the **underside** of the Vergola structure, not to the top.

The wall fixing detail shows a 250mm C-purlin, so the overall height including the louvres is an additional 270mm to make 2.93m above the floor line of the terrace [corrected as RL48.85m] to make RL51.78.

Thus, the application is to utilise a further 530mm above the stratum allowed in the strata plan. The applicant's statement is mistaken when it contends:

"The Vergola will occupy 250mm of common property air space above the Finlays' terrace. The strata plan grants ownership of airspace to a height of 2.4metres above the terrace whereas the Vergola will be 2.65m high. If the strata plan were drafted today this layer of ownership would be at least 2.7m as this is now the accepted ceiling height for medium density dwelling etc."

Thus Consent of the Owner's Corporation of Strata Plan 45303 is required before any determination is made.

Environmental Services Division Report No. 17 (Cont'd)

Mainly DCP for the Residential Zone 2001

The following numerical provisions of the DCP are applicable and considered:

Site area: 468m ² Sub-zone 3	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Floor space ratio - orig. permitted - current FSR - original approval DA2636/88 - subsequent approval DA251/94	0.5:1 max originally 0.6:1 currently 0.68:1 original 0.74:1 current	No Change	No

Applicant's Supporting Statement

In support of the Review the applicant has submitted a Statement in Support of a Section 82A Review. This is on file. Additionally the original Statement of Environmental Effect is on file.

NOTIFICATIONS:

The application was notified from 24 May 2006 to 7 June 2006 and one submission was received from Patrick & Laura Lillas of 75 Fairlight Street, Fairlight.

The S82A Review was received 12 February 2007 and notified 13 February to 27 February 2007 and one submission was received, from Patrick & Laura Lillas of 75 Fairlight Street, Fairlight.

Submissions:

The following issues raised:

- The structure is not a pergola, but a roofing system.
Comment: This has been assessed as a verandah.
- Proposal adds bulk, causes view loss and impacts on the amenity of the adjoining and surrounding properties. Amenity loss includes reduction in air flow; loss of privacy to sleeping areas; vibration noise; increased reflected light and heat; increased use of terrace by applicants.
Comment: Bulk reduced by increasing setbacks and the deletion of side screening etc.
- Concerned the structure is inadequate and will require additional bracing in area of high winds where templates and lattice blew over/became loose.
Comment: Condition requiring verification by structural engineer included.
- The existing building was non-compliant when approved and does not comply with existing requirements.
Comment: FSR is non-compliant, but unchanged by this proposal
- Believe Tenacity v Warringah applies.
Comment: This was applied in the LEC case this year.
- Increases bulk.
Comment: Perceived bulk is an issue, as is projecting beyond the stepped back building line. The depth of the Vergola is reduced by Approval Conditions.
- Views across side boundaries are to be protected.
Comment: This has also been conditioned.
- The stratum is limited to 2400mm.
Comment: This has been addressed elsewhere in the report and is the subject of a condition.

Environmental Services Division Report No. 17 (Cont'd)**Precinct Community Forum Referral:**

The S82A Review was referred to the Fairlight Precinct Community Forum for comment from 13 February 2007 until 27 February 2007. The Minutes do not record the submission as being discussed or presented.

The original application was referred to the Fairlight Precinct Community Forum for comment from 24 May 2006 until 26 June 2006. The Precinct wrote: "No one to speak for or against. As there is no community interest involved, Precinct has no objection provided it complies with the DCP."

Engineer's Comments:

No objections subject to the inclusion of recommended conditions.

Building Comments:

The Strata Plan limits the height of any structures erected on Level 3 to 2400mm above the surface of the Level 3 floor. Proposal shows 2650mm to the underside of the proposed Vergola frame so overall height accordingly to the RLs shown (52.55-48.65) = 3900mm. This should be sorted out before determination.

PLANNING COMMENTS**Development History****Original DA**

- 17 Jan 1989: The original application DA2636/88 for proposed dual occupancy was granted development consent, although the floor space ratio of 0.68:1 exceeded the maximum 0.5:1 permitted by the SREP12. The project was approved, Density, Height and Setbacks were accepted at the time. Landscaped Open Space at that time was well in excess of DCP requirements. Further modifications were granted 12/12/89 and 14/03/90.
- 31 May 1989: A neighbour, Mrs Melinda Hodges (6/54 Upper Clifford Ave) wrote in response to DA 2636/88 objecting to a modification sought to increase the overall height of the building by 570mm. The height reverted to the original approved height [eg Level 1 Terrace RL42.70] and the amended drawings [dated 29 Nov 89] were approved by Council 12 Dec 1989.
- 22 Feb 1991: An extension of time was granted for development consent by 2 years for BA93/89, expiring 30 January 1992, with a requirement: "with the levels amended to those approved on 29th November, 1989".
- 17 Jun 1993: Stephen Conroy of Austin Swan Conroy, Land & Engineering Surveyors, applied for a Building Certificate and a Strata application

DA251/94

- 19 July 1994: Application was made to enclose one of the decks to form a conservatory. A submission at the time from architect John Gunnell stated:
"The proposed conservatory is to be contained under a very deep balcony, the overhang of which will remain clearly expressed.....The objective is to give the owners a wind free semi-outdoor space on a site with very restricted outdoor space, and at the same time to help resolve a waterproofing problem.....The enclosure of this area would affect the floor space ratio by very little and would achieve very much for the owners."
- Landscaped Open Space at that time was well in excess of DCP requirements, despite the reduction of 30m² of area at ground floor level.

Environmental Services Division Report No. 17 (Cont'd)

- The application was recommended for refusal, but the Building and Environment Committee resolved to approve the application on 26 July 1994

Further Approvals

An extensive search of approvals pertaining to this site has not uncovered any applications or approvals for the lattice screens installed to the sides of Level 2 and Level 3 decks. The applicants have not provided any approval documents either.

Previous DA 361/05

10 Aug 2005: DA361/05 submitted for Vergola [trade name] with enclosed sides of glass louvres. There were numerous objections and the application was refused on 13 October 2005 due to increases in view loss, bulk, and privacy and amenity impacts to neighbours.

