



## 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 7 August 2006**

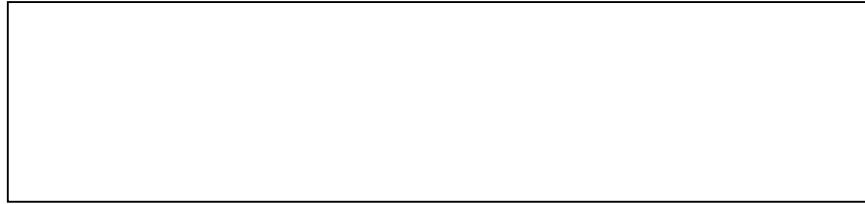
Commencing at 7:30:00 PM for the purpose of considering items included on the Agenda.

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

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

# Seating Arrangements for Meetings

Staff    Staff    General  
   Manager    Chairperson    Staff    Minute  
   Taker



**Mayor** Dr Peter  
Macdonald

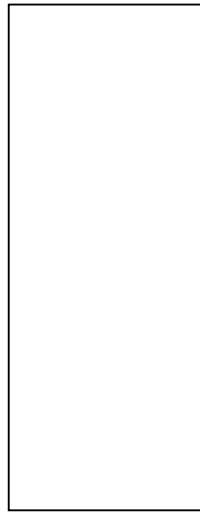
Clr Mark Norek

Clr Joanna Evans

**Deputy Mayor**  
Clr Barbara Aird

Clr Brad  
Pedersen

Clr Richard  
Morrison



Clr Jean Hay AM

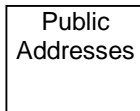
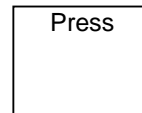
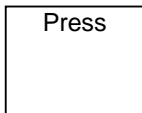
Clr Adele Heasman

Clr Dr Judy Lambert  
AM

Clr Simon Cant

Clr David Murphy

Clr Pat Daley



**Public Gallery**

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

## TABLE OF CONTENTS

Item Page No.

### **APOLOGIES AND LEAVE OF ABSENCE**

### **DECLARATIONS OF INTEREST**

### **CONFIRMATION OF MINUTES**

The Land Use Management Committee of 3 JULY 2006

### **PUBLIC FORUM**

### **PUBLIC ADDRESSES**

### **SITE INSPECTIONS**

The following site inspection will take place on Monday 7 August, 2006.

118 Wanganella Street, Balgowlah 8:00am

### **ENVIRONMENTAL SERVICES DIVISION**

#### **Environmental Services Division Report No. 41**

118 Wanganella Street, Balgowlah ..... 2

#### **Environmental Services Division Report No. 42**

11 The Corso, Manly ..... 9

#### **Environmental Services Division Report No. 43**

40 Birkley Road, Manly ..... 22

#### **Environmental Services Division Report No. 44**

Development Applications Currently Being Processed ..... 36

#### **Environmental Services Division Report No. 45**

Appeals List for August 2006 ..... 46

### **CLOSED COMMITTEE ITEMS**

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

**TO:** Land Use Management Committee - 7 August 2006  
**REPORT:** Environmental Services Division Report No. 41  
**SUBJECT:** 118 Wanganella Street, Balgowlah  
**FILE NO:** DA423/94

---

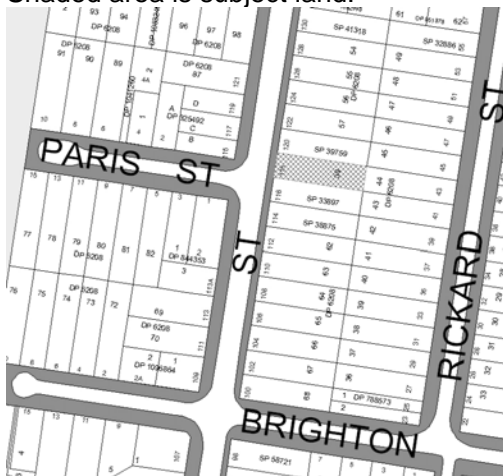
**Application Lodged:** 19 June 2006  
**Owner/Applicant:** Camilla Galwey  
**Estimated Cost:** N/A for S.96 Modification of Consent  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
**Surrounding Development:** Residential dwellings and residential flat buildings.  
**Heritage:** No.  
**Foreshore Scenic Protection** No

**SUMMARY:**

1. THE SUBJECT CHILD CARE CENTRE COMMENCED OPERATIONS CIRCA 1975 FOR 27 CHILDREN WITH OPERATING HOURS OF 9AM – 3PM.
2. 14 SEPTEMBER 1994 – DA 423/94 SUBMITTED FOR INCREASE IN LICENSED CHILD CAPACITY OF EXISTING CHILD CARE CENTRE FROM 27 TO 30 CHILDREN, WITH HOURS OF 9AM – 3PM.
3. NO SUBMISSIONS RECEIVED IN RESPONSE TO NOTIFICATION OF DA 423/94 AND NO PLANNING ISSUES WERE IDENTIFIED, RESULTING IN APPROVAL BEING GRANTED UNDER DELEGATION.
4. 19 JUNE 2006 – S.96 APPLICATION SUBMITTED REQUESTING EXTENTION OF OPERATING HOURS FROM 9AM – 3PM (EXISTING) TO 7:30AM – 6:00PM (PROPOSED).
5. THREE SUBMISSIONS WERE RECEIVED IN RESPONSE TO NOTIFICATION OF THE PROPOSED MODIFICATION OF HOURS. ISSUES RAISED INCLUDE INSUFFICIENT PARKING, TRAFFIC AND PEDESTRIAN SAFETY, NOISE AND NON COMPLIANCE WITH DEVELOPMENT CONTROL PLAN FOR CHILD CARE CENTRES 2004.
6. THE MODIFICATION WAS REPORTED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT WITH A RECOMMENDATION FOR APPROVAL.
7. THIS APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR MACDONALD.
8. A SITE INSPECTION IS RECOMMENDED.
9. APPROVAL OF THE MODIFICATION APPLICATION IS RECOMMENDED.

**LOCALITY PLAN**

Shaded area is subject land.



**Environmental Services Division Report No. 41 (Cont'd)****REPORT****Introduction / Background**

This application is made pursuant to S.96 Modification of Consent, requesting amendment to condition 2 to permit extension of operating hours from 9am – 3pm weekdays (existing) to 7:30am – 6:00pm weekdays (proposed).

The Development Application DA423/94 was originally approved by Council under delegation in 1994. This granted approval for an increase in the licensed capacity of the centre from 27 children to 30 children. The operating hours of 9am – 3pm remain unchanged from the original approval granted by Council circa 1975.

**Applicant's Supporting Statement**

A detailed Statement of Modification was submitted with the S.96 application for modification of consent. A copy of the Statement is attached.

**Submissions**

In response Council's notification of the application for modification of consent, two submissions were received, being from R & G Ritchie 117 Wanganella Street, R Clark unit 2 /116 Wanganella Street, and joint submission by D & J O'Brien and J & M Horringa 120 & 120A Wanganella Street raising the following concerns:

- Application should be rejected on the basis of non compliance with Council's DCP for Child Care Centres
- Any proposal to increase the duration, scope or size of commercial operations in this vicinity should be rejected until the centre is upgraded to comply with current DCP requirements.
- Points (b), (c) and (d) and none of the performance criteria of Council's DCP are met.
- "Punchinello" opened in 1980, since then with increase in population Wanganella street has become busy particularly morning and evening peak hours.
- Request safe drop off and pick up zone, 40kph zone around Punchinello, some form of calming device in Wanganella Street.
- Change of concept of pre school to long day care centre.
- Existing operation provides insufficient parking.
- Parking / traffic impacts of existing operation
- Pedestrian safety of parents / children.
- Noise impacts extended.
- Request clarification of the word Thumbelina in the application.

**Precinct Community Forum Comments**

No comments received at the time of writing this report.

**Engineers Comments**

N/A for this S.96 application.

**Building Comments**

N/A for change of hours.

**Landscape Architects Comments**

N/A for this S.96 application.

**Environmental Services Division Report No. 41 (Cont'd)****Planning Comments****Manly Local Environmental Plan 1988**

The proposed modifications do not seek to modify the use of and works to the premises as approved, and are not considered inconsistent with any objectives of the LEP including those of the residential zone.

Of particular relevance to the proposed modifications is objective (f):

*(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*

In response to this objective, the use of the site as a child care centre has existed since circa 1975. Amenity impacts in terms of noise, traffic and parking generation, and pedestrian safety are identified and considered as follows:

**Noise** – The application does not seek to increase the existing operational limit of 30 children, with DOCS controlling hours of play and rest within the premises. Whilst the extension of operating hours will extend the time period for potential noise generation during the day, the existing noise levels from children playing outside are not considered excessive or to cause an unreasonable level of noise to neighbouring properties. Given that there is no record of complaints received on this issue, this further suggests that noise from the childcare operation is not an issue. Furthermore the extension of hours enables more staggered drop off and pick up times, thereby reducing peak periods and noise associated with this.

**Traffic and parking generation** – The proposal does not seek to increase the operational limit in terms of maximum number of children. Consequently the proposal will not result in any increase in daily or peak hourly traffic and parking generation. Furthermore the extension of hours enables more staggered drop off and pick up times, thereby reducing peak periods of parking and traffic generation associated with this.

**Pedestrian safety** - Given there will be no increase in operational limit in terms of maximum number of children, the proposal will not result in any increase in overall pedestrian generation. Whilst the extension of drop off and pick up times will in turn extend the times during which there is pedestrian activity associated with the childcare centre, the location is considered reasonably safe on a residential street, which is straight, aiding driver and pedestrian sight distance. Furthermore the extension of hours will enable more staggered drop off / pick up thereby likely to reduce peak pedestrian movements crossing Wanganella Street associated with the childcare centre.

In summary then the proposed modification is considered satisfactory in response to the relevant objectives of the residential zone, with no unreasonable amenity impacts identified.

**Childcare Centres Development Control Plan 2004**

The Childcare Centres DCP has limited relevance as it is aimed at new childcare centres, with provisions and objectives for site location, parking / access, building design, play spaces, pools and landscaping. No provisions are set for operating hours or licensed operational capacity, with DOCS regulating these subject to separate approval from Council. A common theme of the DCP's objectives is to minimise amenity impacts to surrounding residential development.

In the circumstances of the proposed modification of consent, the existing centre has been in operation for approximately 30 years, with no physical changes sought to the premises. The proposal does not seek to increase the licensed operational capacity, consequently potential amenity impacts in terms of noise and traffic will not change. The application's request to increase operating hours is not considered to result in any unreasonable amenity impacts, with peak parking

**Environmental Services Division Report No. 41 (Cont'd)**

generation reduced by way of it enabling more staggered drop off and pick up times during the morning and afternoon.

**Comments on submissions**

The following comments are made in relation to the concerns raised in the submissions received;

- *Application should be rejected on the basis of non compliance with Council's DCP for Child Care Centres*
- *Any proposal to increase the duration, scope or size of commercial operations in this vicinity should be rejected until the centre is upgraded to comply with current DCP requirements.*
- *Points (b), (c) and (d) and none of the performance criteria of Council's DCP are met.*

The operation has existed for approximately 30 years. It is noted that the application does not seek to make any physical changes to the premises nor does it seek to expand the operational capacity of the centre. It is considered that impacts in terms of traffic and noise will remain substantially as exists and therefore there is no valid basis to require upgrade of the premises to meet Council's DCP for Child Care Centres 2004.

