



Agenda

Land Use Management Committee Meeting

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

Monday 3 May 2004

Commencing at 7:30 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 to ensure the accuracy of the minutes. However, under the *Local Government Act 1993*, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

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

Seating Arrangements for Meetings

Staff

Staff

General
Manager

Chairperson

Staff

Minute
Taker



Mayor Dr Peter
Macdonald

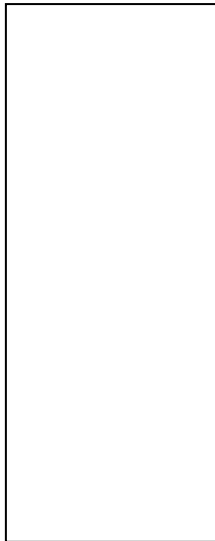
Clr Mark Norek

Clr Joanna Evans

Clr Barbara Aird

Clr Brad
Pedersen

Clr Richard
Morrison



Clr Jean Hay
AM

Clr Adele
Heasman

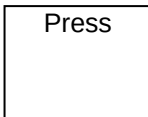
Clr Judy
Lambert

Clr Simon Cant

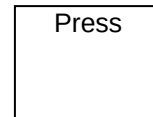
Clr David Murphy

Clr Pat Daley

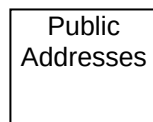
Press



Press



Public
Addresses



Public Gallery

Chairperson: Councillor Judy Lambert
Vice Chairperson: Councillor Simon Cant

LAND USE MANAGEMENT COMMITTEE**APOLOGIES AND LEAVE OF ABSENCE****DECLARATIONS OF INTEREST****CONFIRMATION OF MINUTES**

The Land Use Management Committee of 1 MARCH 2004

PUBLIC ADDRESSES

SITE INSPECTIONS There will be a site inspection at:
10 Charles Street, Fairlight Monday 3 May, 2004 8:30am on site..

ENVIRONMENTAL SERVICES DIVISION REPORTS

Environmental Services Division Report No. 22
43-45 Castle Circuit, Seaforth 2

Environmental Services Division Report No. 23
1 Daintrey Street, Fairlight 12

Environmental Services Division Report No. 24
6 Cormack Street, Balgowlah..... 21

Environmental Services Division Report No. 25
10 Charles Street, Fairlight 32

Environmental Services Division Report No. 26
List of Appeals for May 2004..... 38

Environmental Services Division Report No. 27
Development Applications Being Assessed During May 2004 39

CLOSED COMMITTEE ITEMS - Nil

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

TO: Land Use Management Committee - 3 May 2004
REPORT: Environmental Services Division Report No. 22
SUBJECT: 43-45 Castle Circuit, Seaforth
FILE NO: DA536/03

SUMMARY

<u>Application Lodged:</u>	30 October 2003
<u>Applicant:</u>	Mrs M & Mr K Swanson
<u>Owner:</u>	Mrs M & Mr KC Swanson
<u>Estimated Cost:</u>	\$120,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	Residential dwellings
<u>Heritage:</u>	Not applicable

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR REMOVAL OF AN EXISTING, INGROUND CONCRETE SWIMMING POOL AND THE CONSTRUCTION OF A NEW INGROUND CONCRETE SWIMMING POOL AND LANDSCAPING OF SURROUNDS.
2. THE APPLICATION WAS NOTIFIED WITH NO RESPONSES FROM NEIGHBOURS RECEIVED.
3. THE APPLICATION WAS ALSO REFERRED TO THE SEAFORTH PRECINCT COMMITTEE, WITH NO OBJECTION TO THE PROPOSAL RECEIVED.
4. COUNCILLOR MORRISON REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE LAND USE MANAGEMENT COMMITTEE
5. THE APPLICATION IS RECOMMENDED FOR CONDITIONAL APPROVAL.

LOCALITY PLAN

Shaded area is subject site.



Environmental Services Division Report No. 22 (Cont'd)

REPORT**Introduction**

The subject site, 43-45 Castle Circuit, Seaforth, is located on the western side of Castle Circuit, with the nearest cross street being Sandra Place. The site consists of two irregularly shaped allotments and falls steeply from front to rear of the site by approximately 17 metres. Of the two allotments, the front allotment, Lot 1, has an area of 974m², whilst the rear allotment, Lot 2, has an area of 774.6m² and has a right of carriage way over Lot 1. The two sites are generally on an east-west orientation. Existing on Lot 1 is a two storey brick and tile dwelling house, with an attached garage. Lot 2 contains an in ground concrete swimming pool, and a small amount of landscaping, but remains relatively undeveloped.

43-45 Castle Circuit, Seaforth is located within the Residential Zone and also the Foreshore Scenic Protection Area as defined in the Manly LEP 1988. The site is classified as land within the Bushfire Vegetation Buffer, as detailed on the Manly LGA – Bushfire Prone Land Map, dated 12 September 2003. The site is also subject to the provisions of SEPP 56 – Sydney Harbour Foreshores & Tributaries, and also SREPP 23.

The streetscape of Castle Circuit has a mixture of old and new, multistorey dwellings, that take advantage of significant views of Middle Harbour. The site is located approximately a third of the way down the western edge of the ridge of the Seaforth sandstone plateau. The adjoining property to the north of the site has recently been subdivided with subdivision works, including the construction of the main access road (right of carriageway) to the new allotments currently taking place. Adjoining the site to the south is a concrete right of carriage way, providing access to three allotments further down the slope from the 43-45 Castle Circuit Site.

The application pertains to the demolition of an existing in ground, concrete swimming pool, located on Lot 1 DP 715703, 43 Castle Circuit and the construction of a new in ground concrete swimming pool and associated paved area. The proposed works would occur on Lot 1, N^o. 43 Castle Circuit and also Lot 2, N^o. 45 Castle Circuit, Seaforth. The proposed swimming pool and paved area would extend up to 3.9m further towards the rear of the site than that of the existing swimming pool and lawn terrace surrounds. The application proposes to construct a block wall to screen the undercroft area of the swimming pool, caused by the significant fall of the site.

The application also proposes the construction of a rendered brick wall located adjacent to the proposed pool on the northern boundary of the site. The proposed wall would be an extension of the existing side brick wall and is proposed by the applicant to provide privacy from the new elevated right of carriageway to the neighbouring subdivision.

Development Control Plan Numerical Assessment

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

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Density - Sub Zone 7	1 per 750/1150m ²	Existing	N/a
Floor space ratio	0.4:1	Existing	N/a

Environmental Services Division Report No. 22 (Cont'd)

	<u>Permitted/ Required</u>	<u>Proposed</u>	<u>Complies Yes/No</u>
Fence height	-	Up to 3.5m	See Notes
Setback Front	6.0m	32.0m	Yes
Setback Rear	8.0m	16.5m	Yes
North setback side	2.5m	4.0m	Yes
South setback side	2.5m	8.0m	Yes
Open space - total	70%	79%	Yes
Open space - total	1224m ²	1391.5m ²	Yes
Open space - soft	50%	73%	Yes
Shadow-adjacent open space adjoining EW orientation	2 hours 9am-3pm 1/3 open space	No Change	N/a
Views	Section 3.8 of DCP	No Significant Loss	Yes
Privacy	Section 3.10 of DCP	No significant impact	Yes

Applicant's Supporting Statement

In support of the application, the applicant has submitted a Statement of Environmental Effects which is attached to this report.

Submissions

No submissions were received in relation to the proposed development following notification of neighbours and the Seaforth Community Precinct Group.

Building Comments

No objection – subject to compliance with the Building Code of Australia.

Landscape Comments

No objection – subject to adequate screening of swimming pool under croft area.

Engineering Comments

No objection – subject to design and construction of pool and any other structures being carried out with the advice and under the supervision of a suitably qualified and experienced geotechnical engineer.

Environmental Services Division Report No. 22 (Cont'd)**Planning Comments**

The development proposal complies with Council's LEP and also generally complies with the Residential Zone Development Control Plan 2001.

The site is located within the Foreshore Scenic Protection Area, as defined in Council's LEP. The application proposes the extension of the existing terrace area between 1.0m and 3.9m. Due to the topography of the site the extended terrace area will cause the undercroft block screening to have an overall height slightly larger than that of the existing retaining wall. It is considered that the proposed planting of vegetative screening below the block wall that would adequately screen the wall from the view of the neighbours below the site and also from Middle Harbour.

Given the proposed screening, it is considered that the development proposal would comply with the provisions of Council's LEP for development within the Foreshore Protection Area.

Consideration of the provisions of SEPP 56 – Sydney Harbour Foreshores & Tributaries, and also SREPP 23 and the DCP's under that has been given during the assessment of the application. It is considered that the application complies with the objectives and guiding principles of SEPP 56 & SREPP 23.

As the proposed development relates to the construction of a swimming pool, that being a class 10b building, the provisions of the NSW Rural Fire Service "Planning for Bushfire Protection" Guidelines do not apply to this application.

The proposed development is within the vicinity of the Garigal National Park (Formerly the Davidson Park State Recreational Area), which is an item of Environmental Heritage, as listed in the Manly LEP. It is considered that the proposed development would not impact on the heritage item, as the works would not be visible from Garigal National Park.

The application proposes the replacement of an existing chain wire fence with a masonry wall to match that of an existing wall further up the slope. The height of the proposed masonry fence is approximately 2.6m above existing ground level at the up slope, It is therefore estimated that the fence height at the lower end of the fence would be in excess of 3-3.5m above natural ground level.

The existing chain wire fence varies in height above ground level due to the significant fall of the site between 0.9m to 2.8m. The applicant proposes the construction of the masonry fence to maintain the privacy and security of the swimming pool area, as a result the recent construction of an elevated right of carriageway adjacent to the northern boundary of the site to access newly subdivided allotments of land neighbouring the site.

As mentioned above, the height of the existing chain wire fence, over which a wisteria vine has grown, at the up-slope end of the fence is estimated at only 600-900mm above the level of the elevated right of way. As a result of the elevated concrete right of carriageway, significant overlooking of the existing rear yard and pool area of 43 Castle Circuit now occurs from the right of way area.

It is considered that given the topography of the adjoining sites and the location of the elevated right of carriage way, the brick wall proposed to be constructed on the northern boundary, despite its height would not significantly reduce the views from the neighbouring properties of Bantry Bay and Middle Harbour.

Notwithstanding this however, in the interest of ensuring the wall does not create a significant bulk impact, particularly to future dwellings located on the newly created allotments of land down hill of

Environmental Services Division Report No. 22 (Cont'd)

the site, it was considered by Council's Development Assessment Unit that the following condition was required:

"The proposed masonry wall on the northern side of the boundary is to be stepped back in from the boundary by a minimum of 1.0m for the last 3.0m from the north western corner of the proposed wall"

The privacy needs of the applicant were acknowledged by the DAU, and therefore it was concluded that the height of the wall was required to remain however in stepping the last 3.0m in it permitted some landscape screening to be planted between the wall and boundary, thus partially screening the wall from the allotments of land further down the slope.