LEC Appeal:

- 15 Nov 2005: John Finlay (owner) appealed to the Land and Environment Court.
- 13 Mar 2006: The matter was heard on and the Appeal was dismissed by Commissioner Tim Moore.
- Commission Moore noted:
 1. The structure was not an enclosure for the purposes of the DCP
 2. There was no increase in the FSR.
 3. The glass walls were to be regarded as walls, particularly with the roof closed.
 4. Regarding them as walls increases the wall height to 1.55m in exceedance of the maximum permitted wall height from the DCP.
 5. Whether or not the existing lattice structure and clear plastic elements were lawfully erected - the Commissioner assumed it was.
 6. The Commissioner determined the view loss from properties other than N^o 75, would be minimal.
 7. He applied the principles set out in *Tenacity Consulting v Warringah* [2004] and said: *"I am satisfied that, as a consequence of my determination as to wall height, the present proposal is a non-complying development. I am further satisfied that the views potentially to be impacted will, in fact, be impacted as an effect of approval of the structure."* His reasons included the lack of cleanliness (salt and raindrops) of the glass and the distortion ; loss of views to North Head and Kilburn Towers; that views across side boundaries are more difficult to protect; and that impact arising from non-compliant development, to be sufficiently moderate as to be considered reasonable.
 8. The Commissioner noted the applicant was afforded the opportunity on several occasions to amend his application, but both retained the glass walls to the structure, which create the non-compliance.

DA 209/06

- 15 May 06: The current application was submitted and was the same, except the glass walls had been deleted, but the existing lattice walls were not noted.
- 11 Aug 06: This application was determined as a refusal due to view impacts, bulk issues caused by the unapproved side enclosures; inaccuracies in the drawings and amenity impacts on the adjoining property.
- 13 Feb 07: Section 82A Review submitted, with amended RLs included on the drawings and photographs showing the unapproved lattice structure had been removed and an undertaking they would not be replaced, adjacent to N^o 75 Fairlight Street.

Environmental Services Division Report No. 17 (Cont'd)**PLANNING CONTROLS & COMPLIANCE ASSESSMENT****Manly LEP 1988**

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

The proposed structure is permissible with consent in the zone. The original proposal was considered unsatisfactory in response to the relevant objectives of the zone, with some adverse amenity impacts to neighbouring properties identified in terms of view loss and visual bulk.

Foreshore Scenic Protection Area

The site is also located within the Foreshore Scenic Protection Area. The proposal will increase the bulk or scale of the existing dwelling, and being located near the Fairlight ridge it will be readily visible from the foreshores / waterways of North Harbour.

Some of the concerns in respect of the proposals impact on the visual amenity of the area have been addressed by the Applicants and the others will be addressed by conditions. Consequently the proposal is considered an appropriate form of development when conditioned to address the issues.

LEP 1988 - Clause 10

(a) to set aside land to be used for purposes of housing and associated facilities;

The site is zoned residential and will retain its residential use.

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

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

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

The proposed Vergola addition to the dwelling is considered incompatible with the character and size of housing in the locality and has been reduced in size by Approval conditions.

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

The design of the Vergola is considered detrimentally affect levels of neighbour's amenity in terms of views, and bulk and has been reduced by Approval conditions.

(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 did not require review by Council's Landscape Officer.

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

The proposal maintains the residential use of the site.

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

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

Environmental Services Division Report No. 17 (Cont'd)

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

The proposed addition is not considered to complement the site, but its impacts will be reduced by the approval conditions applied.

(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

Manly Residential DCP Issues**Floor Space Ratio:**

The existing FSR is 0.074:1, which is 48% in excess of the allowable FSR, however, the proposal does not further increase the FSR.

Open Space:

The required open space is in excess of that required (55%) and since only 25% of that above ground can be included, the proposal has no effect.

Building Height:

The open sides (unlike the previous application which included glazed louvres) preclude the height being included in the already non-compliant wall height. The owners have deleted the unapproved lattice screening and undertaken not to replace it. Conditions will apply to protect the view from the adjoining property.

Further, the roof structure, being largely closed in appearance, will add to the apparent bulk of the building and is projecting beyond a line from the edges of the balconies of Level 3 and Level 4.

Consequently a line drawn from the edge of Level 3 Balcony rail to the edge of Level 4 balcony rail has indicated where the edge of the Vergola roof should be. Using the submitted drawings, the roof extent has been established as 2400mm overall depth and 1500mm from the edge of the level 4 planter. This size is adequate for a table and at least four chairs, under cover.

Amenity of the adjoining property (No 75) has been considered. The adjoining property's bedrooms are all in close proximity to this outdoor living area. A further approval condition requires lighting to be restricted to minimise glare to the adjoining property.

The residents of 1/73 Fairlight Street have a second enclosed balcony/conservatory for semi-open wind-free space on the sunny northern side of the building as per an earlier DA where part of a balcony was enclosed.

Additionally, they have use of the full roof-top deck of the apartment building where the swimming pool is located. Hence, Level 3 deck is not their only outdoor space.

It is proposed to condition that the depth of the Vergola structure be reduced to be consistent with the setback and not add to the bulk. Further, the supporting columns will move further back and be less likely to impact on the view of the Heads and Kilburn Towers, from the adjoining property.

View Sharing:

The unapproved lattice screening reduced the views available from the adjacent house's bedrooms and this has now been removed. It will be conditioned that screening planting be limited in height

Environmental Services Division Report No. 17 (Cont'd)

and no other obstructions or enclosures be installed, either temporary or permanent. This will ensure the views across the deck area are maintained for the adjoining property.

Reducing the overall depth of the Vergola, relocates the support columns closer to the existing apartment wall. This will improve the outlook for the adjoining property by retaining the views of Kilburn Towers and the Heads, and maintaining adequate coverage for the residents of 1/73 Fairlight Street.

Privacy & Security:

The unapproved lattice screens were an inappropriate choice of screening between the two dwellings and have been removed. Low level planting will maintain the view, but not increase privacy. From the tenor of the objections, view loss is the primary concern, followed by structural integrity. Verification of structural methods is a requirement of an approval.