- *"Punchinello" opened in 1980, since then with increase in population Wanganella street has become busy particularly morning and evening peak hours.*
- *Request safe drop off and pick up zone, 40kph zone around Punchinello, some form of calming device in Wanganella Street.*
- *Parking / traffic impacts of existing operation*
- *Pedestrian safety of parents / children.*

The proposed modifications do not seek to increase the operation limit in terms of number of children; consequently the modifications will not result in any increase in traffic or parking demand. There is no record of any complaints on file regarding pedestrian safety issues or traffic/parking matters associated with the childcare operation. The greater spread of operating hours will enable more staggered drop off and pick up times, thereby reducing peak traffic movements and demand on street parking.

- *Change of concept of pre school to long day care centre.*

The point of objection claims there will be a conceptual change in use to an all day care centre. In response to this, the extension of hours remains for the purposes of operating a child care centre, consequently this does not represent a conceptual change in use of the premises.

- *Existing operation provides insufficient parking.*

The application proposes no change to the operational capacity of the existing centre therefore parking demand will remain as existing and as such this issue does not constitute a reason for refusal of the application.

- *Noise impacts extended.*

The extension of hours is acknowledged to increase the duration of daytime noise, with this possibly noticeable at 7:30am as children and parents arrive. Whilst this may be an outcome, the staggered arrival of children is unlikely to result in a large increase in noise above background levels at 7:30am. Rather any noticeable noise increase is likely to be gradual as children arrive. Furthermore, from discussions with the applicant it is apparent that children will initially be kept inside until after 9am when staff are able to supervise them outside. Before 9am staff are required to both supervise children that have arrived and greet arriving children and parents. Given this scenario and that the centre has an unchanged limit of 30 children, early morning noise is considered unlikely to create an unreasonable disturbance at 7:30am.

**Environmental Services Division Report No. 41 (Cont'd)**

- *Request clarification of the word Thumbelina in the application.*

A review of Council's file shows the only reference to the word "Thumbelina" occurs on a Business card submitted by the applicant which includes the applicants contact details, a reference to Thumbelina Day Care Centre Edgecliff and Punchinello Kindergarten Balgowlah.

***EP&A Act, 1979 - S.96 Modification of Consent***

The main issue arising from this S.96 modification of consent is that of an increase in operating hours.

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

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

From a review of this assessment the proposed modification to extend operating hours from 9am – 3pm (existing) to 7:30am – 6:00pm (proposed) is considered acceptable, resulting in substantially the same development with no noticeable increase in amenity impacts to neighbouring properties.

**CONCLUSION:**

In summary, the proposed modification to extend operating hours of the childcare centre results in substantially the same development as approved, with no noticeable increase in impacts to the amenity of neighbouring properties. On this basis they are considered to be satisfactory pursuant to the provisions of S.96 of the EP&A Act.

**RECOMMENDATION**

That Council resolve to grant consent to the S.96 application made to DA423/94 for modification of operating hours of the childcare centre at 118 Wanganella Street, Balgowlah as follows:

Amendment to condition 2:

2. Child caring activities of the operation at the Child Care Centre are not to exceed:-  
Monday to Friday 7:30am – 6:00pm

**ATTACHMENTS**

AT- 1 Applicants Statement - Camilla Galwey 2 Pages

LUM070806ESD\_3.doc

\*\*\*\*\* End of Environmental Services Division Report No. 41 \*\*\*\*\*



## ATTACHMENT 1

---

### Environmental Services Division Report No. 41 - 118 Wanganella Street, Balgowlah Applicants Statement - Camilla Galwey

---

13 JUN 2006

4 Arbutus Street  
Mosman 2088  
14<sup>th</sup> June 2006

The General Manager  
Manly Council,  
PO Box 82  
MANLY 1655

Dear sir,

Re: Punchinello Pre-school at 118 Wanganella Street, Balgowlah

I have owned the above property since 1980, and during this time it has operated as a pre-school. Our hours are 9am until 3pm five days a week, excluding public holidays.

Punchinello has always been a very popular service, staffed by childcare workers who live in the area. The present director, Lynn Harris, has been employed at the center since it first opened in 1980. During this time Punchinello has offered a very special service to many families, and has acquired an excellent reputation as a childcare provider. We have had no DoCS complaints, or council complaints during this time, and have maintained very amicable relationships with all our neighbours.

However we are now finding that many of our families need longer hours than we are able to offer them at Punchinello. More and more of our mothers are now choosing to work when the youngest child turns 3 years, and these families are being forced to look for childcare elsewhere. Additionally, all our parents are disadvantaged by the government fee relief system which does not extend to families who choose to send their child to a pre-school which offers only the shorter hours of childcare. This makes Thumbelina an expensive choice for many families.

For this reasons we would like to extend the licensed hours from 7.30am to 6pm, and offer the alternative of a longer day of childcare, while at the same time maintaining our option of a shorter day for those who prefer it. This is consistent with DoCS regulations, and was suggested to us by Amanda Wilkins our DoCS advisor, as a way of maintaining our very popular traditional program, while at the same time offering after-hours care and fee relief as an option to all families.

- The extended hours would not require any structural alterations, or any increase in the number of children or staff at the centre.
- We believe that few families would bring children to the centre during the first hour of opening, or collect them after 5pm. We believe that the picking-up and dropping off would be staggered, with the majority of cars coming and leaving the centre during the hours that they do now.

## ATTACHMENT 1

---

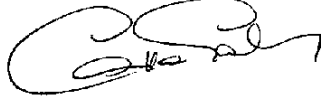
### Environmental Services Division Report No. 41 - 118 Wanganella Street, Balgowlah Applicants Statement - Camilla Galwey

---

- Since the number of children would not increase, there would be no reason for the noise levels at the centre to increase. However it would be possible that some children would be playing in the playground after 3pm and until 5pm, but since we have never had a complaint about the noise levels at Punchinello, I believe we could continue to monitor the behavior of our children to satisfy our neighbours.
- There would be a small (possibly 15%) increase in the volume of garbage, and we would continue to dispose of this according to council requirements.

We hope Council will give this matter their considered attention, and that we will soon be able to provide this important community service to our Punchinello families.

Yours sincerely,



Camilla Galwey  
Owner, Punchinello Kindergarten



**Environmental Services Division Report No. 42 (Cont'd)**

level and the stair enclosure and a small office at the first floor level. The proposal consists of the following:-

- Two (2) retail outlets on the Ground Floor level - one facing The Corso and the other facing the Market Lane. Each shop is provided with toilets and tea preparation area. The shop facing The Corso is provided with internal access to the Market Lane. A garbage area is provided under the proposed stairs from the Market Lane to the first floor level. Two (2) sets of stairs are proposed to the upper levels - one (1) from the front (existing) and the other from the Market Lane end.
- The first floor level is to consist of two x two bedroom units. The unit (**Unit 1**) facing The Corso is provided with an internal courtyard of approximately 10 square metres. This unit has a split level with the living/dining and kitchen being at **RL 9.31** and the bedrooms being at **RL 10.37**. The unit (**Unit 2**) facing Market Lane is provided with a smaller internal courtyard (approximately 5.3m<sup>2</sup>). This unit (RL 9.00) is also provided with a north-west facing balcony (approximately 10m<sup>2</sup>).
- The second floor level is to consist of a two bedroom unit (**Unit 3 - RL 12.10**) with access from the rear staircase and is identical to the unit below without the internal courtyard, which in this case is a void to provide light and ventilation to the floor below. The second floor is restricted to the rear (Market Lane) section of the building.
- The proposal is to retain the existing roof for the front section of the building and provide the plant equipments in the central section and provide a new roof metal deck roof with a 15° pitch.

The matter was presented to Council's Land Use Management Committee Meeting of 3 July 2006 consideration of the application was deferred at the request of the applicant. The applicant contacted Council staff and a meeting was arranged for 11 July 2006 however the meeting did not eventuate due to inability of the applicants consultants to attend at such short notice. Further email communication between the parties occurred however no meetings have taken place and the matter remains unresolved. The applicant now requests that the matter again be placed before Council's Land Use Management Committee for determination.

**Development Control Plan Numerical Assessment**

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

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Floor space ratio	2.5 : 1.0 (2:1 Residential max)	2.2 : 1.0 (1.3:1 Residential)	Yes
Floor space ratio - existing	2.5:1	1.58 : 1 (No residential)	Yes
Wall height	10.0 metres	9.84m (The Corso) 9.50m (Market Lane)	Yes
Setback Front	Nil	Nil	Yes
Setback Rear	Nil	Nil	Yes
Side setbacks	Nil	Nil	Yes
Car Parking – Residents	5 spaces (Retail) 3 spaces (Residential)	0 spaces 0 spaces	No No

**Applicant's Supporting Statement**

In support of the application, the applicant has submitted a Statement of Environmental Effects prepared by Mudge Property Services, a Heritage Impact Statement by Graham Brooks &

**Environmental Services Division Report No. 42 (Cont'd)**

Associates Pty Ltd and Parking and Traffic Assessment prepared by Urban Research & Planning Pty Ltd. These reports are on file.

**Submissions**

In response to the notification of the application, one (1) letter objecting to the development has been received from Ian Stutchbury of 2/28 Onslow Avenue, Elizabeth Bay NSW 2011, on behalf of the owners and residents of 1-5, The Corso & 2 Whistler Street, Manly. Concerns raised include the following:-

- The proposals constitute a gross over-development of the sites and a severe threat to the residents' amenity in terms of overshadowing and loss of privacy, security and enjoyment.
- Importantly for the whole community, there will be a serious damage to the Corso streetscape atmosphere and pedestrian movement and access pattern in the removal of the arcade.
- There will be overshadowing and loss of sunshine air and outlook. The site abuts a light well at the side of Castlevennon. The light well contains the only windows from some of habitable rooms in the flats on the first and second floors. The existing relationship and the relative heights permit sunshine and fresh air to enter the rooms on this side of the building. The proposal shows the new additional floor. The purpose bay crippling asking this light well for its entire length of the northeast side.
- The proposed increasing light, from 11 metres to 16 metres apparently in excess of DCP recommendations of the rear will severely overshadowing shade the bedroom living-room windows on the first and second floor.
- The model of view is misleading and does not accurately indicate the lightwell. The drawings are also misleading. The plans do not indicate fully the new shadows cast into the light well and onto the walls.
- The height and proximity of the Purves Bakery building proposal (DA 48/06) thus severely compromises the amenity of all the flats on this side of Castlevennon. This is thus a serious adverse effect on two-third of the flats in the building.
- Overlooking noise security loss of privacy, social nuisance.
- The proposal contains a flat adjacent to the boundary. That has no outlook or windows from any room to the street or other outside amenity. All rooms of this flat open to an internal courtyard barely 1500 millimetres from the side boundary. This will generate noise and causing nuisance to residents. The security will also be threatened by the proximity of the new roof to the boundary, allowing easy access to windows.
- The proposal shows a new balcony at first-floor level opening of the restaurant and a balcony off living-room of the flat in the new second floor. These will result in overlooking noise loss privacy and social nuisance to the occupants of the rear flats whose bedroom windows are immediately adjacent
- The proposed new first-floor restaurant front veranda at awning level will generate noise and overlooking to all rooms at the front of the flats. This will cause nuisance and disruption of enjoyment will be in close proximity to the windows of bedroom is. There will also be a serious security problem as access will be readily available from the veranda to the top of the awning and thus all first-floor windows.
- The front and rear balconies, will lead to noise and potential dropping of rubbish into the streets.
- The restaurant and commercial garbage storage area is located the northern corner of the site adjacent to Castlevennon. This is a very bad location noise from garbage collections, as well as smells and associated mess, dropping onto footpath will be a serious disadvantage to residents and to the adjacent restaurant.
- Floor space ratio proposal exceeds the permitted floor space ratio and represents an overdevelopment of the site and should be refused.
- No parking is provided - there is no allowance for carparking in the new proposal. There is clearly potential for two cars for each of the proposed flats, plus generation of traffic by the