In relation to landslip and subsidence of the site, the application included the submission of a geotechnical report, dated 4th October 2003, by Jack Hodgson Consultants Pty Ltd. The report concluded that the site is classified as having a low to very low risk. The site is located within Zone C, as detailed in Council's Landslip and Subsidence Development Control Plan.

A condition of approval is recommended from Council's Engineer that the design of the swimming pool be done with the advice of a geotechnical engineer and construction works shall be supervised by a geotechnical engineer. This recommended condition has been included in the final conditions of this report. A further condition is recommended that requires the recommendations provided in the report from Jack Hodgson Consultants Pty Ltd dated 4th October 2003, be implemented on the site prior, during and after excavation and construction works commence on the site

The site is zoned Residential under the Manly Local Environmental Plan 1988. The consistency of the proposed development with the relevant objectives of residential zone has been considered as follows:

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

The purpose of the residential dwelling is retained with its associated facilities.

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

The demolition of the existing swimming pool and the construction of a new swimming pool with associated landscaping is considered having regard to the relevant control plan.

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

The desired character of the site is retained, having particular regard to the streetscape and landscaped areas.

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

It is considered that the proposed development would not result in a significant loss of amenity for adjoining residents.

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

Environmental Services Division Report No. 22 (Cont'd)

The proposed swimming pool development maintains the quality of the residential area and permits flexibility in the design of the renovations.

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

The proposed swimming pool development is ancillary to the residential use of the site and therefore compatible within the residential zoning of the site.

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

The proposed swimming pool development would encourage the use of existing social and physical infrastructure.

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

The proposed swimming pool development is considered to satisfy this objective.

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

Not applicable.

CONCLUSION:

The application to demolish the existing in ground concrete swimming pool and construct a new in ground concrete swimming pool, with associated landscaping at 43-45 Castle Circuit, Seaforth has been considered with regards to the Environmental Planning & Assessment Act 1979, Section 79C – Heads of Consideration.

It is considered that the proposed swimming pool development is similar to that of the existing swimming pool area and therefore is satisfactory in terms of suitability for the site given the proposals compliance with the Manly Local Environmental Plan 1988, the general compliance with Council's Residential Zones Development Control Plan, the zoning and existing residential use of the site.

It is further considered that the development proposal would not adversely impact on the neighbouring properties.

The proposal is therefore recommended for **CONDITIONAL APPROVAL**.

RECOMMENDATION

That Development Application No. 536/03 for the demolition of the existing inground swimming pool and the construction of a new inground swimming pool with associated landscaping at 43-45 Castle Circuit, Seaforth be approved, subject to the following conditions:

1. This approval relates to Drawings/Plans Nos. 337.1 – 337.3 dated 11 August, 2003 and received by Council 30 September, 2003.
2. 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**

Environmental Services Division Report No. 22 (Cont'd)

works, payment of a Trust Fund Deposit of \$5,000.. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

3. Details of the builder's name and licence number contracted to undertake the works shall be provided to Council **prior to issue of the Construction Certificate.**
4. 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 **prior to issue of the Construction Certificate.**
5. Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.
6. 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.

7. 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.
8. 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.
9. Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**
10. The implementation of adequate care during demolition/excavation/building/construction to ensure that no damage is caused to any adjoining properties.
11. 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.
12. A geotechnical engineer's report regarding the stability of the site is to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

Environmental Services Division Report No. 22 (Cont'd)

13. Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application/**prior to the issue of the Construction Certificate.**
14. All demolition is to be carried out in accordance with AS2601-1991.
15. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
16. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
17. **Prior to the commencement of any works** on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**
18. A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site.**
19. The works require the following inspection/certification during the course of construction:-
 - Silt control fences
 - Footing inspection - trench and steel
 - Swimming pool reinforcing steel inspection
 - Swimming pool safety fence inspection
 - Piers
 - Final inspection

The cost of these inspections by Council is \$463. (being \$70.00 per inspection and \$113.00 for Final inspection inclusive of GST). **Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit 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 \$80.00.

20. 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.
21. 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.
22. 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

Environmental Services Division Report No. 22 (Cont'd)

and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays.

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

23. All waste waters and overflow waters from any swimming pool shall be disposed of to the sewer in accordance with the requirements of Sydney Water.
24. The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.
25. An approved Resuscitation Notice is to be erected in a prominent position in the immediate vicinity of the swimming pool and kept current at all times.
26. The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which:
 - (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and
 - (b) is designed, constructed, installed and maintained in accordance with the standards prescribed by the Regulations and appropriate Australian Standard.
27. All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.
28. An approved safety railing shall be provided around the outer elevated extremities of the swimming pool walkways, details of which shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**.
29. Any exposed external face of the swimming pool walls shall be concealed by suitable backfilling and landscaping so as to conceal the pool structure and to create a "buffer zone" between the proposed pool and neighbouring properties.
30. A railing or other safety measures or devices that are approved by the Principal Certifying Authority is to be erected around the sides of the pool surround structure where height above natural ground level exceeds 900mm. All details of the necessary device are to be submitted to and approved by the Principal Certifying Authority **prior to issue of the Construction Certificate**.

Note: If it is proposed that the railing or other safety measures will form part of the childproof fence or enclosure, the railing or other safety measures shall comply with Council's requirements for childproof fencing or enclosure which must have a minimum height of 1200mm.

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

Environmental Services Division Report No. 22 (Cont'd)

32. 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.
33. 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.
34. Vegetation screening of the swimming pool façade must be provided with plants that would attain a minimum height at maturity of 4.0 metres.

Note: Landscaping plans propose the use of *Acemna Smithii*, it is suggested *Syzygium Paniculatum* would be more appropriate.

35. The detailed design of the swimming pool and any other structures shall be done with the advise of a suitable qualified and experienced geotechnical engineer. The construction work at the above development shall be supervised by the Geotechnical Engineer.
36. The proposed masonry wall on the northern side of the boundary is to be stepped back in from the boundary by a minimum of 1.0m for the last 3.0m from the north western corner of the proposed wall.

ATTACHMENTS

AT-1 Statement of Environmental Effects - Karen Ross Gardens Pty Ltd 4 page(s)

LUM030504ESD_22

***** End of Environmental Services Division Report No. 22 *****

TO: Land Use Management Committee - 3 May 2004
REPORT: Environmental Services Division Report No. 23
SUBJECT: 1 Daintrey Street, Fairlight
FILE NO: DA479/03
PREVIOUS ITEMS: 2, Land Use Management Committee (2 February 2004)

1 DAINTREY STREET, FAIRLIGHT ; DA 479/03; ALTERATIONS AND ADDITIONS TO EXISTING DWELLING, INCLUDING NEW FIRST FLOOR.

REPORT FROM SERVICE DELIVERY AND BUSINESS DIVISION:

Application Lodged: 9 October 2003
Applicant: C B Moss
Owner: C B Moss & N Salisbury
Estimated Cost: \$300,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Residential
Heritage: N/A

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR SUBSTANTIAL ALTERATIONS AND ADDITIONS TO EXISTING DWELLING, INCLUDING A NEW FIRST FLOOR LEVEL.
2. ADJOINING AND SURROUNDING OWNERS AND RESIDENTS WERE NOTIFIED, WITH SIX SUBMISSIONS OBJECTING TO THE PROPOSAL RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE IVANHOE PARK PRECINCT COMMUNITY FORUM FOR COMMENT.
4. THE MATTER WAS CALLED UP TO LAND USE MANAGEMENT MEETING OF 2ND FEBRUARY BY FORMER COUNCILLOR BARR AND WAS DEFERRED.
6. REVISED PLANS HAVE BEEN RECEIVED.
7. APPROVAL OF THE APPLICATION IS RECOMMENDED.

LOCALITY PLAN

Shaded area is subject site.



Environmental Services Division Report No. 23 (Cont'd)

REPORT

Introduction

Subject property is located on the western side of Daintrey Street. The subject property is rectangular in shape and has an area of 308m². The site is unusual in the number of properties immediately adjoining - seven in total, with three that face onto Edwin Street, and four that face onto Griffiths Street. The property slopes gently from the south eastern corner of to the north western corner. Currently on the subject sight exists a modest, single storey dwelling. No vehicular parking currently exists on the property.

The existing dwelling consists of two bedrooms, bathroom, laundry, family room, living room, kitchen and entry foyer.

The proposal is for substantial alterations and additions to this dwelling, resulting in a building containing:

Ground floor level - single garage, entry, combined dining and family room, kitchen, laundry/shower room and bedroom

First floor level - two bedrooms, ensuite, study and living room.

The application was considered by Council at its Land Use Management Committee Meeting of the 2nd February 2004 where Council resolved as follows:

"That Development Application No.479/03 for alterations and additions to an existing dwelling including a new first floor, be deferred for further refinement of the development options for floor space ratio, setbacks etc., in collaboration with Council staff."

The applicant has since discussed the proposal with Council staff and revised plans have been received.

SITE AREA	=	308	m ²
FLOOR AREA	- Ground Floor	116.5	m ²
	- First Floor	89.5	m ²
	- Total	206	m²

<i>Provision/Standard</i>	<i>Permitted/Required</i>	<i>Proposed</i>	<i>Complies Yes/No/NA</i>
Density - Sub Zone	1 dwelling/250 m ²	1 dwelling/308 m ²	YES
Floor Space Ratio	0.6:1	0.67:1	NO
Floor Space Ratio - existing	0.31:1	:1	
Wall Height North Side	6.9m	5.8m	YES
South Side	6.9m	5.7m	YES
Roof Height	3.0m	1.8m	YES
Setback- front	6.0m	4.56m	EXISTING
Setback- rear	8.0m	11.5m	YES
Setback North Side Setback	1.9m	0.91m	NO
Setback South Side Setback	1.9m	0.92-2.1m	NO

Environmental Services Division Report No. 23 (Cont'd)

Open space - total	55% of site	53 % of site	NO
Open space - total	169m ²	163m ²	NO
Open space - soft	35% of open space	73% of open space	YES
Open space - above ground	<25% of OS	10%	YES
Number of Endemic Trees	1 trees	1 trees	YES
Private Open Space	18m ²	105m ²	YES
Car Parking - Residents	2 spaces	1 spaces	NO
Shadow- adjacent open space adjoining NS orientation exist north facing roofs	1/3 addit shadow Less than 4 hrs min 10m ²	<1/3 >4hours >10m ²	YES YES YES

Applicant's Supporting Statement

The applicant submitted a supporting statement with their application and further written statement detailing changes to the original plans, copies of which are appended.

Submissions

Six submissions objecting to the original proposal were received. The grounds of objection were:

- Inadequate site analysis;
- Excessive floor space ratio and building height;
- Roof line out of character with area.
- Loss of privacy;
- Overshadowing:
- Loss of outlook.
- Excessive fence height;
- Excessive floor space ratio.
- Protection of trees.
- Loss of sunlight to dry clothes;
- Loss of general open outlook.