Section 79(C) of the Environmental Planning and Assessment Act 1979**Matters for consideration – general**

(a) *the provisions of:*

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

The proposal has been considered under the provisions of the Manly Local Environmental Plan 1988 and the Development Control Plan for the Residential Zone 2001, Amendment 1.

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

The proposed addition will have negligible environmental, social or economic impacts on the locality, subject to the recommended conditions.

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

The site is currently developed with a four level residential flat building and the proposed addition is considered appropriate to this use once Approval conditions are applied.

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

One submission was received.

(e) *the public interest.*

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

CONCLUSION

- The Vergola, without the unapproved lattice screening no longer increases the wall height on the North West elevation and does not increase the apparent bulk of the structure to the same extent [see next point].
- The depth of the proposed Vergola defeats the purpose of the stepped design of the existing building, which is to reduce bulk; so the Approval will be conditioned to reduce the depth of the Vergola.
- The reduced length of the Vergola has been established by a line from balcony railings of levels 3 and 4. Where the Vergola roof touched the line determined the Vergola roof edge.
- Reducing the depth of the Vergola also relocates the support columns closer to the existing apartment wall. This will improve the view from the adjoining property.

Environmental Services Division Report No. 17 (Cont'd)

- The Vergola cannot be enclosed and no temporary or permanent structures erected which might block the adjoining property's views.
- Planting heights to be limited both adjacent to the Vergola and beyond the Vergola to the edge of the Balcony/Deck.
- The drawings continue to be inaccurate and inconsistencies occur between plans and elevations on the one drawing.
- The height of the Vergola is above that allowed by the Strata Plan (2.4m) and the minutes of the Owners Corporation meeting incorrectly nominate the height and location of the proposal. The consent of the other strata owner supplied in the current submission does not address the height of the Vergola, nor the requirements of or variations to the Strata Plan.
- A consent from the Owners Corporation regarding the use/encroachment of Common Property is required before determination can be made.
- Certification by a practicing Structural Engineer is required and any changes will require separate Application.

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 Residential Zone 2001 Amendment 1 and the Building Code of Australia. From this assessment the proposal is considered an acceptable form of development, once the Approval Conditions are applied.

RECOMMENDATION

That upon receipt of owners consent to lodgment of the section 82A application from the Owners Corporation of Strata Plan 45303, Development Application 209/06 for an operable pergola at Unit 1, 73 Fairlight Street, Fairlight be approved subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. 11128-1 Issue A dated 3 July 2005 and received by Council on the 12 February 2007.

ANS01

Planting on Level 3 Terrace shall be limited to a height of 1200mm above the floor level of Level 3 within the area of, and adjacent to the Vergola. This is to minimise impact on the views of the adjoining property. Selected species with a mature height of 600mm to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

ANS02

Planting to the south west of the Vergola shall be limited to a height of 900mm above the floor level of Level 3 Terrace between the Vergola and the south-western edge of the Level 3 deck. This is to minimise impact on the views of the adjoining property. Selected species with a mature height of 300mm to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

ANS03

No structures, temporary or permanent, shall be erected such that will block views from adjoining properties.

ANS04

No temporary or permanent enclosure of the Vergola structure is permitted, other than the light boxes included in this application.

Environmental Services Division Report No. 17 (Cont'd)

ANS05

The depth of the Vergola shall be reduced to 1.5m from the existing projecting Level 4 Planter Box to make the depth of the structure, including light boxes, 2.45m overall. This is to maintain the stepped heights of Levels 3 and 4, thus reducing the appearance of bulk. Amended drawings to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

ANS07

Strata Plan is to be amended by to allow the use of additional stratum space of 530mm above the existing floor level of the Level 3 Terrace. Amended Strata Plan to be submitted to Council/Accredited Certifier prior to the Final Inspection.

ANS08

Certification from a practicing Structural Engineer is required of the structural adequacy of the proposal, particularly in regard to fixings and wind loadings. Should any additional structure or changes be required; this is to be the subject of a separate Application.

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 \$600. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA017

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

DA342

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

DA018

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

DA019

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

DA021

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

Environmental Services Division Report No. 17 (Cont'd)

DA031

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

DA039

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

DA048

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

DA058

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

DA357

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

DA094

Stormwater drainage from the proposed addition/extension shall be disposed of to the existing drainage system. All work shall be carried out in accordance with Council standards and specifications for stormwater drainage. Work shall be completed prior to the issue of the Occupation Certificate.

DA121

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

DA255

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

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.

DA269

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

DA270

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

Final inspection

Environmental Services Division Report No. 17 (Cont'd)

The cost of these inspections by Council is \$230. (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$110.

DA271

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

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.

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.

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. 17 *****

TO: Land Use Management Committee - 2 April 2007
REPORT: Environmental Services Division Report No. 18
SUBJECT: 3 Seaview Street, Balgowlah - DA41/06 82A Review
FILE NO: DA41/06

Application Lodged: S82A – 15 November 2006
Applicant: Urbanesque Planning Pty Ltd
Owner: R & L Greves
Estimated Cost: \$250,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Two storey dwellings
Heritage: n/a

SUMMARY:

1. THE ORIGINAL DEVELOPMENT APPLICATION FOR FIRST FLOOR EXTENSION AND DOUBLE GARAGE WAS LODGED 13 JANUARY 2006.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE (3) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE BALGOWLAH HEIGHTS PRECINCT COMMUNITY FORUM WITH COMMENTS RECEIVED.
4. THE APPLICATION WAS REPORTED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING OF 11 MAY 2006 WHERE IT WAS REFUSED FOR REASONS OF OVERDEVELOPMENT, NON COMPLIANCE WITH FSR, HEIGHT AND SETBACK PROVISIONS OF THE DCP, VIEW AND OVERSHADOWING IMPACTS.
5. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION UNDER SECTION 82A OF THE EP&A ACT 1979 FOR REVIEW OF DETERMINATION.
6. THE APPLICATION FOR REVIEW WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH TWO SUBMISSIONS RECEIVED.
7. THE REVIEW APPLICATION WAS REFERRED TO THE BALGOWLAH HEIGHTS PRECINCT COMMUNITY FORUM WITH NO COMMENTS RECEIVED AT THE TIME OF WRITING THIS REPORT.
8. A SITE INSPECTION IS RECOMMENDED.
9. THIS DEVELOPMENT APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR PETER MACDONALD.
10. THIS APPLICATION IS RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.

