



Agenda

Land Use Management Committee

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

Monday 5 February 2007

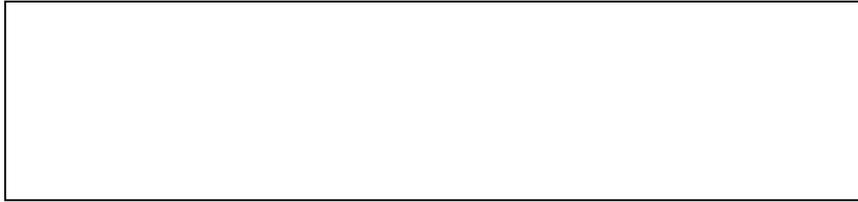
Commencing at 7:30pm for the purpose of considering items included on the Agenda.

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*

Seating Arrangements for Meetings

Staff Staff General
 Manager Chairperson Staff Minute
 Taker



Mayor Dr Peter
Macdonald

Clr Mark Norek

Clr Joanna Evans

Clr Barbara Aird

Deputy Mayor

Clr Brad
Pedersen

Clr Richard
Morrison



Clr Jean Hay AM

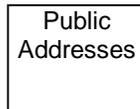
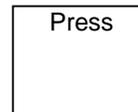
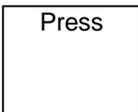
Clr Adele Heasman

Clr Dr Judy Lambert
AM

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



Public Gallery

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

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APOLOGIES AND LEAVE OF ABSENCE

An application has been received from Councillor Daley requesting leave of Absence from the meetings held between 6 February, 2007 and 11 March, 2007.

DECLARATIONS OF INTEREST

CONFIRMATION OF MINUTES

The Land Use Management Committee of 4 DECEMBER 2006.
The Extraordinary Land Use Management Committee of 11 DECEMBER, 2006.

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PUBLIC ADDRESSES

SITE INSPECTIONS

The following site inspections will take place Monday, 5 February, 2007.

159 Woodland Street, Balgowlah	8:00am
147 Balgowlah Road, Balgowlah	8:30am
36 Arthur Street, Fairlight	9:00am

ENVIRONMENTAL SERVICES DIVISION

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

TO: Land Use Management Committee - 5 February 2007
REPORT: Mayoral Minute Report No. 1
SUBJECT: Condolences for John Speight
FILE NO:

MOTION OF CONDOLENCE FOR THE PASSING OF MR JOHN SPEIGHT

On behalf of the people of Manly I would like to move a motion of condolence in response to the sad passing of Mr John Speight.

John was a talented musician and a gifted teacher and he will be sorely missed by the many people who's lives he touched.

Many will know and remember John as a committed school teacher in the area, spending 24 years teaching students at Harbord Primary School. He was a popular teacher both with colleagues and students and many have commented on his ability to see the best in pupils and harness their potential, usually through sport or music.

Along with fellow teacher Alan Weldrick, John committed a great deal of time to scripting and composing a number of school musicals for the students at Harbord Primary School. They were an instant success and performing in the Year 6 production soon became a highlight for any student attending the school.

It was while teaching at Harbord that John became the Musical Director of the Young Northside Big Band which provided unprecedented opportunities to young musicians in the area during their most formative years. The Northside Big Band produced two LPs and went on tour to the Monterey Jazz Festival, opening up a world of experiences for young and gifted musicians. For many of them, it was the launching pad for international careers, producing some of Australia's best musicians such as James Morrison, Dale Barlow, Lloyd Swanton, Andrew Gander, Phil Scott, Ralph Pyl, Naomi Warne and Donald Bate. James Morrison recently publicly acknowledged that under John's guidance and control, the Northside Big Band blazed a trail for all school big bands to come and that to this day, music students across the state benefit from the precedent set by John all those years ago.

But without a doubt, John will best be remembered by our community for his enthusiastic and unwavering commitment to the Manly Jazz Festival. He served as artistic director of the Festival for the last 28 years and was already making plans for this year's event. John was the bedrock of the Manly Jazz Festival and much of its popularity and success can be attributed directly to him. His ability to attract international performers, his reputation as a respected authority on all things jazz and his brilliant organizational skills meant that each year the Manly Jazz Festival was an event not to be missed by performers and audience members alike.

Drawing on his success with our festival, John became a driving force behind similar events across the state, organizing Jazz festivals in Taree, Parramatta, Thredbo and at Vacluse House. He instigated the popular Jazz in the Domain event, directed a number of jazz concerts for the Bicentenary celebrations, became a consultant for the Sydney Festival, produced a jazz program for the Sydney Olympic Games and at one stage led an Australian contingent to the Edinburgh Festival and Brecon Jazz Festival. In 1999 he was

Mayoral Minute Report No. 1 (Cont'd)

awarded the OAM for services to Music and Jazz and anyone would be hard pressed to find a more worthy recipient. But despite this success outside the area, every year, John would pour time and energy into the Manly Festival.

He was committed to this local community and his love of the Manly Warringah area is perhaps best summed up in these lyrics he and Alan Weldrick once penned:

“Manly Warringah, our home by the sea,
Teach us your people to live in harmony.
Ours is this fair land to hold for evermore,
While ever blue Pacific waves, roll over our golden shore.”

At his funeral, John's family referred to his life as a symphony and I know the people of Manly Warringah have been an appreciative audience. John was a constant beat behind the life of our community and we thank him for the music and the inspiration that he gave to all of us.

RECOMMENDATION

1. That Council convey its deepest condolences to Niddrie, Andrew, Caroline, Emma and their extended family.
2. That Council take the necessary steps to officially name the Corso stage the “John Speight Memorial Stage”.

ATTACHMENTS

There are no attachments for this report.

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***** End of Mayoral Minute Report No. 1 *****

TO: Land Use Management Committee - 5 February 2007
REPORT: Mayoral Minute Report No. 2
SUBJECT: Condolences for Vaila Mead
FILE NO:

MOTION OF CONDOLENCE FOR THE PASSING OF MRS VAILA MEAD

On behalf of my fellow Councillors I wish to move a motion of condolence regarding the sad passing of Mrs Vaila Mead.

Vaila had an unwavering passion for music which she freely shared with others, bringing a warmth and a love for life to all she knew as she contributed generously to the community around her.

From volunteering with various charities such as the Red Cross, the Save The Children fund and the Rotarians to becoming the driving force behind the Manly Music Club, Vaila seemed to have an unending wealth of energy. Her late husband Tom Mead constantly described her as the most unselfish person he knew and her record of service to her family, her community and even her country during a time of war, would confirm she was a woman of generous sacrifice.

Her gift for hospitality first emerged during her childhood in the township of Parkes where she and her two sisters helped their widowed mother run a country guest house. Vaila's talent as a gifted pianist was evident from an early age when she began performing concerts at the local Presbyterian Church. She was eventually awarded a scholarship to the Conservatorium of Music in Sydney where she studied Piano with Lawrence Godfrey Smith. She graduated with a diploma in music from the Conservatorium, which at that stage was the highest music qualification in NSW.

Vaila continued to be closely involved with the conservatorium, helping to organise events and assisting countless students with their budding careers both here and overseas. Vaila was a founder of the Conservatorium Alumni, serving on the committee in various roles and eventually becoming President.

Her musical career was interrupted when like so many of her generation she volunteered to serve her country during World War Two. This chapter of Vaila's life is less well known, in part due to her humble modesty but also because her military involvement was considered top secret. She was assigned to a little known branch of the allied forces located on a wharf in Pymont, where a number of US "Smallships" were based. Her work was top secret, and at the time even she was unaware of the significance of what she did as she typed letters into a strange military typewriter. Decades later, we are all aware of the codebreaking enigma machines used by the US and the important role they played in bringing about the end of World War Two. As Vaila sat at one of these machines communicating important codes to the allies, she was playing a strategic role in history.

Vaila returned to her first love – her passion for music and was soon taking part in live broadcasts on the ABC and performing at concerts including appearances with the Sydney Symphony Orchestra.

Her career was once again unselfishly put on hold when she married Tom Mead on Easter Saturday April; 5 1947 and the young couple moved north to Brisbane and started their family. At that stage, Brisbane had no conservatorium, so Vaila and Tom started a campaign to establish one, beginning a long process that resulted in the formation of the Queensland conservatorium of music. Yet another example of Vaila's determination to share with others the joy that music can bring.

Vaila was a loving mother to the couple's four children – daughter Elizabeth Vaila and sons Richard, Warwick and David. Although no longer performing concerts herself, Vaila began to teach a number of piano students, giving lessons from home and enabling many music students to gain

Mayoral Minute Report No. 2 (Cont'd)

their qualifications from the Australian Music Examinations Board. One of these students was her daughter, Elizabeth Vaila who went on to achieve the honour of being only the fourth Australian to gain entry to and graduate from the prestigious "Juliard" music school in New York.

Vaila was a proud mother and a loving wife, assisting Tom in his work as a journalist, an author and eventually as the Member for Hurstville in the NSW Parliament. Tom's career meant there was always great demands on Vaila's time and energy yet she always made time for the family. When Tom's political career came to an end, the couple moved to Manly and it was at this stage that our local community began to benefit from her generous spirit and her passion for music.

Vaila and Tom joined the Manly Music Club, and soon became pillars of the local musical community. At the time the Club held concerts in St Matthew's Anglican Church on the Corso. Vaila took over the role of Musical Director and Tom became president. They built the club into the largest and most successful Music Club in Sydney, moving the concerts to the Chapel at St Patrick's Estate and arranging a program of top ranking artists as well as the best of the graduating musicians and young performers. Vaila continued in the role as musical director even while undergoing chemotherapy, to the end of her life, even arranging artists for the last concert in December.

From Council's perspective, Vaila was also a conscientious member of the Manly Arts Festival Committee, and ensured that the Manly Music Club events were the first to begin the Manly Arts Festival. She also provided material from her and Tom's archive for our major museum exhibition on the Manly ferries two years ago.

Vaila Mead made a great many friends here in Manly. She will be remembered as a gracious and noble lady, a wonderful and supportive wife, loving mother and a faithful friend. She was well loved and she will be dearly missed.

RECOMMENDATION

1. That Council convey its deepest condolences to Vaila, Richard, Warwick and David and the extended Mead family.

ATTACHMENTS

There are no attachments for this report.

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***** End of Mayoral Minute Report No. 2 *****

TO: Land Use Management Committee - 5 February 2007
REPORT: Environmental Services Division Report No. 1
SUBJECT: 159 Woodland Street, Balgowlah
FILE NO: DA236/06

Application Lodged: 13 June 2006
Applicant: Matthew Grant
Owner: S Pestic
Estimated Cost: \$900,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: One and two storey dwellings and town houses
Heritage: n/a

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR DEMOLITION OF THE EXISTING DWELLING AND ERECTION OF THREE TWO STOREY TOWN HOUSES.
2. THE PROPOSAL WAS NOTIFIED TO ALL NEIGHBOURING PROPERTIES AND EIGHT LETTERS OF OBJECTION TO THE DEVELOPMENT WERE RECEIVED.
3. THE APPLICATION WAS ALSO REFERRED TO NORTH HARBOUR PRECINCT COMMUNITY FORUM AND COMMENTS RECEIVED.
4. AMENDED SKETCH PLANS WERE RECEIVED ON 5 SEPTEMBER 2006 SHOWING RETENTION OF A SIGNIFICANT TREE WHICH WAS ORIGINALLY PROPOSED TO BE REMOVED.
5. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
6. A SITE INSPECTION IS RECOMMENDED.
7. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL APPROVAL.

LOCALITY PLAN:

Shaded area is subject land.



REPORT

Site Description

The site is located in a residential zone on the western side of Woodland Street, between White Street and Sydney Road, Balgowlah. The improvements on the site consist of single storey brick dwelling house with tile roof. There is a single brick garage on the south eastern corner of the site. The locality is residential in character consisting of one and two storey dwelling houses and residential flat buildings.

This 1007.21m² site is rectangular in shape, and has a frontage of 15.24m to Woodland Street and a depth of 66.09m. The site falls approximately 5.0m down to the front of the site.

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

Proposed Development

The proposal is for the:

1. Demolition of the existing house and garage,
2. Torrens Title land subdivision into three allotments, and
3. Construction of three two storey dwelling houses.

The pattern of proposed subdivision is for a front allotment facing Woodland Street and two battle axe allotments at the rear. The width of the access handle is 4.5m wide with a passing and turning area. The driveway itself is 3.5m wide with landscaping to the side boundary.

The three new dwellings will consist of two attached dwellings on the front and middle allotments. These two dwellings share a common wall on the first floor and are separated by two car parking spaces each on the ground level. The third dwelling in the rear allotment will be two storeys over a half basement garage.

The two attached dwellings are similar in their layout with a combined living/dining room, kitchen, laundry, and WC on the ground floor, and three bedrooms, TV/Play room and two bathrooms on the first floor. There is a balcony off each of the master bedroom. Two car parking spaces each are proposed for each dwelling below proposed Bedrooms 2 & 3.

The rear dwelling will have a ground floor consisting of lounge/family room, dining area, kitchen, study, laundry and WC. The first floor contains three bedrooms and two bathrooms with a balcony off the master bedroom and bedroom 2. The basement contains a two car garage, with a turntable in front of the garage to allow vehicle to enter and exit the site in a forward direction.

Development Control Plan Numerical Assessment

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

	Permitted/Required			Proposed Dwellings			Complies Yes/No		
	A	B	C	A	B	C	A	B	C
Density	1 dwelling / 300 m ²	1 dwelling/ 300 m ²	1 dwelling/ 300 m ²	1 dwelling/ 301 m ²	1 dwelling/ 301 m ²	1 dwelling/ 301 m ²	Yes	Yes	Yes
Floor space ratio	0.5:1 max	0.5:1 max	0.5:1 max	0.49:1	0.55:1	0.55:1	Yes	No	No
Wall height North	7.0m	7.2m	7.1m	6.1m	5.5m	6.4m	Yes	Yes	Yes
Wall height South	7.0m	7.0m	7.1m	6.8m	6.6m	6.9m	Yes	Yes	Yes
Roof height	3.0m	3.0m	3.0m	2.3 m	2.3m	2.0m	Yes	Yes	Yes
Fence height	1.5m	-	-	1.5m	-	-	Yes	N/A	N/A
Setback side North/East	1.8m	1.8m	2.1m	1.5-3.0m	1.5-3.0m	1.0-3.0m	Yes (avg)	Yes (avg)	Yes (avg)
Setback side - South/West	2.26m	2.2m	2.3m	4.5m	4.5m	1.1-6.0m	Yes	Yes	Yes (avg)
Front setback	6.0m	-	-	6.5 m	-	-	Yes	N/A	N/A

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

Rear Setback	-	-	8.0m	-	-	7.0-11.5m	N/A-	N/A	Yes (avg)
Open space Total	55%	55%	55%	58%	58%	70%	Yes	Yes	Yes
Open space Soft	35%	35%	35%	45%	45%	80%	Yes	Yes	Yes
Endemic Trees	1	1	1	1	1	1	Yes	Yes	Yes
Car Parking - Residents	2	2	2	2	2	2	Yes	Yes	Yes
Shadow - adjoining EW orientation	<1/3 existing sunlight access to open space 2 hrs sunlight retained windows	<1/3 existing sunlight access to open space 2 hrs sunlight retained windows	<1/3 existing sunlight access to open space 2 hrs sunlight retained windows	>1/3 existing retained 2 hrs retained to front and rear living areas	>1/3 existing retained 2 hrs retained to front and rear living areas	>1/3 existing retained 2 hrs retained to front and rear living areas	Yes	Yes	Yes
Excavation	3.0m depth max	3.0m depth max	3.0m depth max	0.5m	1.3m	2.0m	Yes	Yes	Yes

Applicants Supporting Statement

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

Precinct Community Forum Comments

The application was referred to the North Harbour Precinct Community Forum meeting of 6 July 2006 with the following comments received;

"159 Woodland St – 3 Townhouse Development

Matthew Grant architect spoke for the DA. David Minter spoke against the DA. Heated concern from residents in flats 38 White Street that sun and native birdlife would be lost when the 3rd (Townhouse furthest from Woodland St) is built. John Reizes put motion to put up a height pole to estimate the height of the building. Seconded Maureen Mitchell. All in favour except architect and developer."

