



## Agenda

### Land Use Management Committee

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

**Tuesday 2 October 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.

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

# Seating Arrangements for Meetings

Staff      Staff      General  
                                 Manager      Chairperson      Staff      Minute  
   Taker



**Mayor** Dr Peter  
Macdonald

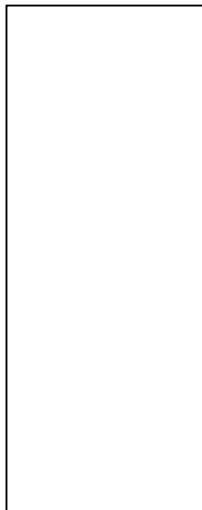
**Deputy Mayor**  
Mark Norek

Clr Joanna Evans

Clr Barbara Aird

Clr Brad  
Pedersen

Clr Richard  
Morrison



Clr Jean Hay AM

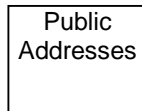
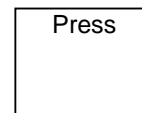
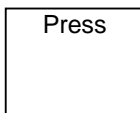
Clr Adele Heasman

Clr Dr Judy Lambert  
AM

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



**Public Gallery**

**Chairperson:** Cr Joanna Evans  
**Deputy Chairperson:** Cr Judy Lambert AM

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### **DECLARATIONS OF INTEREST**

### **CONFIRMATION OF MINUTES**

The Land Use Management Committee of Monday, 03 September 2007

### **PUBLIC ADDRESSES**

### **SITE INSPECTIONS**

The following site inspections will take place on Tuesday 2 October, 2007.

16 Upper Gilbert Street, Manly	7:30am
50 Lewis Street, Balgowlah	8:00am
12 Boronia Lane, Seaforth	8:30am

### **ENVIRONMENTAL SERVICES DIVISION**

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### **CLOSED COMMITTEE ITEMS**

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

**TO:** Land Use Management Committee - 2 October 2007  
**REPORT:** Environmental Services Division Report No. 68  
**SUBJECT:** 16 Upper Gilbert Street, Manly - DA521/06  
**FILE NO:** DA521/06

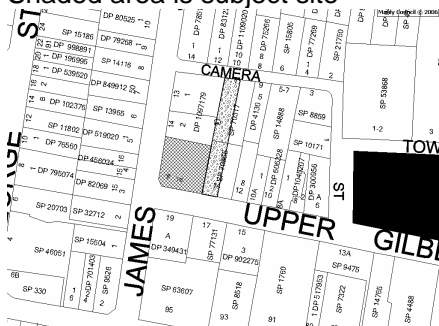
**Application Lodged:** 28 November 2006  
**Applicant:** Wolski Lycenko & Brecknock Architects  
**Owner:** Mrs H J Coates-Milton & Gisona Pty Ltd  
**Estimated Cost:** \$1.3m  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
 Within Foreshore Scenic Protection Area  
**Surrounding Development:** Detached dwellings and multi storey residential flat buildings  
**Heritage:** In vicinity of Heritage item

### **SUMMARY:**

1. DEVELOPMENT APPLICATION NO.521/06 PROPOSING DEMOLITION OF THE EXISTING DWELLING HOUSE AND ERECTION OF TWO (2) THREE (3) STOREY DWELLING HOUSES, SWIMMING POOL AND LAND SUBDIVISION WAS RECEIVED BY COUNCIL 28 NOVEMBER 2006
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH SIX (6) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE FAIRLIGHT PRECINCT COMMUNITY FORUM WITH COMMENTS RECEIVED.
4. THE APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT ON 6 SEPTEMBER 2007 WHEN IT WAS RECOMMENDED FOR DEFERRED COMMENCEMENT CONSENT.
5. THE APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR MACDONALD
6. A SITE INSPECTION IS RECOMMENDED.
7. DEFERRED COMMENCEMENT CONSENT IS RECOMMENDED.

### **LOCALITY PLAN**

Shaded area is subject site



### **REPORT**

#### **Introduction**

The proposal is to demolish the existing dwelling and erect two semi detached dwellings containing:

**Basement:** Two (2) car parking spaces for each dwelling, maneuvering area, plant rooms and stairs to ground floor. Each dwelling will have a vehicular crossing from Upper Gilbert Street.

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

<u>Ground Floor ( House 1):</u>	Dining room, combined kitchen and family room, formal lounge room, laundry and an inground pool.
<u>Ground Floor ( House 2):</u>	Dining room, combined kitchen and family room, formal lounge room, and laundry.
<u>First Floor ( House 1):</u>	TV Room, bedroom, bathroom and dressing room, large void over ground floor living room.
<u>First Floor (House 2):</u>	Two bedrooms, study and two bathrooms. Balconies to front and rear.
<u>Second Floor (House 1):</u>	Three bedrooms, separate bathroom and toilet. Balconies at the front.
<u>Second Floor (House 1):</u>	Bedroom, bathroom and large terrace with a spa.

**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.

Site Area 558.9m <sup>2</sup>	<b><u>Permitted/ Required</u></b>	<b><u>Proposed</u></b>	<b><u>Complies Yes/No</u></b>
Density – Sub Zone2	1 dwelling/150m <sup>2</sup>	1 dwelling/350m <sup>2</sup> and 1dwelling/309m <sup>2</sup>	Yes
Floor space ratio	0.75:1 419m <sup>2</sup>	0.88:1(measured in accordance with DCP 2007) 492m <sup>2</sup>	No
Floor space ratio - existing	0.75:1	0.35:1	Yes
Wall height North side	9.3m	9.3m	Yes
West side	9.3m	9.3m	Yes
Roof height (parapet)	1.0m	700mm	Yes
Setback Front	6.0m	3m - 4.4m (similar to adjoining property)	Yes
Setback Rear	8.0m	(House 1) 6.9m (House 2) 9.5m	No Yes
East setback side	2.66m	1.022m –3.0m	No
West setback side	2.2m – 3.1m	1.7m- 2.6m	Yes
Setback- pools Side and Rear	1m-1.5m	1.5m –2m	Yes
- pool deck above ground	0-1m	In ground	Yes
Open space - total	50% 279.5m <sup>2</sup>	57% 318.63m <sup>2</sup>	Yes
Open space - soft	30% 84m <sup>2</sup>	50% 159m <sup>2</sup>	Yes
Number of Endemic Trees	2	2	Yes
Private Open Space	18m <sup>2</sup>	100m <sup>2</sup>	Yes
Car Parking – Residents	4	4	Yes
Shadows nth facing living room windows/doors	>4hrs	>4hrs	Yes
Shadows adjacent open space	<1/3rd	<1/3rd	Yes
Excavation setback	>0.9m	>0.9m	Yes
Excavation max depth	0.9m	1.0m	Yes

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

A Statement of Environmental Effects and plans by Wolski Lycenko and Brecknock, Tree Management Report by Growing My Way, Landscaping plan by Living Colour, Hydraulic plans by Burges, Arnot and Grave P/L, and Basix Certificate are in the file.

**Submissions**

The DA was on notification between 04 December 2006 and 02 February 2007. There were six (6) objections received from:- P Wood of 2/14 Upper Gilbert Street Manly; P & M Tanswell of 4/14 Upper Gilbert Street, Manly; CG & CM Dorahy, P Archer & B Winterford of 17 Upper Gilbert Street Manly; M Oehlbeck & M Garvan of 5 James Street Manly; J Howard & K O'Grady of 7 James Street Manly and R Stacker of 11 Camera Street Manly raising the following concerns:-

- Query if proposal meets all DCP controls;
- Query if all excavating machinery/equipment will be kept to a size that will not damage neighbouring walls and foundations;
- Query on removal of pine tree.
- Proximity of excavation to western boundary of No 14 and possible damage neighbouring walls and foundations;
- Loss of two street parking spaces;
- Balcony on south eastern corner looks directly into their balcony;
- Loss of sunlight;
- Is western side of proposed building adequately set back from boundary?
- What measures are being taken to minimise noise from spa on the balcony on the southeastern corner?
- Proposal contrary to Objective (a), (b) of the Residential Zone in the LEP;
- Loss of at least three street parking spaces;
- Loss of outlook;
- Unsuitable height and bulk; Increased overshadowing;
- Loss of open space.
- Overdevelopment
- Excessive height;
- Inadequate boundary setbacks;
- Proposed subdivision inappropriate for the area;
- Proposal too box like with flat roof;
- Proposal will contribute to greater traffic congestion;
- Total disregard for streetscape;
- Complete loss of view of harbour and Quarantine station;
- Gross overdevelopment of site;
- Three storeys inappropriate for site. Adjoining building at No 14 is three storeys, but top storey is within peak of the roof;
- Tuscan villa style proposed is contrary to the many 1930-1940 developments in the area;
- Style of proposed building detracts from the heritage listed federation house at the corner of James and Camera Streets.
- Excessive FSR;
- Proposed height is higher than 14 Upper Gilbert. Proposal should reduce height to be in character with the rest of the street.

**Precinct Community Forum Comments**

The application was referred to the Fairlight Precinct Community Forum at its March 2007 Meeting the following comments received:-

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

"Precinct objects to proposal on grounds of excessive FSR, bulk and effect of outlook and views from Nos. 3-7 James Street, Manly.

Proposed David Drage    Seconded Elizabeth de Siva  
For 9;    Against 0;    Abstain 2;    Passed Unanimous

**Engineers Comments**

No objections, subject to standard conditions of consent.

**Building Comments**

No objections, subject to standard conditions of consent

**Landscape Architects Comments**

No objections to proposal and removal of pine tree, subject to standard conditions of consent.

**Heritage Comments**

Recommends that the height be reduced by lowering the basement and ceiling heights to respect the heritage item at 14 Camera Street.

**Planning Comments**

The site is located in a residential zone located on the northeastern corner of the intersection between Upper Gilbert and James Streets, Manly. The improvements on the site consist of single storey brick dwelling house and a brick garage. The locality is residential in character consisting of a variety of housing styles, ranging from one and two storey dwelling houses to two and three storey residential buildings.

The site is generally rectangular in shape with a frontage of 18.67m to Upper Gilbert Street, 21.03 to James Street and a corner splay of 5.295m. The site falls approximately 2.6m down from the northwestern corner to the southeastern corner of the site.

The only significant tree on the site is a pine tree located close to the southeastern corner.

**Manly Local Environmental Plan 1988:**

The site is in Zone No 2 –Residential Zone. Dwelling houses are permissible with the consent of Council.

**Foreshore Scenic Protection Area.**

The site is located in a Foreshore Scenic Protection Area. Clause 17 of the LEP states Council shall not grant consent to the carrying out of development unless it is satisfied that the development will not have a detrimental effect on the amenity of the Foreshore Scenic Protection Area. For reasons addressed in the consideration of the DCP below, it is considered that subject to the deferred commencement conditions, as included in the recommendation, the development will not have a detrimental effect on the amenity of the Foreshore Scenic Protection Area.

**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;

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

(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 DCP for the Residential Zone and is considered satisfactory subject to conditions

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

Subject to the Deferred commencement conditions, the objective will be achieved.

(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;*

Subject to the Deferred commencement conditions, the proposal will not degrade the amenity of surrounding residents or the existing quality of the environment.

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

Subject to the Deferred commencement conditions, the quality of the residential area will not be significantly affected by this proposal.

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

Not applicable

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

The proposal will result in additional demand on infrastructure and services and Section 94 Contributions are applicable

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

Subject to deferred commencement conditions included in the recommendation the proposal is considered to be suitable redevelopment.

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

Not applicable

**Manly DCP for the Residential Zone:**

The subject site is in Density Sub-zone 2 (1 unit/150m<sup>2</sup>) and in Height Sub-zone 2 (9m – 10.5m).

The proposal satisfies the density, height, front setback and landscaping controls in the DCP. From the compliance table, the proposal contravenes the FSR, rear setback and side setback from the eastern boundary.