Precinct Community Forum Comments

Considerable discussion was undertaken, with the precinct deciding to recommend an on-site meeting and that "the Council complies strictly to the letter with the DCP and LEP guidelines".

Engineers Comments

No objection subject to conditions.

Building Comments

No objection subject to conditions.

Landscape Architects Comments

Environmental Services Division Report No. 23 (Cont'd)

No significant trees on site. Street trees need to be retained and protected.

Planning Comments

An assessment of proposal against the numerical requirements of the Residential DCP was undertaken. This revealed a number of non compliances, including floor space ratio, front and side setbacks, and open space.

The subject site is located within sub-zone 3, which stipulates a maximum floor space ratio of 0.6:1. The floor space ratio of the existing dwelling is 0.314:1. The original proposal presented a floor space ratio of 0.783:1 (equivalent to an excess of 56.36m²). It was considered that the proposal was inconsistent with the objectives for floor space ratio contained within the Residential DCP. In particular, it was considered that the objectives relating to the control of bulk, the scale of development, and the consistency with the desired character of the residential area were not met.

The revised proposal exhibits a floor space ratio of 0.66:1 (equivalent to an excess of 21.5m²). reduction in floor space has occurred at ground floor level by reducing the proposed double garage to a single garage and at first floor level by reducing the size of proposed bedroom 2, the proposed study and the proposed living room. The reductions at first floor level occur generally along the southern elevation reducing the apparent visual bulk of the building when viewed from the adjoining properties to the south and reducing overshadowing effects. It is considered that the proposal now satisfies the objectives in relation to Floor Space Ratio as stated in Clause 3.3.1 of Council's Development Control Plan for the Residential Zone.

Whilst the revised plans show provision of a single garage only, there is some space to park an additional small vehicle on the driveway forward of the garage. The proposal is considered to generally satisfy the car parking requirements of the Development Control Plan.

With regard to the front setback it is noted that the existing dwelling has a setback of 4.5 metres. This setback, however, is only at one point of the dwelling, as the wall presenting to the street is semicircular. The original proposal presented substantial bulk close to the front boundary. The revised plans show reduced bulk in the front elevation at both ground and first floor levels with the garage being reduced in width provision of a 2.2m wide verandah above, such that the wall at first floor level will stand 6.7m from the front boundary which now complies with the Development Control Plan requirement.

The revised proposal shows a front elevation which is now consistent with objective of 3.5.1 a) of the Residential DCP, which is "to preserve and enhance the existing streetscape".

The side setbacks do not meet the numerical requirements of the Residential DCP. The walls that form the present dwelling are considered acceptable as they are existing. The revised plans show an increased setback from the south side boundary at the new first floor level with the setback ranging from 0.92m to 2.1m. The revised plans show wall heights each side reduced 350mm. The increased setback from the south side and reduced wall height effectively reduce visual bulk when viewed from the adjoining properties to the south and minimize overshadowing impacts. The proposal will not result in any significant privacy impacts.

The open space required for the subject property is 55% of the site area, which translates as 169.4m². The current proposal nominates 53% of the site as open space (163m²). The variation is minor and open space is considered sufficient in the circumstances.

The plans have been revised to show architectural elements of the building more consistent with the architecture of the locality. It is considered that the architectural style is sympathetic to the area.

Environmental Services Division Report No. 23 (Cont'd)

The shadow diagrams provided indicate the revised proposal will meet the provisions of Council's Development Control Plan in terms of sunlight access for adjoining land and buildings. Further, the reduction in the height of the proposal at the eastern end will lessen any impacts on the district outlooks currently available from the adjoining dwellings to the south.

The proposal was assessed against requirements of Clause 10 of the Manly LEP as follows:

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

The proposal is for alterations and additions to an existing dwelling, therefore satisfying this objective.

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

The proposal is consistent with the objectives of the Residential DCP. The proposed alterations and additions are aesthetically consistent with the character of the residential locality.

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

The proposal is consistent with the existing character of the residential area, in both its aesthetics and bulk and scale.

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

The proposed alterations and additions will not present any excessive impact upon the amenity currently enjoyed by the neighbouring properties, and proposal is therefore acceptable.

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

The proposal provides for landscaping of the front and rear yard areas and will contribute positively to the landscape quality of the residential area.

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

Not applicable.

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

The occupants of the building would continue to efficiently utilise the existing social and physical infrastructure present in the area.

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

The proposal is considered to be a suitable redevelopment of the subject site.

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

Environmental Services Division Report No. 23 (Cont'd)

Not applicable.

CONCLUSION:

The proposal has been considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 1988, and the Manly Development Control Plan for the Residential Zone 2001. It is considered that the application adequately meets the aims and objectives of the LEP and the DCP and therefore can be supported.

RECOMMENDATION

That Development Application No 479/03 for alterations and additions to an existing dwelling, including a new first floor be approved subject to the following conditions.

1. This approval relates to drawings/plans Nos. Sheet 1B, 2A, 3A, 4B, 5B South Front, 5B North Rear, 6A and 7 dated 16 March 2004 and received by Council on 8 April, 2004.
2. 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**.
3. 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 issue of the Occupation Certificate**.
4. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$7,500. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

5. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
6. The applicant is to notify Council at least 48 hours before commencement of works on any Council road so as to enable Council to supervise the carrying out of the works.
7. Details of the builder's name and licence number contracted to undertake the works shall be provided to Council **prior to issue of the Construction Certificate**.
8. 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 **prior to issue of the Construction Certificate**.
9. 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

Environmental Services Division Report No. 23 (Cont'd)

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.

10. Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.
11. 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.

12. 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.
13. 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 Principal Certifying Authority **prior to the issue of the Construction Certificate**.
14. A Certificate of Adequacy signed by a practicing Structural Engineer is to be submitted to the Principal Certifying Authority in respect of the load carrying capabilities of the existing structure to support the proposed **additions prior to the issue of the Construction Certificate**.
15. 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.
16. 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.
17. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
18. The implementation of adequate care during building/excavation/demolition to ensure that no damage is caused to any adjoining properties.
19. Prior to excavation applicants should contact the various utility providers to determine the position of any underground services.
20. Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application/**prior to the issue of the Construction Certificate**.
21. All external cladding and trim of the approved building shall be of a non reflective nature. Details of such finishes shall be **submitted with the Construction Certificate Application**.

Environmental Services Division Report No. 23 (Cont'd)

22. 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.
23. All demolition is to be carried out in accordance with AS2601-1991.
24. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
25. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
26. 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.
27. 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.
28. **Prior to the commencement of any works** on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate**.
29. 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.
30. The works require the following inspection/certification during the course of construction:-
 - Footing inspection - trench and steel
 - Reinforced concrete slab
 - Framework inspection
 - Wet area moisture barrier
 - Drainage inspection x2
 - Driveway crossing/kerb layback x2
 - Final inspection

The cost of these inspections by Council is \$673. (being \$70.00 per inspection and \$113.00 for Final inspection inclusive of GST). **Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit 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 \$80.00.

31. Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practicing Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority **prior to the commencement of framework**.
32. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.

Environmental Services Division Report No. 23 (Cont'd)

33. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.
34. 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.
35. 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.
36. Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council's satisfaction.
37. Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, magnesite flooring, 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.

38. Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".
39. **Prior to issue of the Occupation Certificate**, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".
40. This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

ATTACHMENTS

AT-1 Statement of Environmental Effects 27 page(s)

LUM030504ESD_23

***** End of Environmental Services Division Report No. 23 *****

TO: Land Use Management Committee - 3 May 2004
REPORT: Environmental Services Division Report No. 24
SUBJECT: 6 Cormack Street, Balgowlah
FILE NO: DA585/03

Application Lodged: 27 November, 2003, Additional Plans 25 March, 2004
Applicant: Johnson Architects
Owner: C&A MacLean
Estimated Cost: \$375,000.00
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Predominantly Single Dwellings
Heritage: N/A

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING.
2. THE APPLICATION WAS NOTIFIED IN ACCORDANCE WITH COUNCIL'S POLICY AND THREE (3) SUBMISSIONS WERE RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE BALGOWLAH PRECINCT FOR COMMUNITY FORUM FOR COMMENT.
4. THE DEVELOPMENT SATISFIES THE OBJECTIVES OF THE DEVELOPMENT CONTROL PLAN AND THE LOCAL ENVIRONMENTAL PLAN AND THE NEIGHBOURS CONCERNS HAVE BEEN CONSIDERED.
5. COUNCILLOR HEASMAN REQUESTED THAT HIS MATTER BE DETERMINED BY THE LAND USE MANAGEMENT COMMITTEE.
6. CONDITIONAL APPROVAL OF THE APPLICATION IS RECOMMENDED.

LOCALITY PLAN

Shaded area is subject land.



Environmental Services Division Report No. 24 (Cont'd)**REPORT****Introduction**

The subject site is located on the eastern side of Cormack Street and has an east/west orientation. The land has a slight crossfall from south to north and is currently developed with a single storey dwelling and attached single carport. The site has a frontage of 13.715m and depth of 40.54m.

The proposed alterations and additions comprise:

- erection of new two storey 'pavilion' style addition at the rear of the existing dwelling comprising new kitchen, living areas, media room, 2 bedroom and bath
- new swimming pool at the rear yard

Council's Development Assessment Unit considered this application at its Meeting of 4 March, 2004 where it was resolved as follows:

"That DA585/03 for alterations and additions to an existing dwelling at 6 Cormack Street, Balgowlah, be deferred to address issues relating to:

- Shadow
- Privacy
- Impact on adjoining properties

In response to Council's resolution the applicant has lodged additional plans which consider the redesign of the building including a series of more detailed shadow diagrams for a range of development options.

Development Control Plan Numerical Assessment

The following is an assessment of the proposal's compliance (as recommended option B) 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>Proposal</u>	<u>Complies Yes/No</u>
Floor space ratio	0.6:1	0.53:1	Yes
Wall height North side	6.7m	6.35	Yes
South side	6.8m	5.95m	Yes
Roof height	3m	2.7m	Yes
Setback Front	6m	5.5-7.2m	Existing
Setback Rear	8m	8.9m	Yes
North setback side	2.12m	4m	Yes
South setback side	1.98m	3m	Yes
Landscaped open space	55%	59%	Yes
Soft Open Space	35%	37%	Yes
Parking	2 spaces	1 Spaces	Existing

Environmental Services Division Report No. 24 (Cont'd)**Submissions**

The application was notified to nearby and adjoining owners with three (3) submissions received. Concerns raised in the submissions include:

- height non-compliance to north and south, bulk and privacy not considered to be addressed
- concern raised that setback to south results in loss of light and views; rear setback also noted as 'non complying' regards pergola
- parking deficiency a concern of neighbours
- in relation to overshadowing it is considered there is less than 2 hours of light to living room and less than 1/3 light in open space to 4A Cormack (also supplementary submission with diagrams on this)
- objectives 3.8 and 2.5.1 of the DCP we also referred to in relation to views and appearance of 6.5m blank wall
- streetscape in raised as a concern under 3.9 of the DPC concerning height , use of materials, type of design
- appearance as a "pagoda" a concern in broader streetscape (the corner of Cormack and Learmonth is also a concern under objectives 3.9.19.1.a of the DCP
- noise from entertainment areas including pool
- pool and pergola considered too close to 51 Boyle due to its impact
- open space appear to be around 20%
- loss of lifestyle and property value

Precinct Community Forum Comments

That DA585/03 must comply with the DCP particularly in regard to overshadowing.