**Environmental Services Division Report No. 42 (Cont'd)**

- visitors and by the shops and restaurant. The proposal will exacerbate the already severe parking problems in the locality. We consider adequate carparking accommodation should be required.
- Streetscape, the Corso currently presents a homogeneous and consistent streetscape, mainly late 19th and early 20th century buildings of pleasing and significant architectural character. The proposed retention of the facade of 7 and 9 is desirable. There is also the proposal to build first-floor restaurant veranda on posts over the footpath in front of the Pervis Bakery. It is known that this building did previously have such a veranda. However, the rebuilding of this would provide merely a pastiche of the original and if not accurately reproduced in every detail, would be an embarrassing travesty of the original and disrupt the continuity of the existing streetscape as well as causing all the disadvantages referred to above. It is noted that the depth of the awning should be reduced to match that of those adjacent, the consistency of awning treatment should be improved and the visibility of the details of the original facade should be improved. It is therefore considered the additional of the veranda, should be refused. Similarly the drawings indicate a shopfront of traditional design to the ground floor. If not executed accurately a pastiche will occur. The provision of a suitable modern shopfront should be considered as a suitable possibility.
  - Heritage equipment, the Corso DCP recommends that the Heritage conservation of the original Victorian milling equipment and The Purvis Bakery be investigated.
  - Environmental character. The removal of the arcade from the ground floor will have a diminishing environmental and social effect. One of the charming aspects of this part of Manly, is the threading of the arcades through the buildings to the lanes and pedestrian areas behind this encourages pedestrian movement and social interaction and preserves the special local atmosphere. The Corso DCP recommends the arcade be kept this recommendation should be adhered to, and the proposed removable refused
  - The proposal represents a gross overdevelopment of the site. The proposal also severely detracts from the carefully conserved Heritage status of the adjacent buildings in the ongoing conservation process of the Corso overall.

*The concerns raised above mostly relates to the Development Application for Nos. 7-9, The Corso, Manly (DA 48/06). Only the issues relevant to the subject application are addressed under Planning Comments below.*

**Applicant's Response to objection:**

The applicant has submitted a response to the objection letter and has addressed the concerns raised therein. This response is on file.

**Traffic Engineer's Comments:**

The following comments relate to the proposal to not provide on-site parking as part of the DA. The DA proposes the following:

- Two individual ground floor tenancies occupying much the same space as previously totaling 209m<sup>2</sup> GFA
- Three two-bedroom apartments over two levels

The applicant provided a Traffic and Parking Assessment Report from Urban Research and Planning P/L. This report uses the argument that: *"the Manly area has good public transport connections with the STA bus services and the Manly Ferry services located within a 100 metre walk of the subject site."*

In addition the report details that *"a relatively low level of car ownership in 1 and 2 bedroom apartments in the area near the Manly Wharf, i.e. occupants living in 48 - 63% of households in one bedroom apartments and 32-44% of two bedroom apartments in Manly did not have a car."*

**Environmental Services Division Report No. 42 (Cont'd)**

*Compared to the Manly postcode average those near the Wharf were the lowest". Figures obtained from the Australian Bureau of Statistics.*

Using the above argument the applicant is requesting that Council consider a concession on the provision of on-site parking for the development application. As part of this argument the applicant is prepared to allow Council to impose a condition of consent on the development that would encourage nil car ownership for residents in this development. Such a condition has been suggested by the applicant:

*"That before entering a purchase/lease/occupancy agreement, all applicants and tenants of the development need to be advised by the owner of the building and owners of the individual units once sold that residents are not eligible to participate in on-street resident parking schemes..."*

Comment:

In theory such a condition sounds simple to administer, however, following a short discussion with Manly Council's Parking Permit Scheme Co-ordinator, serious concerns relating to future applications for parking permits were raised.

It is therefore recommended that prior to consideration of the proposed concession to the provision of on-site parking for the application and subsequent reduction in Section 94 Contributions, a further comment should be obtained from Manly Council's Permit Parking Scheme Co-ordinator.

**Customer Service and Special Projects Comments**Council Land - Footpath and Airspace Agreements

If development consent is granted for any of the following items in the DA proposal:

1. the erection of first floor covered veranda over The Corso at the front of the property;
2. the erection of first floor covered veranda support piers onto The Corso;
3. the erection of first and second floor balconies and over Market Lane at the rear of the property,

Then the owner of the premises would be required to enter into the relevant agreements with Council for the use of the Council land and airspace and would be required to pay the associated rental/s as follows:

1. a Lease for any use of the airspace above both The Corso and/or Market Lane under *section 149* of the *Roads Act 1993* (NSW); and/or
2. an Approval with Council for use the footway on The Corso for the first floor veranda support piers under *sections 138 and 139* of the *Roads Act 1993* (NSW);

The applicant would be required to sign a Development Deed with Council which would outline their obligations in the above matters.

Resident Parking

The DA proposal does not incorporate any on site parking and the applicant is seeking Council consideration for a "reduction in Council's normal car parking requirements, particularly for the residential component". This is a matter for planning assessment, however the applicant is suggesting that Council could perhaps include a condition of consent currently being imposed by other Sydney Councils whereby the individual units in the development would be sold with the owners acknowledging that they would not be entitled to participate in Council's Permit Parking Schemes is not Manly Council policy.

**Environmental Services Division Report No. 42 (Cont'd)**

The imposition of such a development consent condition, withdrawing eligibility to participate in the Council's permit parking schemes, is not in line with the current assessment criteria used to determine whether a property is eligible for a parking permit nor with the philosophy behind the permit schemes. Council does not currently restrict the access to permits based on the amount of parking provided on site and any change to the parking permit criteria needs to be made by Council resolution or policy and not on a site by site basis by DA approval.

**Building Comments:**

No objections from a building point of view to the proposed additions and alterations to an existing building to be Class 2, 5 & 6, subject to inclusion of conditions contained within the Recommendation.

**Heritage Comments:**

I refer to the following documents received for this report

Drawing set by:	Robert J. Shea & Associates	Dated: September 2005
Heritage report by:	Graham Brooks & Associates Pty Ltd	Dated: November 2005

**Heritage Status:**

Heritage Item:	Yes
Vicinity of heritage Item:	Yes
Conservation Area:	Yes

**Proposal**

Alterations and additions to ground and first floor including three new residential units and an additional second level

**Description and Significance**

The property located on the northern side of The Corso extends north to Market Lane. The Anglo Dutch style building constructed in c1900 fronting The Corso contains a shop and two offices on the first level. This front façade is relatively intact while little original fabric remains internally. Skirtings and part of the stairs on the first level have been identified as original fabric. The rear of the property fronting Market Lane houses a launderette that was added in the 1960s.

The building has aesthetic significance as an example of a two storey Anglo-Dutch Federation style, historical significance as it show evidence of the commercial evolution of The Corso and social significance as it forms part of the socio-historic evolution of The Corso.

**Assessment of Heritage Impact****Demolition of original fabric*****Objectives:***

- *Protect and interpret the integrity and significance of heritage buildings, structures, landscape and other items of heritage value within the town centre*

The application to retain some of the existing walls on the first floor is supported. Although remnants of original fabric have been identified in the Statement of Heritage Impact it is considered further information on the building may be uncovered during demolition works. Therefore it is recommended that an experienced conservator/heritage advisor is to work with the consultant team and be provided with full access to the site during the demolition process. The



**Environmental Services Division Report No. 42 (Cont'd)**

conservator/heritage advisor is to be authorised by the applicant to respond directly to Council if during demolition works additional original fabric is found.

The Corso shop fronts*Objectives:*

- *To reinstate shop-fronts for aesthetic and historic reasons*
- *New work below the awning level is to be in sympathy with, and not detract from the style and character of the building and the streetscape*

Council encourages shop-fronts that complement existing traditional form. The proposed shop-front lacks any of the original character of the traditional shopping strip. Opportunity exists to provide a shop-front that is not only compatible with the character of the building but contributes to the visual interest and vitality of The Corso.

**Heritage Sub-Committee Comments**Proposals:

1. DA 48/06, 7-9 The Corso

Alterations and additions to an existing building including: ground level retail shops; alterations to existing first floor restaurant, new balcony; and three new residential units at 2<sup>nd</sup> floor level

2. DA 47/06, 11 The Corso

Alterations and additions to an existing building including: three new residential units; refurbishment and replacement of front awning

3. DA 21/06, 15-23 The Corso

Partial demolition and new mixed use development comprising: basement parking; ground floor retail level; four residential levels of 31 units; and strata subdivision

Comments:

1. The Committee believes these 3 DAs (mentioned above) should be assessed together, with the appointment by Council of an independent assessor to coordinate a fully transparent public process of assessment (similar to the Coles site).
2. The committee has not been able to inspect the internal fabric of the affected buildings, but believes the existing heritage assessment inadequately address both the detailed history and fabric of these important heritage listed properties, which may contain (within Nos. 15-23) some of the oldest remaining heritage buildings in Manly (c1870?).
3. The reduction of the heritage buildings Nos. 15-23 to hollow facades gives the impression of 'post-blitz' Corso along this important section. This 'facadism' makes a mockery of the heritage precinct and principles enshrined in Council's draft DCP.
4. The deletion of the arcade in Nos. 7-9 the Corso directly violates the principle of maintaining arcades contained in the draft DCP (item 5.10).
5. The proposed development at Nos. 7-9 appears to demolish important heritage fabric of the former Purves Bakery still contained within the building.
6. The Committee strongly recommends the commissioning by Council of an independent heritage assessment of the properties affected by the 3 DAs, to assess among other things the existence and significance of internal fabric indicative of former industrial, commercial and residential uses reflecting some of the earliest uses of land in this area of The Corso.

**Environmental Services Division Report No. 42 (Cont'd)**

7. The reinstatement of Purves Bakery façade and traditional awnings is commended.
8. The shop front treatments at Nos. 15-23 are bland and uniform; ignore the heritage significance of The Corso; fail to reflect the more modest scale of the existing buildings; and are contrary to the principles contained in the draft Corso DCP.
9. The developments will impact significantly on the future proposed upgrading of the Market Lane precinct; vehicle access to Nos. 15-23 will tend to dominate any desired upgrading/pedestrianisation of this potentially attractive area, and could adversely affect the neighbouring heritage properties (see for example, the negative comments re parking and traffic contained in the parking and traffic Assessment for No 11 The Corso).

**Precinct Community Forum Comments**

The application was referred to The Corso Precinct Committee for comments on 25 January 2006 and to this date (date of preparing this report), no comments have been received.

**Planning Comments****The Site**

The subject property is located on the north-western side of The Corso and the nearest cross-street being Whistler Street. The site has a dual street frontage with the rear fronting on to Market Lane. The site is legally described as Lot 1, DP 216273.

The site is regular in shape and has a site frontage of 7.24metres to The Corso and a depth of 31.47 metres, resulting in total site area of 217.00 square metres. The site is relatively flat with a gentle slope towards the rear. The site is currently occupied by a part single storey and part two storey building. The ground floor level of the existing building is currently occupied by a health food shop facing The Corso and a Laundromat facing the Market Lane. The part upper floor is occupied by an office.