Floor Space Ratio - When this application was lodged in November 2006, the Manly DCP for Residential Zone 2001 was in force. DCP 2007 came into force in 2 April 2007. The most significant impact to the assessment of the new DCP is in the definition of "gross floor area". The proposed FSR in accordance with the previous (2001) DCP with the excess garage area and inclusion of the thickness of the external walls as gross floor area is 0.92:1. The FSR under the



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

current DCP, which now excludes the wall thickness but still inclusive of the excess area in the garage is 0.88:1. The maximum permitted under the DCP is 0.75:1.

In order to reduce the amount of excavation (and FSR), the applicant was requested to reduce the basement garage area for each dwelling to only the space of two (2) vehicles. Whilst the applicant has reduced the garage area, the development still includes maneuvering area that accounts for about 76m<sup>2</sup> of floor area. It is considered that the basement garage can be further reduced to half the proposed size (resulting reduction in FSR to 0.82:1). This will require cars to either reverse into or out of the garage which is considered acceptable in this location.

The FSR excludes about 30m<sup>2</sup> of void area above the lounge on the ground floor of Dwelling 1. This void area which is part of the first floor level then has the second floor Bedroom 2 above it. It is considered that the bulk and scale of the proposed building can be reduced by the removal of the void area and transferring a bedroom on the top level to the first floor level.

**Rear Setback –**

The minor departure of the rear setback of 6.9m for a portion of proposed Dwelling 1 is considered to be satisfactory having regard to the limited depth of the allotment (24.65m) and the existing closely developed built character of the area. It is noted that the rear setback would comply with the 8.0m DCP requirement using averaging provisions. Proposed Dwelling 2 is set back over 9m from the rear boundary.

**Side Setback –**

A 7.0m long section of the eastern wall of proposed Dwelling 2 is located on a side setback of 1.022m whereas 2.66m is required under the DCP. The remaining 5.0m long portion of the eastern wall of proposed Dwelling 2 is set back 3m from the eastern side boundary. This eastern wall of House 2 will overshadow the front yard and windows on part of the western elevation of the adjoining building on the property to the east at No 14 Upper Gilbert Road at 3pm in Mid winter. It is noted that the front yard of No.14 Upper Gilbert Street is largely overshadowed at this time by the existing dwelling at No.16 Upper Gilbert Street and the additional shadows resulting from the proposed Dwelling 2 would generally fall on the street. The shadowing over part of the windows on the eastern elevation and front yard of No. 14 at the 3.00pm period will remain substantially unchanged. There is no impact on any views as a result of the reduced setback. It is considered that the location of House 2 on the site is satisfactory.

The setback of House 1 from the western side boundary ranges from 1.7 to 2.6m. The western side boundary runs parallel to James Street and it is considered that the proposed setback is satisfactory.

**Privacy**

The location of the windows on the upper floors of the proposed building will not result in any significant overlooking. In particular, those along the eastern boundary that abutt the western side boundary of No 14 Upper Cliff Road consist of only two small square high windows off a bedroom on the first floor eastern elevation on the first floor. The balcony on the second level looks onto the roof of the adjoining building at No. 14. However, it is considered that there should be a 900mm wide and a 100mm high planter box along the eastern edge of this balcony to stop people from looking down into the windows along the eastern elevation of No. 14.

An objection has been received from the owner of one of the units at No.14 over the possible noise nuisance from the proposed spa and questions what measures are being taken to minimise noise from the spa on the balcony on the southeastern corner of the proposed House 2. In this regard the plans show a 1.0m x 1.5m spa is proposed on the terrace accessed off a bedroom at the uppermost level of the building and is located 5m from the eastern boundary and 6.5m from the dwellings at No.14. It is considered that the use and operation of the spa will not have a significant impact on the amenity of the adjoining properties.

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

The new dwelling complies with the wall height and building height requirements of the DCP. An objection has been received from the owners of No. 7 James Street regarding loss of views of the Harbour and Quarantine station which they currently enjoy across the site. No.7 James Street is located on the western (opposite) side of James Street to the northwest of the subject site.

Councils assessing planner has made several attempts to communicate with the owners to gain access to No.7 James Street for the purpose of assessing view impacts. To date, there has been no response from the owners. There is a photo in file of the view from No.7 James Street which has been provided by the applicant.

Based on observations from the road reserve forward of No.7 James Street and the photo submitted by the applicant it is apparent that the view diagonally across the subject site from No.7 James Street would be lost as a result of the proposed development. The view would also be lost if an alternative development such as a first floor addition over the existing dwelling was to occur. As the views are obtained over the middle of the subject site it is not feasible to effectively redesign the proposal such that some view would remain. It is considered that as the proposal complies with the wall and building height, it is unreasonable to expect that the existing views across the site could be maintained.

Tree

A Tree Management Report on the existing Norfolk Pine on the southwestern corner of the subject site (adjacent to No.14 Upper Gilbert) has described the tree as an over mature specimen that has been disfigured permanently by virtue of losing at least its top 60%. It's roots are damaging the existing sandstone wall and could threaten improvements on No. 14 Upper Gilbert. The report recommends the removal of this tree and replacement by other suitable species. Council's Tree Officer has concurred to the removal of this pine tree.

Heritage

Council's Heritage Planner has recommended that the height of the new building be reduced by lowering the basement and ceiling heights to respect the heritage item at No.14 Camera Street. The height between the proposed floor level of the basement garage and the ground floor is 3.1m. This height should be reduced to 2.8m. The floor to ceiling heights of the proposed habitable levels is 2700mm and this is considered to be reasonable.

Comments on Submissions

There were six (6) objections to the proposal and some the concerns have been addressed in the consideration above. The other issues that need to be addressed are:

- **Loss of two street parking spaces**

**Comment** – Two spaces in Upper Gilbert Street will be lost as a result of the two new crossings. Four on site spaces are provided for in the development for use of the occupants of the dwellings.

- **Loss of outlook**

**Comment** – There will be a loss of outlook from No.5 James Street across the site. However, this is not enough to warrant a refusal of this application. The view loss from No. 7 has been addressed above.

- **Unsuitable height and bulk. Three storeys inappropriate for site, resulting in increased overshadowing;**

**Comment** - The site is in a height zone that permits three storeys and the proposal complies with the wall height and building height controls. The deletion of the 30m<sup>2</sup> of void area above the lounge on the ground floor of proposed Dwelling 1 as suggested in the consideration of FSR above will help to reduce the bulk and scale of the new building.

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

- **Proposed subdivision inappropriate for the area**

**Comment** - The density provisions of the DCP would permit a three lot subdivision on the subject site. The proposal is for a two lot subdivision.

- **Proposal will contribute to greater traffic congestion**

**Comment** - The amount of traffic generated by the proposed dwellings is not considered to be unreasonable.

- **Style of proposed building detracts from the heritage listed federation house at the corner of James and Camera Streets. Proposal too box like with flat roof. Tuscan villa style proposed is contrary to the many 1930-1940 developments in the area**

**Comment** – The design of this contemporary new building is considered to be acceptable and will not have a significant impact on the heritage building at the north eastern corner of the intersection of James and Camera Streets. This heritage building is separated from the subject site by No.10 James Street.

**Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

This SREP sets out matters to be taken into consideration by a consent authority before granting consent to a development under Part 4 of the Environmental Planning and Assessment Act 1979. The relevant matters include biodiversity, ecology and environmental protection, foreshores and waterways protection and maintenance and enhancement of views. The proposal is consistent with the controls and objectives contained in Councils Local Environmental Plan 1988 and relevant Development Control Plans and is acceptable in regard to considerations under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

**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 above in accordance with the relevant instruments and the DCP for Residential Zone 2001 and 2007. Subject to Deferred Commencement conditions, the proposal is considered to be consistent with the requirements of the LEP and DCP.

(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*

Subject to Deferred Commencement conditions, the proposal will have no detrimental impacts on the natural and built environments. The proposal will have no significant effect on social or economic conditions of the locality.

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

Subject to Deferred Commencement conditions, the site is considered suitable for the proposed development.

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

Six (6) submissions received, and considered above.

(e) *the public interest.*

Subject to Deferred Commencement conditions, the proposal is not considered to be contrary to the public interest.

**Environmental Services Division Report No. 68 (Cont'd)****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 and 2007.

The proposed development involving demolition of the existing dwelling, erection of two new dwellings and subdivision is considered to be generally satisfactory. The main concern with this application is the large area of excavation proposed, excessive floor to ceiling height in the basement and the large void area above the lounge in proposed Dwelling 1. Further, the top floor balcony of Dwelling 2 must be suitably treated to maintain the visual privacy to occupants of the adjoining building at No14 Upper Gilbert Street. It is considered that the design concerns can be suitably addressed through deferred commencement conditions as detailed in the recommendation.

**RECOMMENDATION**

That pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 Deferred Commencement Consent be granted in respect of Development Application No. 521/06 for demolition of the existing dwelling house and erection of two (2) three (3) storey dwellings, swimming pool and land subdivision at No.16 Upper Gilbert Street, Manly with the Consent not operating until the applicant has submitted the following information;

**A.**

Revised plans showing:

- A1. Dwelling 1 being redesigned with the deletion of the void area above the lounge on the ground floor. One of the bedrooms on the top level to be transferred to Level 1 to eliminate this void area to reduce the bulk and scale of the building.
- A2. The area of the basement garage inclusive of all plant rooms and stairs not exceeding 60m<sup>2</sup> in order to reduce the amount of excavation.
- A3. The height of the basement garage reduced by at least 300mm. In this regard, the ground floor level of the proposal must not exceed RL 18.80 with a similar reduction in the wall height and building height, to reduce the visual bulk and scale of the development.
- A4. Provision of a 900mm wide and a 100mm high planter box along the eastern edge of the balcony on the second floor level of Dwelling 2 to reduce potential privacy impacts on the adjoining property to the east No.14 Gilbert Street.
- A5. An amended landscape plan identifying the new location of the two (2) trees to be transplanted is to be provided.

**B**

- B1 .Payment of Development Application fees in respect of the proposed Land Subdivision

Upon receipt of the above information with a period of 3 months from this date the consent will operate subject to the following conditions;

Pursuant to the Building Code of Australia, the building is two Class 1a buildings and one Class 10b building.

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

## DA1

This approval relates to drawings/plans Nos. SD 01 dated 7 November 2006 received by Council 28 November 2006, da 01a, 02a, 03a dated 16 July 2007 received by Council 16 July 2007, da 04 and 05 dated 7 November 2006 received by Council 28 November 2006, da 06a dated 16 July received by Council 16 July 2007 and landscape plan issue 1 dated 7 April 2006 received by Council 28 November 2006. as modified by Deferred Commencement Conditions and the following conditions.

## ANS01

The stone kerb is to be protected from damage during construction. Details of the method of protection of the kerb are to be submitted to the Principal certifying Authority prior to the issue of the Construction Certificate. Photographs of the kerb are to be submitted to Council prior to the commencement of any building work.

## ANS02

Where driveway construction necessitates the removal of any part of the existing Stone kerb, the redundant stone kerb blocks are to be carefully removed, without damage, in whole blocks. These kerb blocks are to be delivered to Council's depot in Balgowlah. To arrange access to the depot and a suitable time for delivery contact Council's Works Superintendent on 0418 608 494 between 8:00am and 4:00pm Monday - Friday. The removal and delivery of the stone kerb blocks is to be undertaken at the expense of the owner/applicant.

## 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.

## DA010

Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property.

## DA011

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

## DA012

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

## DA013

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

## DA014

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 \$10,000. The Deposit is required as security of compliance with Conditions

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

of Consent, and as security against damage to Council property during works on the site.

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

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

**DA017**

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

**DA341**

Any heritage listed stone kerb removed for construction of a driveway or other approved works, is to be removed without damaging it and contact is to be made with 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 full cost is to be borne by the applicant.