Engineers Comments

No objections subject to conditions.

Landscape Comments

No objections subject to conditions.

Building Comments

No objections subject to compliance with the Building Code of Australia and relevant Australian Standards

Planning Comments

The original DA submission involved variations to height (600mm) and south side setback (300mm). Based on an assessment under Council's objectives and inspections of the premises and neighbours issues, an amended plan was sought by way of conditions to reduce impacts of the proposed development. In particular full compliance is sought to the height and setback at the southern side boundary having particular regard to the shadow effects on neighbour. Alternate designs were submitted by the applicant on 25 March, 2004. The applicant's "option B" includes lowering the height of the building by 950mm, reduction of eaves and moving the building 1m to the north. As a result of this option (as reported to Council) the applicant achieves compliance with the DCP numeric controls and is recommended to Council.

Shadow diagrams have been provided during the assessment process and in response to issues raised by the neighbour. These diagrams particularly analyse the shadow of midwinter into the

Environmental Services Division Report No. 24 (Cont'd)

neighbours' side, living room openings at ground floor. Inspection with the neighbour also confirmed the primary living area for assessment.

Contrary to DCP performance criteria the applicants' diagrams indicate less than 2 hours of winter sunlight to living room windows. Furthermore the shadow onto their front yard would be greater than 1/3. Having regard to the range of relevant controls in respect of minimising shadow, conditions are sought which ensure full compliance with height, setback. Note, floor space ratio and landscaping also comply.

Additional shadow diagrams have been submitted. While the applicant concludes that the design of the addition will not significantly impact on the solar access and general amenity of neighbours; Council Officers recommend approval of amended plans in accordance with the applicants' option B. This option complies with the DCP Controls including floor space ratio, height and setback. While the amended plans still results in some shadow loss contrary to the DCP criteria, there is some discernable improvement particularly to north facing living room windows at 12 noon midwinter. A variation to the DCP in respect of the extent of sunlight and shadow is supported on the basis of amended plans and full compliance with height, setback, landscaping and floor space ratio.

The total landscaped areas are satisfied. In terms of landscaping, the landscape officer advises the landscaping plan is satisfactory. Conditions are sought for existing trees listed on plan to be retained. In these circumstances there are no objections in respect of landscaping.

The proposed bulk and scale of development in the streetscape complies with the DCP particularly in relation to floor space ratio. Neighbour concerns regard the bulk of development and streetscape issues were investigated at site inspections having regard to the rear location of additions. Some lowering of the ground level and reduction of eaves (as recommended) will minimise potential for any adverse effects. The siting and presence of two-storey development in the street is not considered inconsistent with the locality.

In relation to privacy the proposed pool and rear entertaining areas are a concern to neighbours. The proposed development incorporates appropriate screen planting in landscaped setback areas around the pool and entertaining areas that are considered to satisfy the DCP. In relation to the privacy issues to the north, the proposed setback to the side boundary provides appropriate separation and the lowering of levels recommended in this report will also minimise potential for overlooking and privacy loss. There are considered to be no privacy issues to the south due to absence of windows in the new building works.

In relation to parking, the applicant proposes to retain the existing single car garage. In this regard some opportunity exists to provide a second stacked parking space to the rear of this existing carport, however the width available is limited. Proposed parking demand remains that of a single dwelling and the existing variation to the DCP is considered acceptable in circumstances of the proposed development.

The proposed objectives of the LEP are considered as follows:-

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

The proposal is for residential purposes.

Environmental Services Division Report No. 24 (Cont'd)

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

The proposal is considered to be consistent with the nature and intended future of the residential area.

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

The existing character of the residential area is considered to be maintained.

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

The proposal is not considered to degrade the amenity of the surrounding residents and the existing quality of the environment as recommended in conditions.

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

The quality of the residential areas and landscaping design in the new development is considered to satisfy 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;*

The proposal is for residential alterations and therefore compatible with the zoning. The character and amenity of the locality is considered to be consistent with dwelling houses in the locality.

- (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 encourage use of the existing social and physical infrastructure.

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

The alterations and additions are considered to demonstrate a development which revitalises the area with a suitable development compatible with the site and its surrounds.

- (i) *Not Applicable.*

CONCLUSION:

Having regard to all the circumstances it is considered that the proposal is acceptable in terms of statutory heads of consideration under Section 79C of the Environmental Planning and satisfies Assessment Act and the aims and objectives listed in Council's Development Control Plan for the Residential Zone and the zone objectives in Council's Local Environmental Plan 1988. Accordingly the application is recommended for approval.

Environmental Services Division Report No. 24 (Cont'd)**RECOMMENDATION**

That DA585/03 for alterations and additions to an existing dwelling at 6 Cormack Street, Balgowlah, be approved subject to the following conditions.

1. This approval relates to drawings/plans Nos. DA01 – DA013 dated 17 November, 2003 and received by Council on the 27 November, 2003, as amended by 'option B' submitted by the applicant on 25 March, 2004. In this regard amended plans must lower the wall heights and roof by 950mm, relocate the addition 1m to the north and reduce new eaves to 600mm generally in accordance with the applicants' submissions received by Council 25 March, 2004. Details are to be to the satisfaction of the Council/Accredited Certifier **prior to the issue of the Construction Certificate.**
2. Pursuant to Section 97 of the Local Government Act, 1993, Council requires, **prior to issue of the Construction Certificate, or commencement of any excavation and demolition works**, payment of a Trust Fund Deposit of \$7,500. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

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

3. No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.
4. Details of the builder's name and licence number contracted to undertake the works shall be provided to Council **prior to issue of the Construction Certificate.**
5. 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 **prior to issue of the Construction Certificate.**
6. 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.
7. Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.
8. 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. 24 (Cont'd)

9. All construction works (1st floor only) 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.
10. 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.
11. Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.
12. 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.
13. A suitable sub-surface drainage system being provided adjacent to all excavated areas and such drains being connected to an approved disposal system.
14. The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.
15. 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.
16. Four (4) Architectural/Services Specifications are to be submitted with the Construction Certificate application/**prior to the issue of the Construction Certificate**.
17. Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.
18. A system of onsite stormwater detention shall be provided within the property in accordance with Council's specification. Details shall be submitted with the Construction Certificate Application and be approved **prior to the issue of the Construction Certificate**.
19. A positive covenant in respect of the installation and maintenance of onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and **prior to the release of the trust fund deposit**.
20. A positive covenant is an encumbrance to be registered on the title of your land. It imposes an obligation upon you and subsequent owners to comply with the obligations imposed by the covenant. Where onsite detention works and/or pump system are to be installed pursuant to a development or building condition, Council will require a specifically worded covenant to be registered on the relevant title. Advice as to the wording of the covenant may be obtained from Council.

Environmental Services Division Report No. 24 (Cont'd)

21. All demolition is to be carried out in accordance with AS2601-1991.
22. Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.
23. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
24. 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.
25. **Prior to the commencement of any works** on the land including demolition and site preparation, provision of silt control fences shall be provided. A Sediment/Erosion Control detail shall be submitted to the Certifying Authority **prior to the issue of the Construction Certificate.**
26. A Construction Certificate Application is required to be submitted to and issued by the Principal Certifying Authority **prior to any building works being carried out on site.**
27. The works require the following inspection/certification during the course of construction:-
 - Silt control fences
 - Footing inspection - trench and steel
 - Reinforced concrete slab
 - Framework inspection
 - Wet area moisture barrier
 - Drainage inspection
 - Swimming pool reinforcing steel inspection
 - Swimming pool safety fence inspection
 - Final inspection

The cost of these inspections by Council is \$673. (being \$70.00 per inspection and \$113.00 for Final inspection inclusive of GST). **Should you require Council to undertake the inspection/certification, then payment is required prior to the first inspection. Inspection appointments can be made by contacting the Development Assessment Unit 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 \$80.00.

28. All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.
29. All site waters during excavation and construction shall be contained on site in an approved manner to avoid pollutants entering into the Harbour or Council's stormwater drainage system.
30. In the event that de-watering of the site becomes necessary, the discharge of waters to Council's Stormwater System is to be to the satisfaction of the Principal Certifying Authority and the Environmental Protection Authority and shall be in accordance with the Protection of the Environment Operations Act 1997.
31. Roof and framing including provision for tie downs, bracing and fixings are to be designed

Environmental Services Division Report No. 24 (Cont'd)

by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority **prior to the commencement of framework.**

32. The capacity and effectiveness of erosion and sediment control devices must be maintained to Council's satisfaction at all times.
33. 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.
34. All disturbed areas shall be stabilised against erosion to Council's satisfaction within 14 days of completion, and prior to removal of sediment controls.
35. Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council's satisfaction.
36. 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.

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

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

38. All waste waters and overflow waters from any swimming pool shall be disposed of to the sewer in accordance with the requirements of Sydney Water.
39. The filter pump and motor shall be suitably housed and located as to reduce the possibility of noise nuisance to adjoining or nearby residents.
40. An approved Resuscitation Notice is to be erected in a prominent position in the immediate vicinity of the swimming pool and kept current at all times.
41. The swimming pool is to be surrounded by a child-resistant barrier in accordance with the swimming Pools Act and Regulations 1992 which:
 - (a) separates the swimming pool from any residential building situated on the property and from any place adjoining the property; and
 - (b) is designed, constructed, installed and maintained in accordance with the standards

Environmental Services Division Report No. 24 (Cont'd)

prescribed by the Regulations and appropriate Australian Standard.

42. The levels at the top of the corners of the proposed swimming pool relative to surrounding natural and finished ground levels shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**.
43. All surface waters from areas surrounding the swimming pool shall be collected and disposed of to the stormwater system.
44. A coping of a minimum of 150mm high shall be provided around the outer elevated extremities of the pool walkways.
45. Any exposed external face of the swimming pool walls shall be concealed by suitable backfilling and landscaping so as to conceal the pool structure and to create a "buffer zone" between the proposed pool and neighbouring properties.
46. A railing or other safety measures or devices that are approved by the Principal Certifying Authority is to be erected around the sides of the pool surround structure where height above natural ground level exceeds 900mm. All details of the necessary device are to be submitted to and approved by the Principal Certifying Authority **prior to issue of the Construction Certificate**.

Note: If it is proposed that the railing or other safety measures will form part of the childproof fence or enclosure, the railing or other safety measures shall comply with Council's requirements for childproof fencing or enclosure which must have a minimum height of 1200mm.