Submissions

The application was notified to nearby and adjoining property owners with eight submissions received from L M McMillan, 1/72 Pittwater Road, Manly, A & H Sobotta, 161 Woodland Street, Balgowlah, R & N Aulburn, 2/38 White Street, Balgowlah, R Roxburgh, 3/40 White Street, Balgowlah, R Miller, 2/40 White Street, Balgowlah (and also on behalf of 1/40), S & D Minter, 1/38 White Street, Balgowlah and D G MacMillan, 36 White Street, Balgowlah raising the following concerns;

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

- Increase in traffic
- Street becoming 'townhouse alley'
- Too many multiple dwellings in locality
- 3 storey development in proposed Lot 3 too high
- Loss of privacy
- Building too high and too close to boundary
- Rear unit is 3 storeys
- Loss of sunlight
- Increase in noise level, particularly from turntable
- Inadequate setbacks
- Planting will reduce sunlight
- Request that if this is to be approved, this matter should go to Council and not determined under delegated authority.
- Loss of views
- No shadow analysis
- Noise level from construction
- Rear townhouse too high
- Loss of gum tree
- Too many cars generated, not enough parking provided

Engineer's Comments

No objections, subject to standard conditions of consent.

Building Comments

No objections, subject to standard conditions of consent.

Landscape Comments

No objections subject to conditions.

Planning Comments

The proposed subdivision pattern and size of each allotment satisfies Clause 3.1 of the DCP. The only discrepancy with the controls is that the proposal is technically contrary to Clause 3.1.2 (g) of the DCP. This clause requires an access handle longer than 30m to have a minimum width of 6m. The proposed handle is 22m long to the middle allotment and 41m to the rear allotment. However, there is a turning and passing area at the end of the 22m driveway. The proposal therefore satisfies the 4.5m minimum width for access handle less than 30m in length. There is a 1m wide landscape strip on the southern side of the 3.5m wide driveway as required by the DCP. It is considered that the proposed subdivision is satisfactory.

Apart from the proposed FSR, the proposal complies with all the other numerical DCP controls (as shown in the DCP Assessment).

Floor space ratio

The permissible FSR in Clause 3.3 of the DCP is 0.5:1. The proposed FSR for the rear allotment (dwelling C) is 0.49:1. The proposed FSR for the two attached dwellings at the front and middle allotments (dwellings A and B) is 0.55:1 (inclusive of the car parking spaces under the building which are enclosed on three of the four sides and contribute to the visual bulk of the proposal). If the car parking spaces under the first floor are excluded from the floor space, the floor space ratio is 0.48:1. As this is an open area under the building, and as the proposed development satisfies the landscaped area, height and setbacks requirements of the DCP, this minor variation to the floor area is not enough to warrant a refusal of the application.

Environmental Services Division Report No. 1 (Cont'd)*Setbacks - compliance*

As the proposed rear dwelling is skewed, the setback of the dwelling on the rear allotment varies from 6.8m to 11.0m. The covered outdoor area at the rear is 6.0m from the rear boundary. Similarly the side setbacks vary from 1.0m at the nearest corner to 8.0m. The proposed side and rear setbacks comply on average with the numeric requirements and setback objectives of the Clause 3.5.1 of the DCP.

The setback from the northern boundary of the TV/Play room on the first floor of proposed dwellings A and B is 1.5m. The minimum requirement in the DCP is 2.2m for the proposed 6.6m wall height. The majority of the two dwellings are set back at least 2.2m to 3.0m. The southern setbacks of the two attached dwellings are at least twice the required setback. It is considered that the proposed setbacks of the two attached dwelling at the front and middle allotments satisfy the objectives of Clause 3.5.1 of the DCP.

Comments on neighbour submissionsRetention of Significant Tree

Following objections from the adjoining owner and from Council's landscape officer concerning proposed removal of a significant eucalypt, the applicant has provided revised plans showing an amendment to the driveway, turntable area and basement car parking level of the rear dwelling (dwelling C) to enable the retention of the eucalypt in question. The height of the basement car park has also been raised by 500mm to minimise driveway excavation within the possible root zone.

The consequence of this change is a much larger basement area, and the raising of the overall height of the proposed building by approximately 195mm (the remaining 305mm reduction occurring within the proposed building envelope by reduction in proposed floor to ceiling heights and roof pitch). The front balcony off the living room will be 500mm higher than that originally proposed, increasing the potential overlooking of the adjoining property No 38 White Street to the south. It is considered necessary to require a privacy screen to the southern side of the balcony at ground floor level and at first floor level to maintain acceptable levels of privacy between the subject dwelling and the open space and building on the adjoining property. A condition in this regard is included in the Recommendation.

Rear building too high and loss of view

The height of the proposed rear dwelling (with increase in height to accommodate tree retention) complies with the height requirements of the DCP. The owner of 3/40 White Street is concerned of the loss of water views and request a height template to gauge the impact of the proposal. Unit 3/40 White Street is directly behind 161 Woodland Street and has a view at an angle across the site. The applicant has angled the rear dwelling to address the angled view across the site and has responded to the objection by providing levels of the terraces of 3/40 White Street and a site analysis and aerial photo of the view from the objector's property.

Templates erected on site show the positioning of the proposed rearmost dwelling will not result in any view loss. View impacts will arise however from the positioning of the second dwelling and a reduction in height of 300mm is considered necessary to maintain a reasonable share of the available view. A condition in this regard is included in the Recommendation.

Overshadowing

There are only two properties to the south of the subject site that will be affected by the proposed development. They are No 157 Woodland Street and No 38 White Street. The overshadowing over No 157 Woodland Street is relatively minor due to wide 6.9m south side setback of the first floor of

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

the two proposed dwellings A and B. The rear dwelling is angled away from the southern boundary to reduce the overshadowing over No 38 White Street. Shadow diagrams submitted with the development application show that whilst there will be some increase in overshadowing of the adjoining properties; the extent of overshadowing is within that permitted under the DCP.

Loss of privacy

It is considered that the two attached dwellings will not cause any significant loss of privacy apart from overlooking from the first floor balcony is off Bedroom1 of the middle unit. The matter with the first floor balcony can be conditioned to be deleted if privacy is a major concern.

Too many townhouses and too many cars generated

The density of the site allows three dwellings and the car parking provided complies with the DCP. The density and car parking are considered to satisfactory.

Manly Local Environmental Plan 1988 Clause 10 Objectives

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

The proposal meets this objective.

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

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

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

The proposal will add variety to the nature of dwellings in the area and maintain the overall residential character of the area.

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

The proposal as recommended will not degrade the amenity of surrounding residents and the existing quality of the environment will be maintained.

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

The landscape quality of the residential area will be maintained with the retention of a significant tree on the south side of the site.

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

N/A

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

Future occupants of the dwellings will utilise existing social and physical infrastructure. Additional demand will be partially offset by applicable Section 94 contributions.

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

Subject to conditions included in the Recommendation, the proposal is considered to be suitable redevelopment of the site.

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

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

N/A

Environmental Planning and Assessment Act 1979 Considerations

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

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

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

The proposal is considered acceptable in terms of its impact on the natural and built environments and there will be no identifiable negative effects on the social or economic conditions of the area.

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

The site is in a residential zone and the proposal is considered to be a suitable development.

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

Eight submissions received, and considered above.

- (e) *the public interest.*

Proposal is not considered to be contrary to the public interest.

CONCLUSION:

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

RECOMMENDATION

That Development Application No.236/06 for demolition of the existing dwelling and erection of three (3) two (2) storey dwellings and land subdivision at No.159 Woodland Street, Balgowlah be approved subject to standard conditions and the following special conditions:

DA1

This approval relates to drawings/plans Nos. 0604.1 L1/A, 0604.01/B, 0604.02/B, 0604.03/B as amended by Sk01 and SK02 and levels detailed in letter by Matthew Grant dated 5 September 2006.

ANS01

The height of the proposed dwelling on proposed Lot 2 is to be reduced by 300mm to maintain a reasonable share of the available views from adjoining properties and comply with the view sharing principles of Council's Residential Development Control Plan, plans being amended accordingly prior to issue of the Construction Certificate.

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

ANS02

The Eucalypts Microcorys adjacent to the southern boundary of the site is to be retained and protected during construction. Existing row of Kentia Palms adjacent to the north side boundary located outside a 2.0m clear area beyond the proposed building footprint are to be retained and protected during construction. An Arborist is to be employed during the construction period to ensure protection of these trees.

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 Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

DA016

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

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.

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

DA342

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

DA343

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

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

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.

DA077

An approved water interceptor shall be provided within the property, across the driveway at the property boundary, and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

DA109

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

DA111

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

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

DA084

Roofwaters and surface stormwaters from paved areas are to be conveyed by pipeline to Council's street gutter in accordance with Council's standards and specification for Stormwater Drainage.

DA87

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

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 free of charge or a hardcopy can be purchased from Council.

DA95

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

DA100

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

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.

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.

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

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.

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 X 3
- Reinforced concrete slab X 6
- Framework inspection X 3

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

Wet area moisture barrier X 3
Drainage inspection X 3
OSD Tank steel X 3
Landscaping inspection
Final inspection

The cost of these inspections by Council is \$5,520. (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.

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.

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

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.

DA283

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

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

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".

Environmental Services Division Report No. 1 (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, is required for the development. The amount being in accordance with Councils Section 94 Policy applicable at the time of payment **prior to the issue of the Construction Certificate / the release of subdivision plans for registration/ or at the time prior to release of Development Consent where no works are involved.**

DA323

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

ATTACHMENTS

There are no attachments for this report.

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

TO: Land Use Management Committee - 5 February 2007
REPORT: Environmental Services Division Report No. 2
SUBJECT: 147 Balgowlah Road, Balgowlah - DA527/05
FILE NO: DA527/05

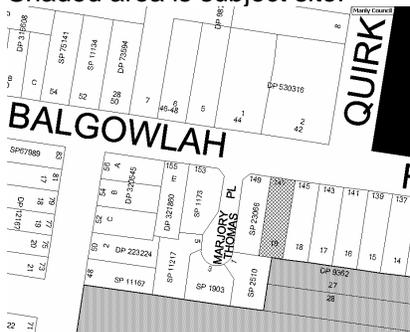
Application Lodged: 11 November 2005
Applicant: S Keating / Masterton.
Owner: S D Keating
Estimated Cost: \$399,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Residential dwellings, duplex style dwellings and Industrial Development opposite.
Heritage: Balgowlah Road is listed for its street tree planting

SUMMARY:

1. THIS IS A PROPOSAL FOR DEMOLITION OF THE EXISTING DWELLING, ERECTION OF A TWO-STOREY DUPLEX AND TORRENS TITLE SUBDIVISION INTO TWO LOTS.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REPORTED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT MEETING ON THE 23RD MARCH 2006 WITH A RECOMMENDATION FOR REFUSAL. HOWEVER, THE MEETING DEFERRED THE APPLICATION TO ALLOW THE APPLICANT TO ADDRESS THE NON-COMPLIANCES AND BRING THE DEVELOPMENT MORE INTO COMPLIANCE WITH THE DCP. AS WELL AS ADDRESSING THE ISSUES OF THE STREET TREE AND STREETSCAPE.
4. THE APPLICANTS REVISED THEIR PLANS AND SUBMITTED AMENDED PLANS.
5. THE AMENDED PLANS WERE NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE SUBMISSIONS RECEIVED.
6. THE ITEM IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
7. A SITE INSPECTION IS RECOMMENDED.
8. APPROVAL OF THE APPLICATION IS RECOMMENDED.

LOCALITY PLAN

Shaded area is subject site.



REPORT

Introduction

Site Description

The subject site is located on the southern side of Balgowlah Road one allotment to the east of the intersection of Balgowlah road and Marjory Thomas Place. The allotment is rectangular in configuration having a width of 12.19m and depth of 40.235m. The site is level and is currently

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

developed with a single storey dwelling. The adjoining site to the west is developed with a single storey and separate two dwellings and the adjoining site to the east is developed with a single storey dwelling.

Proposed Development

This is a proposal to demolish the existing dwelling on site and create two attached two storey two bedroom dwellings as well as carry out a Torrens Title subdivision of parcel into two. The ground floor level of each dwelling is proposed to have a carport to the front, an entry, study, toilet, laundry, kitchen and living room. The proposed first floor level of each dwelling contains two bedrooms and a bathroom.

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>Standard</u>	<u>Permitted / Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Density - Sub Zone 3	250/dwelling	245.2/dwelling	NO
Floor space ratio	0.6:1	0.57:1	YES
Wall height east side	6.5m	3.6m	YES
west side	6.5m	3.5m	YES
Roof height	3.0m	4.0m	NO
Setback Front	6.0m	6.0m	YES
Setback Rear	8.0m	13.3m	YES
east setback side	1.2m	1.2m	YES
west setback side	1.16m	1.2m	YES
Open space - total	55%	48%	NO
Open space - total	269 sq m	233 sq m	NO
Open space - soft	94 sq m	180 sq m	YES
Number of Endemic Trees	1	2	YES
Private Open Space	12 sq m	78 sq m	YES
Car Parking – Residents	4	4	YES

Applicant's Supporting Statement

The applicant submitted a Statement of Environmental Effects and a further statement in respect of the amended drawings both of which are available for viewing on file.

Submissions

The original application was notified to nearby and adjoining property owners with three submissions received raising concerns with the proposal.