**DA018**

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

**DA019**

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

**DA021**

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

**DA022**

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

**DA023**

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

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

## DA024

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

## DA026

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

## DA031

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

## DA039

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

## DA040

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

## DA044

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

## DA047

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

## DA048

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

## DA058

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

## DA059

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

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

## DA060

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

## DA357

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

## DA109

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

## DA111

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

## DA088

A system of Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) shall be provided within the property in accordance with Council's "Specification for On-site Stormwater Management 2003". The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au) free of charge or a hardcopy can be purchased from Council.

## DA095

A copy of the approved Onsite Stormwater Detention (OSD) or Onsite Stormwater Retention (OSR) plan showing Work as Executed (WAE) details shall be submitted to Council prior to the issue of the Occupation Certificate. The work as executed plan shall be in accordance with Council's standards and specifications for Stormwater Drainage and On-site Stormwater Management 2003.

## DA097

Any work shall not prohibit or divert any natural overland flow of water.

## DA100

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

## 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.

## DA224

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



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

## DA225

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

## 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.

## DA236

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

## DA237

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

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

## DA238

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

## DA239

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

## DA240

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

## DA247

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

## DA346

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

## DA348

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

**Environmental Services Division Report No. 68 (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

Reinforced concrete slab X 2

Framework inspection

Wet area moisture barrier X 2

Drainage inspection

OSD Tank steel inspection

Landscaping inspection

Swimming pool reinforcing steel inspection

Swimming pool safety fence inspection prior to filling

Final inspection

The cost of these inspections by Council is \$2,290. (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

DA271

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

DA279

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

DA283

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

- a) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA certified laboratory or Manly council for compliance with ANZECC Water Quality Guidelines
- b) If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
- c) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.

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

- d) It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated with erosion or scouring due to the volume of water pumped.
- e) Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.
- f) Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.

**DA285**

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

**DA332**

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

**DA333**

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

**DA334**

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

**DA335**

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

**DA336**

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

**DA337**

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

**DA338**

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

**DA339**

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

**DA340**

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

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

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.

**DA300**

All waste waters and overflow waters from any swimming pool shall be disposed of to the sewer in accordance with the requirements of Sydney Water.

**DA301**

The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.

**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.

**DA306**

All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.

**DA309**

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.

**DA314**

All protective fencing and gates are to be in accordance with Australian Standard 1926 prior to the pool being filled with water. The fence is to be a minimum of 1200mm in height and posts and/or supports are to be firmly fixed or encased in such a way that the posts/support are unable to be removed easily. The fence is not to be removed or altered at any time without the express approval of Council having been obtained beforehand.

**DA315**

The proposed pool gates are to be mounted so that:- (i) They are clear of any obstruction that could hold the gate open; (ii) When lifted upward or pulled downward, movement of the gate does not release the latching device, unhinge the gate or provide a ground clearance greater than

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

100mm; and (iii) They open outwards from the pool.

**DA316**

Where the latching device release, or the latch itself, on a pool gate is located at a height less than 1500mm above the finished ground level, the latch and its release shall be shielded in accordance with Australian Standard 1926.

**DA318**

There is to be no noise emitted from any process carried on within the premises that will register more than 5 decibels above the background noise at any point more than 3m outside the premises.

**DA319**

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

**DA320**

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

**DA274**

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

**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**

**AT- 1** Notification Plans - 4 December 2006 1 Page

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



**TO:** Land Use Management Committee - 2 October 2007  
**REPORT:** Environmental Services Division Report No. 69  
**SUBJECT:** 50 Lewis Street, Balgowlah - DA265/07  
**FILE NO:** DA265/07

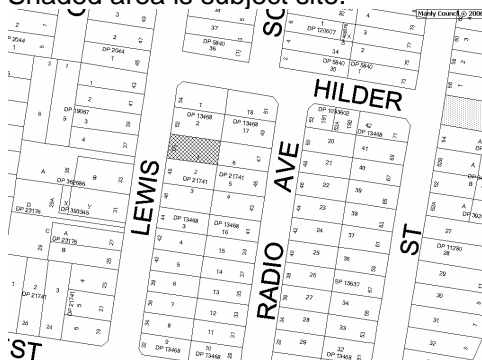
**Application Lodged:** 27 July, 2007  
**Applicant:** Vaughan Milligan Development Consulting  
**Owner:** Mr and Mrs A W Pearce  
**Estimated Cost:** \$45 000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
**Surrounding Development:** Developments along the eastern side of Lewis Street typically comprise two and three storey dwellings  
**Heritage:** No

### **SUMMARY:**

1. THE APPLICANT SEEKS APPROVAL TO UNDERTAKE MINOR ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING AT NO 50 LEWIS STREET, BALGOWLAH HEIGHTS AND THE CONSTRUCTION OF A SINGLE CARPORT (WITH A HARDSTAND AREA ADJOINING), REAR TIMBER DECK AND RETAINING WALL.
2. THE DEVELOPMENT IS PERMISSIBLE WITH THE CONSENT OF COUNCIL IN THE RESIDENTIAL ZONE.
3. HAVING REGARD TO THE PROVISIONS CONTAINED WITHIN THE RESIDENTIAL DCP, A DEPARTURE WAS IDENTIFIED WITH RESPECT TO THE MINIMUM FRONT SETBACK REQUIREMENT (FOR THE CARPORT).
4. ONE (1) SUBMISSION WAS RECEIVED FOLLOWING THE APPLICATION BEING NEIGHBOUR NOTIFIED. THE OWNERS OF THE ADJOINING PROPERTY (TO THE SOUTH) INDICATED THAT THEY WERE CONCERNED AS TO THE IMPACT THE PROPOSED CARPORT WOULD HAVE ON THEIR RESIDENTIAL AMENITY.
5. THE APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT ON 25 SEPTEMBER 2007 WHEN IT WAS RECOMMENDED FOR APPROVAL.
6. THE APPLICATION IS PRESENTED TO COUNCIL AT THE REQUEST OF COUNCILLOR MACDONALD
7. A SITE INSPECTION IS RECOMMENDED.
8. THE APPLICATION IS RECOMMENDED FOR APPROVAL (SUBJECT TO THE DELETION OF THE CARPORT AND THE ASSOCIATED ADJOINING HARDSTAND AREA).

### **LOCALITY PLAN**

Shaded area is subject site.



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

## REPORT

Introduction

The applicant is seeking approval to undertake minor alterations and additions to the existing dwelling at No 50 Lewis Street, Balgowlah Heights and the construction of a single carport.

Works specifically comprise:

- Extending and enlarging the existing ground floor balcony off the existing study to around and in front of the existing living room. The new deck is to be of timber construction.
- The construction of a single carport within the front setback (adjacent to the southern boundary). Immediately adjacent the proposed carport the applicant intends providing new porous pavers so as to accommodate the parking of a second vehicle on the site.
- Front façade improvement works including enlarging the width of the existing front door, a new lightweight steel and timber awning over the entrance, a new window off the staircase, replace the existing staircase window with louvers and the removal of part of the existing gutter and eave and provide a new parapet.
- Fill the existing driveway along the sites northern boundary to the level of the existing lawn and the provision of appropriate retaining walls.
- Render and paint the existing brickwork of the dwelling.

The subject site is located on the eastern side of Lewis Street, approximately 40 metres south of the streets intersection with Hilder Road. Rectangular in shape the site has a 16.69 metre frontage to Lewis Street, depths of 35.28 metres along its northern and southern boundaries and a site area of 588.82m<sup>2</sup>. Currently occupying the site is a two and three storey brick dwelling with a tile roof and an in-ground swimming pool.

No garages or carports occupy the site with a driveway extending alongside the sites northern boundary terminating adjacent the dwelling. Vegetation on the site is provided within the front and rear setbacks. The land falls from west to east (i.e. from Lewis Street to the rear of the site).

Adjoining sites to the south (No 48 Lewis Street) and north (No 52 Lewis Street) contain similar two and three storey dwellings.

Development Control Plan Numerical Assessment

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

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Density - Sub Zone 5	1 dwelling / 500m <sup>2</sup>	1 dwelling / 588.8m <sup>2</sup> (no change to the existing density)	Yes
Floor space ratio	0.45:1 (264.969m <sup>2</sup> :588.82m <sup>2</sup> )	No change is proposed to the existing floor space ratio	Yes
Wall height of the existing dwelling – western, eastern, south and northern side	Vary between a maximum of 6.5 metres and 8 metres	No changes are proposed to the existing wall heights	Yes
Effective wall height of the proposed carport	Maximum of 6.5 metres	2.8 metres	Yes



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

	<b><u>Permitted/ Required</u></b>	<b><u>Proposed</u></b>	<b><u>Complies Yes/No</u></b>
Setback – Front	Consistent with the prevailing setback. In the absence of a consistent setback a minimum 6 metre setback should be observed	The carport observes a minimum 1.33 metre front setback	No
Southern and northern side setback of the existing dwelling	A minimum of 2.6 metres	No changes are proposed to the dwellings existing side setbacks	Yes
Southern side setback of the proposed carport	Minimum of 933mm	Minimum of 900mm	No
Rear setback	Minimum of 8 metres	Minimum of 15.5m to the new timber deck	Yes
Open space - total	55% of the site area (i.e. 323.851m <sup>2</sup> )	In excess of 330m <sup>2</sup> provided	Yes
Open space - soft	35% of the open space area (i.e. 113.3m <sup>2</sup> )	In excess of 120m <sup>2</sup> provided	Yes
Private Open Space	Minimum of 18m <sup>2</sup>	In excess of 18m <sup>2</sup> of private open space has been provided	Yes
Car Parking	Two (2) car parking spaces	Two on-site car parking spaces are proposed	Yes

**Applicant's Supporting Statement**

Within the applicant's Statement of Environmental Effects it is argued that a variation to the side boundary setback provisions and the minimum front setback requirements are worthy of support in this instance.

**Submissions**

The neighbour notification period finished on 24 August, 2007. At the time of preparing this report one (1) submission had been received from the owners of No 48 Lewis Street (adjoining property to the south). The owners of the property indicated that they were concerned as to the impact the proposed carport would have on their residential amenity. Their concerns related to a visual impact, loss of solar access to a sun room and the failure of the development to fit within the pattern of the existing streetscape.

**Precinct Community Forum Comments**

The application was referred to the Balgowlah Heights Precinct Community Forum for comment. No response has been received.

**Engineers Comments**

No objections were raised subject to the imposition of a number of standard conditions of consent.

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

No objections were raised subject to the imposition of a number of standard conditions of consent.

**Landscaping Comments**

No objections were raised subject to the imposition of a number of standard conditions of consent.

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

The site is located in the Residential Zone which permits alterations and additions to dwelling houses with the consent of Council. The building or site is not listed in the Manly Local Environmental Plan 1988 as having any heritage significance nor is it located in the immediate vicinity of any items of Environmental heritage. The site is not located within the Foreshore Scenic Protection Area.

**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 applicant intends retaining land for residential purposes.

(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 report provides an assessment of the application having regard to the aims, objectives and provisions of the MLEP 1988 and the Manly DCP for Residential zoned land.

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

Approval of this application will not jeopardise the attainment of housing diversity within the Manly LGA.

(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;*

Approval of this application will not cause any significant loss of residential amenity for the adjoining residents however it is considered that the provision of a carport in the front setback would have an adverse impact on the existing streetscape.

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

Other than the proposed carport and associated hardstand area the development provides for an appropriate response to the opportunities 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;*

The applicant seeks to retain a residential land use on 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;*

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

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

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

The development proposes an efficient, effective and economic use of the land for residential purposes.

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

Not applicable.

**Manly DCP for the Residential Zone 2007**

The following comments are offered in respect of the provisions contained within the Manly DCP that are relevant to this application.

*Minimum front setback*

The Manly DCP states that front setbacks shall relate to the front setbacks of neighbouring properties and the prevailing setbacks in the immediate vicinity. If there is not a consistent or established setback, a 6 metre setback applies.

While the existing dwelling observes a minimum 7.63 metre front setback the proposed single carport is to be sited a minimum 1330mm off the sites front boundary. In the immediate vicinity of the site there do not exist any similar front setback encroachments to that which is sought with this proposal.