47. All protective fencing and gates are to be in accordance with Australian Standard 1926 **prior to the pool being filled with water**. The fence is to be a minimum of 1200mm in height and posts and/or supports are to be firmly fixed or encased in such a way that the posts/support are unable to be removed easily. The fence is not to be removed or altered at any time without the express approval of Council having been obtained beforehand.
48. Details of the method of termite protection which will provide whole of building protection, inclusive of structural and non-structural elements, shall be submitted to the Principal Certifying Authority **prior to issue of the Construction Certificate**. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites - New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".
49. **Prior to issue of the Occupation Certificate**, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".
50. 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.
51. In accordance with the Roads Act 1993, written consent from Council shall be obtained and shall be in hand prior to any track-equipped plant being taken in or onto any roadway, kerb & gutter, footway, nature strip, or other property under Council's control.
52. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

Environmental Services Division Report No. 24 (Cont'd)

53. A detailed stormwater arrangement plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The Principal Certifying Authority shall ensure that the design complies with the above said specification **prior to the issue of the Construction Certificate.**
54. On completion of the drainage works the applicant is required to submit work as executed drawings of the onsite stormwater detention system. The work as executed drawings shall be certified by a Chartered Professional Engineer and submitted Council **prior the Occupation Certificate being issued.**
55. Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority **prior to issue of the Final Occupation Certificate.**
56. All healthy trees and shrubs identified for retention on the plan must be:
- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
 - (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.

ATTACHMENTS

There are no attachments for this report.

LUM030504ESD_24

***** End of Environmental Services Division Report No. 24 *****

TO: Land Use Management Committee - 3 May 2004
REPORT: Environmental Services Division Report No. 25
SUBJECT: 10 Charles Street, Fairlight
FILE NO: DA133/03

10 CHARLES STREET, FAIRLIGHT ; DA 133/03; SECTION 96 MODIFICATION ALTERATIONS AND ADDITIONS TO EXISTING DWELLING.

REPORT FROM SERVICE DELIVERY AND BUSINESS DIVISION:

Application Lodged: 27 January 2004
Applicant: V Odell
Owner: D & V Odell
Estimated Cost: \$75,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: Residential
Heritage: N/A

SUMMARY:

1. THE ORIGINAL APPLICATION FOR ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING WAS APPROVED SUBJECT TO CONDITIONS BY COUNCILS DEVELOPMENT ASSESSMENT UNIT ON 2ND OCTOBER 2003.
2. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION UNDER SECTION 96 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT TO MODIFY THE CONSENT BY DELETION OF ONE OF THE CONDITIONS.
3. ADJOINING AND NEARBY RESIDENTS WERE NOTIFIED OF THE MODIFICATION APPLICATION WITH NO SUBMISSIONS RECEIVED.
4. COUNCILLOR HAY REQUESTED THAT HIS MATTER BE DETERMINED BY THE LAND USE MANAGEMENT COMMITTEE.
5. SITE INSPECTION IS RECOMMENDED.
6. REFUSAL OF THE APPLICATION IS RECOMMENDED.

LOCALITY PLAN

Shaded area is subject site.



Environmental Services Division Report No. 25 (Cont'd)

REPORT**Introduction**

The subject property is located on the northern side of Charles Street and adjoins Union Lane to the rear. The site is rectangular in shape with an area of 199.35m². The land is currently developed with a two storey dwelling with attic space. A single car parking space exists at the rear of the property. Works on the building relating to a previous approval (BA464/90) have been underway for some time and are nearing completion. Consent 133/03 was issued by Councils Development Assessment Unit on the 2nd October 2003 provided for a single uncovered car parking space in lieu of the approved (BA464/90 yet to be constructed) double car port, an 800mm extension to the rear ground floor living/dining room, internal floor plan rearrangement at both ground floor and first floor levels and three new dormer windows to the south, east and west of the existing ridge.

The Consent included condition no.2 which states:

"The proposed dormer windows to the attic are to be deleted to reduce visual height and bulk of the building, plans being suitably amended prior to issue of the Construction Certificate."

Council is now in receipt of an application under Section 96 of the Environmental Planning & Assessment Act to delete condition No.2.

Development Control Plan Numerical Assessment

SITE AREA	=	199.35.....	m²
FLOOR AREA	- Ground Floor	129.74	m ²
	- First Floor	59.91	m ²
	- Attic	8.14	m ²
	- Total	197.79....	m²

Provision/Standard	Permitted/ Required	Proposed	Complies Yes/No/NA
Density - Sub Zone	1 dwelling/250 m ²	1 dwelling/199 m ²	NO (existing)
Floor Space Ratio	0.6:1	0.99:1	NO
Floor Space Ratio - existing	0.97:1		
Wall Height East Side	6.9m	6.9m	YES
West Side	6.7m	6.9m	NO (existing)
Roof Height	3.0m	2.0m	YES
Setback- front	6.0m	2.0-2.5m	NO (existing)
Setback- rear	8.0m	6.0m	NO (existing)
Setback East Side Setback	2.3m	0.2-0.4m	NO (existing)
Setback South Side Setback	2.2m	1.0m	NO (existing)
Open space - total	55% of site	28.5% of site	NO (existing)
Open space - total	110m ²	57m ²	NO (existing)
Open space - soft	35% of open space	33% of open space	NO

Environmental Services Division Report No. 25 (Cont'd)

Open space - above ground	<25% of OS	<25%	YES
Number of Endemic Trees	1 trees	1 trees	YES
Private Open Space	18m ²	28m ²	YES
Car Parking - Residents	2 spaces	1 spaces	NO

Applicant's Supporting Statement

The applicant submitted a supporting statement with their application to modify the Consent, a copy of which is attached.

Submissions

The modification application was notified to nearby and adjoining owners with no submissions received.

Precinct Community Forum Comments

The original application was referred to the Ivanhoe Park Precinct Community Forum meeting of 16 May 2003 where the Precinct responded with "no objection to this DA as presented and providing it complies with the LEP and DCP".

Engineers Comments

No objection subject to conditions.

Building Comments

No objection subject to conditions.

Planning Comments

Analysis of the proposals compliance with the numeric requirements of the Development Control Plan shows a number of non compliances existing which are to a degree a result of the small site area. The previous approval (BA 464/90) was generous in permitting such building bulk and scale. Whilst the plans submitted with the development application lodged in March 2003 deleted some of the built form (double car port) at ground level, the proposal added to the visual bulk of the building at ground floor and roof level. Notification of the March application resulted in one submission received from the neighbour to the west requesting that the dormer window on the west side be obscure glass. It is noted that no submissions were received regarding the visual bulk and scale of the proposal.

The March 2003 application was considered by Councils Development Assessment Unit (DAU) with a determination issued granting consent subject to conditions, a copy of the report to the DAU is attached.

It is considered that the provision of dormer windows to the south, east and west of the existing ridge will result in the building being perceived as three storeys which would be out of character with the built form of the immediate area which is generally single and two storeys.

The condition to delete the dormer windows sought to control the bulk and scale of the building by generally retaining the existing external configuration and two storey character which is particularly relevant to the north side of Charles Street.

Environmental Services Division Report No. 25 (Cont'd)

The applicant has submitted a detailed statement in support of the application and raise several issues.

- *The limited size of the site and the need for storage space.*
Comment: It is acknowledged that the site has an area of approximately 200m² and development potential is limited accordingly. The dwelling already substantially exceeds the permissible floor space ratio for the area.
- *Safety issues proposal includes provision of safer stairs, front dormer needed allow room for stair construction.*
Comment: The attic was approved as a storage area, the need to access to the space would be limited and the stair design would not necessarily need to meet design standards required for linking habitable levels of the building.
- *Precedent at No.17 & 19 Griffiths Street.*
Comment: Small dormer windows exist in the roof at No.17 & 19 Griffiths Street, these are not dominant elements and do not add significantly to the bulk of that building.
- *Bulky buildings in the street – three storey unit complex opposite.*
Comment: The character of development on the southern side of Charles Street is different to that on the northern side. The residential flat development is not considered to be a valid precedent in this context.
- *Improved ventilation.*
Comment: Ventilation to the roof space can be achieved in a variety of ways a number of which would not involve increases to the bulk of the building.
- *Neighbour support.*
Comment: As stated above there are no objections to the proposal from neighbouring property owners.
- *Architectural integrity, additions would enhance the property and neighbourhood.*
Comment: This is a subjective issue however it is considered that the height of the proposal is not well related to the width of the allotment and the works at roof level would be inconsistent with the existing streetscape.

Manly Local Environmental Plan Objectives

The proposal was assessed against requirements of Clause 10 of the Manly LEP as follows:

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

The proposal is for alterations and additions to an existing dwelling, therefore satisfying this objective.

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

The proposal is not fully consistent with the objectives of the Residential DCP. The proposed alterations at roof level are not aesthetically consistent with the character of the immediate residential locality.

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

The proposal is not consistent with the existing character of the residential area, particularly in terms of its bulk and scale.

(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;

Environmental Services Division Report No. 25 (Cont'd)

The proposed addition at roof level by virtue of its height and bulk will result in adverse impacts on the amenity of the area.

(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 provides for landscaping of the front and rear yard areas and will contribute positively to the landscape quality of the residential area.

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

Not applicable.

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

The occupants of the building would continue to efficiently utilise the existing social and physical infrastructure present in the area.

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

The proposal is not considered to be a suitable redevelopment of the subject site.

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

Not applicable.

CONCLUSION:

The proposal has been considered pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, the Manly Local Environmental Plan 1988, and the Manly Development Control Plan for the Residential Zone 2001. It is considered that the application fails to meet the aims and objectives of the LEP and the DCP and therefore cannot be supported.

RECOMMENDATION

That the application to modify Development Application No 133/03 for alterations and additions to an existing dwelling at No.10 Charles Street be refused for the following reasons:

1. The proposed dormer windows will result in a building of excessive visual height, bulk and scale which would detract from the amenity of the area, having regard to Section 79C(1) (a) (iii), (b) & (e) of the Environmental Planning & Assessment Act 1979.
2. The proposal is contrary to the public interest, having regard to Section 79C(1), (e) of the Environmental Planning & Assessment Act 1979.
3. The proposed additions at roof level will result in adverse impacts on the amenity of the streetscape and adjoining land, having regard to Section 79C(1) (a) (iii), (b) & (e) of the Environmental Planning & Assessment Act 1979.