**The Proposal**

Consent is sought for the alterations and additions to the existing building at No.11, The Corso. It is proposed to demolish majority of the internal walls, except for the stair access to the upper level from The Corso and a dividing wall of the current vitamin shop at the ground floor level and the stair enclosure and a small office at the first floor level. The proposal consists of the following:-

- Two (2) retail outlets on the Ground Floor level - one facing The Corso and the other facing the Market Lane. Each shop is provided with toilets and tea preparation area. The shop facing The Corso is provided with internal access to the Market Lane. A garbage area is provided under the proposed stairs from the Market Lane to the first floor level. Two (2) sets of stairs are proposed to the upper levels - one (1) from the front (existing) and the other from the Market Lane end.
- The first floor level is to consist of two x two bedroom units. The unit (**Unit 1**) facing The Corso is provided with an internal courtyard of approximately 10 square metres. This unit has a split level with the living/dining and kitchen being at **RL 9.31** and the bedrooms being at **RL 10.37**. The unit (**Unit 2**) facing Market Lane is provided with a smaller internal courtyard (approximately 5.3m<sup>2</sup>). This unit (RL 9.00) is also provided with a north-west facing balcony (approximately 10m<sup>2</sup>).
- The second floor level is to consist of a two bedroom unit (**Unit 3 - RL 12.10**) with access from the rear staircase and is identical to the unit below without the internal courtyard, which in this case is a void to provide light and ventilation to the floor below. The second floor is restricted to the rear (Market Lane) section of the building.

**Environmental Services Division Report No. 42 (Cont'd)**

- The proposal is to retain the existing roof for the front section of the building and provide the plant equipments in the central section and provide a new roof metal deck roof with a 15° pitch.

Surrounding Developments

The subject site is located on the north-western side of The Corso. The buildings in The Corso within the vicinity of the site are a mix of two to three storey buildings containing retail shops on the ground floor level and commercial uses /restaurant above. The property at the corner of The Corso and Whistler Street (No. 1 The Corso) is three storey brick building and has residential units above the business uses on the ground floor. The property immediately to the north-east of the subject property (No. 13, The Corso) is a two storey building with a retail business above. The property to the south-west is developed is a two storey building with shops and an arcade at the ground floor level and a restaurant at the first floor level. None of the adjoining properties have any form of parking on site.

Zoning

The subject property is located within Zone No.3 - Business under Manly Local Environmental Plan 1988. The proposed use is permissible, with Council consent.

The provisions of the Manly Development Control Plan (DCP) for the Business Zone 1989, Amendment 4, Development Control Plan for The Corso and Development Control Plan for Waste Minimisation and Management 2000 applies to this development.

The subject property is within The Town Centre Conservation Area and also within the Foreshore Scenic Protection Area under the Manly Local Environmental Plan 1988.

The subject site is within the 10m maximum building height area and the maximum permissible floor space ratio is 2.5:1, with the floor space ratio of the residential use not to exceed 2:1.

Floor Space Ratio

The maximum permissible floor space ratio for the subject site is 2.5:1. The calculated floor space ratio (FSR), as calculated from the submitted drawings, is 2.2:1.0. The floor space ratio of the residential component is 1.3:1. The existing Floor Space Ratio of the existing building is 1.58:1. The proposed development complies with the floor space ratio provision of the DCP.

Building Height

The maximum height specified in the Maximum Building Height map of the DCP is 10 metres. The proposal generally complies with this requirement of the DCP. The proposal provides for a wall height of 9.5 metres to the Market Lane frontage. No change is proposed to the wall height of 9.84 metres to The Corso frontage, which also has an existing peak on that frontage of 12.04 metres.

Setbacks

Clause 1.3 - Setbacks of the DCP for the Business Zone 1989 Amendment 4 states as follows:-

"All buildings shall be constructed to the public road and side boundaries of the allotment except where:

1. An alternative setback is identified on the townscape and opportunities maps; or,
2. The applicant can demonstrate to the satisfaction of the Council that an alternative setback will not conflict with overall townscape objectives, reduce the general availability of retail frontage or remove weather protection for pedestrians;

**Environmental Services Division Report No. 42 (Cont'd)**

3. The stipulated setback would be undesirable in terms of the amenity of any residential uses existing on adjoining land or proposed for inclusion in the development (in which cases the principles of the Council's Development Control Plan for the Residential Zone will apply)."

The proposed development extends right up to the road frontages and the side boundaries in accordance with the Development Control Plan. However, it is to be noted that the two (2) upper levels contain residential uses and that the adjacent proposal (DA 48/06) also contained residential accommodation. Site inspection has revealed that the adjacent property (No. 7- 9, The Corso) currently has an office type use on the upper level. It is noted that the objections received refer to the increased shadow and loss of privacy as a result of the proposed development. It is to be noted that the issues raised regarding overshadowing and loss of privacy is not applicable to this application and is directed more to the application relating to Nos. 7-9, The Corso (DA 48/06). This application (DA 48/06) was refused by Council on 1 June 2006.

Carparking

Clause 1.5 of the DCP for the Business Zone, 1989, Amendment 4 states that carparking is to be provided at the rate of 1 space per two bedroom dwelling and for the retail section carparking required to be provided is one (1) space per 40m<sup>2</sup> of gross floor area. However, the DCP further notes that in respect of parking for all uses other than dwelling, tourist accommodation and backpacker accommodation, a maximum of 50% only of car parking spaces required is permitted to be provided on-site, with the remainder being provided by way of contribution in accordance the Council's Section 94 Contributions Plan.

In relation to carparking, the site currently has no carparking provided. The proposal is to reformat the existing of retail floor space on the ground level. In accordance with the development control plan, it is noted that only 50% of the carparking spaces required are permitted to be provided on site. As well as this the DCP makes reference to whether provision of carparking would interfere with the retail frontage of the development. In this respect the property does have two road frontages one to The Corso and the other to Market Lane so that provision of carparking on site would not detract retail frontage. In such circumstances Council can consider the merits of not requiring carparking associated for the re-formatted retail floor space. The other aspect of this development in relation to carparking is the provision of three (3) x 2 (two) bedroom new residential units on the site, which in accordance with the Model Provisions of the Environmental Planning & Assessment Regulation and as adopted by Manly LEP, require one space per unit. The development does not provide any carparking on site and there is no dispensation given in the DCP/LEP for carparking in relation to unit development.

The applicant has submitted a detailed report from a Traffic Consultant outlining the merits of the site and suggesting that it is appropriate to not require any carparking for this development, given the low carparking rates in the Central Business District. The public transport is provided aims at low car ownership of apartments in Manly. It is considered that this argument is contrary to the basic philosophy contained in the Development Control Plan which requires that residential uses are not to be provided if carparking is unable to be provided on site. It should be noted that although the proposal complies with the required floor space ratio of the DCP, the development is more visible from the Market Lane and creates a bulk to the development. There is no reason why limited additional commercial floor space, could not be provided at the new levels, thereby providing for the normal office functions of the Town Centre and at the same time avoiding the conflict with the development control plan in relation to provision of residential carparking. It is not considered that the arguments put forward by the applicant to overcome the principle contained in the development control plan which was developed with the knowledge of the accessibility and transport options in the town centre, is not valid and therefore not supported.

In relation to the model provisions it is noted that the applicant has not submitted an objection under SEPP 1 so that the lack of carparking cannot be supported.

**Environmental Services Division Report No. 42 (Cont'd)**Development Control Plan for The Corso

The site is subject to the Development Control Plan for the Corso, adopted by Council on 19 December 2005. This document states that The Corso is an important Manly public space and its listing as an item of heritage significance is for the whole Street, the public roadway and each property with frontage thereto. Some individual buildings in the street are also listed separately in The Corso and the subject property is located within the Town Centre Conservation Area. These listings place responsibility on Council and individual building owners and applicants to maintain the significance of the The Corso Conservation Area. Clauses 18, 19 and 21 of the Manly LEP 1988 must be considered in relation to any development of this site. This application was considered by Council's heritage consultant, as well as Heritage committee on these comments are noted above.

In relation to the specific provisions in this development control plan it is noted that existing street facades including all original detailing are particularly important and are to be maintained. In this regard it is to be noted that no changes are proposed to The Corso street frontage and therefore the proposal complies with this aspect of the DCP.

The Development Control Plan for the Corso talks about the impact of development on rear laneways and this regard this site backs onto Market Lane. The applicants relate the proposed development to the three-storey building on the corner of Whistler Street and The Corso. However, they fail to recognise that currently the single storey section of this building and the adjoining buildings, all form a harmonious streetscape to the rear of the site facing Market Lane. The increased bulk from the existing to a three-storey building on this rear lane will be exaggerated in comparison to the adjacent developments.

The proposed development does not fall within the ambit of State Environmental Planning Policy (SEPP) No. 65 - Design Quality of Residential Flat Development being three (3) storeys in height and having three (3) units and two (2) shops. The application has not been assessed under the provisions of SEPP No. 65.

The reduction in the amount of commercial space is a major issue relating to the subject development. One of the main objectives of the Business Zone under the Manly Local Environmental Plan 1988 is 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. In this regard the applicant fails to achieve the objective as it proposes to convert the existing commercial space, which is currently used as an office, to a residential unit. Council is currently re-vamping The Corso to make it attractive for businesses and customers and in view of the works currently being undertaken and the money being spent on the project, the proposal to delete existing commercial space and provide residential units goes against the Council's long-term view of The Corso. Although Council's Local Environmental Plan 1988 permits residential flat buildings within the Business Zone, it is to be noted that this is not the correct location for a residential flat building consisting of three (3) units. Further, as per the DCP for the Business Zone and the Environmental Planning and Assessment Model Provisions, 1980, as adopted by Manly LEP one (1) carparking space is required per unit. The proposal provides for no parking on the site. As discussed above, there is no dispensation given in the DCP/LEP for carparking in relation to unit development.

The application has not identified separate residential and retail garbage areas. From general experience it is very important that any application that contains residential as well as retail premises, segregation of garbage areas is vital. The application has also not indicated any loading/unloading facilities for the re-vamped retail premises.

The shops within the subject building would be required to comply with the Development Control Plan for Late Night Venues, 2005.

**Environmental Services Division Report No. 42 (Cont'd)**Clause 10 Objectives of the LEP:

The proposal's compliance with the Clause 10 objectives - Business Zone of the Manly Local Environmental Plan, 1988 are stated 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 proposed development will retain the existing business on the ground floor level but will remove the office/commercial space on the existing first floor level and replace with a residential unit and add two new units at the rear. The proposal does not encourage expansion or provide for business within the Business Zone.

- (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 subject site is located on land that is zoned Business and therefore not applicable to this application.

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

The application does not provide any provision for parking within the subject building and relies on the availability of parking on Council carparks in the vicinity.

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

The proposal is to retain two shops on the ground floor level and therefore would not lead to any conflict between pedestrians and vehicular movement systems.

Clause 17 - Visual and aesthetic protection of certain land

Clause 17 of the Manly Local Environmental Plan 1988 states that Council shall not grant consent to the carrying out of development unless it is satisfied that the development will not have a detrimental effect on the amenity of the Foreshore Scenic Protection Area. In this regard it is considered that the subject development will not directly have an impact on the amenity of the foreshore scenic protection area but will not enhance Market Lane streetscape.

**CONCLUSION:**

The proposal has been considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan, 1988, the Development Control Plan for the Business 1989, Amendment 4, Development Control Plan for The Corso and the Building Code of Australia. It is considered that the proposal is unsatisfactory in that it decreases the amount of available commercial space in the Manly CBD and do not provide for the required carparking for the proposed residential units. The proposal is therefore recommended for refusal.

**RECOMMENDATION**

That Development Application no. 47/06 for alterations and additions to an existing building including three (3) new residential units on two (2) levels, at 11, The Corso, Manly be refused for the following reasons:-

1. The proposal is for the conversion of existing commercial premises to residential unit. This is contrary to the objectives of the Business Zone under the Manly Local Environmental Plan 1988, having regard to Section 79 C (1) (a) (i) of the Environmental Planning and Assessment Act 1979.