The applicant argues, in support of the encroachment, that;

- The existing driveway provides the potential for vehicular access to the rear of the site, however due to the difficulty in turning at the rear of the site, together with the constrained parking area which is limited by the pool and other development in the rear yard, the driveway is rarely used and largely impractical.
- The proposed parking arrangement will provide for a functional parking area that will provide for safe vehicular movement within the site and will allow for parking of two vehicles off the street.
- This portion of Lewis Street does not present an immediate precedent for parking within the site, however it is uncommon for similar rear yard parking arrangements, with similar difficulties in terms of access, turning and parking within the rear yard.
- The introduction of a single carport and open car space will not present an undesirable precedent for the locality with the level of screen planting within the site, together with the supplementary planting to be provided, effectively mitigating any issues of bulk within the front setback.
- The majority of the front setback will continue to be soft landscaped, which is to be enhanced through the reclamation of the existing driveway area.

A site inspection has revealed the following:

- (i) The existing dwelling observes an effective 2.8 metre setback to the sites northern boundary. The ability to accommodate on-site parking (immediately alongside the dwelling) in the form of a large garage or carport is therefore restricted.
- (ii) Previously the residents drove down the existing driveway that extends along the sites northern boundary and undertake sufficient manoeuvring within the rear yard to accommodate access to a garage that was provided in the east elevation of the dwelling (ie under the dwelling).
- (iii) Along the eastern side of Lewis Street, between Hilder Road to the north and Ernest Street to the south, there are no other incidences where carports, garages or any other structures occupy the front setback area. In the majority of cases the dwellings occupying these sites

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

- are setback a minimum of 6 metres from the front boundary. A consistent or established setback is evident.
- (iv) Along the eastern side of the street, between Hilder Road and Ernest Street, a significant number of the driveways serving these sites extend along the sites northern boundary. Where on-site parking is provided on these sites they are provided within carports and garages that are consistent with the setback of the existing dwellings that occupy the sites.
  - (v) Lewis Street is a relatively narrow street. With the parking of vehicles along both sides of the street access along the street is somewhat tight.

It is recommended that the carport be deleted from the plans for the following reasons:

1. The provision of a carport within the sites front setback would be contrary to Objective (a) (relating to 'setbacks' in the Manly DCP) where it encourages setbacks to maintain and enhance the existing streetscape.
2. No other instances exist along Lewis Street (in the immediate vicinity of the site) where a carport, garage or similar structure is sited within the front setback. The carport would look out of character along the immediate streetscape.
3. While not preferred by the applicant, opportunity exists to accommodate a carport immediately adjacent the dwelling with opportunity to provide a more substantial garage at the base of the driveway.
4. The provision of a driveway along the sites southern boundary is inconsistent with the prevailing character of the area.
5. The deletion of the carport will ensure the retention of the existing streetscape pattern.

Further to the above it is also recommended that the hardstand area be deleted.

*Side setback – southern side*

With an effective wall height of 2.8 metres the carport should be setback a minimum 933mm from the sites southern boundary. The carport is to be sited a minimum of 900mm off the boundary. While the encroachment is relatively minor, of more concern is the provision of a structure within the front setback area particularly in the absence of other such structures along the streetscape and the adverse impact such works would have on the appeal of the streetscene.

*Privacy / Overlooking*

The applicant proposes, as part of this application, an enlargement of the existing ground floor balcony such that it extends around and in front of the living room. As a result of the extensive vegetation provided along the sites northern and eastern boundaries no views from the proposed deck are possible into the living rooms and the principal private open space areas of the adjoining sites. No objections are raised to the provision of a new timber deck off the living room.

*Overshadowing*

No adverse overshadowing of the adjoining properties occurs as a result of the proposed elevated timber deck. Shadows cast by the proposed carport extend, for the most part, over the driveway serving the dwelling occupying No 48 Lewis Street. Shadows at 3:00pm will extend to over the north western corner of the adjoining dwelling. The report recommends that the carport be deleted thereby maintaining solar access to the adjoining dwelling.

**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 report provides an assessment of the development against the Manly Local Environmental Plan 1988 and the Manly Development Control Plan for the Residential Zone 2007. The report

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

also had regard to the provisions contained within any applicable draft EPIs and the Environmental Planning Assessment Regulation 2000. Subject to the deletion of the carport and hardstand area the development is considered to have satisfied the intent, aims and objectives of these policies.

*(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*

Subject to the deletion of the carport and hardstand area, the development will not have any environmental impact on either the natural or built environments nor will it have any social or economic impacts.

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

Subject to the deletion of the carport and hardstand area the site is considered to be suitable for the development providing for the orderly and economic development of the land.

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

One submission was received following the application being neighbour notified. The content of the submission has been discussed in this report.

*(e) the public interest.*

The public interest is best served by the consistent application of the relevant Environmental Planning Instruments, and by the consent authority ensuring that any adverse impacts on the surrounding area are avoided. This is considered to have been achieved in this instance subject to the carport and hardstand area being deleted.

**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 2007.

Having regard to the provisions contained within the above plans, the proposal provides for the orderly and economic development of the land promoting the future residential amenity for the occupiers of the development. It is however recommended that the carport and hardstand area be deleted as they would be contrary to Objective (a) (relating to 'setbacks' in the Manly DCP) where it encourages setbacks to maintain and enhance the existing streetscape.

**RECOMMENDATION**

That Development Application No. 265/07 for alterations and additions to existing dwelling including new single carport (with hardstand area adjoining), rear timber deck and retaining wall at 50 Lewis Street, Balgowlah be approved subject to the following conditions.

**DA1**

This approval relates to drawings/plans Nos. DA 02, DA 03, DA 04, DA 05 and DA 06 (all Job No 0702) dated June 2007 as prepared by Sue Connor Architects as received by Council on 27 July, 2007.

**ANS01**

The carport, together with the hardstand area adjacent and the driveway leading to the carport, and hardstand area is to be deleted. This is to retain the existing streetscape pattern. Details shall be contained in the plans prepared for the Construction Certificate of the deletion of the carport.

Note: By placing fill in the front yard to make it level it is to be recognised that this may reduce your opportunity to accommodate on-site parking either along the northern side of the dwelling or within the sites rear yard]

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

## 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.

## DA010

Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property.

## DA011

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

## DA012

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

## DA013

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

## DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$1,100. 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.

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

DA343

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

DA018

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

DA019

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

DA021

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

DA022

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

DA023

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

DA024

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

DA026

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

DA031

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

DA039

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

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

DA040

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

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.

DA087

A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by a suitably qualified 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

DA097

Any work shall not prohibit or divert any natural overland flow of water.

DA121

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

DA126

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

DA230

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

DA239

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



**Environmental Services Division Report No. 69 (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

Reinforced concrete slab

Framework inspection

Drainage inspection

Retaining wall steel inspection

Final inspection

The cost of these inspections by Council is \$1,610. (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. 69 (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 satisfaction within 14 days of completion, and prior to removal of sediment controls.

DA339

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

DA340

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

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

DA289

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

DA319

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

DA320

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

DA274

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

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

DA323

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

**ATTACHMENTS**

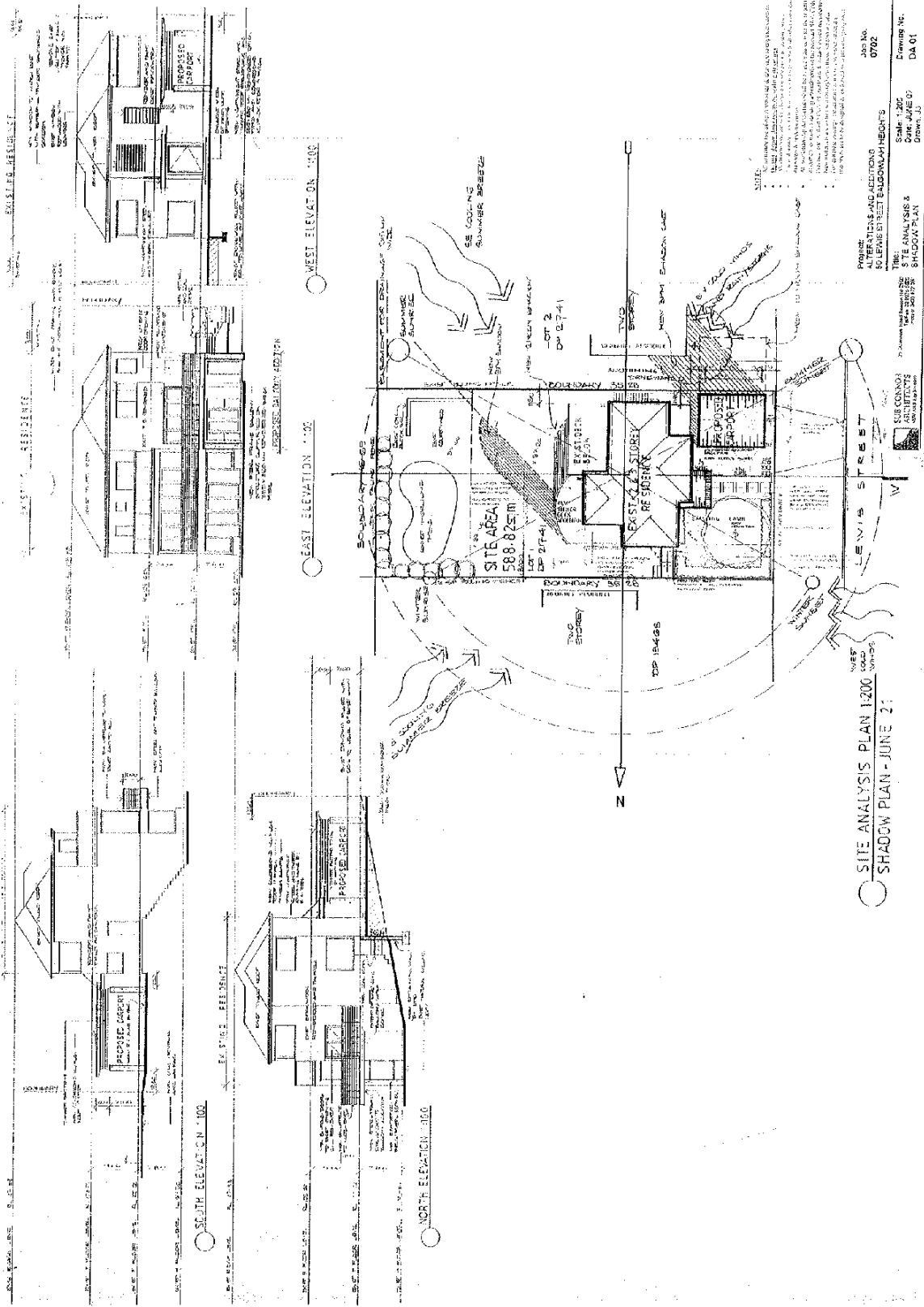
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\*\*\*\*\* End of Environmental Services Division Report No. 69 \*\*\*\*\*

**ATTACHMENT 1**

**Environmental Services Division Report No. 69 - 50 Lewis Street, Balgowlah - DA265/07  
Notification Plans - 9 August 2007**



Project: NOTIFICATION AND SUBMISSION  
 50 LEWIS STREET BALGOWLAH HEIGHTS  
 Title: SITE ANALYSIS & SHADOW PLAN  
 Scale: 1:200  
 Drawing No.: DA 01  
 Job No.: 0702  
 Date: 08/08/07  
 Drawn: JJ



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

The proposed development is for a two-storey dwelling house and swimming pool consisting of the following:

Ground Floor: two car garage, entry porch, entry foyer, adjacent store room, study, living room, dining room, family room, kitchen, guest wc, laundry, rear terrace and swimming pool.

First Floor: four bedrooms (main with ensuite and WIR), sitting room, two bathrooms and rear balcony.