Environmental Services Division Report No. 25 (Cont'd)

ATTACHMENTS

AT-1	Section 96 Application - Review of Issues - Des & Virginia Odell	5 page(s)
AT-2	Report Presented to DAU - October 2003	6 page(s)

LUM030504ESD_25

***** End of Environmental Services Division Report No. 25 *****

TO: Land Use Management Committee - 3 May 2004
REPORT: Environmental Services Division Report No. 26
SUBJECT: List of Appeals for May 2004
FILE NO:

SUMMARY

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

REPORT

Application	Site Address	Appeal Lodged	Solicitor	Status
DA162/02	7 South Steyne	03.12.02	Abbott Tout	Judgement Reserved
DA286/03	6 Carlton Street & 100 Pittwater Road	14.01.04	Pike Pike & Fenwick	Hearing 4&5.05.04
DA480/03	101 Bower Street Manly	21.11.03	Abbott Tout	Callover 08.06.04
DA135/95	Shop 1, 2 Sydney Road	10.02.04	Pike Pike & Fenwick	Hearing 7&8.06.04
DA463/99	68 The Corso	19.01.04	Abbott Tout	Callover 4.05.04
DA527/99	12 Margaret Street	04.02.04	Deacons	Hearing 11-05-04
DA224/03	46-48 East Esplanade	10.03.04	Abbott Tout	Hearing 8&9-06-04
DA341/03	4 West Street	23.03.04	Pike Pike & Fenwick	Callover 29-04-04
DA51/04	38 Upper Clifford Street	24.03.04	Abbott Tout	Callover 30.04.04
DA106/03	76-78 North Steyne	24.03.04	Pike Pike & Fenwick	Callover 30.04.04
DA24/03	7 Willyama Avenue	19.03.04	Abbott Tout	Callover 29.04.04
DA348/03	27 Cutler Road	07.04.04	Abbott Tout	Callover 05.05.04
DA26/04	Totem Development	14.04.04	Abbott Tout	Callover 19.05.04
DA46/04	36-38 South Steyne	20.04.04	Pike Pike & Fenwick	Callover 01.06.04

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM030504ESD_26

***** End of Environmental Services Division Report No. 26 *****

TO: Land Use Management Committee - 3 May 2004
REPORT: Environmental Services Division Report No. 27
SUBJECT: Development Applications Being Assessed During May 2004
FILE NO:

SUMMARY

Development Applications Currently Being Processed.

REPORT

DA#	Date Rec by Council	Site Address	Proposal	Target Date	DEL DAU LUM
DA162/02	29-Apr-02	7 South Steyne Manly	Dungowan	L&E Court	
DA345/02	1-Aug-02	12 Avona Crescent Seaforth	Alts & Adds	Awaiting Info	
DA379/02	19-Aug-02	18 Kempbridge Avenue Balgowlah	New Garage	Awaiting Info	
DA399/00	5-Nov-02	538-540 Sydney Road Seaforth	Section 96 Modification	Awaiting Info	
DA135/95	13-Dec-02	Shop 1, 2 Sydney Road	Section 96 Modification	L&E Court	
DA533/02	24-Jan-03	Shop 24, Manly Wharf. Manly	Section 96 Modification	11-May-04	DAU
DA521/00	28-Feb-03	33 South Steyne Manly	Section 96 Modification	11-May-04	DAU
DA463/99	6-Mar-03	68 The Corso	Shop Fitout	L&E Court	
DA286/03	4-Apr-03	96-100 Pittwater Road Manly	6 Dwellings and 13 Flats	L&E Court	
DA197/03	30-Apr-03	103 Addison Road Manly	Alts & Adds to Unit	Awaiting Info	
DA224/03	15-May-03	46-48 East Esplanade	RFB & Commercial	L&E Court	
DA348/03	27-May-03	27 Cutler Road	New Dwelling	L&E Court	
DA279/03	30-Jun-03	Manly Pavilion	Alts & Adds to Commercial site	27-May-04	DAU
DA278/03	1-Jul-03	27-29 Victoria Parade Manly	26 Units - Five Level RFB	06-May-04	DAU
DA319/03	16-Jul-03	14 Kempbridge Ave Seaforth	First Floor Addition	18-May-04	DAU
DA341/03	17-Jul-03	4 West Street	Subdivision & 2 New Dwellings	L&E Court	
DA263/02	3-Aug-03	83 Cutler Road Clontarf	Section 96 Modification	10-Jun-04	DEL
DA375/03	7-Aug-03	111 Beatrice Street Balgowlah	First Floor Addition	Awaiting Info	
DA364/02	9-Aug-03	7 South Steyne Manly	Strata Subdivision	Awaiting Info	
DA377/03	12-Aug-03	101 Seaforth Crescent Seaforth	3 Storey Dwelling & Pool	11-May-04	DAU
DA403/03	28-Aug-03	265 Sydney Road Balgowlah	First Floor Additions	6-May-04	DEL
DA24/03	28-Aug-03	7 Willyama Street	Section 82A Review	L&E Court	
DA409/03	3-Sep-03	22 Golf Parade Manly	First Floor Additions	Awaiting Info	
DA430/03	3-Sep-03	9 Kangaroo Street	Garage & Studio	Awaiting Info	

Environmental Services Division Report No. 27 (Cont'd)

		Manly			
DA80/03	18-Sep-03	103 Frenchs Forest Way Seaforth	Section 82A Review	06-May-04	DEL
DA487/03	3-Oct-03	38 Parkview Road Fairlight	First Floor Addition	04-May-04	DAU
DA480/03	3-Oct-03	101 Bower Street Manly	Demolish existing & construct new flats	L&E Court	
DA485/02	7-Oct-03	6 Geddes Street Balgowlah Heights	Section 82A Review	Awaiting Info	
DA97/04	20-Oct-03	2 Clontarf Street	Convert Petrol Station to Carwash	13-May-04	DAU
DA525/03	20-Oct-03	22 Wentworth Street	Change of Use	Awaiting Info	
DA507/03	21-Oct-03	2 Clontarf Street	Demolition of Building	13-May-04	DAU
DA506/03	22-Oct-03	33a Battle Boulevard Seaforth	Concrete spa pool/landscaping	11-May-04	DAU
DA523/03	28-Oct-03	52 Smith Street Manly	Alts & Adds to Dwelling	13-May-04	DAU
DA234/02	30-Oct-03	119-120 North Steyne Manly	Section 96 Modification	14-May-04	DEL
DA535/03	30-Oct-03	89 Gurney Street	New Dwelling	18-May-04	DAU
DA106/03	30-Oct-03	76 North Steyne Manly	Section 82A Review	L&E Court	
DA539/03	5-Nov-03	54 Golf Parade Manly	Alts & 1st Floor Addition		
DA561/03	6-Nov-03	77 Cutler Road	Alts & Adds & Pool	Awaiting Info	
DA562/03	6-Nov-03	10/77 Cutler Road	Alts & Adds & Pool	Awaiting Info	
DA341/02	7-Nov-03	20 Ogilvy Road Clontarf	Section 96 Modification	30-Apr-04	DEL
DA537/03	12-Nov-03	80 Beatrice Street	Alts & Adds & Pool	Awaiting Info	
DA572/03	14-Nov-03	5 Sandy Bay Road	Landscaping & RW	JUNE LUM	
DA541/03	18-Nov-03	41 Ethel Street Balgowlah	Demolish & New 3 Storey RFB	Awaiting Info	
DA542/03	20-Nov-03	10-12 Golf Parade	Strata Subdivision	Awaiting Info	
DA578/03	27-Nov-03	12 Barabooka Street	Alts & Adds, Pool & Garage	05-May-04	DAU
DA588/03	2-Dec-03	16 Fairy Bower Road	Alts & Adds to Dwelling	29-Apr-04	DAU
DA560/03	3-Dec-03	9/77 Cutler Road	Alts & Adds & Pool	Awaiting Info	
DA598/03	11-Dec-03	5B Beatty Street Balgowlah	Alts & Adds to Dwelling	20-May-04	DAU
DA16/04	12-Dec-03	179A Seaforth Crescent	Boatshed	20-May-04	DAU
DA604/03	15-Dec-03	103 Wanganella	New Dwelling	Awaiting Info	
DA606/03	16-Dec-03	17 Audrey Street	Demolish, 2 New Dwelling & Subdivision	13-May-04	DAU
DA582/03	18-Dec-03	50B Smith Street	Alts & 1st Floor Addition	25-May-04	DAU
DA30/04	19-Dec-03	138 North Steyne	3rd Storey Adds	18-May-04	DAU
DA64/04	19-Dec-03	5 Sandy Bay Road	Alts & Adds to Dwelling & Pool	JUNE LUM	
DA46/04	19-Dec-03	36-38 South Steyne	Convert to Hotel	L&E Court	
DA22/04	22-Dec-03	65 Gordon Street	Alts & Adds, Gazebo & Pool	Awaiting Info	
DA33/04	23-Dec-03	45 Curban Street	Alts & 2nd Storey Adds	20-May-04	DAU
DA298/03	24-Dec-03	66 North Steyne	Section 82A Review	14-May-04	DEL
DA25/04	24-Dec-03	20 Gordon Street	Alts & Adds to Dwelling	18-May-04	DAU
DA44/04	24-Dec-03	5 Bruce Ave	Alts & 1st Floor Adds & Garage	13-May-04	DAU
DA37/04	31-Dec-03	51 Whistler Street	Alts to Commercial	06-May-04	DAU
DA47/04	6-Jan-04	151 Darley Road Manly - St Pat's	Convert Convent to Admin Area for Tourism College	Deferred	

Environmental Services Division Report No. 27 (Cont'd)