LOCALITY PLAN

Shaded area is subject site.



Environmental Services Division Report No. 18 (Cont'd)

REPORT

Introduction

Site Description

The subject site is located on the western (high) side of Seaview Street one allotment to the north of the intersection of Seaview Street and New Street West. The allotment has a rectangular configuration with a width of 20.115 and depth of 30.01. The land has a slight (1.5m) slope from the rear to the front boundary and is currently developed with a partially elevated brick and tile dwelling with single garage under.

The Proposal

The original application proposed addition of a new double garage and entry at lower ground floor level with patio over, internal alterations at ground floor level, and a new first floor level comprising three bedrooms, bathroom and ensuite.

The review application included revised plans showing the addition of a patio and new entry stairs at ground floor level and a new first floor level addition resulting in a dwelling comprising:

- Lower Ground floor level – Single garage,
- Ground floor level – Living, lounge, dining room, kitchen, laundry, one bedroom, entertainment room, study , Bath room and WC,
- First floor level – Three bedrooms, bathroom and ensuite.

Development Control Plan Numerical Assessment

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

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Floor space ratio	0.45:1	0.46:1	No
Floor space ratio - existing	0.35:1		Yes
Wall height North side	7.2m	7.4m	No
South side	7.1m	6.7m	Yes
Roof height	3.0m	1.3m	Yes
Fence height	1.5m	1.5m	Yes
Setback Front	6.0m	7.0m	Yes
Setback Rear	8.0m	7.7m 9.0m	No (existing ground floor) Yes (proposed first floor)
North setback side	2.46m	5.0m	Yes
South setback side	2.2m	4.0m	Yes
Open space - total	55%	56%	Yes
Open space - total	331sqm	340sqm	Yes
Open space - soft	35%	81%	Yes
Number of Endemic Trees	3	3	Yes
Private Open Space	18sqm	140sqm	Yes
Car Parking – Residents	2	2 (one garage, one open parking space)	Yes

Environmental Services Division Report No. 18 (Cont'd)

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Shadow -adjacent open space	2hrs	>2hrs	Yes
- adjoining EW orientation	<1/3 rd	<1/3 rd	Yes
open space	>10sqm	>10sqm	Yes
- exist north facing roofs			

Applicant's Supporting Statement

The applicant submitted a detailed Statement of Environmental Effects with the application for review, a copy is available for viewing on Council's file.

Submissions

The original application was notified to nearby and adjoining property owners with three (3) submissions received.

The review application was notified to nearby and adjoining property owners with two (2) submissions received raising concerns as follows;

- This application might set a precedent for three storey dwelling. Would have an adverse impact for all of the neighbourhood.
- Request Council have proper regard for DCP requirements FSR, setbacks, heights.
- This proposal is essentially a three storey development. I am appalled that such a proposal could be considered.
- Second storey extension is currently underway at No.5 Seaview and gives a good idea of just how bulky No.3 will be. It will nearly be a whole storey higher.
- Proposal purports to be a "first floor extension" – this is misleading because the existing ground level is presently a garage and storage area and is already elevated one storey above that level. Whilst the house is only one habitable level, it is in fact already a two storey structure.
- No houses in the street present as three storeys.
- It is our opinion that to incorporate additional storey within the roof space would address issues of bulk.

Precinct Community Forum Comments

The Balgowlah Heights Precinct Community Forum considered the original application at its meeting of 14 February 2006 and requested Council take into consideration concerns raised regarding view sharing and FSR non-compliances by the rear adjoining owner in Wanganella Street.

The review application plans were referred to the Balgowlah Heights Precinct Community Forum for comment on 21 November 2006. No comments were received at the time of writing this report.

Engineers Comments

No objections subject to conditions.

Building Comments

No objections subject to conditions.

Environmental Services Division Report No. 18 (Cont'd)**Landscape Architects Comments**

No objections.

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

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

The proposed alterations and additions are permissible within the Zone.

Manly Local Environmental Plan 1988 Clause 10 Objectives

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

(a) *to set aside land to be used for purposes of housing and associated facilities;*

The proposal is for continuing residential use 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 Residential Development Control Plan and is considered satisfactory.

(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 whilst retaining the overall residential character of the locality.

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

The proposal will not result in any significant adverse effect on the amenity of surrounding residents, nor will there be any significant adverse effect on 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 retains the existing landscaped open space areas of the site.

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

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 development for the site.

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

n/a

Environmental Services Division Report No. 18 (Cont'd)**Mainly DCP for the Residential Zone 2001:**

The application for review includes revised plans which position the new upper level centrally over the existing dwelling. The revised plans also depict a more conventional upper floor addition with a hipped roof rather than the multiple skillions originally proposed. The double garage initially proposed in the front yard area has been deleted and the existing garage at basement level retained for garage purposes.

The current proposal generally meets the numeric requirements of the DCP with the exception of FSR and wall height which are discussed below.

Floor Space Ratio

The current proposal exhibits a FSR of 0.46:1 whereas 0.45:1 is permitted. The variance is minor and represents approximately 6.0sqm. The variance will not result in any identifiable additional bulk and scale and the perceived bulk of the building will be similar to that of buildings in the vicinity. (in particular Nos. 13 and 15 Seaview nearby to the north. Having regard to the nature of development in the area it is considered that the current proposal complies with the objectives of the DCP in respect of FSR in that the bulk and scale of the building is effectively controlled, the proposal does not obscure important landscape features, and there is no significant adverse impacts in terms of views from adjoining properties, overshadowing or privacy.

Wall Height

The proposal exceeds the maximum permitted in the DCP in part of the north elevation by up to 0.2m. The variance is minor and occurs for a small section of the addition. Being in the north elevation the variance does not effect sunlight access to the adjoining property. The variance is minor and would not be perceptible as viewed from the road or immediately adjoining property.

It is noted that the proposed roof height is substantially less than the 3.0m maximum permitted under the DCP and as such the overall visual height and bulk of the building is considered acceptable and not out of character with development in the nearby area.