The revised plans were notified to nearby and adjoining property owners with three submissions received from C Butler-Madden 2/149 Balgowlah Road, J and P Macourt 145 Balgowlah Road, and J B Geddes 3/149 Balgowlah Road, raising the following concerns:

- The amendments do not take on any of my original objections.
- A two-storey development that extends as far back as is shown is going to infringe completely on the privacy and will overshadow our home. The development will look straight into our yard, and both stories will have direct view into our living room
- It will block the sun that our property currently receives

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

- The development is in conflict with the current zoning rules, which in density sub zone 3 is only appropriate for a single dwelling.
- The plans for the development have been amended in an attempt to address Heritage issues raised during the Land and Environment Court hearing on 141, Balgowlah Road, and presumably concerns raised by Council officers. The amended plans do not address most of the issues raised in our objection.
- In Council may be reluctant to refuse the application similar to that which was recently approved by the court. However, there are numerous points of difference between this application and the application that was approved by the court, including all the living areas located at the rear south end of the house. Most the walls are floor-to-ceiling glass to maximise sun access. As a result, we lose a great proportion of sun internally and externally than our neighbours affected by the court approved development. Specifically, a significant part of our private open space would be completely overshadowed. The size of the tree in front of 147 Balgowlah Road, forming part of the Heritage streetscape is significantly larger than that in front of 141
- The plans, confirmed the, extensive overshadowing of our living areas and court yard. Currently, we enjoy considerable afternoon sun in our living and dining areas, if the development proceeds there will be no sun at all after 1 p.m. it is our contention that there will be no sun from much earlier.
- The effect of the building on our solar courtyard is demonstrated by the shadow elevations on the amended plans and the courtyard would be permanently shaded.
- As well as affecting external living spaces. The proposal will affect our internal living spaces. From most points in our living areas, we will see a largely unbroken wall, with little vision of natural landscape or sky
- The usable areas in our backyard will be completely overshadowed
- The accuracy of the shadow diagrams is questioned, as the elevations show the courtyard area completely overshadowed by 1 p.m. observations of existing shadow movements in our backyard suggest the shadow lines shown for 1 p.m. is probably more consistent with 11:30 a.m. Detailed photographs are provided in our letter of objection
- The plans submitted with the DA have been amended to show two driveways entering the property. A similar solution was drawn during the court hearing on the development of 141, Balgowlah Road. The fact the court accepted this does not mean that the Council should. Whilst the plans propose retention of the Heritage Landscape Item this is not a suitable solution because the heritage tree is larger than the one in front of 141. The double driveway is well within the drip line of the Heritage tree and will have a significant impact on the trees root system and potentially the tree in front of the adjoining property to the west in front of which the proposed driveway extends. The lower branches on the eastern side of the property are approximately 1.8 metres above ground level, whereas the court considered that a height of 2.2 metres was the minimum required. The double driveway will require difficult turning actions into and out of the driveway particularly on the western side the property, which raises safety issues.
- Balgowlah Road is predominantly characterised by single storey bungalows, interspersed with some blocks of units. There are no dual occupancies of the type proposed.
- The proposal will look straight into my property at 3/149 Balgowlah Road. The development will cut the amount of sunlight my property receives.
- Any possibility of deadly asbestos dust entering my property is totally unacceptable.
- The massive building would dominate the surrounding properties.

Precinct Community Forum Comments

Council has received no comment from the Precinct.

Engineers Comments

No objections subject to conditions.

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

No objections subject to conditions.

Landscape Architects Comments

The street tree is to be retained and protected. Landscaping conditions are recommended.

PLANNING COMMENTS**Manly Local Environmental Plan 1988**

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

Manly Local Environmental Plan 1988 Clause 10 Objectives

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

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

This application provides two dwellings on the site where previously there was one and meets 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 complies with the majority of the controls in the development control plan and results in a development that is reflective of the existing residential character of the area.

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

The amended plans have attempted to present a building design that reads as the single building. Notwithstanding that it is two x two storey attached dwellings and in this way reflects the existing character of the 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;*

There are still objections about the proposed dwellings on the site. It should be noted that the amended plans have significantly reduced the proposed built form, so that the degree of overshadowing and loss of privacy is now acceptable.

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

The proposal includes landscaping that complies with Council's controls, and in addition details have been proposed that will preserve the street tree that is heritage listed thereby maintaining the visual quality of the streetscape.

(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;*

This objective does not apply.

(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;*

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

A Section 94 contribution will be required for the additional dwelling provided on site in order to provide for the increased use of social and physical infrastructure and the future provision of services and facilities to meet the increased demand

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

The proposal subject to conditions contained in the Recommendation is considered to be suitable redevelopment for the site.

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

This objective does not apply.

Manly DCP for the Residential Zone 2001

This is a proposal for two dwellings on a parcel of land that is slightly smaller than is required by Council's Residential Development Control Plan (DCP). The site has a total area of 490.4 square metres, where 500 square metres is the minimum required for two dwellings in this Sub Zone. The application also proposes subdivision of the parcel down the middle by way of the Torrens title subdivision, and this results in two allotments of 245.2 square metres which is 98% of the site area requirement. Having regard to the minor nature of the proposed variance and the nature of existing residential development in the surrounding area which comprises a mix of residential and industrial buildings general area, the proposed allotment size is considered to be acceptable.

The plans have been amended to have a floor space ratio of 0.60:1 and comply with the DCP. However, the amount of landscape open space is only 48% were 55% is required this represents only 87% of the required landscaping. The amount of soft landscaping is 190 square metres, which is well in excess of the required 94 square metres figure in the development control plan. It should be noted that these calculations do not include the 1.2 metre side setback area between the wall of the dwellings and the side boundaries.

In relation to this application the design company have replaced what was the second-storey in the original design with rooms in the roof. The first-floor plan level contains a bedroom to the front and rear of the dwelling with a bathroom in the centre with skylight above so that the second-floor level does not have any windows facing the side boundary. The overall form of the building now appears as a large dwelling, and not as a residential flat building and it is considered that this form of development is in keeping with the streetscape.

Comments on Submissions

Comment has been made about the proposition to have a driveway each side of Heritage listed tree and Councils Landscape Adviser has accepted the proposal that the concrete driveway be provided on a pier and beam system in order to span the tree roots. Conditions to this effect are included in the recommendation.

In relation to the objections received it is noted that the proposal does extend beyond the building on 145 Balgowlah Road. However, the amended design has no windows at first floor level facing to the side boundaries, and it is considered the question of privacy in the rear yard of 145 or into the units at 149 is not a problem, given that this would be a diagonal view from the master bedroom on the first-floor level or an angled view from the windows of the living room on the ground floor, and that on the ground floor level the 1.8m high boundary fences would reduce the extent of overlooking to a large degree.

Comment has been made about the degree of overshadowing over the adjacent properties and in this regard it is noted that the comment from the adjacent neighbour that the shadow diagrams are inaccurate has been checked and the angles illustrated found to be correct. The drawings

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

submitted however, were a simplification of the case, and did not illustrate the impact of the roof form in the additional shadows cast. Shadow diagrams have been redrawn and checked in relation to compliance with the development control plan. While the proposed development extends further along the block, analysis of the shadows cast over the adjacent neighbour at 145 Balgowlah Road at 1 p.m. midwinter, shows that there is only a small amount of additional shadow cast. By three o'clock the shadows extend over the adjacent block. However, the overall increase still complies with the maximum overshadowing being one third of existing sunlight as required under the DCP.

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 proposed use is permissible in the zone. Notwithstanding a small non-compliance with the area of site required for two dwellings and a small shortfall in landscaped open space. The proposal generally complies with the development control plan.

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

The amended plans have been adjusted to reduce the wall heights of the building and avoid the degree of overlooking and overshadowing of the adjacent neighbour's in the previous scheme. The plans have also been amended to show the retention of the existing Heritage list street tree, which is a positive achievement in relation to maintaining the existing streetscape.

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

The area of the site is slightly less than the requirement for allowing two dwellings on site. However it is considered that as the proposal is only very slightly under a variation can be accepted. The applicant has had regard to the previous submissions and reduced the impact of the development so that it is considered the site is suitable for this form of development.

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

Council received a number of submissions in relation to the amended plans. However, many of the points made were exactly the same as those in relation to the first set of plans, and it is considered that some of the objectors may not have fully understood the degree of change that had been introduced into the amended plans. It is considered that the amended plans have responded to the original submissions and now represent an acceptable form of development.

(e) *the public interest.*

The amended plans result in a design that is more like a large single dwelling in the streetscape and has retained the existing street tree, so that it is considered that the proposed development is not contrary to the public interest.

CONCLUSION:

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

Approval of the application is recommended

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

That Development Application No 527/05 for demolition and erection of two (2) x two (2) storey attached dwellings at 147 Balgowlah Road, Balgowlah be approved subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. Job No. dkv 180 two (2) sheets Scheme A dated 28 August 2006 and Landscape Plan LPDA 06-63786/1 Issue B dated October 2006 and received by Council on the 28 September 2006.

ANS01

The driveways are to be constructed using pier and beam construction in order to span over the roots of the heritage listed tree on the nature strip. An arbourist is to be employed during the construction stage in order to ensure the proper protection of the tree.

ANS02

That a minimum of two (2) x endemic species of tree are to be included within the landscape plan.

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.

DA10

The construction of a kerb layback is required. The design and construction shall be in accordance with Council's Policy. All works shall be carried out prior to the issue of Occupation Certificate.

DA011

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

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.

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 \$7,500. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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.

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

DA272

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

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.

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.

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

DA039

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

DA040

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

DA044

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

DA048

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

DA058

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

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.

DA077

An approved water interceptor shall be provided within the property, across the driveway at the property boundary, and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

DA109

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

DA111

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

DA84

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

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

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 free of charge or a hardcopy can be purchased from Council.

DA95

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

DA100

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

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. 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.

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.

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.

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.

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

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.

DA259

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

DA261

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

DA262

Prior to the issue of the Construction Certificate, the applicant shall submit details of protective hoardings, fences, and lighting which are to be provided during demolition, excavation and building works in accordance with the requirements of the Department of Industrial Relations, Construction Safety Act and the WorkCover Authority.

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

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
- Reinforced concrete slab
- Framework inspection X 2
- Wet area moisture barrier
- Drainage inspection
- Driveway crossing/kerb layback
- Landscaping inspection
- Final inspection

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

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.

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.

DA279

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

DA280

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

DA281

All demolition and excess construction materials are to be recycled wherever practicable.

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.

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

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.

DA356

All electrical and telecommunication services to the site are to be provided by underground cabling, with the plans notated prior to the issue of the Construction Certificate.

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, is required for the development. The amount being in accordance with Council's Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate / the release of subdivision plans for registration / or at the time prior to release of Development Consent where no works are involved.

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.

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ATTACHMENTS

There are no attachments for this report.

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

TO: Land Use Management Committee - 5 February 2007
REPORT: Environmental Services Division Report No. 3
SUBJECT: 36 Arthur Street, Fairlight - DA439/06
FILE NO: DA439/06

Application Lodged: 28 September 2006
Applicant: Andrew & Amanda Black
Owner: Andrew Black & Amanda Delaforce
Estimated Cost: \$214,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
 Manly Residential Development Control Plan 2001,
 Amendment 1 Sub Zone: Residential

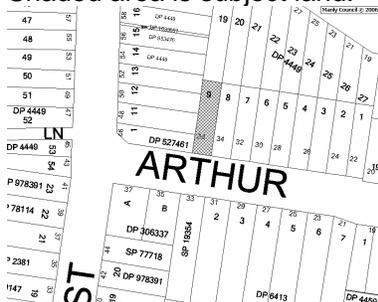
Within the Foreshore protection Area: No
Surrounding Development: One and two-storey Residential
Heritage: N/A

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO EXISTING DWELLING INCLUDING NEW FIRST FLOOR.
2. THE PROPOSAL WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH TWO SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS ALSO REFERRED TO IVANHOE PARK PRECINCT COMMUNITY FORUM AND COMMENTS WERE RECEIVED WITH THE PRECINCT HAVING NO OBJECTION.
4. INITIAL ASSESSMENT OF THE APPLICATION DISCLOSED A NUMBER OF CONCERNS WHICH WERE DISCUSSED WITH THE APPLICANT.
5. SKETCH PLANS SHOWING REDUCTIONS IN PROPOSED FIRST FLOOR LEVEL DECK AREA AND BUILT FORM WERE SUBMITTED 22 JANUARY 2005 IN RESPONSE TO NEIGHBOUR AND COUNCIL PLANNING STAFF CONCERNS.
6. THE APPLICATION WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 25 JANUARY 2007 WHERE IT WAS RECOMMENDED FOR APPROVAL.
7. THIS APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR MACDONALD.
8. A SITE INSPECTION IS RECOMMENDED.
9. APPROVAL OF THE APPLICATION IS RECOMMENDED.

LOCALITY PLAN:

Shaded area is subject land.



Environmental Services Division Report No. 3 (Cont'd)**REPORT****INTRODUCTION:**Site Description

The site is located on the northern (low) side of Arthur Street, Fairlight, one allotment removed from the intersection between Arthur Street and Francis Street. The allotment is rectangular in configuration having a width of 9.145m and side boundary dimensions of 35.425m. Total site area is 322.5m². The site has a north-south orientation and falls moderately from front to rear. The site is legally described as Lot 9 Section E, DP 4449.

The site is developed with single storey weatherboard cottage of early 20th Century vintage. On the western boundary, the house is built right to the boundary, the gutter line being on the boundary. The house has been successively added to over the years. The site adjoins the rear boundaries of four properties to the west (fronting Francis St) and rear boundaries of two properties to the north (fronting Herbert Street) as well as the side boundary of the adjoining property to the east (in Arthur Street).

Proposed development:

Development approval is sought for alterations and additions including new first floor as follows:

- Minor alterations at ground floor level including new family room, new stairs to first floor and re-configuration of laundry.
- New first floor comprising new Bedroom 1, en suite bathroom, balcony and storage space within original portion of roof.

Revised Proposal

Following initial assessment of the application a meeting was held between the applicant and Council's Assessment Officer at which time the applicant was made aware of Planning concerns as well as concerns raised by adjoining property owners. In response, the applicant submitted sketch plans showing minor changes reducing the extent of proposed works. It is the revised proposal which is the subject of this report.

Mainly DCP for the Residential Zone 2001 Numerical Assessment:

The following numerical is an assessment of the proposal's compliance with the numerical standards of the DCP. Where a variation is proposed to the standards, an assessment is included in the Planning Comments. The assessment deals with the proposal as revised by sketch plans received by Council on 22 January 2007.