DA318/02	6-Jan-04	42 Smith Street	Section 96 Modification	Awaiting Info	
DA20/04	12-Jan-04	10 Peronne Avenue	Alts & Adds to Dwelling	07-May-04	DEL
DA42/04	13-Jan-04	8 Waterview Street	Alts & Adds, Garage Deck	18-May-04	DAU
DA33/04	13-Jan-04	45 Curban Street	Alts & Adds to Dwelling	Awaiting Info	
DA28/04	14-Jan-04	48 Francis Street	Alts & Adds to Dwelling	Awaiting Info	
DA49/04	14-Jan-04	Manly Wharf	Upgrade Jetties	13-May-04	DAU
DA107/04	14-Jan-04	25 Quinton Road	Alts & 1st Floor Adds	28-May-04	DAU
DA191/03	19-Jan-04	197 Balgowlah Road	Section 82A Review	14-May-04	DEL
DA51/04	19-Jan-04	38 Upper Clifford Street	Alts & Adds to Dwelling & Balcony	L&E Court	
DA34/04	20-Jan-04	14 Beatty Street	2 Lot Subdivision, Retaining Wall and Access	Deferred	
DA29/04	20-Jan-04	138 North Steyne	Alts & Adds	Awaiting Info	
DA68/04	23-Jan-04	41 Fairlight	5 Lot Subdivision	Awaiting Info	
DA36/04	28-Jan-04	19 Grandview Grove	Demolish, New Dwelling and 2 Lot Subdivision	06-May-04	DAU
DA58/04	28-Jan-04	Manly Wharf	Improve Charter Area	13-May-04	DAU
DA38/04	30-Jan-04	4 Ernest Street	Alts & Adds & Deck	30-Apr-04	DEL
DA52/04	30-Jan-04	29 Ethel Street	Alts & Adds & Awning	30-Apr-04	DEL
DA48/04	1-Feb-04	45 Stuart Street	Alts & Adds to Dwelling	03-May-04	DEL
DA77/04	4-Feb-04	24 Margaret Street	Alts & Adds to Dwelling	01-Jun-04	DAU
DA76/04	4-Feb-04	11 Adrian Place	Alts & Adds to Dwelling	19-May-04	DAU
DA100/04	4-Feb-04	13 Bonner Avenue	Demolition, 4 Level, 3 Units & Strata Subdivision	Awaiting Info	
DA79/04	5-Feb-04	20 Waratah Street	2 Dwellings & Strata Subdivision	01-Jun-04	DAU
DA62/04	5-Feb-04	151 Darley Road Manly - St Pat's	Precinct 3 & 12 RFB	Awaiting Info	
DA82/04	6-Feb-04	Lot 247 Yatama Street	New Dwelling	Awaiting Info	
DA93/04	9-Feb-04	4 King Street (Lauderdale)	Alts & Adds to Dwelling	04-May-04	DAU
DA66/04	10-Feb-04	83 Peacock Street	Alts & Adds to Dwelling & Garage	29-Apr-04	DAU
DA75/04	11-Feb-04	38 Bower Street	Section 96 Modification	04-May-04	DAU
DA140/03	12-Feb-04	38 Pacific Parade	Section 82A Review	30-Apr-04	DEL
DA229/03	13-Feb-04	10 Beaconview	Section 82A Review	Awaiting Info	
DA92/04	13-Feb-04	64A Ponsonby Parade	Alts & Adds Including Lift	Awaiting Info	
DA122/04	13-Feb-04	5 Edgecliffe Esplanade	New Dwelling, Pool & Garage	Awaiting Info	
DA69/04	16-Feb-04	68 Fairlight	Alts & Adds to Dwelling & Pool	17-May-04	DEL
DA101/04	16-Feb-04	18 Pacific Parade	Alts & Adds to Dwelling	05-May-04	DEL
DA595/01	16-Feb-04	47 Edgecliffe Esplanade	Section 96 Modification	Awaiting Info	
DA88/04	16-Feb-04	22 Arthur Street	Alts & 1st Floor Adds & Carport	Awaiting Info	
DA111/04	17-Feb-04	6 Arthur Street	Alts & Adds, Fence & Driveway	17-May-04	DEL
DA70/04	17-Feb-04	27 Violet Street	Alts & Adds to Dwelling	07-May-04	DEL
DA74/04	17-Feb-04	112 Beatrice Street	Alts & Adds to Dwelling	04-May-04	DAU
DA102/04	18-Feb-04	73 Lauderdale Avenue	Land Subdivision with 3 Dwellings, 1 Unit & 2 Units	03-Jun-04	DAU
DA116/04	18-Feb-04	83 New Street	Alts & 1st Floor Adds	17-May-04	DEL
DA83/04	19-Feb-04	93 West Street	Strata Subdivision	14-May-04	DEL
DA121/04	19-Feb-04	16 Cecil Street	Alts & Adds to Dwelling	30-Apr-04	DEL

Environmental Services Division Report No. 27 (Cont'd)

DA117/04	20-Feb-04	40 Edgecliff Esplanade	Alts & Adds to Dwelling & Pool	18-May-04	DAU
DA57/04	21-Feb-04	38 Malvern Avenue	Alts & Adds, Garage & Pergola	07-Apr-04	DEL
4374/L	23-Feb-04	43-45 Quinton road	Subdivision	14-May-04	DEL
DA98/04	23-Feb-04	46 Sydney Road	Internal Fitout	07-May-04	DEL
DA95/04	24-Feb-04	87 Ellery Parade	Concrete Basement & Turret	07-May-04	DEL
DA96/04	24-Feb-04	111 A Seaforth Crescent	Alts & Adds to Dwelling	04-May-04	DAU
DA114/04	25-Feb-04	81 Peacock Street	Extend Rear Deck	14-May-04	DEL
DA112/04	26-Feb-04	29 Wanganella Street	Alts & 2nd Storey Adds	27-May-04	DAU
DA126/04	26-Feb-04	26 Richmond Road	Alts & Adds to Dwelling	Awaiting Info	
DA162/03	26-Feb-04	3 Suwarrow Street	Section 82A Review	14-May-04	DEL
DA127/04	1-Mar-04	Craig Avenue Boat Ramp	Reconstruction of Boat Ramp	18-May-04	DAU
DA133/03	1-Mar-04	10 Charles Street	Section 96 Modification	MAY LUM	
DA115/04	3-Mar-04	20 Woods Parade	Subdivision	03-May-04	DEL
DA139/04	3-Mar-04	39 Bungalow Avenue	Alts & Adds to Dwelling	04-Jun-04	DAU
DA108/04	4-Mar-04	7 Malvern Avenue	Alts & Adds & Pond	02-May-04	DAU
DA106/04	5-Mar-04	27 Quinton Road	Alts & 1st Floor Adds		
DA140/04	8-Mar-04	8 New West Street	Alts & 1st Floor Adds	25-May-04	DAU
DA144/04	8-Mar-04	2 Lister Avenue	Demolish & New Dwelling	11-May-04	DAU
DA130/04	8-Mar-04	241-243 Sydney Road	2 RFB & Strata Subdivision & Commercial Upgrade	28-May-04	DAU
DA129/04	8-Mar-04	118 Griffiths Street	Land Subdivisions	20-May-04	DAU
DA142/04	8-Mar-04	17 Peacock Street	Alts & Adds to Dwelling & Carport	Awaiting Info	
DA133/04	9-Mar-04	37 Ricard Street	Alts & Adds to Dwelling	14-May-04	DEL
DA120/04	9-Mar-04	46 Lodge Street	Alts & 1st Floor Adds	11-May-04	DAU
DA123/04	9-Mar-04	7 Ocean Road	Alts & 1st Floor Adds	13-May-04	DAU
DA124/04	9-Mar-04	9 Ocean Road	Alts & 1st Floor Adds	13-May-04	DAU
DA148/04	9-Mar-04	47 Judith Street	Alts & Adds to Dwelling	27-May-04	DEL
DA118/04	11-Mar-04	17-29 Roseberry Street	Add Roof to Balcony	03-May-04	DEL
DA151/04	11-Mar-04	9-17 Pacific Street	Replace Ballustrading	03-May-04	DEL
DA134/04	12-Mar-04	33 Baranbali Avenue	Alts & Adds to Dwelling	Awaiting Info	
DA152/04	15-Mar-04	6 Bungalow Avenue	Pool & Landscaping	04-Jun-04	DAU
DA138/04	16-Mar-04	100 West Street	Alts & Adds to Dwelling & Carport	20-May-04	DAU
DA149/04	17-Mar-04	32 Frenchs Forest Road	Colorbond Fence	07-May-04	DEL
DA156/04	17-Mar-04	312-316 Sydney Road	Strata Subdivision	Awaiting Info	
DA154/04	18-Mar-04	36 Gordon Street	Alts & Adds to Dwelling	03-May-04	DEL
DA161/04	18-Mar-04	29 Ocean Road	Window & Door Replacement	03-May-04	DEL
DA159/04	19-Mar-04	4/9 Ashburner Street	Alts to Unit Including Balcony	03-May-04	DEL
DA164/04	22-Mar-04	12/9 Fairlight Crescent	Alts & Adds to Dwelling	Awaiting Info	
DA163/04	22-Mar-04	11/9 Fairlight Crescent	Alts & Adds to Dwelling	Awaiting Info	
DA143/04	22-Mar-04	59 Wakehurst Parkway	Demolish & New Dwelling	14-May-04	DEL
DA493/01	23-Mar-04	15 Wattle Avenue	Section 96 Modification	06-May-04	DEL
DA698/99	24-Mar-04	36A Abernethy Street	Section 96 Modification	27-May-04	DAU
DA153/04	25-Mar-04	426A Sydney Road	Subdivision	25-May-04	DAU
DA35/04	29-Mar-04	8 The Corso	RFB & Mixed Commercial	Awaiting Info	

Environmental Services Division Report No. 27 (Cont'd)

DA145/04	1-Apr-04	544-546 Sydney Road	Change of Use	29-Apr-04	DAU
DA155/04	5-Apr-04	29 La Perouse Street	Alts & 1st Floor Adds	01-Jun-04	DAU
DA45/04	22-Apr-04	109 Wanganella Street	Subdivision and 2 Storey Dwelling	03-Jun-04	DAU
DA316/03	8-Jul-04	26 Hope Street	New Dwelling	Awaiting Info	
DA26/04		Totem Redevelopment #2	RFB & Commercial	L&E Court	
DA527/99		12 Margaret Street	Alts & Adds to Dwelling	L&E Court	

RECOMMENDATION

That the information be noted.

ATTACHMENTS

There are no attachments for this report.

LUM030504ESD_27

***** End of Environmental Services Division Report No. 27 *****

Attachments

Land Use Management Committee Meeting

Held at Council Chambers, 1 Belgrave Street Manly
on:

Monday 3 May 2004

*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*



TABLE OF CONTENTS

ENVIRONMENTAL SERVICES DIVISION REPORTS

1. 43-45 Castle Circuit, Seaforth

ATTACHMENTS:

AT1 Statement of Environmental Effects - Karen Ross Gardens Pty Ltd (4 pages).....

2. 1 Daintrey Street, Fairlight

ATTACHMENTS:

AT1 Statement of Environmental Effects (27 pages)

3. 10 Charles Street, Fairlight

ATTACHMENTS:

AT1 Section 96 Application - Review of Issues - Des & Virginia Odell (5 pages).....

AT2 Report Presented to DAU - October 2003 (6 pages)

***** END OF ATTACHMENTS LISTING *****

Attachment 1 - Statement of Environmental Effects - Karen Ross Gardens Pty Ltd

KAREN ROSS GARDENS PTY LTD

ABN 97 077 163 663

Unit 20
12 Phillip Mall
West Pymble 2073

Phone 02 9440 5451
Mobile 0416-290 280
Fax 02 9440 5451

5 November 2003

Ref: 342.2

Environmental Services
Manly Council
PO Box 82
Manly 1655

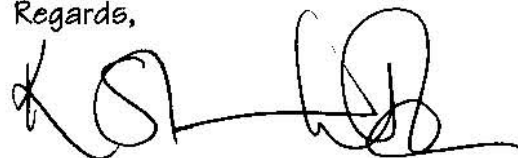
Attn: Mr Michael Raegan

Dear Michael,

RE: 2 Dalwood Ave, Seaforth 2092

Please find enclosed amended plans for the above property reflecting the new car parking arrangements and the removal of the existing driveway.

Regards,

A handwritten signature in black ink, appearing to read 'K. Staunton-Ross', with a long horizontal flourish extending to the right.

Karen Staunton-Ross

Attachment 1 - Statement of Environmental Effects

STATEMENT OF ENVIRONMENTAL EFFECTS

Daintrey Street Development Application

We would like to present a development application for ground and first floor additions to be undertaken at 1 Daintrey Street, Fairlight. The property is a very unusual circumstance in regard to the size (we have 308m²) and nature of the block, and its position to surrounding properties.

In light of this, we would like to ask for approval to exceed the FSR which currently stands at Density Subzone 3 for 250 square metres which is a maximum FSR of 0.6:1.