Streetscape

As discussed above the existing dwelling stands partially out of ground in the front elevation and presents to the street as one and a half storeys or single storey with garage under. It is noted that the existing dwelling stands approximately a further 1.0m out of ground than others in the street and could be perceived as part three storeys. Further, the adjoining site to the south is developed with a single story dwelling. Whilst this is the case the adjoining property to the south is slightly elevated and the proposal will present as two storeys from the south.

The proposed additions are generally contained within the built form envelope permitted under the DCP and with the minimal roof height and generous side setbacks, the proposal is considered acceptable in the context.

Concerns raised in the submissions received are noted however the statement that the proposal will set an undesirable precedent is not concurred with as the streetscape comprises a broad mix of architectural styles and massing. The proposed additions will be positioned beyond the existing façade and when viewed from Seaview Street will be obscured to some degree within the existing roof space. In view of the circumstances the concern in respect of height and three storey appearance is not such that would warrant refusal of the application. The current proposal satisfactorily addresses earlier concerns raised by neighbours and Council staff in respect of view impact and overshadowing.

Environmental Services Division Report No. 18 (Cont'd)**EP&AA 1979 – section 79(C)**

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

The proposal has been assessed having regard to the relevant instruments and control plans and is considered acceptable.

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

The proposal will not result in any significant adverse impacts on the natural or built environments, nor will there be any identifiable effect on social or economic conditions.

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

The site is considered suitable for the proposed development.

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

The concerns raised in the submissions have been addressed above.

- (e) *the public interest.*

The proposal is not considered to be contrary to the public interest.

CONCLUSION:

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

The proposal is considered to be satisfactory in response to the aims and objectives of both the Manly Local Environmental Plan 1988 and the Residential Development Control Plan and as such can be recommended for approval.

RECOMMENDATION

That Development Application No. 41/06 for alterations and additions to the existing dwelling including a new upper floor level at No.3 Seaview Street, Balgowlah Heights be approved subject to standard conditions.

DA1

This approval relates to drawings/plans Nos. CALL-086 Sheets 1-11 Issue 1 dated 20 October, 2006 and received by Council on the 15 November, 2006.

DA009

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

DA011

All surplus vehicular crossings and/or kerb laybacks shall be removed and the kerb and nature strip reinstated prior to issue of the Occupation Certificate.

Environmental Services Division Report No. 18 (Cont'd)

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.

DA14

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

DA016

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

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

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

DA017

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

DA272

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 Councils property.

DA341

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

DA342

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

DA343

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

DA018

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

DA019

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

Environmental Services Division Report No. 18 (Cont'd)

DA021

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

DA022

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

DA023

No person shall use or occupy the building or alteration which is the subject of this approval without the prior issue of an Occupation Certificate.

DA024

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

DA026

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

DA031

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

DA038

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

DA039

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

DA040

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

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.

Environmental Services Division Report No. 18 (Cont'd)

DA047

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

DA048

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

DA058

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

DA357

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

DA109

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

DA111

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

DA121

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

DA126

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

DA87

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

DA230

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

DA239

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

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. 18 (Cont'd)

DA261

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

DA269

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

DA270

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

- Silt control fences
- Footing inspection - trench and steel
- Framework inspection X 2
- Wet area moisture barrier
- Drainage inspection
- Swimming pool safety fence inspection
- Final inspection

The cost of these inspections by Council is \$1,840 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$110.

DA271

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

DA285

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

DA332

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

DA333

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

DA334

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

DA335

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

Environmental Services Division Report No. 18 (Cont'd)

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

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.

DA302

An approved Resuscitation Notice is to be erected in a prominent position in the immediate vicinity of the swimming pool and kept current at all times.

DA303

The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which: (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and (b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.

DA319

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

Environmental Services Division Report No. 18 (Cont'd)

DA320

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

DA323

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

ATTACHMENTS

There are no attachments for this report.

LUM020407ESD_5.doc

***** End of Environmental Services Division Report No. 18 *****

TO: Land Use Management Committee - 2 April 2007
REPORT: Environmental Services Division Report No. 19
SUBJECT: Development Applications Currently Being Processed.
FILE NO:

SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING MARCH 2007.

REPORT

The following applications are currently being processed by Council's Development Assessment.

DA#	Date Rec by Council	Site Address	Proposal
428/05	21-Oct-05	7 Pacific Parade	Demolition & New Dwelling, Parking & Pool
118/06	20-Feb-06	17 Rosedale Avenue	Pool & Garage
326/06	03-May-06	5 College Street	Demolition, New Dwelling & Pool
186/06	12-May-06	17 Carlton Street	Alterations & Additions
231/06	06-Jun-06	31 The Corso	Alterations & Additions to Ivanhoe Hotel
233/06	08-Jun-06	15 The Crescent	Alterations & Additions, Strata Subdivision & Carparking
276/06	06-Jul-06	35 Ponsonby Parade	Alterations & Additions & Pool
297/06	10-Jul-06	25 Fairlight Crescent	3 Storey RFB Converted to Single Dwelling
322/06	28-Jul-06	42 Malvern Avenue	Alterations & Additions, Garage & Loft
339/06	04-Aug-06	35 Amiens Road	Amended Plans, Pool Carport & Cabana
412/06	10-Aug-06	Skiff Club - East Esp	Extension to Disabled Ramp, Alts & Adds
373/06	06-Sep-06	11 Barrabooka Street	Demolition - new dwelling & pool
381/06	12-Sep-06	Manly Bathers - West Esp	Maritime Office, Café and Store
392/06	14-Sep-06	4 Camera Street	Alterations & Additions & Garage
400/06	22-Sep-06	85 Castle Circuit	Alterations & Additions
417/06	25-Sep-06	72 Balgowlah Road	Alterations & Additions to Tennis Club
47/06	25-Sep-06	11 The Corso	Amended Plans
404/06	27-Sep-06	Manly Council - Library	Alterations & Additions including 3rd Floor
421/06	28-Sep-06	10 Peronne Avenue	Alterations & Additions
429/06	29-Sep-06	29 Grandview Grove	Amended Plans
438/06	04-Oct-06	14 West Street	Alterations & Additions, Deck & Basement Floor
444/06	09-Oct-06	12A Seaview Street	Alterations & Additions
462/06	13-Oct-06	151 Darley Road	New Public Access walkway at St Pats
464/06	13-Oct-06	106 Darley Road	Demolition of Existing Garage & Garbage Room and New Demountable Classroom and Garbage Storage
466/06	16-Oct-06	42 Beatty Street	Alterations & Additions
484/06	18-Oct-06	16 Bligh Crescent	Construct garage & stairs
473/06	25-Oct-06	85-97 Balgowlah Road	Child Care Centre
478/06	31-Oct-06	1A Edgecliffe Esplanade	Alterations & Additions & Pool
477/06	31-Oct-06	87 Clontarf Street	Demolition & New Dwelling
127/06	01-Nov-06	67 Seaforth Crescent	Amended Plans
496/06	03-Nov-06	34 Dudley Street	Demolition & New 2 Attached Dwellings and Subdivision