<u>Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Floor space ratio	0.6:1 max	0.5:1	YES
Wall height - East	6.8 m	6.42 m	YES
Wall height - West	6.85 m	6.7 m	YES
Roof height	3.0 m	2.2 m	YES
Setback side - East	2.14 m	1.56m - 3.0m	YES (average)
Setback side - West	2.23 m	0.9m - 3.2m	NO
Front setback	6.0m	2.25 m	NO (existing)
Rear setback	8.0m	10.0 m	NO (existing)
Open space - Total	55%	48%	NO (existing)
Open space - Total	177.4 m ²	156.24 m ²	

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

<u>Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Open space - Soft Open space - Soft	35% 62.1 m ²	45.6% 80.9 m ²	YES
Shadow - adjoining north-south orientation	> 4 hrs sunlight retained to front and rear living areas. <1/3 rd shadow to existing open space	> 4 hrs sunlight retained to front and rear living areas. <1/3 rd shadow to existing open space	YES YES

Applicant's Supporting Statement

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

In response to the submissions, the applicant has submitted a written response and a copy of this statement is an attachment to this report.

NOTIFICATIONS:

The application was notified to nearby and adjoining property owners with two (2) submissions received from M & K Ranucci of 48 Francis Street and J and R Grady of 52 Francis Street, Fairlight, raising the following concerns:

- ✗ Reduction of early morning sunlight (prior to 9am).
- ✗ Size and bulk of proposed development.
- ✗ Setback of only 900 for a wall that is approximately 7.5m high does not seem reasonable when the remainder of that part of the house is right on the boundary. This will be quite imposing from the rear of our house.
- ✗ Privacy screen will be necessary on upstairs deck, which will further block early morning sunlight.
- ✗ Significant overlooking potential into their property and will have major impact on the privacy of our ground and first floor living areas at the rear of our residence as well as the primary outdoor living space within our rear yard.
- ✗ Proposed screens will reduce cross viewing to adjacent properties but will not affect direct view into our property. Impractical for us to provide screening due to height differences.
- ✗ Request bedroom doors be narrowed and have translucent/obscured glass to maximise privacy; privacy screens to run the complete length of deck and fixed vertical louvre screens used; solid balustrade and reduce deck in size for use by only two people.

Note: In response to concerns above and that raised by Council's Assessment Officer, the applicant submitted sketch plans reducing the extent of proposed works. As the revisions are relatively minor and in direct response to neighbour concerns, the submission was notified. It is the revised proposal which is the subject of this report.

Precinct Community Forum Comments:

The application was referred to the Ivanhoe Park Precinct Community Forum with the following comments received:

- The Owners spoke for the DA: they are adding an additional bedroom and bathroom; they believe that they comply with all the regulations; they have spoken with their 8 neighbours

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

throughout the proposal; they have one minor privacy issue that they believe they have resolved with privacy screens.

- The Precinct has no objection to this DA as presented provided it complies with the DCP and LEP as set out by Council. The Precinct thanks the proposer of the DA

Engineer's Comments:

No objections subject to conditions.

Building Comments:

No objections subject to conditions.

Landscape Comments:

No landscaping comments required.

PLANNING CONTROLS & COMPLIANCE ASSESSMENT**PLANNING COMMENTS**

Manly LEP 1988:

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

The proposed alterations and additions to existing dwelling including new first floor is permissible with consent in the zone. The proposal is considered satisfactory in response to the relevant objectives of the zone, with no adverse amenity impacts to neighbouring properties identified in terms of excess overlooking, overshadowing, view loss or visual bulk. Issues of overlooking have been addressed by privacy screening and also by reducing the usable area of the upstairs deck. Bulk has been addressed by minor changes to the roof line.

Consequently the proposal is considered an acceptable form of development.

Manly Local Environment Plan 1988 - Clause 10 Objectives

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

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

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

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

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

The proposed alterations and additions to the dwelling are considered compatible with the character and size of housing in the locality.

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

The design of the alterations and additions is considered to maintain acceptable levels of neighbour's amenity in terms of privacy, views, overshadowing and visual impact.

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

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

The proposal did not require review by Council's Landscape Officer since the building footprint is unchanged.

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

The proposal maintains the residential use of the site.

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

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

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

The proposed alterations and additions are considered to complement the site, responding to its form, slope and surrounds.

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

N/A

Manly DCP for the Residential Zone 2001:**Side Setbacks:**

The existing dwelling is setback of approximately 200mm from the western side boundary and 800mm from the eastern side boundary and does not meet the current DCP setback requirement. There is no additional floor space proposed at ground floor level and these setbacks are to remain unchanged.

A portion of the proposed first floor, the en-suite bathroom, has a west side setback of 900mm (3.12m length); 1.5m (670mm length) and 3.22m (2.1m length). Eaves on the western side of the en suite have been cut back and will reduce the appearance of bulk. The limitations of the site width preclude a greater setback and it is considered that the variation is minor and with the proposed articulation of the side wall of the first floor addition, the amenity impacts on adjoining properties are minimal.

Privacy & Security:

The proposed balcony has been reduced from 3.22m x 3.15m to 2.5m x 2.5m [ref: SK01A received by Council on 22 Jan 07], which increases the height of the balustrade. A privacy screen is included on the western elevation to 1650mm height and has been extended to the northern end of the balcony. The applicants have also agreed to lower the floor level of a portion of the proposed first floor addition which will assist in reducing potential overlooking of neighbouring properties.

Section 79(C) of the Environmental Planning and Assessment Act 1979**(1) Matters for consideration – general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

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

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

The proposal has been assessed having regard to the Manly Local Environmental Plan 1988 and the Development Control Plan for the Residential Zone 2001, Amendment 1. Subject to the controls detailed in the recommended conditions, the proposal is acceptable.

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

The impacts of the proposed alterations and additions have been considered and, subject to the recommended conditions, will not result in any significant negative effects on the locality.

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

The site is within the Residential zone and is currently developed with a single storey dwelling; and as such the proposed alterations and additions are considered suitable development.

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

The application was notified in accordance with Council's policy with two (2) submissions received. Concerns raised in the submissions have been considered previously in this report.

- (e) *the public interest.*

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

CONCLUSION

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

From this assessment the proposal is considered an acceptable form of development and approval is recommended.

RECOMMENDATION

THAT Development Application 439/06 for alterations and additions to the existing dwelling at 36 Arthur Street, Fairlight be approved subject to the following conditions:

DA1

This approval relates to drawings/plans Nos. DA01 Issue C dated 30 August 2006; DA02 Issue B dated 15 September 2006; DA03 Issue C dated 27 September 2006; DA04 and DA05 Issue C dated 26 September 2006; DA06 Issue B dated 15 September 2006; DA07 Issue C dated 26 September 2006 all received by Council on the 28 September 2006, as amended by Drawing N^o SK01A received by Council 22 January 2007.

ANS02

The proposed privacy screen to the west side of the proposed First Floor Balcony is to be 1.65m high to minimise privacy impacts on the adjoining properties, plans being suitably amended prior to issue of the Construction Certificate

DA016

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

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

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.

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.

DA023

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

DA024

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

DA026

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

DA031

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

DA038

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

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

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.

DA044

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

DA048

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

DA058

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

DA357

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

DA109

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

DA111

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

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

DA094

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

DA121

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

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.

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

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.

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:

- Framework inspection X 2
- Wet area moisture barrier
- Final inspection

The cost of these inspections by Council is \$920 (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.

DA337

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

DA289

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

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

DA319

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

DA320

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

DA323

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

ATTACHMENTS

AT- 1	Applicants Supporting Statement in Response to Submissions - Andrew & Amanda Black	3 Pages
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***** End of Environmental Services Division Report No. 3 *****

ATTACHMENT 1

Environmental Services Division Report No. 3 - 36 Arthur Street, Fairlight - DA439/06 Applicants Supporting Statement in Response to Submissions - Andrew & Amanda Black

24 January 2007

The Owners
No.48 Francis Street

Dear Sir

This letter is to notify you of proposed design modifications regarding the current Development Application for No.36 Arthur Street, Fairlight.

The Applicant visited all eight immediate neighbours, including your property, with the model and plans to discuss in person prior to DA submission and no indication was given that you had concerns about the design at that time.

The Applicant also attended the precinct meeting where the Application was supported and no complaints were raised.

The Applicant only learnt of your submission after Christmas.

Specific response to your concerns is as follows:

No 48 FRANCIS STREET

Regarding Concerns about Overshadowing

The original shadow diagrams indicate that the current building at No 36 Arthur Street does not overshadow the house No. 48, only part of the rear section of yard at and prior to 9am. Refer photograph. This east facing glazing - shown with blinds down in this photograph is not be shaded in mid winter by the building and will not be subject to additional shade after the extension.



The eastern end of 48 Francis Street viewed from No. 36 Arthur Street

ATTACHMENT 1

Environmental Services Division Report No. 3 - 36 Arthur Street, Fairlight - DA439/06 Applicants Supporting Statement in Response to Submissions - Andrew & Amanda Black

- 2 -

It is clear from the diagrams that the proposed additions to No.36 will not result in *additional* shadow to the building or back yard at No.48.

Regarding concerns of size and bulk:

The current submitted plans for No 36 Arthur Street:

- Comply with the DCP for Maximum Wall Height. The top of the proposed gable ridge over the bathroom on the western elevation of dwelling is only 1.3 metres higher than the springing height of the wall making the overall height 7.4 metres; that complies with the DCP requirement.
- There are no viewing windows on this side. The highlight window has a sill height of 2.4m above internal finished floor level.
- The proposed bathroom wall is only 3.15m long – a small proportion of the length of the whole house and the site, with negligible impact. However to further minimise bulk it is proposed to modify the plans for No 36 Arthur Street as follows:
- It is proposed to cut back the gable roof line above the bathroom so that the highest part of the roof gable is set back a further 1.0m from the boundary.
- A lower flat roof over a bay will tuck in under the gable significantly decreasing the bulk and the perceived height of gable end (see diagram).
- This has the net effect of reducing building height and therefore improving the wall height/setback ratio. The wall height will therefore be 6.0m - not 7.4m high at 0.9m from the boundary. By setting the gable roof back the vertical wall of the gable triangle will then be set back 1.9m from the boundary breaking the building planes and also reducing additional shading *(that falls only on the garage of No.46 Francis Street at 9am, mid-winter not No.48)*

Privacy:

Additionally the modified plans for No 36 Arthur Street will preserve privacy by inclusion of:

- Extending the privacy screen on the West side of balcony to the full 2.5m length of balcony. The screen will be fixed battens rather than louvres to limit diagonal views and will be to a maximum height of 1.65m, above eye level, but not so high to contribute to bulk and overshadowing.
- As the balcony is set further into the pitch of the roof the sides will be higher thus increasing enclosure and limiting visibility in/out.
- The western side balustrade will be solid construction to a height of 0.8m which will limit lines of sight to and from the bedroom.

ATTACHMENT 1

Environmental Services Division Report No. 3 - 36 Arthur Street, Fairlight - DA439/06 Applicants Supporting Statement in Response to Submissions - Andrew & Amanda Black

- 3 -

- The balcony will be significantly smaller, reducing the size from 3.0x 3.0m (9 square metres) to 2.5 x 2.5m (6.25 square metres) Refer to attached sketches.

The Line of Sight plan diagram shows that a person would have to be leaning out from the North Western corner of the balcony to be able to see into No 52 (see enclosed). This is not a likely or typical scenario.

We trust that this re-submission answers all concerns.

Yours sincerely

TO: Land Use Management Committee - 5 February 2007
REPORT: Environmental Services Division Report No. 4
SUBJECT: 12 Cecil Street, Fairlight - DA25/05
FILE NO: DA25/05

PREVIOUS ITEMS: ESD77/06 - 12 Cecil Street, Fairlight
 82A Review - Land Use Management Committee - 11 December 2006
 (Special)

Application Lodged: 13 June 2006
Applicant: Addbuild Master Builders Pty Ltd
Owner: N Hill & N Mendez
Estimated Cost: \$130,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Single storey detached and semi detached dwellings
Heritage: Not Applicable

SUMMARY:

1. DEVELOPMENT APPLICATION 25/05 FOR ALTERATIONS AND FIRST FLOOR ADDITIONS TO THE EXISTING SEMI DETACHED DWELLING WAS LODGED WITH COUNCIL 16 DECEMBER 2004.
2. THE APPLICATION WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONTWO JOINT SUBMISSIONS RECEIVED.
3. THE APPLICANT SUBMITTED REVISED PLANS ON 17 NOVEMBER 2005.
4. THE REVISED PLANS WERE NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE JOINT SUBMISSION WITH FOUR SIGNATORIES RECEIVED.
5. THE APPLICATION WAS CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT ON 12 JANUARY 2006 WHERE IT WAS DEFERRED FOR FURTHER INFORMATION.
6. THE APPLICATION WAS AGAIN CONSIDERED BY COUNCILS DEVELOPMENT ASSESSMENT UNIT ON 17 JANUARY 2006 WHERE THE APPLICATION WAS REFUSED.
7. COUNCIL RECEIVED AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ON 13 JUNE 2006.
8. THE APPLICATION FOR REVIEW WAS NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH TWO JOINT SUBMISSIONS, EACH WITH TWO SIGNATORIES RECEIVED.
9. COUNCIL RECEIVED REVISED PLANS ON 19 OCTOBER 2006.
10. THE REVISED PLANS REPRESENT CHANGES IN RESPONSE TO THE MOST RECENT OBJECTIONS AND REDUCE AMENITY IMPACTS ON ADJOINING PROPERTIES.
11. THE APPLICATION WAS REPORTED TO COUNCIL'S LAND USE MANAGEMENT MEETING OF 11 DECEMBER 2006 WHERE THE MATTER WAS DEFERRED TO ALLOW RE-NOTIFICATION.
12. PLANS WERE RE-NOTIFIED WITH FOUR SUBMISSIONS RECEIVED.
13. APPROVAL OF THE APPLICATION IS RECOMMENDED.

LOCALITY PLAN:

Shaded area is subject land.



Environmental Services Division Report No. 4 (Cont'd)**REPORT****INTRODUCTION:**Site Description

The subject site is located on the northern side of Cecil Street which is a cu-del sac street and currently contains a single storey semi-detached dwelling. Number 10 is identical to Number 12, as they share the same roof span.

The subject site has a frontage of 6.155m and side boundaries of 30.480m, which results in a total site area of 215.2sqm. The semi is one of the three pairs of semis currently located on the northern side of Cecil Street.

Proposed development

The application seeks development consent for alterations and a first floor addition to an existing semi-detached dwelling.

The proposed works (amended plans as received on 17 November 2005) include:

- A first floor addition including the provision of a family room with an attached rear balcony, a bedroom, and a bathroom.
- Minor internal alterations to the existing ground floor to accommodate a new internal stairs to the proposed first floor addition.

History

Development application 25/05 for alterations and first floor additions to the existing semi detached dwelling was lodged with Council 16 December 2004. The application was notified to nearby and adjoining property owners with two joint submissions received (four signatories in total). On 13 May 2005, a letter was sent to the applicant regarding Council's concerns to the non compliances to the proposed Floor Space Ratio (FSR), building wall height, setbacks, as well as concerns raised in the submissions as to the impact of the proposed development on the existing streetscape and the amenity area both public and private lands.