**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.

Site area 1122m <sup>2</sup>	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Density - Sub Zone 7			
Floor space ratio	0.4:1 333.44m <sup>2</sup>	0.42:1 334.8m <sup>2</sup>	No No
Wall height North side	7m	6.5m	Yes
South side	7.15m	7.4m	No
Roof height	3m	2.8m	Yes
Fence height	1m/1.5m with 30% transparency	0.9m	Yes
Setback Front	6m/consistency	6m	Yes
Setback Rear	8m	>8m	Yes
North setback side	2.16m	2.46m	Yes
South setback side	2.46m	2.46m	Yes
Setback - pools			
- pools Side and Rear	1m/1.5m	1m/1.5m	Yes
- pool deck above ground	1m	1m	Yes
Open space - total	60%	61%	Yes
Open space - total	673.2m <sup>2</sup>	687m <sup>2</sup>	Yes
Open space - soft	40%	58%	Yes
Open space - above ground	25%	<25%	Yes
Car Parking - Residents	2	2	Yes
Shadow - adjacent open space	<1/3	<1/3	Yes
- adjoining EW orientation	2 hours	> 2 hours	Yes

**Submissions**

The proposal was notified in accordance with Council policy with three (3) submission received from K Xue and Q Xue of 14 Boronia Lane; J Mitchell of 5 Acacia Road and W Moynham of 8 Acacia Road Seaforth. The following issues were raised:

- The roof height of the DA plan is RL83.5, it's one metre higher than the roof height of No 14. whose roof height is RL82.47. According to the DCP, height limits are determined by area zone, this block of land belongs to sub-zone 1, a maximum external wall height of 6.5m for flat sites. But max wall height is 7.25m on this DA plan.
- No shadow diagrams.
- The FSR calculations have been based on recent changes to the DCP. Council has recently acknowledged that it erred in certain changes to the DCP and is now seeking to rectify these errors. One of these errors relates to the calculation of FSR and it is intended

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

that the changes to the DCP will address situations where homes of the size of the subject DA will not be permitted.

- The front setback non-compliance exacerbates the loss of views to Nos. 5 Acacia Road, 7 Acacia Road and 6 Callicoma Road (it is noted that 7 Acacia Road and 6 Callicoma Road did not object to the application).
- The pitched roof exacerbates the loss of water views.
- The landscape plan shows the front of the house consists almost entirely of hard surfaces and brick fencing with minimal landscaping. The front yard is dominated by a solid brick fence, paving for a driveway and footpath to the front door. This is entirely inconsistent with the existing streetscape and at odds with a bush environment.
- The house design has no regard for the surrounding bush environment nor the style of existing housing which is dominated by weatherboard single level homes.
- Excessive bulk and scale.

**Precinct Community Forum Comments**

The proposal was referred to the Seaforth Precinct Community Forum, however at the time of writing this report no comments had been received.

**Engineers Comments**

No objections subject to conditions.

**Building Comments**

No objections subject to conditions.

**Landscape Architects Comments**

No objections subject to conditions.

**NSW Rural Fire Service Comments**

No objections subject to 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.

**Foreshore Scenic Protection Area**

Clause 17 provides that the Council shall not grant consent to the carrying out of development unless it is satisfied that the development will not have a detrimental effect on the amenity of the Foreshore Scenic Protection Area. The proposed dwelling house would not be readily visible from the harbour. Even in circumstance where glimpses may be possible, the proposal would not stand out as to be a prominent building form or as altering the natural landscaping to an unacceptable level. As such, no objection is raised with regard to clause 17.

**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;

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

(a) *to set aside land to be used for purposes of housing and associated facilities;*  
The proposal would ensure that the subject site is used for the purposes of housing.

(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 provisions of Manly Development Control Plan for the Residential Zone 2007.

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

There is nothing in the design of the proposal which would indicate that there is anything which would detract from the existing character of the surrounding residential area.

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

It is considered that there would be no significant adverse impacts upon the amenity of any surrounding residents, nor would there be any unreasonable impacts upon the existing quality of the environment.

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

Council's Landscaping Officer has assessed the application as being satisfactory.

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

Not applicable

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

The proposal will increase demand on existing infrastructure. In this regard Section 94 contributions are applicable.

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

Not applicable

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

Not applicable

**Manly DCP for the Residential Zone 2007:****Floor Space Ratio**

It is noted the subject site is located in an area, highlighted in Part E of the DCP, wherein a portion of the land is not to be included in the FSR calculation. The effect of this control sees the site area to be used in calculating FSR fall from the total site area of 1,122m<sup>2</sup> to 833.6m<sup>2</sup>.

The proposal would generally comply with the FSR provision, however looking at the GFA numerics, there is a very minor non-compliance of 1.36m<sup>2</sup>. This non-compliance is so minor that in the calculation of FSR, the proposal would indicate compliance. Additionally, this non-compliance would not effect the ability of the proposal to be consistent with the objectives for FSR.



**Environmental Services Division Report No. 70 (Cont'd)**Open Space and Landscaping

The proposal would comply with the minimum permissible requirements for both total open space and soft open space provisions as prescribed by the DCP. As such, no objection is raised to the proposal in this regard.

Building Height

The proposal would provide for a building wall height non-compliance to the southern wall. The extent of this non-compliance is approximately 250mm and is largely a result of the slope of the land which falls away to the south/Rignold Street. It is noted that the non-compliance extends for only approximately the last 2 metres of the building length. Given the limited extent of the non-compliance, it is considered that the proposal would comply with the objectives for building height as:

- The non-compliance would not increase the bulk of the building to an extent which would have any adverse impacts.
- The proposal would still maintain consistency with approved developments in the surrounding area
- There would be no significant view loss.
- There would be no significant adverse overshadowing.

All amenity impacts are discussed in more detail under the relevant sub-headings of this report.

Setbacks

The proposal would comply with the setback provisions as stipulated in the DCP. As such, no objections are raised in this regard.

Car Parking and Access

The proposal would provide two carparking spaces in the form of a double garage located behind the front building line. This is consistent with the DCP requirements and as such no objection is raised in this regard.

Swimming Pools

The proposal would comply with setback requirements and height above ground level requirements as stipulated in the DCP. A condition of consent is recommended requiring that the pool filter equipment is centrally located and suitably housed in order to ensure the aural privacy of any future adjoining residents.

Overshadowing

As indicated by the submitted shadow diagrams the overshadowing caused by the proposed dwelling would largely fall over Rignold Street. As such, there would be no deleterious overshadowing impacts upon any adjoining residents. In this regard, no objection is raised concerning overshadowing.

Privacy

Whilst it is noted that there are no dwellings constructed to which determine privacy impacts, it is noted that the proposal does not include any inherent design flaws which would exacerbate any privacy concerns i.e. the living habitable areas are located on the ground floor level and the bedrooms are located at the first floor level. As such, no objection is raised with regard to privacy impacts.

Views

Whilst objection has been received based on view loss, it is considered that this does not hold determinative weight. Based on the site inspection, the possibility of any view loss occurring from the objectors property is extremely low. The property from which the objection was received is some distance from the subject site and is much more elevated. It is difficult to even view the

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

subject site from the objector's property. Using indicators such as powerlines and trees, it is envisaged that the proposal would most likely not even be visible. Even if it were to be visible, there is nothing to suggest that there would be any resultant view loss impacts.

Streetscape and Fences

Whilst there are no buildings constructed immediately adjacent to the subject site, it is considered the numerics of the proposal indicate that the proposal would be consistent with the intended future character of the area. Furthermore, it is noted that the front fence complies with the front fence height requirements as prescribed in the DCP.

Comment on Submissions

- **The roof height of the DA plan is RL83.5, it's one metre higher than the roof height of No 14. whose roof height is RL82.47. According to the DCP, height limits are determined by area zone, this block of land belongs to sub-zone 1, a maximum external wall height of 6.5m for flat sites. But max wall height is 7.25m on this DA plan.**

**Comment:** The maximum permissible height limit is not strictly 6.5m. It is somewhere between 6.5m and 8.0m depending on the slope of the site. A full assessment of the wall is included in the report

- **No shadow diagrams.**

**Comment:** shadow diagrams were submitted as part of the application. A full assessment has been undertaken under the relevant sub-heading.

- **The FSR calculations have been based on recent changes to the DCP. Council has recently acknowledged that it erred in certain changes to the DCP and is now seeking to rectify these errors. One of these errors relates to the calculation of FSR and it is intended that the changes to the DCP will address situations where homes of the size of the subject DA will not be permitted.**

**Comment:** The numerical figures are based on the current DCP. It is noted that there is a draft DCP in existence which alters the maximum permissible FSR, however there is no certainty that this draft will be adopted and the proposal was lodged prior to the exhibition of the draft DCP which means there is no statutory obligation to consider the draft.

- **The front setback non-compliance exacerbates the loss of views to Nos. 5 Acacia Road, 7 Acacia Road and 6 Callicoma Road (it is noted that 7 Acacia Road and 6 Callicoma Road did not object to the application).**

**Comment:** the proposal complies with the front setback provisions as stated in the DCP. View loss has been discussed in the body of the report.

- **The pitched roof exacerbates the loss of water views.**

**Comment:** it is considered that the proposal will not result in unreasonable view loss. A full assessment is included in the report.

- **The landscape plan shows the front of the house consists almost entirely of hard surfaces and brick fencing with minimal landscaping. The front yard is dominated by a solid brick fence, paving for a driveway and footpath to the front door. This is entirely inconsistent with the existing streetscape and at odds with a bush environment.**

**Comment:** Both the front fence and soft landscaping comply with the DCP requirements. As such, it is deemed to be acceptable.

- **The house design has no regard for the surrounding bush environment nor the style of existing housing which is dominated by weatherboard single level homes.**

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

**Comment:** the surrounding area is not dominated by weatherboard single level homes. There is a mixture of single storey homes and two-storey homes. It is considered that there is nothing to suggest that the building would not be suitable for the subject site.

o **Excessive bulk and scale.**

**Comment:** The bulk and scale of the building is not considered to be excessive. There is general compliance with the primary indicators of such, as highlighted in the report.

**Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

This SREP sets out matters to be taken into consideration by a consent authority before granting consent to a development under Part 4 of the Environmental Planning and Assessment Act 1979. The relevant matters include biodiversity, ecology and environmental protection, foreshores and waterways protection and maintenance and enhancement of views. The proposal is consistent with the controls and objectives contained in Councils Local Environmental Plan 1988 and relevant Development Control Plans and is acceptable in regard to considerations under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

**Manly Section 94 Contributions Plan 2004**

The contributions plan provides for payments to be made to Council to recoup the cost of public services and amenities associated with new development. There has been no prior development on the subject site and the Contributions Plan is applicable.

**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 against the relevant instruments and the Manly Development Control Plan for the Residential Zone 2007.

- (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*

It is considered that there would be no unreasonable adverse impacts on either the natural or built environment. No significant social or economic impacts are foreseen.

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

The subject site is considered suitable for the proposed development.

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

Three (3) submissions were received and have been considered in the report.

- (e) *the public interest.*

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 2007 and is considered satisfactory for approval subject to conditions included in the recommendation.

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

That Development Application No. 258/07 for erection of a two storey dwelling house, swimming pool and associated landscaping at 12 Boronia Lane Seaforth be approved subject to the following conditions:

**DA1**

This approval relates to drawings/plans Nos. 20615/DA01 to 20615/DA03 dated March 2007 and Landscape Plan LC072 dated 2 July 2007 all received by Council on the 19 July 2007.

**ANS01**

The pool filter equipment is to be centrally located and suitably house in order to ensure the aural privacy of any surrounding residents. Details are to be provided prior to the issue of the Construction Certificate.

**ANS02**

The pool filter equipment is to be centrally located and suitably house in order to ensure the aural privacy of any surrounding residents. Details are to be provided prior to the issue of the Construction Certificate.

**ANS03**

Retain and protect during construction the two (2) medium sized trees located on the western boundary of the site.