Environmental Services Division Report No. 19 (Cont'd)

499/06	06-Nov-06	12 Smith Street	Alterations & Additions, Pergola & Parking
498/06	07-Nov-06	26 The Crescent	Internal Alterations
503/06	08-Nov-06	6 Oyama Avenue	Alterations & Additions, pool, deck and landscaping
510/06	17-Nov-06	5 Marine Parade	Alterations & Additions to RFB
521/06	28-Nov-06	16 Upper Gilbert St	Demolition, two dwellings and land subdivision
524/06	01-Dec-06	155A Seaforth	Pool & Deck
526/06	04-Dec-06	14 Lombard Street	Dem & Construct 2 attached dwellings
528/06	05-Dec-06	69 Upper Beach Street	Alterations & Additions
532/06	05-Dec-06	7 Cove Avenue	Alterations & Additions & Carport
535/06	06-Dec-06	80 Cutler road	Alterations & Additions, Deck and Fence
536/06	08-Dec-06	18 Acacia Road	New Dwelling & Swimming Pool
537/06	11-Dec-06	128-130 Bower St	Demolition and Construct RFB
541/06	13-Dec-06	43 Ethel Street	Demolition and 2 dwelling houses & subdivision
540/06	13-Dec-06	46 The Corso	Replace pews, minor internal alts new doorway new paving glass steel canopy structure
546/06	14-Dec-06	1 and 3 - 94 Bower Street	Alterations & Additions to RFB
543/06	14-Dec-06	6 Peronne Avenue	Alterations & Additions & new vehicular access
549/06	15-Dec-06	4 Lombard St	Alterations & Additions
552/06	18-Dec-06	21 Malvern Avenue	Alterations & Additions
555/06	19-Dec-06	29 Pacific Street	Alterations & Additions to Units 1 & 2
561/06	21-Dec-06	24 Willyama Avenue	Demolition, New Dwelling & Pool
559/06	21-Dec-06	52 Balgowlah Road	Fitout & Occupation for bulky goods retail & office for stationary supplies
560/06	21-Dec-06	1/129 Bower Street	Internal Alterations to Unit 1
566/06	22-Dec-06	62 Curban Street	Alterations & Additions
569/06	22-Dec-06	21 Golf Parade	Alterations & Additions, First Floor and Garage
563/06	22-Dec-06	210-214 Pittwater	Alterations & Additions to existing mixed business, commercial & residential incl. new street awning / balcony and total of 4 units, car parking and strata
565/06	22-Dec-06	Telecommunications - Wakehurst Parkway	Co-location of telecommunications equipment
567/06	22-Dec-06	3 Brighton Street	Demolition & 4 townhouses
571/06	22-Dec-06	7 Sangrado Street	Demolition storeroom, construct new garage
562/06	22-Dec-06	94 Beatrice Street	Demolition & construction of a dwelling
1/07	04-Jan-07	12 Baltic Street	Alterations & Additions to dwelling + new first floor
4/07	11-Jan-07	5 Scales Parade	Alterations & Additions to 2 storey dwelling
3/07	11-Jan-07	5 Carlton Street	Alterations & Additions to dwelling + 1st floor
05/07	12-Jan-07	84 Raglan Street	Alterations & Additions
6/07	12-Jan-07	17 & 18/ 93-95 North Steyne	Alterations & Additions to RFB
9/07	15-Jan-07	11 Seaforth Crescent	Demolition, New 2 Dwellings & Pools
12/07	16-Jan-07	9 Smith Street	Alterations & Additions
14/07	17-Jan-07	2 Curban Street	Double Carport
16/07	19-Jan-07	61 New Street	Alterations & Additions
17/07	19-Jan-07	7 Abernethy Street	Extension of Existing Deck
18/07	22-Jan-07	11 Scales Parade	Alterations & Additions
19/07	22-Jan-07	142 Condamine Street	Brick Fence and sliding Gate
23/07	29-Jan-07	11 Ocean Road	Alterations & Additions
28/07	01-Feb-07	97 Peacock St	Alterations & Additions
30/07	05-Feb-07	34 Addison Road	Shutters on Existing Balcony
33/07	06-Feb-07	59 New Street	Demolition & New Dwelling

Environmental Services Division Report No. 19 (Cont'd)