**Environmental Services Division Report No. 42 (Cont'd)**

2. The proposal does not provide any carparking on site associated with the retail use or the residential uses proposed on site as required by the Manly Development Control Plan for the Business Zone 1989 Amendment 4, having regard to Section 79 C (1) (a) (iii) of the Environmental Planning and Assessment Act 1979.
3. The applicant has not submitted as an objection under SEPP 1, in relation to the lack of carparking provided on site associated with the proposed units having regard to the Manly Local Environmental Plan LEP 1988 and Section 79 C (1) (a) (i) of the Environmental Planning and Assessment Act 1979.
4. The proposal has not provided for adequate garbage space and loading/unloading area for the retail spaces on the ground floor level having regard to Section 79 C (1) (a) (iii), (b), (d) and (e) of the Environmental Planning and Assessment Act 1979.
5. The proposal has not had regard to the Manly Town Centre Urban Design Guidelines 2002. The proposal eliminates the existing commercial space, which is contrary to the Manly Development Control Plan for the Business Zone 1989 Amendment 4, having regard to section 79 C (1) (a) (iii) (b) and (e) of the Environmental Planning and Assessment Act 1979.
6. The proposal has not had regard to the submissions received having regard to Section 79 C (1) (d) of the Environmental Planning and Assessment Act 1979.
7. The proposal is not in the public interest having regard to Section 79 C (1) (e) of the Environmental Planning and Assessment Act 1979.

**ATTACHMENTS**

There are no attachments for this report.

LUM070806ESD\_4.doc

\*\*\*\*\* End of Environmental Services Division Report No. 42 \*\*\*\*\*

**TO:** Land Use Management Committee - 7 August 2006

**REPORT:** Environmental Services Division Report No. 43

**SUBJECT:** 40 Birkley Road, Manly

**FILE NO:**

**PREVIOUS ITEMS:** 64 - Land Use Management Committee - 5 December 2005

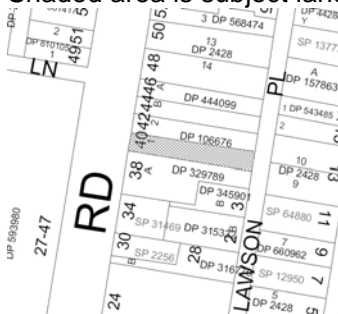
**Application for review lodged:** 27 July 2005 (revised plans 22 November 2005)  
**Applicant:** All Walls Pty Limited  
**Owner:** Broлга Estates Pty Limited  
**Estimated Cost:** \$100,000  
**Zoning:** Manly Local Environmental Plan, 1988 - Residential  
**Surrounding Development:** Single and two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

**SUMMARY:**

1. DEVELOPMENT APPLICATION NO.133/05 WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON THE 12 MAY 2005 WHERE THE APPLICATION WAS REFUSED.
2. COUNCIL IS IN RECEIPT OF AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.
3. THE APPLICATION FOR REVIEW WAS NOTIFIED TO NEARBY AND ADJOINING OWNERS WITH ONE SUBMISSION RECEIVED.
4. THE APPLICATION FOR REVIEW WAS REFERRED TO THE IVANHOE PARK PRECINCT COMMUNITY FORUM FOR COMMENT.
5. THE APPLICATION WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 25 OCTOBER 2005 WHERE IT WAS RECOMMENDED FOR REFUSAL.
6. THE APPLICANT HAS SINCE HAD DISCUSSIONS WITH COUNCIL STAFF AND HAS SUBMITTED REVISED PLANS.
7. THE REVISED PLANS WERE NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
8. THE APPLICATION WAS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT MEETING OF 5 DECEMBER 2005 WHERE THE MATTER WAS DEFERRED PENDING REDESIGN OF THE ALTERATIONS.
9. REVISED PLANS HAVE BEEN RECEIVED AND ADJOINING AND NEARBY PROPERTY OWNERS GIVEN NOTIFICATION OF THE REVISED PLANS WITH TWO SUBMISSIONS RECEIVED.
10. THE APPLICATION WAS REPORTED TO COUNCIL'S DEVELOPMENT ASSESSMENT UNIT WHERE IT WAS RECOMMENDED FOR APPROVAL.
11. APPROVAL OF THE APPLICATION IS RECOMMENDED.

**LOCALITY PLAN**

Shaded area is subject land.





**Environmental Services Division Report No. 43 (Cont'd)****REPORT****Introduction**

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

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

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

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

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

**Environmental Services Division Report No. 43 (Cont'd)**

The application for review was considered by Council's Development Assessment Unit on 25 October 2005 where it was recommended for refusal. The applicant sought discussions with Council staff and requested the opportunity to submit further revised plans. Council received further revised plans on 22 November 2005. The 22 November plans were the subject of a report to Council's Land Use Management Committee Meeting of 5 December 2005 where Council resolved as follows;

"That the application for Review of Determination of Development Application no. 133/05 for alterations and additions to the existing semi detached dwelling at No. 40 Birkley Road, Manly be **deferred** pending redesign of the alterations. In particular, that consideration be given to the possibility of lowering the rear section of the extension or to incorporate the additions and extensions further west into the existing roof. That the redesign also seek to address privacy and overshadowing impacts on the neighbour to the west."

Further revised plans have since been received and notified to nearby and adjoining property owners with two submissions received. The following assessment relates to the latest plans submitted.

**Applicant's Supporting Statement**

The applicant submitted an additional statement accompanying the revised plans as well as a Statement of Heritage Impact by Lynch Heritage Consulting Pty Ltd, copies of which is available for viewing on Council's file.

**Submissions**

The current plans were notified to nearby and adjoining owners with two submissions received raising the following concerns:

*Privacy Lower deck*

- Loss of privacy from the lower deck extending beyond the standard 1600mm of the other three semis. As the slope of the blocks means that the lower deck will be level with the fence height, this means the deck's occupants will overlook at least four houses' back gardens. Seek reduction to 2.0m
- Loss of view of Eastern Hill and sunlight from living room and verandah
- Object to brick privacy screens on their side and timber on the others. Prefer timber privacy screens for passage of air, filtered light and views.

*Privacy Upper Deck*

- Privacy screen will not prevent overlooking into entire garden and verandah (which has clear roof). Loss of privacy and enjoyment. Deck should not be permitted.

*Cost of Replacing Guttering*

- "reimbursement of our costs [in making good] should be offered by the applicants for an expense which will be incurred through no fault of our own

*Removal of Chimney*

- Chimney straddling party wall is not to be retained; it is not visible in any of the elevations.
- Proud of the heritage value of their house. They are concerned that one of the original features of their house is to be arbitrarily removed without their permission if this development proposal is approved.

*Bulk & Height*

- Applicant has clearly elected not to revise the design as per Council's resolution.
- Object to Design, Bulk, Building Height and Overshadowing.

**Environmental Services Division Report No. 43 (Cont'd)**

- Applicants have not used existing undercroft space, and added second storey instead.
- The additional storey has not been integrated into the existing roof space and will be overbearing.
- Elevated open terrace will dominate their yard as it will wholly be above the fence line.
- FSR is below allowable but bulk is increased by undercroft area.
- Disagree with wall heights stated, saying it will be 7.06m high not 6.8m

***Overshadowing & Sunlight***

- They already have a lot of shadow in the yard, so preserving some remaining sun is very important.
- Overshadowing of their yard - more prudent to consider the additional storey more westward or to lower the height by utilizing the undercroft area.

**Precinct Community Forum Comments**

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

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

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

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

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

**Engineers Comments**

No objections subject to recommended conditions.

**Building Comments**

No objection subject to recommended conditions.

**Heritage Planners Comments**

Description of Site/Building(s):

No 40 Birkley Road is an intact single storey Federation semi-detached residence. No 40 & No 42 together with No 44 & No 46 to the north form a pair of relatively intact freestanding semi-detached buildings. The two symmetrical buildings are set on stone foundation walls and feature front gables and verandahs with timber posts and ornamental brackets. The front roofs are clad with slate and terra cotta ridge capping.

**Environmental Services Division Report No. 43 (Cont'd)**

To the south of No 40 is a relatively intact Federation freestanding cottage. There are a number of traditional single storey cottages on the west side of Birkley Road.

**Comments**

The Heritage Impact Statement submitted by the applicant has indicated that 'potential may exist for it to be included as part of a group or conservation area given the nature of the surrounding dwellings.' Therefore it is essential that consideration be given to the impact of the proposal on the dwelling, the adjoining properties and the impact on the streetscape.

- The removal of the stair enclosure has reduced the bulk of the impact of the proposal from the street. However although there have been some amendments to the first floor addition namely: the lowering of the floor level by 160mm; and the reduction in the width of the addition by 440mm this does not constitute a major reduction in height below the ridge of the existing dwelling.

**Applicants Submission – Heritage Impact Statement**

A Heritage Impact Statement has been submitted, prepared by Gail Lynch of Lynch Heritage Consulting Pty Ltd and is available for viewing on Council's file. The assessment includes the following extracts;

*"The subject site is not a heritage item and is not located in a conservation area, however it is appropriate to answer these questions as the site was identified as having the potential for heritage significance in the assessment of the previous development application for the site....[p13 Lynch Heritage Impact Statement]*

*"Research undertaken in the preparation of this report has found no evidence to suggest that the site may meet the criteria for listing as an individual heritage item." Potential may exist for it to be included as part of a group or conservation area given the nature of surrounding dwellings." [p13 Lynch Heritage Impact Statement]*

The report classifies the work as "minor partial demolition and minor additions" and says:

*"The proposed partial demolition of the rear of the property is necessary to create a living space which meets modern needs...."*

*"No important features are affected by this proposal. Original fireplaces, joinery, ceilings, fireplaces [sic] and sandstone footings are to be retained."*

It is noted the existing chimney shared with the adjoining dwelling (N<sup>o</sup> 42) is not shown on any of the drawings. The neighbours are concerned their chimney will be "arbitrarily removed" by this proposal and indicate that they intend to utilise the flue for a fixed gas heater when the room is renovated. It is considered that the chimney must remain in place to maintain the original building fabric form and character. A draft condition of consent is included in the recommendation in this regard.

**PLANNING CONTROLS & COMPLIANCE ASSESSMENT****Manly LEP 1988**

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

The proposed alterations and additions to a dwelling house is permissible with consent in the zone. Whilst there will be some amenity impacts to neighbouring properties in terms of overshadowing and visual bulk, the proposal, subject to conditions included in the recommendation, is considered satisfactory in response to the relevant objectives of the zone.

## Environmental Services Division Report No. 43 (Cont'd)

**Mainly Development Control Plan for the Residential Zone****Numerical Assessment**

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

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Floor space ratio	0.6:1	0.53	Yes
Floor space ratio - existing	0.42:1		Yes
Wall height North side	6.8m	7.1m	No
South side	6.8m	6.8m	Yes
Roof height	3.0m	1.3m	Yes
Setback Front	6.0m	6.0m	Yes
Setback Rear	8.0m	10.0m (ground floor level deck) 14.0m (Additions)	Yes Yes
Setback north side	N/A semi		N/A
Setback south side	2.3m (new first floor level)	2.6m	Yes
Open space - total	55% (190sqm)	39% (137.5sqm)	No (existing)
Open space - soft	35% (66sqm)	50% (95sqm)	Yes
Private Open Space	18sqm	71sqm	Yes
Car Parking – Residents	2	1	No
Shadow -adjacent open space	<1/3 <sup>rd</sup> existing sunlight access open space.	<1/3 <sup>rd</sup>	Yes
adjoining EW orientation	>2hrs living room windows from 9.00am to 3.00pm	2hrs (1.00pm – 3.00pm family room window)	Yes
exist north facing roofs	> 10sqm	>10sqm	Yes

**DCP Issues**

Building Height:

*DCP3.4.1a) To control the height of buildings by specifying maximum wall and roof/ridge heights.*

*DCP3.4.1c) To minimize disruption to views, loss of privacy and loss of sunlight to existing residential development*

*DCP3.4.1d) To ...maintain adequate sunlight access to private open spaces and windows of living spaces of adjacent dwellings.*

The current proposal complies with numeric wall and roof height controls of Council's Residential DCP. However, there will be some impact on the adjoining property (N<sup>o</sup> 38) with loss of sunlight. Loss of privacy has largely been addressed by privacy screens and window placement. Translucent glass will be required for the south facing windows to the stair, ground floor bathroom and kitchen.