On 30 May 2005, a letter in response to issues raised in Council's previous letter of 13 May 2005 was received from the applicant.

In response to applicant's correspondence of 30 May 2005, a letter was sent to the applicant on the 16 June 2005 clarifying issues raised in Council's previous letter of 13 May 2005 (including issues discussed at meeting with Council's Liaison Officer, the owner, the architect and the applicant on 10 October 2003).

On 1 July 2005, a letter was received from the applicant advising Council that this Development Application has been referred to Mr. Ross Fleming of Turnbull and Associates – Town Planners to undertake further consultation with Council.

Revised plans were received on the 17th November 2005. The revised plans were notified to nearby and adjoining property owners with one joint submission (four signatories in total) received. The application was considered by Councils Development Assessment Unit on 12 January 2006 where it was deferred for further information from Councils assessing officers. The application was again considered by Councils Development Assessment Unit on 17 January 2006 where it was refused.

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

Council received an application for review of determination under Section 82a of the Environmental Planning and Assessment Act 1979 on 13 June 2006. The application for review was notified to nearby and adjoining property owners with two joint submissions (four signatories) received. The issues raised in the submissions and those of Council staff were advised to the applicant. Council received revised plans on 19 October 2006. The revised plans represent changes to the proposal which are in direct response to the objections and issues raised by Council staff and represent reductions in amenity impacts that could be achieved through conditions of consent, accordingly further notification is not considered necessary. The latest revised plans are the subject of this report.

The application was reported to Council's Land Use Management Committee meeting of 11 December 2006 where Council resolved as follows;

"That DA25/05, S82A Review of Determination, Alterations and Additions including a new first floor level to the existing semi-detached dwelling at 12 Cecil Street, Fairlight be DEFERRED to the 5th February 2007 meeting to allow re-notification."

The plans were re-notified accordingly with four (4) submissions received. Concerns raised in the submissions are detailed below.

Manly LEP 1988

The site is located within Zone No.2 (Residential) of the Manly LEP 1988. The Residential Zone permits dwelling houses subject to Council consent. The proposed alterations and additions are ancillary to the existing dwelling and are therefore permissible subject to Council's consent.

Manly DCP for the Residential Zone 2001 Numerical Assessment:

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

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Floor space ratio	0.6:1 max	0.72:1	No
Wall height - East	6.9m	7.3 m	No
Wall height - West	6.9m	7.3 m	No
Roof height	3.0m	1.7 m	Yes
Setback side - East	n/a	n/a	n/a - Semi
Setback side - West	2.4 m	1.12 – 1.82 m	No
Front setback	6.0m	8.5 m	Yes
Rear setback	8.0m	10 m	Yes
Open space -Total	55%	46%	No
Open space -Total	128.36 m ²	99 m ²	No existing -
Open space -Soft	35%	>35%	Yes
Endemic Trees	1	1	Yes
Car Parking - Residents	2	0	No existing -

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

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Shadow - adjoining N/S orientation	> 4 hrs sunlight retained	existing retained to rear living areas	Yes
Shadows open space	Max 1/3 rd of existing	Less than 1/3 rd	Yes

Applicant's Supporting Statement

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

NOTIFICATIONS:**The Section 82A Plans**

The Section 82A plans were notified with on joint submission received containing four signatories.

The following issues were raised:

- Excessive FSR non compliance with DCP
- Excessive height non compliance with DCP
- Side setbacks non compliance with DCP
- Streetscape – 12 Cecil street is a single storey semi detached dwelling in the middle of a row of six such dwellings. In Cecil Street there is only one two storey dwelling at the end of the street, partially obscured by foliage and at lower level than other dwellings. Front bay window not in keeping.
- Privacy impacts to east side from upper rear balcony

The submission goes on to suggest design changes as follows;

- (i) Commence addition behind south facing roof section of existing dwelling.
- (ii) Delete south facing dormer.
- (iii) Reduce stud height – no reason why the addition could not be contained within the existing structures maximum height.
- (iv) Set back west side of addition 2.12m from side boundary.
- (v) Add privacy screen to east side upper balcony.

Note Following discussions between the applicant and Council staff, the plans were revised to conform with (i) and (ii) above. A condition of consent is included in the Recommendation to address item (v). Items (iii) and (iv) are not considered achievable, see Planning comments.

Re-notification

- Following Council's land Use Management Meeting of 11 December 2006 the plans were re-notified to 15 nearby and adjoining property owners with submissions received from G Eastwood of 27 Augusta Road, D McEwen and F Stephens of 16 Cecil Street, M O'Sullivan and H Duffield of 14 Cecil Street and M and M Cooke raising the following issues;
- Developer at no stage has attempted to communicate with neighbours or the Ivanhoe Park Precinct Community Forum.
- Despite significant non compliance with DCP and Manly Council heritage guidelines Council staff were prepared to recommend approval on the last occasion. This is most unsatisfactory.
- The developer also proposes various modifications which in no way ameliorate the effect of this development on the streetscape nor addressed non compliance and amenity issues. This is what is called "salami tactics". Gradual and continuous changes that mean nothing.
- Non compliant FSR – 20% over acceptable standard on what is an undersized block.

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

- Non compliant wall height . Inconsistent with neighbouring properties and overbears neighbours property robbing it of sunlight (including living spaces), access to sky and privacy.
 - Non compliant side setback 1,12m to 1.82m where 2.43m required impacting on privacy and light.
 - Streetscape – Cecil St one of few remaining with no residential flats and has retained the original houses. Proposed single sided addition impacting on charm and architectural interest of the street would set undesirable precedent for future imposing developments.
 - Proposal contradicts the aim and tenor of Council's heritage guidelines – other neighbours have complies with the guidelines so as to not interrupt the streetscape.
 - Community objection – the Ivanhoe Park Precinct Committee unanimously rejected the previous plans at its July meeting – this seems to not have been registered by Council.
 - While we strongly object to the application being approved we would recommend substantial amendments to achieve greater balance between desires of the applicant for additional space and other neighbours in terms of light privacy bulk and compliance. Explained in summary ;
 1. Reduce the bulk of the upper floor addition to extend no further north than the existing northerly ridge height.
 2. Maintain the existing DA proposal to begin behind the existing southern ridge height.
 3. Remove any balcony, with any replacement window son the northern wall being opaque glass or obscured by privacy screen extending from rear to obscure views into neighbouring yards from all angles.
 4. Reduce the bulk of the first floor addition to meet (or much more closely align to) Council's DCP FSR requirements.
- Cecil Street is currently a charming cul de sac, one of the few left. The only two storey dwelling is at the end of the street, screened behind trees and at a lower level.
 - Tremendous impact on streetscape.
 - 12 Cecil has 3.3m lower floor ceiling heights – proposal could be easily modified to reduce overall height by two feet.
 - We do not believe that it is fair for the owner of a compact two bedroom semi on a small block to expect an attic bedroom. We do not believe that it is appropriate to convert a two bedroom semi into a substantial family home with two living areas and two substantial decks.
 - Privacy will still be compromised – we prefer the deck be deleted or at the very least privacy screen installed of fully opaque material extending some distance beyond the deck so that it is difficult for people on the deck to look out to the left or right.
 - Loss of privacy – upstairs living room and deck will tower over our backyard (equivalent to 3-4 stories above the rear of our house) – privacy to our only living area will be lost.
 - Noise- proposed upper storey living area and deck will provide great views and excellent entertainment area for the developer, but our peace and quite will be lost.
 - Illegal removal of tree to win views – tree offering us some level of privacy has been removed just weeks ago despite promises by the owner to the contrary.
 - The proposal favours one family at the expense of the quality of life of at least four other families.
 - Removal of the balcony and frosting of the north facing window will solve our privacy and noise issues while satisfying the developers intentions for more accommodation. Other families matter too.
 - Loss of light and overshadowing- unacceptable reduction in direct sunlight and diffused light, resulting in impact on dampness and family health and well-being.
 - Loss of privacy – privacy screen is inadequate, the large balcony at rear off non essential living space would likely be regularly used and noisy. Direct impact on at least four neighbouring properties.
 - Reduced property value.

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

- Applicant purchased the property within the space of the last five years knowing that was a two bedroom semi and knowing the limitations on further development.
- The Council has been right to request continued amendments and should reject or continue such amendments to provide an equitable outcome for neighbouring ratepayers.
- Loss of light and overshadowing – we currently only receive direct winter sunlight for a small portion of the day. The loss of light would reduce beyond what we consider acceptable levels and what is articulated in the DCP, unreasonable negative impact on the quality of our lifestyle and the value of our property.
- Proposal fails to meet objectives of DCP in respect of overshadowing.

Precinct Community Forum Comments

The original application and revised plans were referred to the Ivanhoe Park Precinct Community Forum for comment on 11 January 2005 and 17 November 2005 respectively with no comments received.

The Section 82a application for Review of Determination was referred to the Ivanhoe park precinct Community Forum on 19 June 2006 with the following comment received.
"12 Cecil St, Fairlight SA25/05 Sect82A review of determination – alts and adds to dwelling including first floor addition. The meeting was addressed by the resident of No16 Cecil Street and a letter of objection was tabled on behalf of residents of 16 and 14 Cecil Street.

Motion; The Precinct objects to this DA on the basis of poor design , streetscape, loss of privacy, height and bulk and asks that Council reject the application.

Building Comments

No objections subject to recommended conditions.

PLANNING COMMENTS**Planning Comments**

The following matters have been addressed as a result of variations to the requirements of the DCP Residential Zone 2001, Amendment 1.

Design and Streetscape

The existing dwelling is a semi-detached single storey dwelling fronting Cecil Street which is a cul-de-sac street. Number 10 Cecil Street mirrors number 12, as the roof span is split down the middle. The owner of Number 10 Cecil Street is not proposing a first floor addition at this stage.

Due to the identical nature of Number 10 and 12, it would be advised however, that any first floor addition approved for one dwelling would set a precedent for any future first floor design of the adjoining dwelling.

Section 2.5.3 - *Roof Types* of the DCP requires consideration of the following:

Roof forms should respond to the predominant form in the locality, and in particular those of adjacent buildings. Upper floor additions should be well integrated into the roofscape avoiding overbearing scale relationships with their neighbours.

The revised design deletes the south facing dormer window and repositions the first floor addition behind the south facing roof of the existing dwelling. Accordingly the impacts on the streetscape are considered acceptable.

Environmental Services Division Report No. 4 (Cont'd)***Floor Space Ratio (FSR):***

The objective of the FSR standard is to control the bulk of buildings and ensure that development is consistent with the existing and desired character of residential areas.

The subject site is an undersized allotment located within Density Sub-zone 3, with an applicable FSR of 0.6:1. The proposed first floor addition results in an increase in FSR to 0.72:1 and therefore does not comply with the DCP. It is considered that the design, bulk and scale of the first floor addition whilst out of character with the immediately adjoining dwellings has been designed to reduce amenity impacts and with increased side and front setbacks as now proposed is considered satisfactory in terms of the aims and objectives of the DCP.

Western Side Setback

A 2.4m western side boundary setback is required, based on 1/3 of the proposed 7.3m building height. The proposed first floor addition involves a western side boundary setback of 1.12-1.82m. The non-compliance is due to restriction of the site in particular the width being 6.155m and the design objective to provide a degree of articulation in the west elevation to improve the architectural merit of the proposal. The setback of 1.12m occurs for a relatively short length of the addition being 4.79m with the remainder 4.6m and 3.5m being setback 1.82m. Having regard to the circumstances the variance is considered acceptable.

Building Wall Height

Under the DCP, the proposed development is required to have a maximum building height of 6.9m above the existing ground floor level based on slope of 1:15. The proposed addition will result in height of 7.3m on the east/west elevation and therefore does not comply with the maximum height requirement of the DCP. Variation to the maximum height requirement within the DCP is considered to be acceptable the floor to ceiling heights and roof springing heights minimal being 2.0m for the stairwell and bathroom and 2.4m for the family room and bedroom. Section 3.4 Objective b) of the DCP in relation to wall heights is "to provide for building heights that are consistent with the locality". The height of the building will not be consistent with the height of dwellings immediately adjoining however a two storey building is permissible and the nearby area contains a variety of building character of one and two storeys. A two storey dwelling in this area is considered to be a reasonable expectation on the part of the property owner.

Parking

In accordance with the parking requirements of the DCP, a minimum of two (2) car parking spaces are required per dwelling. The proposal does not provide for any off street car parking.

The parking provision variation is considered acceptable in this instance, given that the subject site currently has no provision for off street car parking.

Privacy – Proposed Rear First Floor Balcony

Concern was raised during assessment with regard to a possible loss of privacy to sites adjoining each side. The applicant has shown a privacy screen is to be provided to the western side of the rear balcony which will maintain acceptable levels of privacy to the side of the dwelling and rear yard of the western neighbour. A similar screen treatment could be provided to the eastern side to maintain privacy to the adjoining site to the east. This has been included in the draft conditions of consent contained in the Recommendation.

Environmental Services Division Report No. 4 (Cont'd)Manly Local Environment Plan 1988 - Clause 10 Objectives

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

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

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

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

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

The proposed additions to the dwelling are considered compatible with the character and size of housing in the locality.

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

The design of the additions is considered acceptable subject to conditions included in the Recommendation with neighbour's amenity in terms of privacy, views, overshadowing and visual impact being maintained.

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

The proposal has been reviewed by Council's Landscape Officer 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;*

The proposal maintains the residential use of the site.

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

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

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

The proposed additions are considered to complement the site, responding to its form, slope and surrounds.

(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

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

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) *the provisions of:*

(i) *any environmental planning instrument*

(ii) *any draft environmental planning instrument*

(iii) *any development control plan*

Environmental Services Division Report No. 4 (Cont'd)*(iv) the regulations*

The proposal has been assessed having regard to the Manly Local Environmental Plan 1988 and the Development Control Plan for the Residential Zone 2001, Amendment 1. Subject to the recommended conditions, the proposal is acceptable.

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

The impacts of the proposed additions have been considered and, subject to the recommended conditions, will not result in any significant negative effects on the locality.

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

The site is within the Residential zone and is currently developed with a dwelling; and as such the proposed addition is considered un/suitable development.

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

The application was notified in accordance with Council's policy with a submission signed by four adjoining property owners. The concerns raised in the submission have been addressed previously in this report.

(e) the public interest.