35/07	07-Feb-07	31 Grandview Grove	Alterations & Additions
36/07	07-Feb-07	36 Augusta Road	Alterations & Additions
37/07	08-Feb-07	29 Jamieson Avenue	Demolition & New Garage & Front Fence
41/07	12-Feb-07	33 White Street	Alterations & Additions
54/07	26-Feb-07	9 Vista Avenue	2 New Pergolas
15/07	28-Feb-07	102 Balgowlah Road	Demolition and New Dwelling
548/06	15-Dec-07	60-64 The Corso	Alterations & Additions to Commercial
570/06	22-Dec-07	85-87 Lauderdale Avenue	Alterations & Additions to RFB
73/07		12/67 Wanganella Street	Change of Use
27/07		120 Bower Street	Demolition & New RFB
491/06	27-Jul-06	7 Parkview Road	Strata Subdivision
542/06	14-Dec-06	45 Ethel Street	Strata Subdivision
10/07	16-Jan-07	174 Sydney Road	Strata Subdivision
21/07	23-Jan-07	3 James Street	Torrens Title
272/06	22-Jan-06	25 Ocean Street	82A Review
381/05	18-May-06	18 Collingwood Street	82A Review
469/05	29-Jun-06	45 Gurney Crescent	82A Review
312/05	31-Oct-06	29A Quinton Road	82A Review
510/05	02-Nov-06	2 Castle Rock	82A Review
218/06	13-Nov-06	2 North Harbour	82A Review
507/05	14-Nov-06	31 Boyle Street	82A Review
300/06	06-Dec-06	189 Woodland Street	82A Review
463/05	07-Dec-06	31 Victoria Parade	82A Review
272/06	08-Feb-07	25 Ocean Street	82A Review
277/06	08-Feb-07	23 Ocean Street	82A Review
561/03	22-Dec-06	77 Cutler Road	Section 96 Modification
562/03	22-Dec-06	Lot 10, 77 Cutler road	Section 96 Modification
382/04	21-Aug-06	33 Beatty Street	Section 96 Modification
519/05	05-Oct-06	7-9 Golf Parade	Section 96 Modification
251/06	28-Nov-06	32 Kangaroo Street	Section 96 Modification
561/03	22-Dec-06	77 Cutler Road	Section 96 Modification
562/03	22-Dec-06	77 Cutler Road	Section 96 Modification
591/03	25-Jan-07	29-33 Pittwater road	Section 96 Modification
413/06	31-Jan-07	35 Alexander Street	Section 96 Modification
35/04	07-Feb-07	8-28 The Corso	Section 96 Modification
547/05	12-Feb-07	6 Geddes Street	Section 96 Modification
184/05	22-Feb-07	48 Curban Street	Section 96 Modification
351/06	01-Mar-07	33 Alan Avenue	Section 96 Modification
77/05	18-Dec-07	58 North Steyne	Section 96 Modification
514/03		45 Seaview Street	Section 96 Modification

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

18/12/2006

554/2006

Alterations & Additions to Dwelling

50-52 Bower St, MANLY 2095

20/12/2006

124/2000

Dwelling

29 Ponsonby Parade, SEAFORTH 2092

Environmental Services Division Report No. 19 (Cont'd)

22/12/2006

558/2006

29 Victoria Parade, MANLY
2095

Demolition and Construction of a residential flat building at 25-27 Victoria Parade and alteration and additions to the 'Eversham' building at 29 Victoria Parade.

7/02/2007

35/2004

8 The Corso, MANLY 2095

Section 96 to modify approved Demolition of existing buildings and construction of a Coles Supermarket, Retail Shops and Residential Apartments

19/02/2007

348/2005

28 Cliff St, MANLY 2095

Section 96 Modification to demolition and construction of two semi- attached dwellings

20/02/2007

409/2006

16 Russell St, CLONTARF 2093

Section 96 to modify approved Demolition of existing garage and Reconstruction of double garage, balcony and stairs to existing dwelling

22/02/2007

56/2006

22 Bonner Av, MANLY 2095

Section 96 to modify approved demolition & construction of residential flat building with basement carparking and strata subdivision

51/2007

4 Craig Av, MANLY 2095

Alterations and Additions to an existing Residential Flat Building including new balconies and Strata Subdivision

52/2007

38 Birkley Rd, MANLY 2095

Alterations & Additions to existing dwelling house, new swimming pool, garage and family flat (above garage)

43/2007

21 Castle Circuit, SEAFORTH 2092

Construction of dwelling house

53/2007

14 Hill St, FAIRLIGHT 2094

New onsite vehicular hard-stand & associated works

26/02/2007

231/2006

31 The Corso, MANLY 2095

AMENDED PLANS - Alteration to the Ivanhoe Hotel and Part of 29-35 The Corso for Extension of Hotel Use

44/2007

25 Daintrey St, FAIRLIGHT 2094

New onsite vehicular hardstand

45/2007

76A Curban St, BALGOWLAH HEIGHTS 2093

Construction of dwelling house and swimming pool

46/2007

8 Valley Rd, BALGOWLAH 2093

Alterations & Additions to existing dwelling house including new first floor level and carport

Environmental Services Division Report No. 19 (Cont'd)

27/02/2007

55/2007

2 Bundoon Lane, MANLY
2095

Demolition and construction of two (2) dwellings and land subdivision

1/03/2007

57/2007

32 Woodland St, BALGOWLAH 2093

Alterations and Additions to the existing dwelling, new pergola and Swimming Pool

2/03/2007

58/2007

9999 Sydney Rd, BALGOWLAH 2093

Advertising Structure on a new telephone booth

59/2007

9999 Frenchs Forest Rd, SEAFORTH 2092

Advertising Structure on an existing telephone booth

60/2007

9999 Pittwater Rd, MANLY 2095

Advertising Structure on a new telephone booth

65/2007

36 Alto Av, SEAFORTH 2092

Alterations & Additions to an existing Dwelling

6/03/2007

66/2007

11-27 Wentworth St, MANLY 2095

Store room in existing car parking area

67/2007

79 Boyle St, BALGOWLAH 2093

Alterations & Additions to an existing duplex building and strata
subdivision

68/2007

6 Phillip Av, SEAFORTH 2092

New Rear Deck and Stairway

69/2007

53-55 The Corso, MANLY 2095

New under awning signage

70/2007

11 Eurobin Av, MANLY 2095

Alterations & Additions to convert duplex to a single dwelling house and new front car
parking space

71/2007

5 Fromelles Av, SEAFORTH 2092

Demolition and Construction of a new dwelling house

7/03/2007

61/2007

9999 Sydney Rd, BALGOWLAH 2093

Advertising Structure on a new telephone booth

12/03/2007

115/2006

58 Seaview St, BALGOWLAH 2093

Section 96 modify consent in respect of stormwater and tree protection

326/2006

5 College St, MANLY 2095

AMENDED PLANS - Demolish and construct new Dwelling house and swimming pool

Environmental Services Division Report No. 19 (Cont'd)