Loss of sunlight to existing open spaces and living spaces of adjacent windows is still an issue and it was suggested to the applicant that the impact could be reduced by dropping the double storey extension by 800mm. The applicants have declined the suggestion of lowering the rear sections stating: "it would require complete demolition of this part of the building". This position is

**Environmental Services Division Report No. 43 (Cont'd)**

considered reasonable as the lowering would require demolition of existing floor and existing stone foundation. However, it is possible to reduce the wall height of the first floor addition by approximately 300mm by reducing the springing height of the new roof. This reduction would result in the proposal being fully compliant with the wall height numeric requirement of the DCP and reduce overshadowing impacts. A draft condition of consent is included in the recommendation in this regard.

Overshadowing:

*DCP3.7.1a) To preserve the environmental quality and property value for existing and new residents.*

*DCP3.7.1b) To minimise loss of sunlight to adjacent buildings.*

*DCP3.7.1c) To maximise mid-winter sunlight to windows of neighbouring living rooms and to the principal outdoor areas of adjacent properties.*

Under the DCP3.7.2(e) new development must not eliminate more than 1/3 of the existing sunlight to open space of adjacent properties, measured at 9am, 12noon and 3pm at the winter solstice (21 June).

The proposal increases overshadowing to the outdoor living areas as follows measured at June 21 (winter solstice):

The useable outdoor living area of No 38, from the rear of the house to the western face of the garage/shed building has been calculated at 98.69m<sup>2</sup>.

The existing 9am shadows from No 40 have been calculated as 35.14m<sup>2</sup>, which is 35% of the useable outdoor living area. Available sunlight is 63.55m<sup>2</sup>

The proposed 9am shadows from No 40 have been calculated as 54.31m<sup>2</sup> which at 19.2m<sup>2</sup>, comply with the DCP by not eliminating more than 1/3 of the existing sunlight.

At 12 noon, the existing shadows from No 40 have been calculated as 62.76m<sup>2</sup>, which leaves 35.93m<sup>2</sup> of the useable outdoor living area.

The proposed 12 noon shadows from No 40 have been calculated as 83.82m<sup>2</sup>, which leaves 14.87m<sup>2</sup> of the useable outdoor living area and therefore exceeds the 1/3 limit.

At 3pm there is currently no sunshine at ground level of the useable outdoor living area. Under the proposal, this condition remains unchanged. Clause 3.7.2f of the Residential DCP states "Where there is no winter sunlight available to open space of adjacent properties the calculations for the purposes of sunlight will relate to the Autumn equinox". The shadow diagrams for the Autumn equinox indicate compliance with DCP requirements.

There will be a degree of additional overshadowing of windows (including living room window) in the northern (side) elevation of the adjoining building to the south during the morning period however these windows will have access to sunlight during the afternoon period. Therefore the proposal is compliant with the DCP requirements in this regard.

In view of the general overshadowing impacts and non compliance with overshadowing at the 12 noon period it is recommended that the wall height of the proposed first floor addition be reduced by 300mm as discussed above and that the roof design of the first floor addition be revised to provide a hip to the eastern end. A draft condition in this regard is included in the recommendation.

**Environmental Services Division Report No. 43 (Cont'd)**

## Streetscape:

*DCP3.9.1a) To ensure that all development contributes positively to the street and locality, identified in the locality analysis.*

The streetscape was identified as an important consideration in the Heritage analysis. Reducing the ridge height will assist in reducing the impact. The issue of the differing pitch (25° on the proposed extensions and 30° on the original building) has not been addressed in the Heritage analysis or elsewhere. It will be most obvious from the Lawson Place (rear) elevation.

It is considered the pitch should match the existing house. A draft condition in this regard is included in the recommendation.

## Privacy &amp; Security:

*DCP3.10.1a) To screen between closely spaced buildings*

*DCP3.10.1b) To mitigate direct viewing into window from others*

*DCP3.10.1c) To provide screening to outdoor living areas*

Issues of privacy have been generally addressed by provision of screens to external decks at both levels. To achieve compliance with the DCP objectives a condition of consent is included in the recommendation requiring translucent glass on windows the south facing windows to the stair, ground floor bathroom, ensuite and kitchen (where sill is less than 1.6m above finished floor level).

## Parking &amp; Access:

Minimum of two spaces per dwelling is required. No off-street parking is currently available for this property and parking is limited in the area. No vehicular access is possible from Birkley Road and proposal is for a single space accessed from Lawson Place. The rear garden area is limited, the land being only 7.13m wide therefore two adjacent car spaces would have significant impact. The provision of one car parking space is acceptable in the circumstances.

**Comments on Submissions**

Concerns raised in the submissions received are noted. It is considered that an acceptable level of privacy between the subject site and adjoining properties will be maintained with the inclusion of privacy screens as shown on plans and the use of translucent glass in the south facing windows of the stairwell, bathroom and kitchen, as included in draft conditions contained in the recommendation.

Neighbour concerns in respect of bulk, height and overshadowing have been discussed above. It is considered that with the recommended reduction in wall height and provision of a hip roof design to the eastern end of the proposed roof over the first floor addition, the amenity impacts of the proposal will be limited to an acceptable level.

The concern regarding the existing chimney is acknowledged and for Heritage conservation and adjoining owners interests it is necessary to maintain the chimney in its current state. The applicant has agreed to retain the chimney and a condition in this regard is included in the recommendation. Concerns relating to drainage disposal are noted and whilst this is the responsibility of each owner concerned the applicant has advised that drainage works necessary as a result of the new work will be carried out at no cost to the adjoining owner.

**Manly Local Environmental Plan 1988 - Clause 10 Objectives**

The following comments are made in respect of the proposals compliance with the objectives as stated in Clause 10 of the Manly LEP 1988

**Environmental Services Division Report No. 43 (Cont'd)**

*(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;*

Manly 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 subject to draft conditions included in the recommendation will provide variety to existing housing stock and maintain the overall residential character of the locality.

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

Subject to recommended conditions, the proposal is considered to be acceptable in terms of impact on neighbour's amenity and the 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 proposal generally retains existing landscape open space areas and therefore is in compliance with this objective.

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

N/A.

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

The proposal 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, subject to draft conditions contained in the recommendation are considered to be suitable development for the area.

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

N/A

**Environmental Planning & Assessment Act 1979 – Section 79(C) 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 considered under the provisions of the Manly Local Environmental Plan 1988 and the Development Control Plan for the Residential Zone 2001, Amendment 1.

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

The proposal subject to conditions contained in the recommendation is considered acceptable in terms of impacts on both the natural and built environments. There will be no identifiable effect on social or economic conditions.



**Environmental Services Division Report No. 43 (Cont'd)**

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

The site is currently developed with a semi-detached dwelling house and is considered suitable for the proposed development.

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

Two submissions were received and have been considered.

*(e) the public interest.*

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

**CONCLUSION:**

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

**RECOMMENDATION**

That Deferred Commencement Consent be granted in respect of Development Application No. 133/05 for alterations and additions to the existing semi detached dwelling at No. 40 Birkley Road, Manly, with the consent not operating until the applicant has submitted suitably amended plans showing;

- A1. The proposed springing height of the roof of the first floor addition lowered 300mm to reduce amenity impacts on adjoining properties.
- A2. The eastern end of the proposed roof over the first floor addition revised to a hip design to reduce visual bulk and overshadowing impacts on adjoining properties.
- A3. The existing chimney in the family room retained, to maintain the heritage value of the building.
- A4. The south facing windows to the proposed stairwell, bathroom, ensuite and kitchen (where sill is below 1.6m from finished floor level) glazed with translucent glass, to maintain acceptable privacy between residential properties.
- A5. The pitch of the proposed roof over the first floor addition revised to match that of the roof over the main portion of the dwelling, to maintain streetscape quality, plans being suitably amended prior to issue of the Construction Certificate.

Upon submission of amended plans satisfying deferred commencement conditions A1 – A5, within three (3) months of this determination, the application be approved subject to the following standard conditions:

1. This approval relates to plans/drawings No.3-06-B1 Sheets 1, 2, 3 and 4 dated March 2006 by Network Design, received by Council 15 March 2006, Heritage Impact Statement dated May 2006 by Lynch Heritage Consulting Pty Ltd, received by Council 19 May 2006, as amended by the deferred commencement conditions.

DA09 The construction of a vehicular footpath crossing is required. The design and construction shall be in accordance with Council's policy. All works shall be carried out prior to issue of the Occupation Certificate. The work shall be done with plain concrete. It is the responsibility of the owner, developer and builder that they understand the above

**Environmental Services Division Report No. 43 (Cont'd)**

specification and strictly comply with the specifications. The work shall be inspected and approved by council officers. All works shall be carried out prior to the issue of the 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.**

DA14 No portion of the proposed building or works, including gates and doors during opening and closing operations are, to encroach upon any road reserve or other public land.

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 \$2200. 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.**

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".

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

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

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.

**Environmental Services Division Report No. 43 (Cont'd)**

- 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.
- DA37 Four (4) certified copies of the Structural Engineer's details in respect to the structural details of the proposed building shall be submitted to the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**
- 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.**
- DA40 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.
- 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 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.
- DA69 All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.
- 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.

**Environmental Services Division Report No. 43 (Cont'd)**

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.

DA261 A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier **prior to the issue of the Construction Certificate**. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

DA264 All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.

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:-

Footing inspection - trench and steel  
Framework inspection  
Wet area moisture barrier  
Drainage inspection  
Driveway crossing/kerb layback  
Final inspection

The cost of these inspections by Council is \$1380. (being \$220.00 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.

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.

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

The measures must include:-

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

DA289 Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or

**Environmental Services Division Report No. 43 (Cont'd)**

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.

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

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.

LUM070806ESD\_5.doc

\*\*\*\*\* End of Environmental Services Division Report No. 43 \*\*\*\*\*

**TO:** Land Use Management Committee - 7 August 2006  
**REPORT:** Environmental Services Division Report No. 44  
**SUBJECT:** Development Applications Currently Being Processed  
**FILE NO:**

---

**SUMMARY**

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING AUGUST, 2006.