**ANS04**

The landscape plan should reflect 100% native plantings.

**ANS05**

At the commencement of building works and in perpetuity the entire property shall be managed as an 'Inner Protection Area' as outlined within Planning for Bushfire Protection 2006 and the Service's document 'Standards for asset protection zones'.

**ANS06**

Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.

**ANS07**

New construction is to comply with Appendix 3 - Site Bush Fire Attack Assessment of Planning for Bush Fire Protection 2006. In this regard the following design standards for construction are to be incorporated into the development:

- a) Construction of the western elevation of the proposed dwelling shall comply with the Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 3.
- b) Construction of the northern, southern and eastern elevations of the proposed dwelling shall comply with Australian Standard AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 2.
- c) Roofing shall be gutterless or have leafless guttering and valleys to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5.
- d) All western glazing shall be capable of withstanding up to 29kW/m<sup>2</sup> of radiant heat flux loading.
- e) Roller doors, tilt-a-door and the like shall be sealed to prevent the entry of embers into the structure.

**ANS08**

All Class 10 structures as defined per the Building Code of Australia 2006 attached to or within 10 meters of the habitable building shall comply with Australian Standards AS3959-1999 'Construction of buildings in bushfire-prone areas' Level 3.

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

## ANS09

All timber used in the development shall be of a Level 3 fire resistant species timber as identified in RFS Development Control Note 001. These species include:- Blackbutt, Kwila (Merbau), Red Iron Bark, Red River Gum, Silver Top Ash, Spotted Gum and Turpentine.

## ANS10

All new fencing shall be construction of non-combustible materials.

## ANS11

Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush fire Protection 2006. In this regard the following landscaping principles are to be incorporated into the development:-

- a) Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways.
- b) Grassed areas/mowed lawns/or ground cover plantings being provided in close proximity to the building.
- c) Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building.

## 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.

## DA010

Separate application to Council for the construction of a Vehicular Crossing for the design, specification and inspection by Council. The design and construction including allowable width shall be in accordance with the current Policy of Council and Specification for the Construction of Vehicle Crossings. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property.

## DA011

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

## DA012

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

## DA013

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

## DA016

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

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

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

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

**DA017**

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

**DA342**

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

**DA343**

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

**DA018**

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

**DA019**

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

**DA021**

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

**DA022**

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

**DA023**

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

**DA024**

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

**DA026**

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

**Environmental Services Division Report No. 70 (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.

## 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.

## 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.

## DA059

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

## DA060

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

## DA357

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

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

DA087

A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by a suitably qualified 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

DA097

Any work shall not prohibit or divert any natural overland flow of water.

DA101

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

DA102

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

DA121

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

DA126

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

DA230

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

DA238

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

DA239

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

DA240

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

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. 70 (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.

DA264

All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.

DA265

Once commenced the development hereby permitted shall only be continued in accordance with the conditions of approval and to the satisfaction of the Principal Certifying Authority.

DA267

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

DA269

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

DA270

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

Silt control fences

Footing inspection - trench and steel

Framework inspection

Wet area moisture barrier

Drainage inspection

Landscaping inspection

Swimming pool reinforcing steel inspection

Swimming pool safety fence inspection

Final inspection

The cost of these inspections by Council is \$2,070 (being \$230 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

DA271

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

DA279

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

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

DA284

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

DA332

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

DA333

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

DA334

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

DA335

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

DA336

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

DA337

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

DA338

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

DA339

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

DA340

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

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

DA289

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

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

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

**DA300**

All waste waters and overflow waters from any swimming pool shall be disposed of to the sewer in accordance with the requirements of Sydney Water.

**DA301**

The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.

**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.

**DA306**

All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.

**DA314**

All protective fencing and gates are to be in accordance with Australian Standard 1926 prior to the pool being filled with water. The fence is to be a minimum of 1200mm in height and posts and/or supports are to be firmly fixed or encased in such a way that the posts/support are unable to be removed easily. The fence is not to be removed or altered at any time without the express approval of Council having been obtained beforehand.

**DA315**

The proposed pool gates are to be mounted so that:- (i) They are clear of any obstruction that could hold the gate open; (ii) When lifted upward or pulled downward, movement of the gate does not release the latching device, unhinge the gate or provide a ground clearance greater than 100mm; and (iii) They open outwards from the pool.

**DA316**

Where the latching device release, or the latch itself, on a pool gate is located at a height less than 1500mm above the finished ground level, the latch and its release shall be shielded in accordance with Australian Standard 1926.

**DA318**

There is to be no noise emitted from any process carried on within the premises that will register more than 5 decibels above the background noise at any point more than 3m outside the premises.

**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. 70 (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".

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, may be required for this development. If required the amount will be in accordance with Councils Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate.

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.

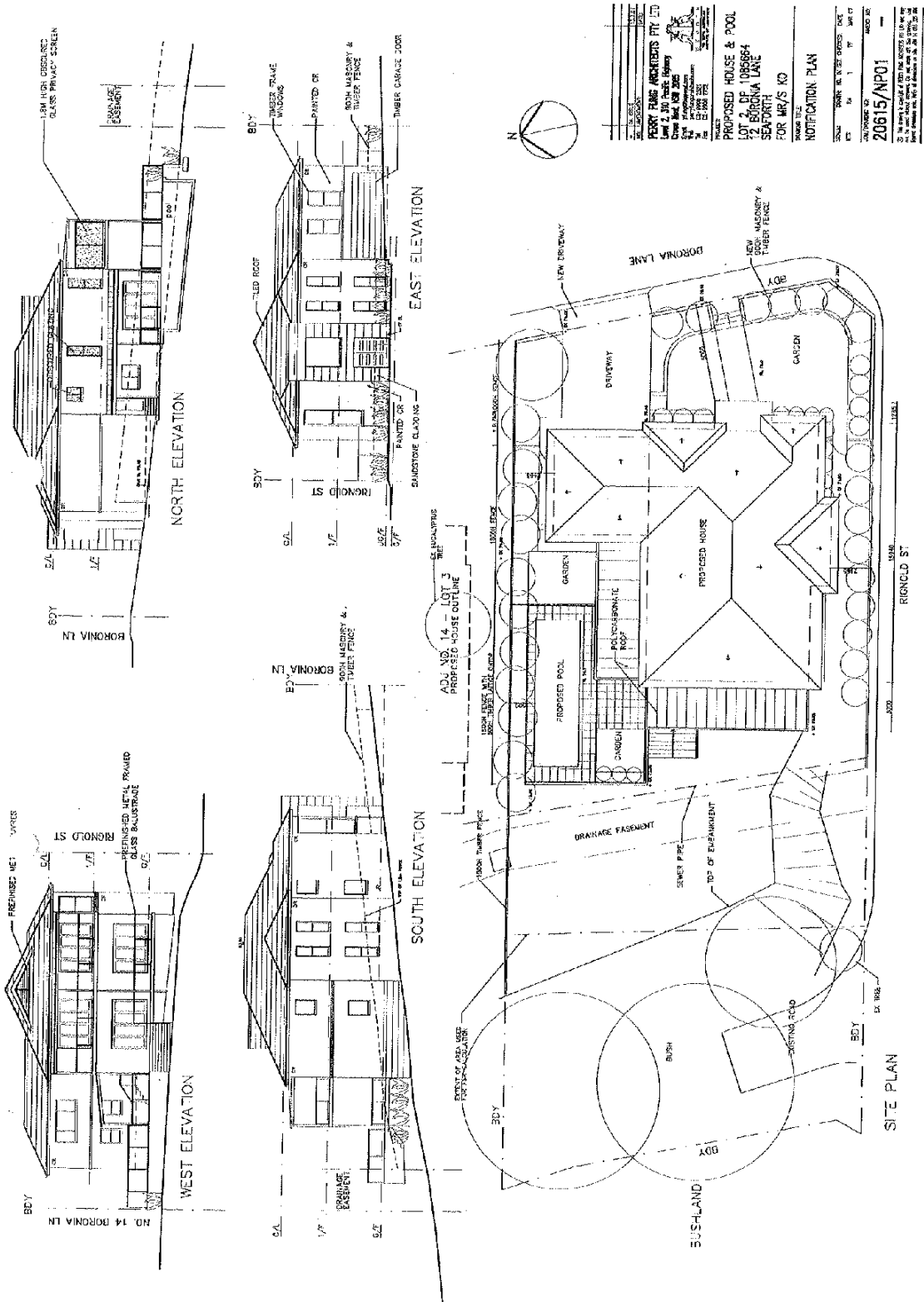
**ATTACHMENTS****AT- 1** Notification Plans - 8 August 2007 1 Page

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

# ATTACHMENT 1

## Environmental Services Division Report No. 70 - 12 Boronia Lane, Seaforth - DA258/07 Notification Plans - 8 August 2007



**TO:** Land Use Management Committee - 2 October 2007  
**REPORT:** Environmental Services Division Report No. 71  
**SUBJECT:** Development Applications Currently Being Processed During October 2007  
**FILE NO:**

**SUMMARY**

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING OCTOBER 2007.

**REPORT**

The following applications are currently with the Town Planners for assessment.

DA#	Date Rec by Council	Site Address	Proposal	DAU DEL	Target Date
330/06	01-Aug-06	76 Bower Street	Amended Plans	Awaiting Information	
404/06	27-Sep-06	Manly Council - Library	Alterations and 3rd Floor Additions	Awaiting Information	
462/06	13-Oct-06	151 Darley Road	Construction of a New Public Access Walkway at St Pats	DAU	25-Oct-07
466/06	16-Oct-06	42 Beatty Street	Alterations and Additions	Awaiting Information	
563/06	22-Dec-06	210-214 Pittwater Road	Alterations and Additions	Awaiting Information	
17/07	19-Jan-07	7 Abernethy Street	Extension of Existing Deck	Awaiting Information	
27/07	31-Jan-07	120 Bower Street	Demolition and New RFB	DAU	09-Oct-07
66/07	02-Mar-07	11-27 Wentworth Street	Store Room in Existing Parking Area	DAU	11-Oct-07
89/07	16-Mar-07	15-21 The Corso	Retail, Commercial, Bottle shop & Hotel Accommodation	Awaiting Information	
90/07	16-Mar-07	23-27 The Corso	Extension of Hotel	LUM	05-Nov-07
100/07	29-Mar-07	95 Castle Circuit	New Balcony and Garage	Awaiting Information	
108/07	04-Apr-07	31 Cutler Road	Alterations & Additions	Awaiting Information	
116/07	11-Apr-07	22 Jackson Street	New Dwelling and pool	Awaiting Information	
128/07	20-Apr-07	8 Coral Street	New Dwelling	Awaiting Information	
132/07	24-Apr-07	33 West Street	Alterations & Additions	DAU	11-Oct-07
137/07	27-Apr-07	10 Fisher Street	Alterations and Additions and Pool	DAU	02-Oct-07
141/09	01-May-07	35 Bungalow Avenue	Demolition and New Dwelling	Awaiting Information	