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

CONCLUSION

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

From this assessment the proposal is considered a satisfactory form of development and approval is recommended:

RECOMMENDATION

That the Development Application 25/05 for alterations and additions including a new first floor level to the existing semi detached dwelling at No.12 Cecil Street, Fairlight be approved, subject to standard conditions and the following special conditions:

ANS01

Provision of a 1.6m high privacy screen to the eastern side of the rear first floor level balcony, to maintain privacy of the adjoining property to the east, plans being suitably amended prior to the issue of the Construction Certificate

ANS02

Prior to the issue of any Construction Certificate the Principal Certifying Authority is to be provided with Fire Rating details for the top of the party wall shown as Detail 1 on the submitted DA plans to comply with the Building Code of Australia.

DA16

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

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

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.

DA17

Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per Australian Standard AS 1742.3, "Part 3 - Traffic control devices for works on roads".

DA18

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.

DA19

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

DA21

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

DA24

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm.

Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

DA26

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

DA31

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

DA38

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

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

DA39

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

DA44

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

DA48

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

DA58

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

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.

DA84

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

DA109

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

DA111

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

DA121

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

DA126

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

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:-

- Framework inspection X 2
- Wet area moisture barrier
- Final inspection

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

The cost of these inspections by Council is \$920 (being \$230.00 per inspection inclusive of GST). Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.

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

DA271

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

DA284

Detailed plans of roof trusses indicating type and position of trusses, design wind classification, manufacturer's 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.

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.

DA334

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

DA343

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

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.

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.

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural 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. 4 (Cont'd)

DA320

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

DA323

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

ATTACHMENTS

There are no attachments for this report.

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

TO: Land Use Management Committee - 5 February 2007
REPORT: Environmental Services Division Report No. 5
SUBJECT: Level 2, 49 North Steyne Manly - DA388/06
FILE NO: DA388/06

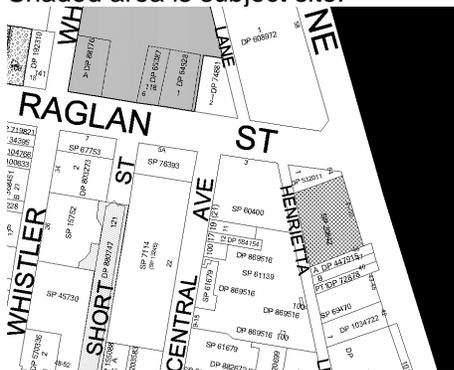
Application Lodged: 8 September 2006
Applicant: Yardhouse Restaurant Pty Ltd.
Owner: Jatims International Connections Pty Ltd
Estimated Cost: \$25,000.00
Zoning: Manly Local Environmental Plan, 1988 - Business
 And Within the Foreshore Scenic Protection Area.
Surrounding Development: Retail, restaurants and residential units
Heritage: Opposite the listed Beach Reserve.

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR INTERNAL REFURBISHMENT FOR RESTAURANT AND SUSHI BAR.
2. THE APPLICATION WAS NOTIFIED TO ALL ADJOINING PROPERTY OWNERS AND UNIT OWNERS OF THE SUBJECT STRATA BODY. SIX (6) LETTERS OBJECTING TO THE DEVELOPMENT HAVE BEEN RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE CORSO COMMUNITY FORUM AND COMMENTS RECEIVED.
4. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR NOREK.
5. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL APPROVAL.

LOCALITY PLAN

Shaded area is subject site.



REPORT

Introduction

The application is for the renovation of the existing restaurant and change of signage. The proposal also involves a section of an internal wall between back of house and front of house and changes to the sushi bar to bring it forward within the existing restaurant. No external changes are proposed. The proposed hours of operation are 7:00am to 12:00 midnight Monday to Thursday, 7:00am to 3:00am Friday and Saturdays and 7:00am to 10:00pm Sunday. The proposed number of seats is 250.

Environmental Services Division Report No. 5 (Cont'd)**Applicant's Supporting Statement**

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

Submissions

In response to the notification, letters objecting to the development has been received from:- (1) C T Nichols & L C Gillespie of Unit 5, 49 52 North Steyne, Director W G Apartments – owners of Unit 10/ 49-52, North Steyne and Director Nevada Keys Superannuation Fund – owner Unit 18/49-52, North Steyne; (2) N Marshall-Roth, owner of Unit 401, 49-52, North Steyne; (3) E & L Etherington, owners of two (2) units at 49-52, North Steyne, P O Box 1024, Mudgee NSW 2850; (4) R & G Tesoriero owners of 402, 49-52, North Steyne, P O Box 606, Kingswood NSW 2747; (5) J McQuillan of Unit 404,414 & 415, 49-52, North Steyne; and (6) R Parker unit owner, 49-52, North Steyne of 95A, Braemar Road, Castor Bay Auckland. Concerns raised include the following:-

- Object to the hours of trading viz., 7am to midnight but extending to 3am on Friday and Saturday evenings. The proposed 3am closing is of great concern – it would even be worse if there is also music. The peace and quiet of the residents will be severely disrupted.
- Also object to there being tables on the balcony after 9pm.
- Currently there are four floors of residential above the commercial floors.
- A restaurant that is open to 3am would attract those who do not sleep, who would prefer to make noise to celebrate they are still awake at the wee hours of the night. This is in complete contrast to those families and community members who live and holiday and sleep.
- All units on three (3) floors of residential (a total of 23 residential units) are occupied by families and I have no doubt Manly Councillors and staff would appreciate how noise travels 'upwards'.
- To have a noisy function every Friday and Saturday evening disturbing your sleep till 3am twelve months of the year is a great intrusion on privacy and standard of living.
- There already exists brawl and bad behaviour in Henrietta Lane on Friday and Saturday evenings and to have a noisy function the floor below your home will only add an existing noise problem.
- The 3am liquor license would greatly impact on the standard of living of the residents located directly above the restaurant.
- Trading beyond 11:00 pm at night is most unfair and disturbing for the people living in the apartments and extending the trade hours to 3:00am on Friday and Saturday should not be approved under the circumstances.
- The proposed development involves a restaurant and sushi bar and I cannot see why patrons of such a restaurant would need to be out so late. Surely, 12:00 midnight would be sufficient. I can only assume that the main purpose of this establishment is that of a bar and the noise emanating from a bar would be unacceptable to the residents of the apartments above.

Precinct Community Forum Comments

The application was discussed at the Precinct Committee meeting of the 10 October 2006. The precinct made no comments on the application.

Building Comments

No objections to the proposed new restaurant fit-out, subject to the inclusion of standard conditions.

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

No objection subject to conditions.

Planning Comments

The site premises is located on the upper ground floor level (Level 2) of building containing mixed residential/business. The two lower levels of the building contain businesses and the upper three (3) levels contain residential use. The total number of existing units in the development is 23. The proposal is for internal refurbishment and change to the hours of operation. The application is also to change the signage for the premises.

Manly Local Environmental Plan 1988:

The site is in zone No 3 – The Business Zone which permits refreshment rooms (restaurants) with the consent of Council.

The proposal is for internal refurbishment of the existing restaurant (Barracuda) to provide for a new restaurant and sushi bar and new signage. This is consistent with the zone and therefore permissible. The proposal also includes changes to the hours of operation. The proposed hours of operation are 7:00am to 12:00 midnight Monday to Thursday, 7:00am to 3:00am Friday and Saturdays and 7:00am to 10:00pm Sunday. The proposed numbers of seats is 250.

Clause 10 Objectives of the Business Zone under the Manly Local Environmental Plan 1988

The consistency of the proposed development with the objectives for No. 3 - Business Zone, as contained in Clause 10 of the Manly LEP 1988, has been considered as follows:

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

The proposal is for the refurbishment of the existing restaurant to provide for a new restaurant and sushi bar. It is considered that the refurbished restaurant will encourage the expansion of the business activity which in turn will contribute to the economic growth and employment opportunities within the Council. The existing business activities will not change and therefore the proposal complies with this clause.

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

The proposal to use the premises for a refurbished restaurant and sushi bar is compatible with the amenity of the surrounding area, subject to the control of noise and hours of operation. The proposal needs to comply with the provisions of the Development Control Plan for Late Night Venues 2005.

- c) *To ensure there is adequate provision for car parking in future development in the business area;*

The proposal is to upgrade the existing restaurant and provide new signage. No additional parking requirement is applicable.

- d) *To minimise conflicts between pedestrians and vehicular movement systems within the business areas.*

It is considered that the proposed upgrade will not cause conflict between pedestrian and vehicular movement.

Environmental Services Division Report No. 5 (Cont'd)**Manly DCP for the Business Zone 1989, Amendment 5:**

The proposal is for internal alterations and refurbishment only and therefore does not change the provisions of the Manly DCP for the Business Zone 1989, Amendment 5.

Manly DCP for Late Night Venues 2005:

The Manly DCP for Late Night Venues was adopted by Council on 19 December 2005 and became operational on 20 December 2005. The subject site is located within the principal area known as the Entertainment Precinct as indicated on the map in Appendix 1 of the DCP. The main objectives of the DCP are:-

- to promote the CBD of Manly as a safe place for all the community late at night.
- to minimize disturbances to the public late in the evening and extending into the early morning hours
- to have the Entertainment Precinct recognized as a place where people can be safely entertained and socialize without disturbing the peace of the community.
- to achieve an image for Manly as a place of excellence in terms of safety and security while enabling the enjoyment of recreational pursuits.
- to provide for all members of the community to use and enjoy the highly valued natural amenity qualities of the Manly CBD has a place for leisure and entertainment.
- to regulate late night venues to achieve the other objectives of this DCP

The proposed development will comply with the above provisions being a restaurant with 250 patrons, subject to complying with the prescribed hours of operation.

Intensity of Development:

The proposal complies with this requirement of the DCP. The DCP states that within the Entertainment Precinct the total number of patrons capable of being accommodated within Late Night Venues shall not exceed 8000 patrons. The proposal provides for 250 patrons which is comparable to the capacity of the previous use and is therefore considered satisfactory.

Hours of operation:

The DCP for Late Night Venues 2005 prescribes that the hours of operation for a restaurant is not to exceed 1:00am. The request is for the hours of operation to be 7:00am to 12:00 midnight Monday to Thursday, 7:00am to 3:00am Friday and Saturdays and 7:00am to 10:00pm Sunday. No objection is raised to hours of operation to midnight Monday to Thursday and 10:00pm Sunday, however concern is raised to opening hours till 3:00am following day on Fridays and Saturdays. This is not in compliance with the DCP. It is therefore considered that the opening hours should be restricted to 1:00am the following day for Friday and Saturday. A condition to this effect is included within the Recommendation.

All the objection letters received have raised concern to the late night opening and the noise associated with late night trading. It is considered that restricting the opening hours to 1:00am would be acceptable for the location of the premises.

Noise Control

The DCP requires that all applications for late night trading comply with:-

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

The La10* noise level emitted from the licensed premises shall not exceed the background of noise level in any Octave Band Centre Frequency (31.5Hz - 8k Hz inclusive) by more than 5dB between 7 a.m. and 12 midnight at the boundary of any affected residence.

The La 10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8k Hz inclusive) between 12 midnight and 7 a.m. at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise level from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7 a.m.

The application has not provided any information regarding noise level emitted from the premises. Conditions relating to the above are incorporated within the Recommendation.

Balconies & Roof Top Areas:

The DCP for Late Night Venues 2005 requires that balconies and outside roof top areas are to be closed to patrons from 10:00pm until 8:00am the next morning.

The proposal provides for 72m² of outside eating on the balcony. To maintain the amenity of the adjoining residential units and the units within the subject property a condition is included within the Recommendation to restrict the use of the area be closed to patrons from 10:00pm each night to 8:00am next morning.

Signage

No objection is raised to the proposed change in signage.

Matters for Consideration under Section 79(C) of the Environmental Planning & Assessment Act (EP & AA), 1979:

(a) *the provisions of:*

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

The application has been assessed under the provisions of Manly Local Environmental Plan 1988, DCP for the Business Zone, 1989 and DCP for Late Night Venues 2005. It is considered that the proposal is acceptable, subject to conditions included within the Recommendation.

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

The proposal will not have any adverse impact on the natural and built environment. The proposal will also not have any adverse impact on the social and economic environment of the locality, subject to conditions.

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

The proposal is suitable for the site, subject to the restriction in the hours of operation.

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

In response to the notification, Council received six (6) letters objecting to the development, mostly raising concerns to the late night trading. The issues raised have been considered and any approval could be conditioned to address the concerns.

(e) *the public interest.*

The proposal to keep the same use (restaurant) is in the public interest.

Environmental Services Division Report No. 5 (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, Development Control Plan for the Business Zone 1989 (Amendment 5) and the Development Control Plan for Late Night Venues 2005. It is considered that the application is satisfactory subject to conditions relating to hours of operation and emission of noise and is therefore recommended for conditional approval.

RECOMMENDATION

That Development Application No. 388/06 for refurbishment of the existing restaurant and extension to the hours of operation and signage at Level 2, 49 North Steyne, Manly be approved, subject to the following conditions:

DA1

This approval relates to Drawing/Plan Nos. 205/101/A, 102/A and 103A dated 17 August 2006 and one (1) set of photomontage showing new signage received by Council on 8 September 2006.

ANS01

The hours of operation not to exceed 7:00am to 12:00 midnight Mondays to Thursdays, 7:00am to 1:00am (the following day) Fridays and Saturdays and 7:00am to 10:00pm Sunday, without the prior consent of Council.

ANS02

The proposed development is to comply with the following noise level:-

- The La10* noise level emitted from the licensed premises shall not exceed the background of noise level in any Octaves Band Centre Frequency (31.5Hz - 8k Hz inclusive) by more than 5dB between 7 a.m. and 12 midnight at the boundary of any affected residence.
- The La 10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8k Hz inclusive) between 12 midnight and 7 a.m. at the boundary of any affected residence.
- Notwithstanding compliance with the above, the noise level from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7 a.m.

ANS03

The outside eating area on the balcony is to be closed to patrons from 10:00pm until 8:00am the next day. These hours are to be strictly complied with. This is to preserve the amenity of the adjoining as well as the units within the development.

ANS04

Development consent of Council shall be obtained for any new advertising structure prior to erection.

ANS05

Walls in food preparation, service and scullery areas must be finished with glazed ceramic tiles, stainless steel or laminated plastics adhered directly to the wall, to a height of at least 2 metres above floor level and to the underside of canopy hoods. Walls that are not tiled or otherwise finished, must be cement rendered to a smooth even surface and painted with a light coloured washable paint or sealed with other approved materials.

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

ANS06

Floors in the food preparation areas, sculleries and food storage areas shall be constructed of approved materials that are non-slip, impervious and meet the requirements of Council's Food Premises Code.

ANS07

Ceilings are to be constructed of a rigid smooth faced, non-absorbent material and could include fibrous plaster, plasterboard, fibrous cement, cement render or other approved material painted with a washable gloss paint of light colour.

ANS08

All equipment (including pie warmers, hot food display units, etc) used for the display or storage of hot food shall maintain the food at a temperature of not less than 60°C.

ANS09

All equipment used for the display or storage of cold food shall maintain the food temperature of not more than 5°C.