**REPORT**

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

DA#	Date Rec by Council	Site Address	Proposal	Target Date	DEL DAU LUM
DA319/03	16-Jul-03	14 Kempbridge Avenue	Alterations and Additions	15-Aug-06	DAU
DA587/02	03-May-05	14 Reddall Street	Section 96 Modification	08-Aug-06	DAU
DA423/05	29-Sep-05	59 Ethel Street	Erection of Mixed Use Development	15-Aug-06	DAU
DA426/05	01-Oct-05	43 Bower Street	Alterations & Additions	25-Aug-06	DAU
DA428/05	21-Oct-05	7 Pacific Parade	Demolition & Erection of new Dwelling, Parking & Pool	08-Aug-06	DAU
DA506/05	06-Nov-05	3 Pacific Parade	Alterations & Additions to Residential Flat Building	Awaiting Information	DAU
DA469/05	11-Nov-05	45 Gurney Crescent	Demolition, New Dwelling	10-Aug-06	DAU
DA521/05	30-Nov-05	151 Darley Rd Lot 12	3 Storey Dwelling & Pool	Awaiting Information	
DA277/05	02-Dec-05	48 Peronne Road	82A Review	22-Aug-06	DAU
DA350/05	05-Dec-05	92 Bower Street	Section 96 Modification	Awaiting Information	
DA524/05	06-Dec-05	2/447-449 Sydney Road	Change of Use	08-Aug-06	DAU
DA536/05	12-Dec-05	133-136 North Steyne	Demolition of Buildings	September	LUM
DA59/06	20-Jan-06	26 Moore Street	Alterations & Additions	22-Aug-06	DAU
DA60/06	21-Jan-06	16 Jellicoe Street	Demolition & Erection of Duplex RFB	Awaiting Information	DAU
DA56/06	27-Jan-06	133-136 North Steyne	Demolition & RFB with Basement Parking & Strata Subdivision	September	LUM
DA73/06	08-Feb-06	5 Seaview Street	Alts & 1st Floor Adds & Pool	31-Aug-06	DAU
DA458/04	17-Feb-06	36 Gurney Cres	Section 96 Modification	08-Aug-06	DAU

## Environmental Services Division Report No. 44 (Cont'd)

DA118/06	20-Feb-06	17 Rosedale Avenue	Pool & Garage	29-Sep-06	DAU
DA91/06	21-Feb-06	44 Dudley Street	Erect 2 Dwellings	10-Aug-06	DAU
DA90/06	24-Feb-06	92 Bower Street	3 Lot Subdivision	25-Aug-06	DEL
DA94/06	02-Mar-06	9 Sangrado Street	Alterations & Additions & Garage	25-Aug-06	DAU
DA552/05	02-Mar-06	20 Magarra Place	Amended Plans	24-Aug-06	DAU
DA100/06	15-Mar-06	37 Beatty Street	Erection of Decks	25-Aug-06	DEL
DA312/05	27-Mar-06	29A Quinton Road	82A Review	10-Aug-06	DAU
DA384/05	28-Mar-06	81 Fairlight Street	82A Review	15-Aug-06	DAU
DA126/06	04-Apr-06	61 Peacock Street Seaforth	Alterations & Additions; new deck, fence & driveway	17-Aug-06	DAU
DA135/06	04-Apr-06	2 Abernethy Street	Subdivision & New House	08-Aug-06	DAU
DA121/05	11-Apr-06	26 Ethel Street	Section 96 Modification	10-Aug-06	DAU
DA244/04	18-Apr-06	22 Seaforth Crescent	Section 96 Modification	08-Aug-06	DAU
DA318/05	20-Apr-06	2A Beatty Street	Section 96 Modification	29-Aug-06	DAU
DA174/06	25-Apr-06	11A Alan Avenue	Pool & Gates	15-Aug-06	DAU
DA175/06	28-Apr-06	8 Condamine Street	Alterations & Additions	09-Aug-06	DAU
DA187/06	03-May-06	4 Carlton Street	Alterations & Additions to RFB	15-Aug-06	DAU
DA107/04	04-May-06	25 Quinton Road	Section 96 Modification	11-Aug-06	DEL
DA545/05	04-May-06	16 Rosedale Avenue	82A Review	17-Aug-06	DAU
DA192/06	04-May-06	107 Frenchs Forest	Land Subdivision	10-Aug-06	DAU
DA179/06	04-May-06	32 Arthur Street	Demolition & New Dwelling	25-Aug-06	DAU
DA201/06	05-May-06	18 Lauderdale Avenue	Alterations & Additions to Semi	22-Aug-06	DAU
DA223/06	05-May-06	27 Hope Street	Demolition, Duplex and Subdivision	10-Aug-06	DAU
DA217/04	09-May-06	1 Gordon Street	Section 96 Modification	24-Aug-06	DAU
DA300/02	09-May-06	1 Gordon Street	Section 96 Modification	24-Aug-06	DAU
DA185/06	10-May-06	65 Birkley Road	Alterations & Additions	12-Aug-06	DAU
DA202/06	11-May-06	16 Lauderdale Avenue	Alterations & Additions to Semi	22-Aug-06	DAU
DA186/06	12-May-06	17 Carlton Street	Alterations & Additions	27-Sep-06	DAU

## Environmental Services Division Report No. 44 (Cont'd)

DA205/06	12-May-06	31 The Corso	Alterations & Additions & Stairway	24-Aug-06	DAU
DA204/06	15-May-06	10 George Street	Alterations & Additions	15-Aug-06	DAU
DA209/06	15-May-06	1/73 Fairlight Street	Pergola	09-Aug-06	DAU
DA381/05	18-May-06	18 Collingwood Street	82A Review	24-Aug-06	DAU
DA183/05	22-May-06	187 Pittwater Road	82A Review	21-Sep-06	DEL
DA217/06	23-May-06	38 Denison Street	Alterations & Additions	24-Aug-06	DAU
DA203/06	23-May-06	17 Woodland Street	Alterations & Additions & Garage	15-Aug-06	DAU
DA424/05	24-May-06	13 Nield Avenue	82A Review	17-Aug-06	DAU
DA480/05	24-May-06	30-38 Ethel Street	Section 96 Modification	08-Aug-06	DAU
DA218/06	25-May-06	2 North Harbour	Excavation & Pool	29-Aug-06	DAU
DA225/06	26-May-06	18 Edgecliffe Esplanade	Double Garage	11-Aug-06	DEL
DA220/06	29-May-06	46 Castle Circuit	Alterations & Additions	31-Aug-06	DAU
DA214/06	30-May-06	5 Peronne Avenue	Alterations & Additions	29-Aug-06	DAU
DA215/06	30-May-06	3 Peronne Avenue	Alterations & Additions	29-Aug-06	DAU
DA517/04	31-May-06	13 Crescent Street	Section 96 Modification	17-Aug-06	DAU
DA224/06	31-May-06	79 New Street	Alterations & Additions	22-Aug-06	DEL
DA234/06	31-May-06	23 Kirkwood Street	Alterations & Additions & Pool	25-Aug-06	DAU
DA199/05	02-Jun-06	101 Woodland Street	Section 96 Modification	11-Aug-06	DEL
DA481/05	02-Jun-06	49 Jackson Street	Section 96 Modification	31-Aug-06	DAU
DA532/02	05-Jun-06	8 Peronne Avenue	Section 96 Modification	05-Sep-06	DAU
DA230/05	05-Jun-06	30 Castle Circuit	Section 96 Modification	29-Aug-06	DAU
DA232/06	06-Jun-06	1 Fromelles Avenue	Alterations & Additions	15-Aug-06	DAU
DA238/06	09-Jun-06	40 Beatty Street	Demolition, Alterations & Additions, Pool & Garage	12-Sep-06	DAU
DA265/05	09-Jun-06	55 Woodland Street	82A Review	22-Aug-06	DAU
DA235/06	09-Jun-06	52-54 Wanganella Street	Administration Building & School	17-Aug-06	DAU
DA258/05	13-Jun-06	129 Griffiths St	Section 96 Modification	12-Sep-06	DEL
DA258/05	13-Jun-06	129 Griffiths Street	Section 96 Modification	12-Sep-06	DAU



## Environmental Services Division Report No. 44 (Cont'd)

DA20/04	13-Jun-06	10 Peronne Avenue	Section 96 Modification	11-Aug-06	DEL
DA226/06	13-Jun-06	135 Sydney Road	Land Subdivision	Awaiting Information	
DA25/05	13-Jun-06	12 Cecil Street	82A Review	22-Aug-06	DAU
DA236/06	13-Jun-06	159 Woodland Street	Demolition & Land Subdivision & 2 New Dwellings	22-Aug-06	DAU
DA241/06	14-Jun-06	61 Beatrice Street	Alterations & Additions & Pool	15-Sep-06	DAU
DA202/04	14-Jun-06	49 Curban Street	Section 96 Modification	11-Aug-06	DEL
DA240/06	14-Jun-06	88 Kirkwood Street	Alterations & First Floor Additions	11-Aug-06	DEL
DA529/04	15-Jun-06	38a Rignold Street	Section 96 Modification	17-aug-0-6	DAU
DA239/06	16-Jun-06	11 Nield Avenue	Convert to Single Dwelling & Garage	29-Sep-06	DAU
DA242/06	16-Jun-06	11 Princes Promenade	Alterations & Additions	29-Sep-06	DAU
DA246/06	16-Jun-06	25 Heathcliff Crescent	Pool	25-Aug-06	DAU
DA498/05	19-Jun-06	15 Alexander Street	82A Review	24-Aug-06	DAU
DA247/06	19-Jun-06	13 Phillip Avenue	Alterations & Additions	31-Aug-06	DAU
DA249/06	20-Jun-06	12 Seaforth Crescent	Alterations & Additions, Garage & Pool	29-Sep-06	DEL
DA489/04	20-Jun-06	32 Cutler Road	Section 96 Modification	22-Aug-06	DAU
DA243/06	20-Jun-06	45 Beatty Street	Partial Demolition, Alterations & Additions, basement Car parking and Landscaping	07-Sep-06	DAU
DA506/04	20-Jun-06	101 Bower Street	Section 96 Modification	24-Aug-06	DAU
DA248/06	21-Jun-06	37 White Street	Change of Use to place of Worship	12-Sep-06	DAU
DA252/06	21-Jun-06	38 Kempbridge Avenue	Alterations & 1st Floor Additions	31-Aug-06	DAU
DA245/06	21-Jun-06	20 Marshall Street	Alterations & Additions, Deck & Garage	22-Aug-06	DEL
DA254/06	23-Jun-06	64 Edgecliffe Esplanade	Pool	29-Sep-06	DEL
DA539/03	23-Jun-06	54 Golf Parade	Section 96 Modification	11-Aug-06	DEL
DA271/06	26-Jun-06	85 West Street	Demolition & New RFB	22-Aug-06	DAU
DA257/06	28-Jun-06	9 Ponsonby Parade	Rear Deck	11-Aug-06	DEL

## Environmental Services Division Report No. 44 (Cont'd)

DA267/06	29-Jun-06	27 Lodge Street	Pool, deck, retaining walls and stairs	22-Aug-06	DEL
DA262/06	30-Jun-06	7 Brighton Street	Strata Subdivision	Awaiting Information	
DA281/06	06-Jul-06	553 Sydney Road	Change of Use	11-Aug-06	DEL
DA282/06	06-Jul-06	119 Griffiths Street	Convert Carport to Garage	11-Aug-06	DEL
DA289/06	13-Jul-06	9/28 Victoria Parade	Alterations & Additions	11-Aug-06	DEL
DA72/06	10-Apr-06	29 Bungaloe Avenue	Section 96 Modification	11-Aug-06	DEL
DA524/04	30-May-06	7 South Steyne	Section 96 Modification	Awaiting Information	DAU

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

62/2004 151 Darley Rd, MANLY 2095  
Section 96 to Modify approved 44 Apartments & 16 Townhouses on land known as Precincts 3 & 12 of St Patrick's Estate

72/2006 29 Bungaloe Av, BALGOWLAH 2093  
Section 96 to modify the approved Alterations and Additions to dwelling

127/2006 67 Seaforth Cr, SEAFORTH 2092  
Demolition, new dwelling house, garage, inclinor & landscaping

227/2006 16 Arthur St, FAIRLIGHT 2094  
Alterations & Additions to an existing Dwelling

229/2006 48 Pacific Parade, MANLY 2095  
Alterations & Additions to existing semi detached dwelling

237/2006 51 Bower St, MANLY 2095  
Alterations & Additions to Dwelling including new pool & studio

233/2006 15 The Crescent, MANLY 2095  
Alterations & Additions to Dwelling for two(2) attached dwellings, strata subdivision & carparking

244/2006 29 The Crescent, MANLY 2095  
Alterations and Additions to an existing Residential Flat Building

245/2006 20 Marshall St, MANLY 2095  
Alterations & additions to an existing dwelling including new deck & alterations to garage

261/2006 4 Kangaroo St, MANLY 2095  
Alterations & Additions to existing Dwelling and onsite parking

255/2006 241-243 Sydney Rd, FAIRLIGHT 2094  
Erection of a new two (2) storey Dwelling house