## Environmental Services Division Report No. 71 (Cont'd)

156/07	08-May-07	4 Clarence Street	New Balcony and Garage	Awaiting Information	
160/07	09-May-07	76 Pittwater Road	Alterations & 1st Floor Additions	Awaiting Information	
130/07	09-May-07	393-397 Sydney Road	Alterations & Additions	Awaiting Information	
162/07	11-May-07	74 Cutler Road	Alterations & Additions	DAU	16-Oct-07
175/07	23-May-07	48 Peronne Avenue	Extension to Cantilevered Driveway	DAU	27-Sep-07
177/07	23-May-07	13 Golf Parade	Alterations & Additions and Basement Level Parking	DAU	04-Oct-07
187/06	24-May-07	4 Carlton Street	82A Review	DAU	30-Oct-07
186/07	28-May-07	9 Bolingbroke Parade	Alterations and Additions to Duplex dwellings	DAU	09-Oct-07
397/06	28-May-07	50 East Esplanade	Section 96 Modification	DAU	18-Oct-07
193/07	04-Jun-07	96 Kirkwood Street	Alterations & Additions, Carport & Deck	DAU	04-Oct-07
209/07	18-Jun-07	36 Radio Avenue	Alterations & Additions	DAU	08-Oct-07
211/07	19-Jun-07	5/161 Sydney Road	Roof Terrace Enclosure	Awaiting Information	
216/07	21-Jun-07	88 Bower Street	Alterations & Additions	DAU	09-Oct-07
217/07	21-Jun-07	50 Cutler Road	Alterations & Additions & Pool	DAU	16-Oct-07
381/06	21-Jun-07	Manly Bathers Pavilion	Alterations & Extension to Refreshment Room, Maritime Office & Store	DAU	09-Oct-07
215/07	21-Jun-07	1 Alma Street	New Dwelling	DAU	18-Oct-07
373/06	26-Jun-07	11 Barrabooka Street	82A Review	DAU	23-Oct-07
220/07	26-Jun-07	14 Camera Street	Demolish Existing Garage and New Double Garage & Pool	DAU	18-Oct-07
222/07	26-Jun-07	27 Rickard Street	Alterations & Additions, carport and fence	DAU	04-Oct-07
223/07	27-Jun-07	18 Alan Avenue	Demolition & Construction of New Dwelling and Pool	DAU	23-Oct-07
233/07	02-Jul-07	116 Griffiths Street	Alterations & Additions	DAU	25-Oct-07
236/07	03-Jul-07	52 Frenchs Forest Road	Amended Plans	DAU	04-Oct-07
239/07	05-Jul-07	7 Audrey Street	First Floor & Minor Ground Floor Additions	DAU	07-Jan-00
480/05	06-Jul-07	30-38 Ethel Street	Section 96 Modification	DAU	02-Oct-07
242/07	10-Jul-07	3 Rignold Street	Subdivision	DAU	11-Oct-07
246/07	11-Jul-07	24 Lower Beach Street	Alterations & Additions, deck and screening	Awaiting Information	
245/07	11-Jul-07	10 King Avenue	Alterations & 1st Floor Additions	DAU	30-Oct-07

## Environmental Services Division Report No. 71 (Cont'd)

119/03	12-Jul-07	43-45 North Steyne	Shop Fitout & Signage	DAU	23-Oct-07
251/07	13-Jul-07	54 West Street	Convert loading dock to hair salon	DAU	01-Nov-07
253/07	16-Jul-07	1/164 Sydney Road	Carport	DU	25-Oct-07
260/07	20-Jul-07	45 Eurobin Avenue	Convert existing 2 units to 1 dwelling	DAU	14-Oct-07
190/06	20-Jul-07	17 Coral Street	82A Review	DAU	06-Nov-07
484/06	23-Jul-07	16 Bligh Crescent	82A Review	DAU	15-Nov-07
262/07	24-Jul-07	6 Princes Promenade	Pool	DAU	14-Oct-07
264/07	27-Jul-07	19 Edgecliffe Esplanade	Alterations & Additions	DAU	23-Oct-07
266/07	27-Jul-07	16 Osborne Road	Alterations & Additions	DAU	23-Oct-07
269/07	30-Jul-07	30 Parkview Road	Alterations and 1st Floor Additions	DAU	11-Oct-07
224/07	31-Jul-07	1 Reserve Street	First Floor Addition	DAU	25-Oct-07
270/06	31-Jul-07	5 Bower Street	82A Review	DAU	25-Oct-07
273/07	02-Aug-07	1 Gordon Street	Swimming Pool	DAU	18-Oct-07
278/07	02-Aug-07	1 Gordon Street	Subdivision into 2 lots	DAU	18-Oct-07
272/07	03-Aug-07	29-33 Pittwater Road	Change of Use to Dance Studio	DAU	04-Oct-07
344/06	03-Aug-07	11 Fairlight Crescent	82A Review	DAU	13-Nov-07
279/07	06-Aug-07	7 Charles Street	Alterations and 1st Floor Additions	DAU	11-Oct-07
276/07	06-Aug-07	565 Sydney Road	Change of Use to Pilates studio and signage	DEL	08-Oct-07
280/07	06-Aug-07	7 Golf Parade	Double Garage with loft storage	DEL	11-Oct-07
281/07	07-Aug-07	73 Beatrice Street	Demolition and new 2 storey dwelling	DAU	04-Oct-07
284/07	07-Aug-07	4 Nield Avenue	Demolish and 2 new attached dwellings and 2 pools	DAU	23-Oct-07
285/07	09-Aug-07	9 Hope Street	Demolition and new dwelling	DAU	18-Oct-07
22/06	10-Aug-07	26 Ogilvy Road	Section 96 Modification	DAU	30-Oct-07
289/07	13-Aug-07	9 Fairlight Street	12 lot subdivision	Awaiting Information	
298/07	15-Aug-07	22 Violet Street	Alterations & Additions	DAU	20-Oct-07
299/07	15-Aug-07	78 Darley Road	Demolish and new dwelling	DAU	23-Oct-07
295/07	15-Aug-07	15 Castle Circuit	New Dwelling and attached garage	DAU	25-Oct-07
267/07	16-Aug-07	Shop 210, Manly Wharf	Restaurant Fitout	Awaiting Information	
301/07	16-Aug-07	60A Ponsonby Parade	Inclinorator	DAU	20-Oct-07
310/07	17-Aug-07	48-52 Sydney Road	Change of use - Beauty salon to Real estate	DEL	02-Oct-07



**Environmental Services Division Report No. 71 (Cont'd)**

313/07	21-Aug-07	2/559 Sydney Road	Change of use to retail	DEL	09-Oct-07
180/07	14-Sep-07	360 Sydney Road	Section 96 Modification	DEL	02-Oct-07
228/07		North Steyne	Public Toilet Block	DAU	02-Oct-07

The following applications are with Lodgment and Quality Assurance for advertising, notification or referral to appropriate parties.

- 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
- 157/2000                    86 Wood Street, MANLY 2095  
Dwelling
- 480/2005                    30-38 Ethel Street, SEAFORTH 2092  
Section 96 to modify approved Alterations and Additions to the existing Balgowlah RSL Club
- 254/2007                    7 Pickworth Avenue, BALGOWLAH 2093  
Alterations and Additions including new First Floor Addition
- 168/2005                    215 Condamine Street, BALGOWLAH 2093  
Section 96 to modify approved demolition & construction of mixed residential (approximately 260 units – 8 storey maximum) commercial & retail complex with basement parking
- 263/2007                    447-449 Sydney Road, BALGOWLAH 2093  
Alterations & Additions to Dwelling
- 101/2006                    197 Condamine Street, BALGOWLAH 2093  
Section 96 to modify approved amended plans - Demolish, Excavate & Erect Buildings comprising of a supermarket, specialist shops, dwellings, parking and landscaping
- 534/2006                    61 Kangaroo Street, MANLY 2095  
Section 96 Modification to approved alterations to ground and first floor decks
- 38/2007                      92 Beatrice Street, BALGOWLAH HEIGHTS 2093  
Section 96 to modify approved Demolition of single storey dwelling and erection of two (2) storey dwelling
- 274/2007                    84 Seaforth Crescent, SEAFORTH 2092  
Front fence and associated landscaping
- 282/2007                    27 Vista Avenue, BALGOWLAH HEIGHTS 2093  
Swimming pool, timber deck, pergola over existing deck at the rear and front fence and gates
- 108/1999                    34 Gurney Crescent, SEAFORTH 2092  
Section 96 to modify approved demolition of existing dwelling and the erection of a new dwelling and swimming pool
- 184/2004                    104 Whistler Street, MANLY 2095  
Section 96 to modify approved Demolition of the existing Cottages and Erection of a four storey Residential Flat Building containing five units with basement parking and strata

**Environmental Services Division Report No. 71 (Cont'd)**

- 287/2007                    10 Edwin Street, FAIRLIGHT 2094  
Alterations & Additions to an existing dwelling including part demolition and new first floor to the rear, new swimming pool and new front carport
- 288/2007                    28 Dobroyd Road, BALGOWLAH HEIGHTS 2093  
Alterations and Additions to an existing dwelling including a First Floor Addition and carport
- 329/2000                    62 Edgecliffe Esplanade, SEAFORTH 2092  
Section 96 to modify approved Alterations & Additions to Dwelling and Tennis Court
- 290/2007                    30 Cutler Road, CLONTARF 2093  
Alterations and additions to an existing dwelling including a 3rd level
- 291/2007                    85 New Street, CLONTARF 2093  
Alterations & Additions to Dwelling including double garage to replace existing carport
- 292/2007                    121 Woodland Street, BALGOWLAH 2093  
Alterations & Additions to Dwelling including replacing existing carport with a double carport, new swimming pool and new front fence
- 293/2007                    34 Upper Clifford Avenue, FAIRLIGHT 2094  
Demolish and construct three (3) level Dwelling including attached double garage, new fencing and landscaping
- 294/2007                    551 Sydney Road, SEAFORTH 2092  
Alterations & Additions to the existing two (2) storey commercial premises and the addition of a new 3rd level Residential Dwelling
- 296/2007                    24 Francis Street, FAIRLIGHT 2094  
Alterations & Additions to an existing dwelling including first floor addition
- 297/2007                    29 Stuart Street, MANLY 2095  
Demolish and construct new two (2) storey Dwelling with basement car parking
- 300/2007                    265 Sydney Road, FAIRLIGHT 2094  
Alterations and Additions to front fence and rear dividing fence
- 302/2007                    53 Boyle Street, BALGOWLAH 2093  
Alterations & Additions to existing Dwelling including first floor addition
- 303/2007                    5 Augusta Road, MANLY 2095  
Alterations and Additions to existing Dwelling including carport and balustrades
- 304/2007                    132 Addison Road, MANLY 2095  
Alterations & Additions to Dwelling including a new lower ground floor, driveway and swimming pool
- 305/2007                    48 Heathcliff Crescent, BALGOWLAH HEIGHTS 2093  
Alterations & Additions to Dwelling including first floor addition, double garage, pool and landscaping

**Environmental Services Division Report No. 71 (Cont'd)**

- 326/2006                    5 College Street, MANLY 2095  
Section 96 to modify approved demolition and construction of new dwelling house and swimming pool
- 308/2007                    69-73 New Street, BALGOWLAH HEIGHTS 2093  
Alterations and Additions to existing Supermarket including modified loading dock
- 309/2007                    14A Addison Road, MANLY 2095  
Alterations & Additions to Dwelling including new carport and new awnings
- 311/2007                    27 Curban Street, BALGOWLAH HEIGHTS 2093  
Stairs to the rear of the existing dwelling
- 306/2007                    Marine Parade, MANLY 2095  
Refurbishment and repairs to the existing Fairy Bower Ocean Pool including new safety fence and handrail
- 307/2007                    37 Baranbali Avenue, SEAFORTH 2092  
Demolish and Construct new two (2) storey dwelling
- 312/2007                    26 Wanganella Street, BALGOWLAH 2093  
Above Ground Swimming Pool
- 315/2007                    25 Balgowlah Road, MANLY 2095  
Alterations & Additions to an existing Dwelling
- 60/2006                    16 Jellicoe Street, BALGOWLAH HEIGHTS 2093  
Section 96 to modify approved Demolition of existing dwelling and Erection of a two (2) storey dwelling over three (3) levels
- 314/2007                    197-215 Condamine Street, BALGOWLAH 2093  
Community (Masonic) Club and eleven (11) residential units as part of the Totem Re-development
- 316/2007                    92 Bower Street, MANLY 2095  
Carport Structures
- 622/2002                    18 Beaconview Street, BALGOWLAH HEIGHTS 2093  
Section 96 to modify approved New Dwelling and in-ground swimming pool
- 322/2007                    69 Seaforth Crescent, SEAFORTH 2092  
Alterations & Additions to an existing Dwelling
- 326/2007                    27 Ellery Parade, SEAFORTH 2092  
New Gazebo and deck at the western end of existing pool at the rear
- 331/2002                    583 Sydney Road, SEAFORTH 2092  
Section 96 to modify approved first floor addition
- 532/2005                    31 Wanganella Street, BALGOWLAH 2093  
Section 96 to modify approved Alterations & Additions to existing Dwelling including ground floor additions, rooms within roof space, Swimming Pool and new landscape works