- 62/2007 1-3 Manly Rd, SEAFORTH 2092
Amended the existing Strata Subdivision for the purposes of acquiring an area to be used to enable the widening of the Spit Bridge
- 63/2007 270 Pittwater Rd, MANLY 2095
New First Floor Deck at the rear of the Manly Fishing and Sporting Association Club
- 64/2007 40 Gurney Cr, SEAFORTH 2092
Construction of a new dwelling house and swimming pool
- 72/2007 75 Upper Beach St, BALGOWLAH 2093
Alterations & Additions to an existing Dwelling
- 74/2007 29 Edgecliffe Esp, SEAFORTH 2092
Partial demolition and rebuild of walls to existing basement level study
- 13/03/2007
28/2002 167 Pittwater Rd, MANLY 2095
Section 96 Modification to approved alterations & Additions to existing carwash including automated facilities
- 443/2005 46 Addison Rd, MANLY 2095
Section 96 to modify approved Erection of new balconies to an existing Residential Flat Building
- 38/2006 65 Whistler St, MANLY 2095
Section 96 modify approved Alterations and Additions to Heritage Listed Building
- 259/2006 26 Boronia La, SEAFORTH 2092
AMENDED PLANS - Demolition of garage & erection of new structure containing parking, entertaining area, bedrooms, bath, bar & decks
- 477/2006 87 Clontarf St, SEAFORTH 2092
AMENDED PLANS - Demolition and Construction of a dwelling house
- 16/03/2007
75/2007 44 Pacific Parade, MANLY 2095
Alterations & Additions to semi-detached dwelling including new first floor addition
- 76/2007 46 Sydney Rd, MANLY 2095
New Signage for National Australia Bank
- 19/03/2007
77/2007 58 Darley Rd, MANLY 2095
Operating hours and alterations and additions
- 78/2007 2 Bower St, MANLY 2095
Alterations & Additions to Dwelling
- 79/2007 18 Boronia La, SEAFORTH 2092
New dwelling house and swimming pool
- 80/2007 412 Sydney Rd, BALGOWLAH 2093
Alterations & Additions to Dwelling

Environmental Services Division Report No. 19 (Cont'd)

81/2007 Alterations & Additions to Dwelling	17 Redman St, SEAFORTH 2092
82/2007 Alterations & Additions to Dwelling	51 Golf Parade, MANLY 2095
83/2007 Internal modifications including demolition of stairs, wall and pier for a new corridor entry	1 Belgrave St, MANLY 2095
84/2007 Demolition and construction of new dwelling house and swimming pool	96 Seaforth Cr, SEAFORTH 2092
20/03/2007 201/2002 Section 96 modify to approved Alterations & Additions including New First Floor	87 Bower St, MANLY 2095
515/2005 Section 96 Modification	14 Bower St, MANLY 2095
553/2005 Section 96 Modification to approved alterations and additions to dwelling	10 Kempbridge Av, SEAFORTH 2092
21/03/2007 192/2003 Section 96 Modification	45 Beatrice St, BALGOWLAH HEIGHTS 2093
316/2005 Section 96 Modification	37 Lauderdale Av, FAIRLIGHT 2094
261/2006 Section 96 to modify approved Alterations and Additions to an existing two (2) storey dwelling	4 Kangaroo St, MANLY 2095
401/2006 Section 96 Modification	47 North Steyne, MANLY 2095
22/03/2007 320/2005 Section 96 Modification	24 Hogan St, BALGOWLAH 2093
551/2006 Section 96 Modification to approved excavation and construction of swimming pool	7 Bolingbroke Parade, FAIRLIGHT 2094
85/2007 New dwelling house and swimming pool	41 Castle Circuit, SEAFORTH 2092
86/2007 Alterations & Additions to residential flat building in respect of balustrades, stairs and planter boxes	26 Whistler St, MANLY 2095
23/03/2007 124/2000 Resubmission of Section 96 to approved alterations and additions to dwelling.	29 Ponsonby Parade, SEAFORTH 2092

Environmental Services Division Report No. 19 (Cont'd)

27/03/2007

88/2007

Alterations & Additions to Dwelling

25 Addison Rd, MANLY 2095

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. 19 *****

TO: Land Use Management Committee - 2 April 2007

REPORT: Environmental Services Division Report No. 20

SUBJECT: Appeals List for March 2007

FILE NO:

SUMMARY

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

REPORT

DA#	L&E Appeal Reference	House #	Address	Date Appeal Lodged	Solicitor Company	Current Status
DA97/04	10592/05	2	Clontarf St, Seaforth	15/03/05	Home Wilkinson Lowry	part heard in Council's favour 14/03/07
DA231/06	10765/06	27-35	The Corso, Manly	30/08/06	Home Wilkinson Lowry	Hearing adjourned 02/04/06
DA538/04	10859/06	51	Wood Street, Manly	15/09/06	Pike Pike & Fenwick	Callover 05/04/07
DA458/04 and building certificate	10895/06 and 10896/06	36	Gurney Crescent, Seaforth	28/09/06	Pike Pike & Fenwick	Upheld with amendment 15/02/07
DA69/06	10656/06	16	Castle Circuit, Seaforth	10/10/06	Pike Pike & Fenwick	Consent modified 09/03/07
DA280/06	11008/06	11-13	The Crescent, Manly	25/10/06	Pike Pike & Fenwick	Judgement reserved 21/03/07
DA314/06	11073/06	110-114	Bower Street, Manly	10/11/06	Pike Pike & Fenwick	Callover 05/04/07
DA389/05	11102/06	9	Smith Street, Manly	28/11/06	Home Wilkinson Lowry	Callover 10/04/07
DA513/05	11212/06	59	Collingwood Street, Manly	17/12/06	Pike Pike & Fenwick	Hearing 27/04/07
DA539/06	10198/07	42	North Steyne, Manly	14/03/07	Home Wilkinson Lowry	Callover 26/04/07
DA473/06	10228/07	87-95	Balgowlah Road, Fairlight	26/03/07	Home Wilkinson Lowry	Callover 02/05/07
DA458/06	10168/07	10	Quinton Road, Manly	12/03/07	Home Wilkinson Lowry	Callover 12/04/07

Environmental Services Division Report No. 20 (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. 20 ***** .