ANS10

Any appliance used for the storage of hot and cold food must be provided with a numerically scaled and accurate thermometer.

ANS11

Where Manly council is not the Principal Certifying Authority (PCA) an inspection of the premises must be undertaken by Manly Council's Environmental Health Officer **prior to the Issuing of an Occupation Certificate.**

ANS12

The floor of the food preparation area is to be graded to a sanitary floor waste.

ANS13

Brackets used to support benches, counters and equipment shall be non-corrosive, tubular or solid metal. Brackets are to be secured to walls to prevent the formation of cracks and crevices. Timber brackets are not allowed.

ANS14

Persons engaging in any food handling operations must be appropriately attired in clothing and footwear that is clean and relevant to their task.

ANS15

The premises must be provided with a wash basin in, or convenient to:

- (a) each toilet;
- (b) each kitchen area.

The wash basin must be:-

- (a) provided with water at least 40°C from a mixed hot and cold water supply;
- (b) supplied with liquid soap and an adequate supply of single use towels or other suitable hand drying facilities located adjacent to the hand basins;
- (c) kept in clean and sanitary conditions and in good repair at all times;
- (d) not used for any other purpose other than the washing of hands.

ANS16

The premises are approved for restaurant use only and are not to be used for take-away food/drink shop.

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

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$600. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

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

DA176

The Construction, fit-out and finishing of the premises shall comply with: *Australian Standard AS 4674-2004 (Design, construction and fit-out of Food Premises), the Food Act 2003, Food Regulation 2004 and the Food Standards Code*

DA179

The walls above bench tops, hand basin and similar fittings shall be finished with glazed tiles or similar approved materials to a height of 450mm above the fittings.

DA178

The walls, where not tiled, shall be cement rendered, finished to a smooth, even surface, painted with a washable gloss paint of a light colour or sealed with other approved materials.

DA181

All vertical corners, door openings, columns, corridor walls and the like, which are likely to be damaged by trolleys, kegs or similar traffic shall be protected by stainless steel angles, rubbing strips or other approved material.

DA186

The ceiling light fittings shall be installed flush with the ceiling surface or provided with an approved diffuser cover to prevent the accumulation of dust or the harbourage of vermin.

DA187

The supporting wall of any proposed counter or bar shall be of solid construction, finished with an approved impervious material.

DA188

The counter and bar tops shall be constructed of solid material, jointed in an approved manner with all exposed surfaces finished with a smooth, impervious material.

DA190

The floor(s) of the storeroom(s) shall be impervious and coved at the intersection with walls and plinths.

DA193

All service pipes including beer pipes, electrical conduits, and refrigeration condensate pipes shall be chased into walls, floor or plinths.

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

DA194

Where it is not possible or permitted to conceal service pipes, they are to be fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe and adjacent horizontal surfaces.

DA196

Concrete floor(s) of the cool/freezer room(s) shall be at least 75mm thick, graded to the doorway, coved at the intersections with the walls finished so as to be impervious to liquids.

DA197

The floor of the coolroom shall be graded to the door with floor gully located outside the coolroom as near to the door opening as practicable.

DA198

The door(s) of the coolroom(s) shall be openable at all times from the inside without the use of a key.

DA199

An approved audible alarm device(s) shall be located outside the coolroom(s) but controllable only from within the coolroom(s).

DA201

The coolroom(s) shall operate so that all food capable of supporting rapid bacterial growth is kept cold at a temperature of not more than 5 degrees Celsius with the coolroom being provided with a numerically scaled thermometer or recording thermometer accurate to the nearest degree Celsius and able to be easily read from the room outside.

DA202

Provision shall be made for the conveying of all refrigeration condensates to approved drainage fittings.

DA203

All fittings, where abutting walls or other fittings, shall be sealed in such a manner as to prevent the accumulation of food and access for vermin.

DA206

The oven, bain-marie, deep fryer, refrigerator and similar fittings shall be built into the walls and any crevices formed by the butting together of fittings shall be sealed in such a manner so as to eliminate any open joint, crevice or cavity.

DA207

The cupboards and similar fittings shall be placed on solid plinths 75mm in height, finished to a smooth even surface, recessed under fittings to provide a toe space of not more than 50mm and coved to a radius of 25mm at the intersection with the walls and floor.

DA210

All glass and/or washing machines, double bowl sinks and two-compartment tubs shall be supplied with hot water at a temperature of not less than 75 degrees Celsius (sinks/tubs) and 82 degrees Celsius (dish washing machines) unless the machine(s) clean by chemical sanitizing.

DA211

The dishwashing and glass washing machine(s) shall be fitted with (a) thermometer(s) which is/are visible to the operator indicating the temperature of the water in the wash tank and the rinse tank.

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

DA212

A cleaner's sink shall be provided in a room or space away from any food preparation area.

DA213

Adequate dressing room accommodations shall be provided for male and female staff with sufficient lockers for all clothing and personal items.

DA214

Adequate facilities shall be made available for the storage of cleaning equipment and material.

DA215

A garbage room or garbage receptacle storage area shall be provided within the site in an approved position constructed in accordance with the requirements of Council.

DA217

The door to the garbage room shall be designed and constructed to ensure the room is vermin proof.

DA218

The floor of the garbage room/grease arrester room shall be of impervious material, coved at the intersection with the walls and graded and drained to an approved floor waste within the room.

DA219

The garbage room shall be ventilated to the external air by natural ventilation or an approved air handling exhaust system.

DA220

The grease arrester shall be relocated outside the kitchen/food preparation area.

DA211

The dishwashing and glass washing machine(s) shall be fitted with (a) thermometer(s) which is/are visible to the operator indicating the temperature of the water in the wash tank and the rinse tank.

DA222

Documentation supplied by a practising mechanical engineer certifying that the mechanical exhaust ventilation system, as installed, complies with AS1668 must be provided to Council Principal Certifying Authority **prior to the issue of the Occupation Certificate.**

DA223

The operation of any plant or equipment shall not cause offensive noise and/or air pollution to be created or emitted. Offensive noise and air pollution is defined in the *Protection of the Environment Operation Act 1997*

DA233

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

DA234

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

DA253

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

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

DA254

Glare from internal lighting shall not be permitted to extend beyond the limits of the building authorised by this approval.

DA255

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

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.

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.

DA038

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

DA039

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

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.

DA357

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

DA109

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

DA111

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

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

DA119

A Fire Safety Schedule specifying the fire safety measures (both current and proposed) that should be implemented in the building premises shall be submitted with the Construction Certificate application, in accordance with Part 9 Clause 168 of the Environmental Planning and Assessment Regulation 2000. Note: A Construction Certificate cannot be issued until a Fire Safety Schedule is received.

DA120

The building being erected in Type A, construction for a Class 2, 6 and 7a building in accordance with the Fire Resistance Provisions of the Building Code of Australia.

DA121

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

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:

- Beams/Framework inspection
- Health inspection
- Final inspection

The cost of these inspections by Council is \$690. (being \$230 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection.** Inspection appointments can be made by contacting the Environmental Services Division on 9976 1414.

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

DA271

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

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

DA289

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

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

DA323

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

ATTACHMENTS

There are no attachments for this report.

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

TO: Land Use Management Committee - 5 February 2007
REPORT: Environmental Services Division Report No. 6
SUBJECT: Development Applications Currently Being Processed.
FILE NO:

SUMMARY

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING FEBRUARY, 2007.

REPORT

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

DA#	Date Rec by Council	Site Address	Proposal
428/05	21-Oct-05	7 Pacific Parade	Demolition & Erection of new Dwelling, Parking & Pool
118/06	20-Feb-06	17 Rosedale Avenue	Pool & Garage
326/06	03-May-06	5 College Street	Demolition, New Dwelling & Pool
186/06	12-May-06	17 Carlton Street	Alterations & Additions
231/06	06-Jun-06	31 The Corso	Alterations & Additions to Ivanhoe Hotel
233/06	08-Jun-06	15 The Crescent	Alterations & Additions, Strata Subdivision & Carparking
238/06	09-Jun-06	40 Beatty Street	Demolition, Alterations & Additions, Pool & Garage
272/06	29-Jun-06	25 Ocean Street	Alterations & Additions
328/06	03-Jul-06	8 Paris Street	Demolition & 2 New Attached Dwellings
276/06	06-Jul-06	35 Ponsonby Parade	Alterations & Additions & Pool
297/06	10-Jul-06	25 Fairlight Crescent	3 Storey RFB Converted to Single Dwelling
293/06	15-Jul-06	13&15 Amiens Road	Land Subdivision & Boundary Alignment
309/06	18-Jul-06	16 Eurobin Avenue	Amended Plans - 2 Storey Dwelling
491/06	27-Jul-06	7 Parkview Road	Strata Subdivision
322/06	28-Jul-06	42 Malvern Avenue	Alterations & Additions, Garage & Loft
339/06	04-Aug-06	35 Amiens Road	Amended Plans, Pool Carport & Cabana
412/06	10-Aug-06	Skiff Club - East Esp	Extension to Disabled Ramp, Alts & Adds
343/06	11-Aug-06	63 Lauderdale Avenue	Alterations & Additions, Garage with Turntable Access
365/06	01-Sep-06	3/69 Sydney Road	Bin Enclosure
375/06	04-Sep-06	64 Castle Circuit	Alterations & Additions
388/06	08-Sep-06	49 North Steyne	Restaurant & Sushi Bar
381/06	12-Sep-06	Manly Bathers - West Esp	Maritime Office, Café and Store
396/06	12-Sep-06	23 Kitchener street	Demolition - 2 New Dwellings & Land Sub
392/06	14-Sep-06	4 Camera Street	Alterations & Additions & Garage
397/06	18-Sep-06	6 The Corso	Alterations & Additions, Retail, Commercial & Consulting Rooms
398/06	20-Sep-06	8 Golf Parade	Partial Demolition, Alterations & Additions
390/06	21-Sep-06	71 Gordon Street	Alterations & Additions
400/06	22-Sep-06	85 Castle Circuit	Alterations & Additions
417/06	25-Sep-06	72 Balgowlah Road	Alterations & Additions to Tennis Club
419/06	25-Sep-06	20 Edgecliffe Esplanade	Alterations & Additions
47/06	25-Sep-06	11 The Corso	Amended Plans
418/06	26-Sep-06	43 Gordon Street	Alterations & Additions
404/06	27-Sep-06	Manly Council - Library	Alterations & Additions including 3rd Floor

Environmental Services Division Report No. 6 (Cont'd)

421/06	28-Sep-06	10 Peronne Avenue	Alterations & Additions
415/06	29-Sep-06	34 Malvern Avenue	Alterations & Additions
429/06	29-Sep-06	29 Grandview Grove	Alterations & Additions
427/06	03-Oct-06	14 Margaret street	Internal Alterations
438/06	04-Oct-06	14 West Street	Alterations & Additions, Deck & Basement Floor
444/06	09-Oct-06	12A Seaview Street	Alterations & Additions
457/06	11-Oct-06	44B Castle Circuit	New Dwelling, Garage and Pool
459/06	11-Oct-06	41C Castle Circuit	New Dwelling
463/06	11-Oct-06	18 Clifford Avenue	Demolition & 2 Duplexes, garage, gazebo & Landscaping
464/06	13-Oct-06	106 Darley Road	Demolition of Existing Garage & Garbage and Erection of New Demountable Classroom and Garbage Storage
456/06	14-Oct-06	41A Castle Circuit	New Dwelling, Garage and Pool
466/06	16-Oct-06	42 Beatty Street	Alterations & Additions
458/06	18-Oct-06	10 Quinton Road	Alterations & Additions
480/06	23-Oct-06	472 Sydney Road	Alterations & Additions for Purposes of a Childcare Centre
473/06	25-Oct-06	85-97 Balgowlah Road	Child Care Centre
475/06	25-Oct-06	144 Condamine Street	A&A to 2 Attached Dwellings & SS
460/06	28-Oct-06	79 Condamine Street	Alterations & Additions
237/06	30-Oct-06	51 Bower Street	Amended Plans
477/06	31-Oct-06	87 Clontarf Street	Demolition & New Dwelling
127/06	01-Nov-06	67 Seaforth Crescent	Amended Plans
488/06	02-Nov-06	22 Alma Street	Demolition and New Dwelling
469/06	03-Nov-06	58 Baringa Avenue	Demolition & New Dwelling
496/06	03-Nov-06	34 Dudley Street	Demolition & Construction of 2 Attached Dwellings and Subdivision
495/06	06-Nov-06	10 Boronia Lane	New Residential Dwelling
499/06	06-Nov-06	12 Smith Street	Alterations & Additions, Pergola & Parking
498/06	07-Nov-06	26 The Crescent	Internal Alterations
500/06	07-Nov-06	14 Beatty Street	Dwelling, Pool and Landscaping
502/06	08-Nov-06	5 Wanganella Street	Demolition, New Dwelling & Pool
505/06	10-Nov-06	51 Peacock Street	Alterations & Additions & Carport
517/06	22-Nov-06	38-40 Balgowlah Road	New Carparking Area & Removal of Trees
520/06	23-Nov-06	19 Kempbridge Avenue	Alterations & Additions to Garage including New Roof
523/06	30-Nov-06	174 Pittwater Road	Alterations & Additions to Existing Semi Detached including Landscaping
525/06	30-Nov-06	20/74-78 The Corso	Alterations & Additions
527/06	04-Dec-06	53 New Street	Alterations & Additions
531/06	05-Dec-06	15 Cohen Street	Alterations & Additions, Pool & Fencing
534/06	06-Dec-06	3/61 Kangaroo Street	Alterations to Ground and First Floor Decks
542/06	14-Dec-06	45 Ethel Street	Strata Subdivision
547/06	14-Dec-06	9 Jamieson Avenue	Alterations & Additions, Pool, Fencing and Landscaping
529/06	15-Dec-06	30 Boyle Street	2 Swimming Pools
551/06	18-Dec-06	7 Bolingbroke Parade	Swimming Pool
564/06	21-Dec-06	39 Stuart Street	Pergola and Extension of Roof Space
573/06	29-Dec-06	610 Sydney Road	Alterations & Additions & New Roofed Deck
428/05		7 Pacific Parade	Demolition, New Dwelling, Pool & Parking

Environmental Services Division Report No. 6 (Cont'd)

539/03	23-Jun-06	54 Golf Parade	Section 96 Modification
55/05	12-Jul-06	76 Birkley Road	Section 96 Modification
382/04	21-Aug-06	33 Beatty Street	Section 96 Modification
519/05	05-Oct-06	7-9 Golf Parade	Section 96 Modification
341/03	15-Nov-06	4 West Street	Section 96 Modification
300/02	22-Nov-06	1 Gordon Street	Section 96 Modification
251/06	28-Nov-06	32 Kangaroo Street	Section 96 Modification
390/05	29-Nov-06	51 Lewis Street	Section 96 Modification
229/06	29-Nov-06	48 Pacific Parade	Section 96 Modification
28/06	30-Nov-06	29 Edgecliff Esplanade`	Section 96 Modification
48/03	07-Dec-06	7 Harwood Place	Section 96 Modification
379/06	18-Dec-06	9 Beaconview Street	Section 96 Modification
124/00	20-Dec-06	29 Ponsonby Parade	Section 96 Modification
290/06	21-Dec-06	10 Cormack Street	Section 96 Modification
381/05	18-May-06	18 Collingwood Street	82A Review
469/05	29-Jun-06	45 Gurney Crescent	82A Review
74/06	24-Aug-06	8 Seaview Street	82A Review
495/05	27-Sep-06	1 Waratah Street	82A Review
156/06	18-Oct-06	21/4-8 Darley Road	82A Review
179/06	25-Oct-06	32 Arthur Street	82A Review
312/05	31-Oct-06	29A Quinton Road	82A Review
508/05	02-Nov-06	2 Castle Rock	82A Review
510/05	02-Nov-06	2 Castle Rock	82A Review
218/06	13-Nov-06	2 North Harbour	82A Review
507/05	14-Nov-06	31 Boyle Street	82A Review
463/05	07-Dec-06	31 Victoria Parade	82A Review
265/05	06-Nov-06	55 Woodland Street	82A Review - Amended Plans

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

14/09/2006

373/2006

Amended Plans - Demolition & Construction of new dwelling
& swimming pool

11 Barrabooka Street, CLONTARF 2093

13/10/2006

462/2006

Construction of a new public pathway around St Patricks
Estate between the National Park (North Head) and Darley
Road. The works also included landscaping and easements.