**Environmental Services Division Report No. 44 (Cont'd)**

- 278/2006 124 Addison Rd, MANLY 2095  
Alterations and Additions to Residential Flat Building - Unit 1
- 264/2006 21 Eurobin Av, MANLY 2095  
Alterations & Additions to an existing Dwelling
- 251/2006 31 Kangaroo St, MANLY 2095  
Alterations & Additions to an existing semi detached dwelling
- 250/2006 74 Bower St, MANLY 2095  
Alterations & Additions to existing dwelling house
- 354/2005 2 Coral St, BALGOWLAH 2093  
Section 96 to modify approved Subdivision - two (2) Torrens allotments  
and Alterations & Additions to Dwelling including 1st floor addition
- 253/2006 59 Seaforth Cr, SEAFORTH 2092  
Demolition of steps & erection of retaining walls & new paths
- 275/2006 58 Woodland St, BALGOWLAH 2093  
Alterations & Additions to existing Dwelling House
- 277/2006 23 Ocean Rd, MANLY 2095  
Alterations & Additions to semi-detached Dwelling
- 273/2006 1 Beatty St, BALGOWLAH 2093  
Alterations & Additions to an existing Dwelling and new garage
- 269/2006 13 Stuart St, MANLY 2095  
Replacement of block wall with timber lattice fence
- 270/2006 5 Bower St, MANLY 2095  
Demolish and Construct new Dwelling and swimming pool
- 259/2006 26 Boronia La, SEAFORTH 2092  
Demolition of garage & erection of new structure containing parking,  
entertaining area, bedrooms, bath, bar & decks
- 259/2006 5 Sandra Pl, SEAFORTH 2092  
Demolition of garage & erection of new structure containing parking,  
entertaining area, bedrooms, bath, bar & decks
- 263/2006 25 Bligh Cr, SEAFORTH 2092  
Construction of swimming pool and cabana
- 265/2006 56 Fromelles Av, SEAFORTH 2092  
Alterations & Additions to an dwelling and replacement of carport
- 290/2006 10 Cormack St, BALGOWLAH 2093  
Alterations & Additions to Dwelling including first floor addition
- 7/2006 40 Beatrice St, BALGOWLAH HEIGHTS 2093  
Section 96 to modify approved New Two (2) Storey Dwelling with  
basement garage including tennis court and swimming pool

**Environmental Services Division Report No. 44 (Cont'd)**

- 430/2005 Carey St, MANLY 2095  
Section 96 to modify approved Remedial Works comprising Installation of Groundwater Collection Drains, Tank & Pump Station
- 266/2006 75 Boyle St, BALGOWLAH 2093  
Alterations & Additions to an existing dwelling
- 46/2004 36-38 South Steyne, MANLY 2095  
Section 96 Modification to approved Alterations and Additions of existing building to convert to a hotel
- 276/2006 35 Ponsonby Parade, SEAFORTH 2092  
Alterations & Additions to an existing Dwelling and swimming pool
- 280/2006 13 The Crescent, MANLY 2095  
Demolish & Construct a Residential Flat Building & Strata Subdivision
- 284/2006 2 Lawson Pl, MANLY 2095  
Alterations & Additions involving deleted windows, new doors, internal works external storage areas and deck
- 297/2006 25A Fairlight Cr, FAIRLIGHT 2094  
Convert the three (3) storey Residential Flat Building containing three (3) one (1) bedroom units into a single dwelling
- 300/2006 189 Woodland St, BALGOWLAH 2093  
Alterations & Additions to existing Dwelling and new garage
- 274/2006 44 Quinton Rd, MANLY 2095  
Alterations & Additions to Dwelling house and swimming pool
- 65/2006 21 Woodland St, BALGOWLAH 2093  
Amended Plans - Demolition of an existing dwelling and construction of a new two storey dwelling, swimming pool and associated landscaping works
- 298/2006 18 Golf Parade, MANLY 2095  
Excavate & Construct swimming pool, new shed and deck
- 301/2006 8B Beatty St, BALGOWLAH 2093  
Alterations & Additions to existing boatshed, new pool, deck & stairs
- 305/2006 26 High St, MANLY 2095  
Excavation and construction of new Swimming Pool and rear wall
- 279/2006 49 Curban St, BALGOWLAH HEIGHTS 2093  
New Swimming pool, deck & stair
- 283/2006 27 Cutler Rd, CLONTARF 2093  
Construction of new Dwelling house and swimming pool
- 287/2006 102 The Corso, MANLY 2095  
Request to Extend Trading Hours - Manly Sea Side Kebabs

**Environmental Services Division Report No. 44 (Cont'd)**

- 304/2006 22 Collingwood St, MANLY 2095  
Excavation and construction of a new Swimming Pool
- 286/2006 7 Pickworth Avenue, BALGOWLAH 2093  
Excavation & Construction of swimming pool
- 293/2006 15 Amiens Rd / 1B Monash Crescent,  
CLONTARF 2093  
Land Subdivision and Boundary Re-alignment to create four (4) lots
- 291/2006 10 Peronne Av, CLONTARF 2093  
Erection of a new swimming pool
- 578/2002 81 Woodland St, BALGOWLAH 2093  
Section 96 Modification to approved alterations and additions
- 296/2006 21 Kempbridge Av, SEAFORTH 2092  
Construction of a Carport and alterations to existing front fence
- 292/2006 84 Peacock St, SEAFORTH 2092  
Demolition & Erection of new dwelling, swimming pool, cabana & fencing
- 309/2006 16 Eurobin Av, MANLY 2095  
Demolish and construct new two (2) storey Dwelling house
- 294/2006 1 Krui St, FAIRLIGHT 2094  
New carport & Alterations to front fence
- 295/2006 2 Camera St, MANLY 2095  
Alterations & Additions to an existing duplex
- 314/2006 110 Bower St, MANLY 2095  
Demolition and Construction of a new Residential Flat Building  
containing four (4) units.
- 310/2006 7 Edgecliffe Esp, SEAFORTH 2092  
Widening of an existing driveway and new security gate
- 299/2006 2 Bligh Cr, SEAFORTH 2092  
Excavation & Construction of a swimming pool
- 307/2006 21 Central Av, MANLY 2095  
Alteration & Additions to Commercial premises including new first  
floor office
- 302/2006 20 Bungaloe Av, BALGOWLAH 2093  
Excavation and construction of swimming pool
- 316/2006 2 Bligh Cr, SEAFORTH 2092  
Alterations & Additions to an existing Dwelling
- 303/2006 11 Cove Av, MANLY 2095  
Erection of new swimming pool
- 14/2005 54 Beatrice St, BALGOWLAH HEIGHTS 2093  
Sec.96 Mod. to approved tennis court addition to rear of property

**Environmental Services Division Report No. 44 (Cont'd)**

59/2006 26 Moore St, CLONTARF 2093  
Amended Plans - Alterations & Additions to existing dwelling including  
new garage & swimming pool

308/2006 39 Pine St, MANLY 2095  
Alterations & Additions to an existing Duplex

312/2006 31 Arthur St, FAIRLIGHT 2094  
Alterations & Additions to an existing dwelling at rear

311/2006 20 Curban St, BALGOWLAH HEIGHTS 2093  
Excavation and construction of a swimming pool at rear of property

306/2006 39 Francis St, FAIRLIGHT 2094  
Alterations & Additions to Dwelling, front fence and carport

313/2006 21 Fairy Bower Rd, MANLY 2095  
Alts & Adds to existing dwelling in respect of window relocation & bed  
1 ensuite

547/2004 46-48 Balgowlah Rd, BALGOWLAH 2093  
S.96 Mod. to approved Manly Depot- part demolition & additions  
including office, storage, landscape & gate

200/2006 43-45 North Steyne, MANLY 2095  
Sec. 96 Mod. to modify DA 200/06 in respect of hours of operation

315/2006 37 Bungaloe Av, BALGOWLAH 2093  
New swimming pool and deck at rear

67/2006 61 Eurobin Av, MANLY 2095  
Section 96 Modification to approved alts & adds to an existing  
dwellings (duplex) to create a single dwelling house

317/2006 19 Lauderdale Av, FAIRLIGHT 2094  
Strata Subdivision of existing Residential Flat Building

318/2006 4 Quinton Rd, MANLY 2095  
Unit 5 - Alts & Adds to existing premises incl. internal renovations

319/2006 17 Harvey St, SEAFORTH 2092  
Alterations & Additions to an existing dwelling house

320/2006 15 Oyama Av, MANLY 2095  
Remedial works comprising of underpinning, pointing and reconstruction  
of the foundations and/or walls, and amendments to stormwater  
discharge

321/2006 Wharves and Jetties, MANLY 2095  
Change of Use for a new accessories shop

**Environmental Services Division Report No. 44 (Cont'd)**

**RECOMMENDATION**

THAT THE INFORMATION BE NOTED.

**ATTACHMENTS**

There are no attachments for this report.

LUM070806ESD\_2.doc

\*\*\*\*\* End of Environmental Services Division Report No. 44 \*\*\*\*\*

**TO:** Land Use Management Committee - 7 August 2006

**REPORT:** Environmental Services Division Report No. 45

**SUBJECT:** Appeals List for August 2006

**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
DA278/03	10913/05	2A	Woodland Street, Balgowlah Heights	05/08/05	Abbott Tout	Upheld 26/06/06
DA273/04	10949/05	18-20	Denison Street, Manly	17/08/05	Abbott Tout	Upheld 13/07/06
DA401/04	41145/05	87-95	Balgowlah Road, Balgowlah (Manly Golf Club)	14/10/05	Abbott Tout	Hearing 18/08/06
DA97/04	10592/05	2	Clontarf St, Seaforth	15/3/05	Abbott Tout	Hearing 14/08/06
DA252/05	10494/06	51	Whistler Street, Manly	16/06/06	Pike Pike & Fenwick	Discontinued 28/07/06
DA28/06	10108/06	29	Edgecliffe Esplanade, Seaforth	15/02/2006	Pike Pike & Fenwick	Callover 18/08/06
DA250/04	10321/06	51	Stuart Street, Manly	18/04/2006	Pike Pike & Fenwick	Callover 17/08/06
DA389/05	10392/06	9	Smith Street, Manly	19/05/2006	Abbott Tout	Callover 09/08/06
DA196/05	10413/06	10	Salisbury Square, Seaforth	22/05/2006	Pike Pike & Fenwick	Callover 02/08/06
DA43/06	10444/06	56	Alexander Street, Manly	26/05/2006	Abbott Tout	Callover 07/08/06
DA278/03	11050/04	27-29	Victoria Parade, Manly	27/10/2003	Abbott Tout	Judgement Reserved
DA37/05	10832/05	11	Benelong Street, Seaforth	01/08/2005	Abbott Tout	Settled 31/07/06
DA572/04	10833/05	8	Yatama Street, Seaforth	01/08/2005	Abbott Tout	Settled 31/07/06
DA164/06	10527/06	5	Sandy Bay Road	23/06/2006	Abbott Tout	Hearing 10/10/06
DA85/06	10583/06	164	Pittwater Road, Manly	07/07/2006	Pike Pike & Fenwick	Callover 22/08/06
DA292/05	10584/06	107	Frenchs Forest Road, Seaforth	10/07/2006	Abbott Tout	Callover 18/08/06
DA278/05	10571/06	42	North Steyne, Manly	11/07/2006	Abbott Tout	Callover 15/08/06



**Environmental Services Division Report No. 45 (Cont'd)**

**RECOMMENDATION**

THAT THE INFORMATION BE NOTED.

**ATTACHMENTS**

There are no attachments for this report.

LUM070806ESD\_1.doc

\*\*\*\*\* End of Environmental Services Division Report No. 45 \*\*\*\*\* .