**Environmental Services Division Report No. 71 (Cont'd)**

- 317/2007                    20 Pine Street, MANLY 2095  
Alterations and additions to semi-detached dwelling
- 318/2007                    13 Castle Circuit SEAFORTH 2092  
Swimming Pool
- 319/2007                    5 Kempbridge Avenue, SEAFORTH 2092  
Swimming pool and screen planting at rear of property
- 320/2007                    4 Audrey Street, BALGOWLAH 2093  
Alterations & Additions to dwelling including part enclosure of existing front porch and extension to the rear timber deck
- 321/2007                    7 Peronne Avenue, CLONTARF 2093  
New Dwelling
- 323/2007                    2 Waratah Street, BALGOWLAH 2093  
Alterations & Additions to an existing Dwelling
- 327/2007                    12 Cecil Street, FAIRLIGHT 2094  
Alterations & Additions to Dwelling including first floor addition
- 485/2004                    76-78 North Steyne, MANLY 2095  
Section 96 to Modify approved Residential Flat Building
- 324/2007                    12 Lister Avenue, SEAFORTH 2092  
Alterations & Additions to Dwelling including first floor addition
- 328/2007                    43-45 East Esplanade, MANLY 2095  
Change of Use to a Restaurant - Unit 29
- 16/2007                    61 New Street, BALGOWLAH HEIGHTS 2093  
Section 96 to modify approved alterations and additions including addition of a ground floor, rear deck, first floor and front fence
- 329/2007                    2 Russell Street, CLONTARF 2093  
Demolition of existing dwelling and construction of new two (2) level dwelling and modification of existing swimming pool and new cabana
- 330/2007                    36 Ernest Street, BALGOWLAH 2093  
Alterations & Additions to Dwelling including first floor level and swimming pool
- 331/2007                    66 North Steyne, MANLY 2095  
Front Fence and entrance path
- 332/2007                    61 Rolfe Street, MANLY 2095  
Double Carport
- 333/2007                    6 Laura Street, SEAFORTH 2092  
Alterations & Additions to an existing Dwelling
- 510/2006                    5 Marine Parade, MANLY 2095  
Section 82A Review to refused Alterations and Additions to an existing Residential Flat Building including an additional storey and conversion of the existing five (5) units to three (3) units

**Environmental Services Division Report No. 71 (Cont'd)**

- 334/2007                    26 Ernest Street, BALGOWLAH 2093  
Swimming pool and cabana
- 335/2007                    4 Jenner Street, SEAFORTH 2092  
Installation of a inclined lift (inclinator)
- 336/2007                    200 Pittwater Road, MANLY 2095  
Change of Use to a Yoga Studio - Shop 3 & 4
- 337/2007                    19 Castle Circuit, SEAFORTH 2092  
Construction of new two (2) storey Dwelling and swimming pool
- 51/2007                    4 Craig Avenue, MANLY 2095  
Section 96 to modify approved Strata Subdivision
- 325/2007                    27 Sydney Road, MANLY 2095  
Change of Use to an Adult Shop and Signage
- 338/2007                    79 Kangaroo Street, MANLY 2095  
Demolition and Construction of two (2) new two (2) storey Dwellings and land subdivision
- 339/2007                    26 Ellery Parade, SEAFORTH 2092  
Demolition and Construction of new two (2) storey Dwelling, swimming pool, pool shed and toilet
- 340/2007                    110 Bower Street, MANLY 2095  
Demolition of existing Residential Flat Buildings and erection of new Residential Flat Building containing four (4) units with basement carparking for seven vehicles
- 538/2006                    25 Lodge Street, BALGOWLAH 2093  
Section 96 to modify approved demolition of the existing single storey dwelling and construction of a new semi-detached development containing two (2) dwellings
- 517/2005                    9 Golf Parade, MANLY 2095  
Section 96 to modify approved alterations and additions to existing semi-detached dwellings.
- 341/2007                    44 Clontarf Street, SEAFORTH 2092  
Timber deck attached to approved swimming pool
- 342/2007                    13 Montpelier Place, MANLY 2095  
Seven (7) attached dwellings with basement parking and swimming pools and boundary adjustment at 13-19 & Lot 27 Montpelier Place, St Patrick's Estate, Manly
- 102/2005                    42 Bower Street, MANLY 2095  
Section 96 to modify approved alterations and additions to existing dwelling including new swimming pool
- 511/2006                    61 Collingwood Street, MANLY 2095  
Section 82A Review of refused Alterations & Additions to an existing Dwelling
- 343/2007                    16 Ocean Road, MANLY 2095  
Alterations & Additions to existing dwelling including new first floor and double garage to rear

**Environmental Services Division Report No. 71 (Cont'd)**

- 344/2007                    60 Ellery Parade, SEAFORTH 2092  
New two (2) storey dwelling with basement parking and new swimming pool at rear
- 345/2007                    32 Ponsonby Parade, SEAFORTH 2092  
Alterations & Additions to existing dwelling including new double garage
- 346/2007                    2 New Street, BALGOWLAH 2093  
Alterations & Additions to an existing dwelling including new double carport at the front and new swimming pool
- 347/2007                    47 Golf Parade, MANLY 2095  
Alterations & Additions to an existing dwelling including loft above garage
- 366/2005                    45 Fairlight Crescent, FAIRLIGHT 2094  
Section 96 to modify works and landscaping along the north (side) elevation adjacent to Bolingbroke Parade
- 348/2007                    33 Edgecliffe Esplanade, SEAFORTH 2092  
Demolition of existing and construction of a new three (3) level dwelling and above ground swimming pool
- 349/2007                    20 Gordon Street, CLONTARF 2093  
In-ground swimming pool at the front of the existing dwelling
- 350/2007                    70A Ponsonby Parrade, SEAFORTH 2092  
Alterations & Additions including enclosing existing carport and front fence
- 510/2001                    26 Monash Crescent, CLONTARF 2093  
Section 96 Modification
- 351/2007                    77 Kangaroo Street, MANLY 2095  
New conservatory and spa at the rear of existing dwelling
- 352/2007                    18 Condamine Street, BALGOWLAH HEIGHTS 2093  
In-ground swimming pool and deck at the rear of the existing dwelling
- 353/2007                    98 West Street, BALGOWLAH 2093  
Rear Addition to an existing Dwelling
- 355/2007                    4 Sheridan Place, MANLY 2095  
Conversion to a single dwelling and alterations and additions including new driveway, garage, swimming pool and deck
- 356/2007                    37 Beatrice Street, CLONTARF 2093  
Retaining wall and privacy screens to the rear of the property
- 357/2007                    44 Frenchs Forest Road, SEAFORTH 2092  
Rear extension to the existing deck and enclosure of the sunroom
- 14/09/2007  
206/2007                    26-28 Adelaide Street, BALGOWLAH HEIGHTS 2093  
AMENDED PLANS - Alterations & Additions to a dwelling house
- 359/2007                    9 Bruce Avenue, MANLY 2095  
Alterations and additions to the existing dwelling including a pergola and carport

**Environmental Services Division Report No. 71 (Cont'd)**

- 360/2007                    175 Woodland Street, BALGOWLAH 2093  
Alterations & Additions to the existing Dwelling including rendering, new strip driveway  
and rear deck
- 361/2007                    16 Lombard Street, BALGOWLAH 2093  
Alterations and additions to the existing dwelling including new first floor and double  
carport
- 362/2007                    39 Darley Road, MANLY 2095  
New Driveway ,basement garage and terrace to the front of the property
- 243/2006                    45 Beatty Street, BALGOWLAH HEIGHTS 2093  
Alterations & Additions to Dwelling
- 363/2007                    2A Denison Street, MANLY 2095  
Demolition of the existing & construction of two (2), six (6) storey buildings containing  
twenty-seven (27) units with basement car parking
- 71/2007                    5 Fromelles Avenue, SEAFORTH 2092  
Alterations & Additions to Dwelling
- 364/2007                    9 Kangaroo Street, MANLY 2095  
New driveway & parking hard stand at the front of the existing dwelling
- 434/2002                    Beatty Street, BALGOWLAH HEIGHTS 2093  
Section 96 Modification
- 365/2007                    38 Kempbridge Avenue, SEAFORTH 2092  
Alterations & Additions including extension to existing first floor of the Dwelling
- 366/2007                    106 Darley Road, MANLY 2095  
Three (3) into 45,000 litre Stormwater tanks located on southern boundary of St Paul  
Catholic College
- 481/2005                    49 Jackson Street, BALGOWLAH 2093  
Alterations & Additions to Dwelling
- 367/2007                    17 Castle Circuit, SEAFORTH 2092  
New two (2) storey Dwelling with basement parking and driveway
- 368/2007                    28 Victoria Parade, MANLY 2095  
Alterations & Additions to Unit 14 of the existing Residential Flat Building
- 369/2007                    50 Macmillan Street, SEAFORTH 2092  
Alterations and Additions to dwelling including First Floor Addition
- 370/2007                    91 Gurney Crescent, SEAFORTH 2092  
Alterations & Additions to Dwelling including rear extension and carport
- 372/2007                    447-449 Sydney Road, BALGOWLAH 2093  
Internal changes to convert existing commercial space to Residential - Unit 12
- 316/2005                    37 Lauderdale Avenue, FAIRLIGHT 2094  
Section 96 Modification

**Environmental Services Division Report No. 71 (Cont'd)**

371/2007                      29 Sydney Rd, MANLY 2095  
Conversion of existing retail premises into two (2) retail shops - one(1) for clothing and  
the other a hair dressing salon

373/2007                      61 Kangaroo Street, MANLY 2095  
Swimming Pool located on the ground floor deck

509/2006                      11 Jackson Street, BALGOWLAH 2093  
Section 96 to modify approved Construction of a double garage with rooftop terrace

283/2007                      86 Ellery Parade, SEAFORTH 2092  
Section 96 to modify approved Alterations & Additions to an existing residential  
Dwelling

**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. 71 \*\*\*\*\*



**TO:** Land Use Management Committee - 2 October 2007

**REPORT:** Environmental Services Division Report No. 72

**SUBJECT:** Appeals List for October 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
DA64/07	10365/07	40	Gurney Crescent, Seaforth	01/05/07	Pike Pike & Fenwick	Amended Plans to be submitted by 05/10/07.  New hearing date to be set.
DA432/06	10719/07	1	Parkview Road, Fairlight	03/08/07	Home Wilkinson Lowry	Appeal upheld with conditions 20/09/07
DA485/05	40683/07 Class4	46-48	East Esplanade, Manly	25/07/07	Pike Pike & Fenwick	Directions Hearing 05/10/07
DA118/06	10799/07	17	Rosedale Avenue, Fairlight	27/08/07	Pike Pike & Fenwick	Section 34 Conference 16/10/07
DA120/07	10776/09	447-449	Sydney Road, Seaforth	07/08/07	Home Wilkinson Lowry	Section 34 Conference 18/10/07
DA242/07	10947/07	Lot 104	Rignold Street, Seaforth	25/09/07	Pike Pike & Fenwick	Callover 24/10/07
DA284/07	10934/07	4	Nield Avenue, Balgowlah	20/09/07	Home Wilkinson Lowry	Callover 18/10/07
DA74/07	10663/07	29	Edgecliffe Esplanade, Seaforth	18/07/07	Pike Pike & Fenwick	Upheld with conditions 10/09/07
DA84/07	10404/07	96	Seaforth Crescent, Seaforth	16/05/07	Pike Pike & Fenwick	Matter discontinued 22/09/07

## 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. 72 \*\*\*\*\*