8 Montpelier Place, MANLY 2095

18/10/2006

484/2006

Construction of a garage and stairs

16 Bligh Crescent, SEAFORTH 2092

31/10/2006

478/2006

Alterations & Additions to Dwelling including first floor
extension, new balconies and new swimming pool

1A Edgecliffe Esplanade, SEAFORTH 2092

8/11/2006

503/2006

Alterations & Additions to a Dwelling house, new swimming

6 Oyama Avenue, MANLY 2095

Environmental Services Division Report No. 6 (Cont'd)

pool, deck and landscaping works

17/11/2006

510/2006

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

5 Marine Parade, MANLY 2095

29/11/2006

521/2006

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

16 Upper Gilbert Street, MANLY 2095

30/11/2006

524/2006

New swimming pool and deck

155A Seaforth Crescent, SEAFORTH 2092

4/12/2006

526/2006

Demolition and Construction of two (2) attached dwellings and land subdivision

14 Lombard Street, BALGOWLAH 2093

5/12/2006

528/2006

Alterations and Additions to an existing dwelling including new First Floor level

69 Upper Beach Street, BALGOWLAH 2093

532/2006

Alterations & Additions to an existing Dwelling, demolition of carport and new garage

7 Cove Avenue, MANLY 2095

6/12/2006

530/2006

Alterations & Additions to an existing dwelling including new deck and carport

204 Woodland Street, BALGOWLAH 2093

7/12/2006

535/2006

Alterations & Additions to an existing Dwelling, new deck and fence

80 Cutler Road, CLONTARF 2093

8/12/2006

523/2004

Section 96 to modify approved Demolition of existing Dwelling and Construction of a Three Level Dwelling and Tennis Pavillion

108 Seaforth Crescent, SEAFORTH 2092

536/2006

Construction of a dwelling house & swimming pool

18 Acacia Road, SEAFORTH 2092

11/12/2006

537/2006

Demolition and construction of a Residential Flat Building

128-130 Bower Street, MANLY 2095

12/12/2006

539/2006

New Awnings, Advertising Structure (signs), Blinds and

42 North Steyne, MANLY 2095

Environmental Services Division Report No. 6 (Cont'd)

Balustrades

13/12/2006 540/2006 Replacement of pews, minor internal alterations, new doorway to northern wall, new paving & glass/steel canopy structure	The Corso, MANLY 2095
541/2006 Re-Notified - Demolition and Construction of two (2) dwelling houses and land subdivision	4/43A Ethel Street, SEAFORTH 2092
14/12/2006 545/2006 Excavation and Construction of a swimming pool	8 Yatama Street, SEAFORTH 2092
546/2006 Alterations and Additions to an existing Residential Flat Building	94 Bower Street, MANLY 2095
18/12/2006 77/2005 Section 96 to modify approved Alterations and Additions to Manly Pacific Hotel	58 North Steyne, MANLY 2095
548/2006 Alterations and Additions to retail/ residential premises including a second retail tenancy, alterations to front facade, rear balconies and privacy screens at rear	60-62 The Corso, MANLY 2095
549/2006 Alterations & Additions to an existing dwelling	4 Lombard Street, BALGOWLAH 2093
550/2006 Alterations & Additions to Dwelling including new first floor level	196 Woodland Street, BALGOWLAH 2093
552/2006 Alterations & Additions to an existing Dwelling, new carport and fencing	21 Malvern Avenue, MANLY 2095
553/2006 Installation of privacy screens	36 The Crescent, FAIRLIGHT 2094
554/2006 Alterations & Additions to Dwelling	50-52 Bower Street, MANLY 2095
19/12/2006 394/2004 Section 96 Modification	9A Amiens Road, CLONTARF 2093
555/2006 Alterations & Additions to Dwellings - Units 1 and 2	29 Pacific Street, MANLY 2095
556/2006 Alterations and additions to an existing Residential Flat Building including new rear balcony and stairs	71 Sydney Road, MANLY 2095

Environmental Services Division Report No. 6 (Cont'd)

557/2006 Construction of a new dwelling house	13 Benelong Street, SEAFORTH 2092
20/12/2006 124/2000 Dwelling	29 Ponsonby Parade, SEAFORTH 2092
518/2006 Alteration and Additions to an existing Dwelling house including new first floor and carport	28 Fromelles Avenue, SEAFORTH 2092
538/2006 Demolition & Erection of two (2) attached dwellings	25 Lodge Street, BALGOWLAH 2093
22/12/2006 562/2003 Section 96 to modify approved New Dwelling	77 Cutler Road, CLONTARF 2093
524/2004 Section 96 to modify approved Part Demolition and Alterations and Additions to the existing Residential Flat Building including new basement car parking, seven (7) Storey RFB	7 South Steyne, MANLY 2095
558/2006 Demolition and Construction of a residential flat building at 25-27 Victoria Parade and alteration and additions to the 'Eversham' building at 29 Victoria Parade	29 Victoria Parade, MANLY 2095
559/2006 Fitout and occupation for the purpose of bulky goods retail and office for stationary supplies	52 Balgowlah Road, BALGOWLAH 2093
561/2006 Demolition and Construction of dwelling house and swimming pool	24 Willyama Avenue, FAIRLIGHT 2094
27/12/2006 561/2003 Section 96 to modify approved Demolition and erection of a Dwelling House, Garage, Pool & Landscaping	77 Cutler Road, CLONTARF 2093
562/2006 Demolition & Construction of a dwelling house	94 Beatrice Street, BALGOWLAH HEIGHTS 2093
563/2006 Alterations & Additions to existing mixed commercial and residential development including new street awning/ balcony and a total of four (4) units, car parking and strata subdivision	210 Pittwater Road, MANLY 2095
565/2006 Co-location of telecommunications equipment on an existing 30m pole and new equipment shelter at the rear of the pole - Lot 2710 DP752038	Wakehurst Parkway, SEAFORTH 2092

Environmental Services Division Report No. 6 (Cont'd)

566/2006 Alterations & Additions to an existing Dwelling house	62 Curban Street, BALGOWLAH HEIGHTS 2093
567/2006 Demolition and Construction of four (4) townhouses and basement parking	3 Brighton Street, BALGOWLAH 2093
568/2006 Internal Alterations to existing units including demolition of two (2) internal walls - Units 14 & 15	7 South Steyne, MANLY 2095
570/2006 Alterations and additions to an existing Residential Flat Building including additional basement unit and landscaping	87 Lauderdale Avenue, FAIRLIGHT 2094
571/2006 Demolition of brick store room & construction of new garage & store room	7 Sangrado Street, SEAFORTH 2092
572/2006 Internal alterations including the removal of walls	28 Belgrave Street, MANLY 2095
28/12/2006 544/2006 Excavation and Construction of a swimming pool	11 Benelong Street, SEAFORTH 2092
9/01/2007 274/2006 Section 96 to modify approved plans: Alterations & Additions to Dwelling house and swimming pool	44 Quinton Road, MANLY 2095
390/2006 AMENDED PLANS - Alterations & Additions to existing dwelling	71 Gordon Street, CLONTARF 2093
569/2006 Alterations & Additions to an existing dwelling including new first floor and new garage	21 Golf Parade, MANLY 2095
1/2007 Alterations & Additions to an existing Dwelling including new first floor addition	12 Baltic Street, FAIRLIGHT 2094
2/2007 Alterations & Additions to an existing Dwelling including first floor and new swimming pool	29 Kirkwood Street, SEAFORTH 2092
11/01/2007 138/2006 Section 96 to modify approved Alterations & Additions to existing Dwelling including First Floor Addition	84 Seaforth Cr, SEAFORTH 2092
3/2007 Alterations & Additions to existing Dwelling including new upper floor level	5 Carlton Street, MANLY 2095
4/2007	5 Scales Parade, BALGOWLAH HEIGHTS 2093

Environmental Services Division Report No. 6 (Cont'd)

Alterations & Additions to an existing two (2) storey Dwelling

12/01/2007

5/2007

Alterations & Additions to an existing duplex comprising of new "Attic" floor level

84 Raglan Street, MANLY 2095

6/2007

Alterations and Additions to an existing Residential Flat Building comprising construction of a roofed Pergola - Units 17 & 18

93-95 North Steyne, MANLY 2095

15/01/2007

8/2007

Excavation and construction of a swimming pool

51 Beatrice Street, BALGOWLAH HEIGHTS 2093

9/2007

Demolition and Construction of two (2) dwellings, two (2) swimming pools and land subdivision into two (2) lots

11 Seaforth Crescent, SEAFORTH 2092

16/01/2007

142/2003

Section 96 to modify approved Demolition of existing and Erection of a New two (2) storey dwelling

48 Edgecliffe Esplanade, SEAFORTH 2092

320/2005

Section 96 to modify demolition and construction of dwelling house

24 Hogan Street, BALGOWLAH 2093

10/2007

Strata Subdivision of approved Residential Flat Building

174 Sydney Road, FAIRLIGHT 2094

11/2007

Alterations & Additions to semi-detached dwelling

4 Cliff Street, MANLY 2095

12/2007

Alterations & Additions to existing Dwelling including conversion of roof space into a first storey

9 Smith Street, MANLY 2095

17/01/2007

13/2007

Alterations & Additions to existing dwelling

19 Herbert Street MANLY 2095

14/2007

Construction of double car port in place of existing car port

21 Curban Street, BALGOWLAH HEIGHTS 2093

15/2007

Dwelling

102 Balgowlah Road, BALGOWLAH 2093

19/01/2007

591/2003

Section 96 to modify approved Internal Works - Amalgamation of Retail and Commercial Space

29-33 Pittwater Road, MANLY 2095

16/2007

Alterations & Additions including addition of a ground floor

61 New Street, BALGOWLAH 2093

Environmental Services Division Report No. 6 (Cont'd)

rear deck, 1st floor and front fence 17/2007 Extension to existing deck at rear of dwelling	7 Abernethy Street, SEAFORTH 2092
22/01/2007 120/2006 Section 96 to modify approved Alterations & Additions to existing Dwelling including first storey addition and new garage	11 Ocean Road, MANLY 2095
18/2007 Alterations & Additions to Dwelling including new garage, rear living room, addition of deck and pool	11 Scales Parade, BALGOWLAH HEIGHTS 2093
23/01/2007 19/2007 Construction of a brick fence on front boundary with sliding gate	142 Condamine Street, BALGOWLAH 2093
20/2007 Installation of 2 air conditioning units on roof of residential unit building	3 James Street, MANLY 2095
21/2007 Subdivision of two (2) semi detached dwellings into two (2) Torrens Title Allotments	3 James Street, MANLY 2095
24/01/2007 491/2006 Strata Subdivision of an existing Residential Flat Building	7 Parkview Road, FAIRLIGHT 2094
22/2007 Construction of two (2) attached double garages	49 Golf Parade, MANLY 2095
25/01/2007 508/2004 Section 96 to Modify approved Alterations & Additions to existing heritage cottage including 6 storey Residential Flat Building & basement carpark	118 North Steyne, MANLY 2095
56/2006 Section 96 to modify approved demolition & construction of residential flat building with basement carparking and strata subdivision	22 Bonner Av, MANLY 2095
29/01/2007 23/2007 Alterations & Additions to Dwelling	11 Ocean Road, MANLY 2095

Environmental Services Division Report No. 6 (Cont'd)

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

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***** End of Environmental Services Division Report No. 6 *****

TO: Land Use Management Committee - 5 February 2007
REPORT: Environmental Services Division Report No. 7
SUBJECT: Appeals List for February 2007
FILE NO:

SUMMARY

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

REPORT

DA#	L&E Appeal Reference	House #	Address	Date Appeal Lodged	Solicitor Company	Current Status
DA97/04	10592/05	2	Clontarf St, Seaforth	15/03/05	Abbott Tout	Reserved 14/08/06
DA292/05	10584/06	107	Frenchs Forest Road, Seaforth	10/07/2006	Abbott Tout	Discontinued 03/01/07
DA231/06	10765/06	27-35	The Corso, Manly	30/08/06	Abbott Tout	Hearing 06/02/06
DA538/04	10859/06	51	Wood Street, Manly	15/09/06	Pike Pike & Fenwick	Callover 21/03/07
DA458/04 and building certificate	10895/06 and 10896/06	36	Gurney Crescent, Seaforth	28/09/06	Pike Pike & Fenwick	Hearing 15/02/07
DA69/06	10656/06	16	Castle Circuit, Seaforth	10/10/06	Pike Pike & Fenwick	Hearing 07/02/07
DA280/06	11008/06	11-13	The Crescent, Manly	25/10/06	Pike Pike & Fenwick	Callover 25/01/07
DA314/06	11073/06	110-114	Bower Street, Manly	10/11/06	Pike Pike & Fenwick	Callover 29/01/07
DA389/05	11102/06	9	Smith Street, Manly	28/11/06	Abbott Tout	Callover 31/01/07
DA513/05	11212/06	59	Collingwood Street, Manly	17/12/06	Pike Pike & Fenwick	Callover 02/02/07

2006/2007 BUDGET \$500,000

Expenditure to date:	\$343,491
Reimbursements	\$ 11,772
Net Expenditure	\$331,719

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. 7 ***** .

Environmental Services Division Report No. 7 (Cont'd)