Our development application FSR is at 0.79:1, however we ask that you view the application with a merit based assessment, based on the following factors:

- In drafting the proposal, our immediate consideration was to ensure that the FSR objectives were met as per 3.3.1 in the Development Control Plan for Residential Zone 2001:
 - (a) The bulk of the building has been controlled effectively by:
 - (i) lowering the existing ceiling height to 2.55 metres,
 - (ii) lowering the ground floor level at the rear,
 - (iii) lowering the first floor level at the rear,
 - (iv) stepping the roof line in order to reduce ridge heights,
 - (v) adopting 10° roof pitches at the rear to reduce ridge heights, and;
 - (vi) offsetting the upstairs rear southern wall by an additional 0.9 metres.
 - (b) The proposed renovations in no way obscure any important landscape features. Refer to the landscape plan for proposed planting of endemic species.
 - (c) The renovations overall have been undertaken to remain consistent with the existing and desired character of the area.

ENVIRONMENTAL SERVICES

03 OCT 2003

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- (d) The renovations have been designed to minimise possible disruption to views, loss of privacy and sunlight to existing neighbours. The building footprint and overall envelope is only slightly larger than the existing building. The ground floor has been extended by only 1.5 metres on the northern side. Refer to Diagram 'X'.
- (e) The roof design has ensured maximum sunlight access to the habitable rooms of adjacent dwellings, and the maintenance of adequate sunlight to private open spaces, as demonstrated by the Shadow Diagram Elevations on sheet SH2. Living rooms and outdoor areas are not effected by the requirements of 3.7.2 (e). Neighbouring roofs are not effected, for the future installation of solar power panels.

Adherence to the objectives has enabled us to effectively minimise the overall impact to the surrounding environment.

- The unusual nature of the block, being only 9.1m wide x 33.6m long, creates an artificially high FSR for the proposed building. It is not possible to build out, and if we were to go further back, it would immediately impact views and privacy of surrounding properties to the rear and reduce landscape areas.
- A major part of the FSR in the proposal is taken up by the inclusion of provision for off-street parking for two motor vehicles. There is currently no provision for off-street parking, and we would of course be able to exclude the parking from the plan thus heavily reducing the FSR, however, given the position of the existing building, there is not enough area to accommodate off-street parking without positioning it under the building.

The undercover garage will also provide provision for efficient and environmentally effective site storage for day to day property maintenance materials.

- By being able to maintain the building on the existing overall footprint, we will be looking to obtain close to 50% of the total existing land area as soft open space. Impervious areas have been increased by only 44m². This figure will be decreased as the existing northern pathway adjacent to the house will be converted to a gravel pathway.
- To enable demonstration of the impact on the surroundings, as well as the heights of neighbouring buildings in relation to the renovation, we have included in this submission, a package of photographs. These have been listed alphabetically and will be noted alongside each point for reference.

- (a) 1 Daintrey Street is the only property with a street frontage to Daintrey Street between the corners of Griffith and Edwin Streets *[please see photographs 'J' and 'O']*

- (b) The front setback distance shall be retained at 4.5 metres *[please see photograph 'E']*. This distance is less than the DCP required setback but:
 - (i) the shop/residence to the north has a nil setback *[please see photograph 'K']*,
 - (ii) the 3 storey flats to the south have less than 2 metres setback *[please see photograph 'L']*, and
 - (iii) all buildings on the opposite side of the street, either border the footpath, or have very minimal setback *[please see photograph 'Q' and 'H']*
- (c) Our side boundaries are actually the rear boundaries to the adjoining seven (7) properties, as well as an access saddle to one adjoining site, greatly reducing the need for streetscape conformity.
- (d) The site is at the lower side of a slope and as such sits much lower than the buildings on its southern perimeter, which in actual fact, predominantly overlook the site *[please see photograph 'G', 'N', 'P' and 'R']*
- (e) Two of the three buildings to the north have already been developed with second story additions. The third is separated by an access saddle *[please see photograph 'A']*.
- (f) Current layout of the house has it being raised toward the rear to compensate for a slope in the block. It is our intention by way of a split level floor, to drop the rear of the building to ground level, and change the roof line to a flat roof enabling the height of the development to be only minimally more than already exists *[please see photograph 'M' and Diagram 'X']*.
- (g) Overall, it will mean the development remains in keeping with the height of all surrounding properties *[please see photographs 'H' and 'Q']*
- (h) The other side of the road, is once again, on higher ground, which also eliminates any potential impact owing to the fact that the proposed height will still be lower than the opposing properties *[please see photographs 'H' and 'Q']*

- (i) The split level associated with the setbacks will break up the side wall mass of both sides of the building as well as ensuring the protection of sunlight access to the southern perimeter.
 - (j) There is a large tree sited alongside the North perimeter which will further reduce the impact the increased wall space potentially has for the rear of the properties on the North boundary. It is also our intention to undertake shrub and tree planting within open space areas to assist in maintaining privacy of those properties to the rear of the building *[please see photograph 'B' and 'C' and the Landscape Plan]*
 - (k) Given the house already sits very low in the block, the impact of a garage door for the off-street parking is minimised dramatically. Two thirds of the proposed timber door would be below the street height of the front fence *[please see photograph 'O']*.
- Throughout the origination of renovation plans, we have endeavoured to consult and discuss our proposed design with all neighbours. This has been reasonably successful, and we have already undertaken numerous changes to our proposed design based on concerns voiced by those neighbours who participated. Refer to Diagram 'Y' which identifies these responses and our remedial action.
 - We have endeavoured to study and understand to the best of our ability the Council's Development Control Plans, Policies and Codes. We trust we have identified those areas of concern where we are requesting a merit based consideration to flexibility of those guidelines, and hope that we receive a favourable response for this application.

Other issues are:

Site Analysis

- The subject property has the streetscape distinction of being located between a three (3) storey block of flats and a carport. The block falls slightly to the rear and has a drainage easement at the rear. The site has no offstreet parking.

Proposed Design

- To remove the circular fronted living area of the existing building as well as the ceilings and some walls at the rear.
- A double garage and entry area will be rebuilt at the front, the house will be renovated internally and a new kitchen and family room built at the rear which will extend 1.5 metres past the existing rear wall.

- A first floor addition will comprise of two bedrooms, a study and a living area.
- The small front verandah is necessary for aesthetics and to provide facade variation and articulation.
- The rear verandah is access from a bedroom and will have limited usage. It features privacy screens on each side to ensure neighbours privacy.

Access and Traffic

- The new double garage will require a new vehicular access across the nature strip. Driveway gradient will be approximately 2% and a grated drain will be built in front of the garage door. The driveway width is only 3.3 metres wide to maximise landscape areas for planting.

Utility Services and Waste

- All utility services are already available at the site. Waste services for domestic usage will not increase.

Energy

- A NATHERS rating has been prepared and rated at 4 1/2 stars.

Shading and Privacy

- Shading effects have already been discussed.
- Privacy has been a principal concern. The northern walls have either glass bricks or highlite windows to ensure privacy, but also to access and gain solar advantages. The southern walls have strategically placed windows downstairs and highlite windows to two bedrooms upstairs.

Flooding and Drainage

- There are no flooding problems in this area.
- All stormwater downpipes shall connect into the existing system as shown on Sheet 2.
- A retention pit is not required as additional impervious areas are below 50m² - refer to Sheet 6.

Erosion Control

- The site falls towards the rear and poses no threat to street drainage. However, on-site controls have been designed as per Sheet 7.

Site Construction Management

- All building work on this addition shall be carried out in accordance with The Building Code of Australia, as well as all council codes and requirements. The site has good access and ample room for storage of materials on site. The builder shall familiarise himself with all relevant codes to ensure that correct procedure is adhered to. Refer to Sheet 7.

Landscape Design

- 'Private Open Space' area in the rear yard is $11\text{m} \times 9\text{m} = 99\text{m}^2$. This area alone provides 32% of the site area.
- Refer to Sheet 7 which illustrates a total 'open space' of 49% and total 'soft open space' of 40%.
- These percentages are marginally lower than the requirements for Density Sub Zones 3-6, but would be much higher if we did not provide offstreet parking for two vehicles.

BORDERING PROPERTIES CONSULTATION

1 Daintrey Street has a total of seven (7) properties bordering and one saddle. Prior to the submission to council, we solicited each resident asking for a meeting so as to enable us to present our proposal and take into consideration any of their concerns. Please refer to Diagram 'Y'.

28 Griffith Street

This property consists of a three (3) storey block of six apartments and we felt the distance of the building from 1 Daintrey Street eliminated any impact - we did not approach the tenants.

30 and 32 Griffith Street

Semi-detached rental properties. A letter and a complete set of plans were forwarded to the owner, Terry O'Flaherty of Hardy Bay. No response was received.

34 Griffith Street

James Benoni did respond to our letter for a meeting. We presented proposed plans to them, and they had a concern regarding the height of the roof and it's impact on their morning sun. They also had a concern at the size and nature of the rear balcony. Based on their concerns, we altered the roof to a stepped roof and reduced the size of the balcony.

36 Griffith Street

No response was received to the letter sent.

1 Edwin Street

Reponded to the letter and had no issues with the proposed development.

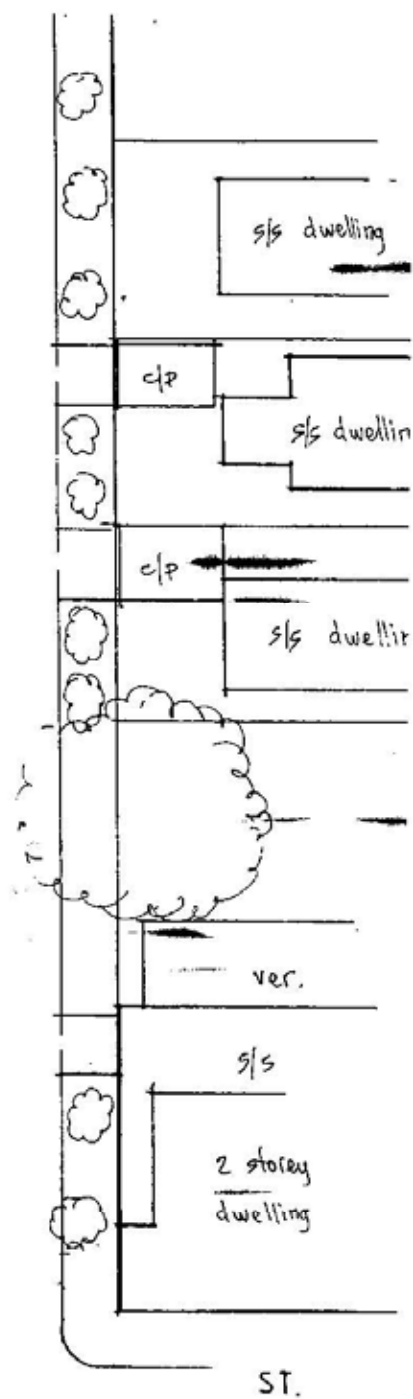
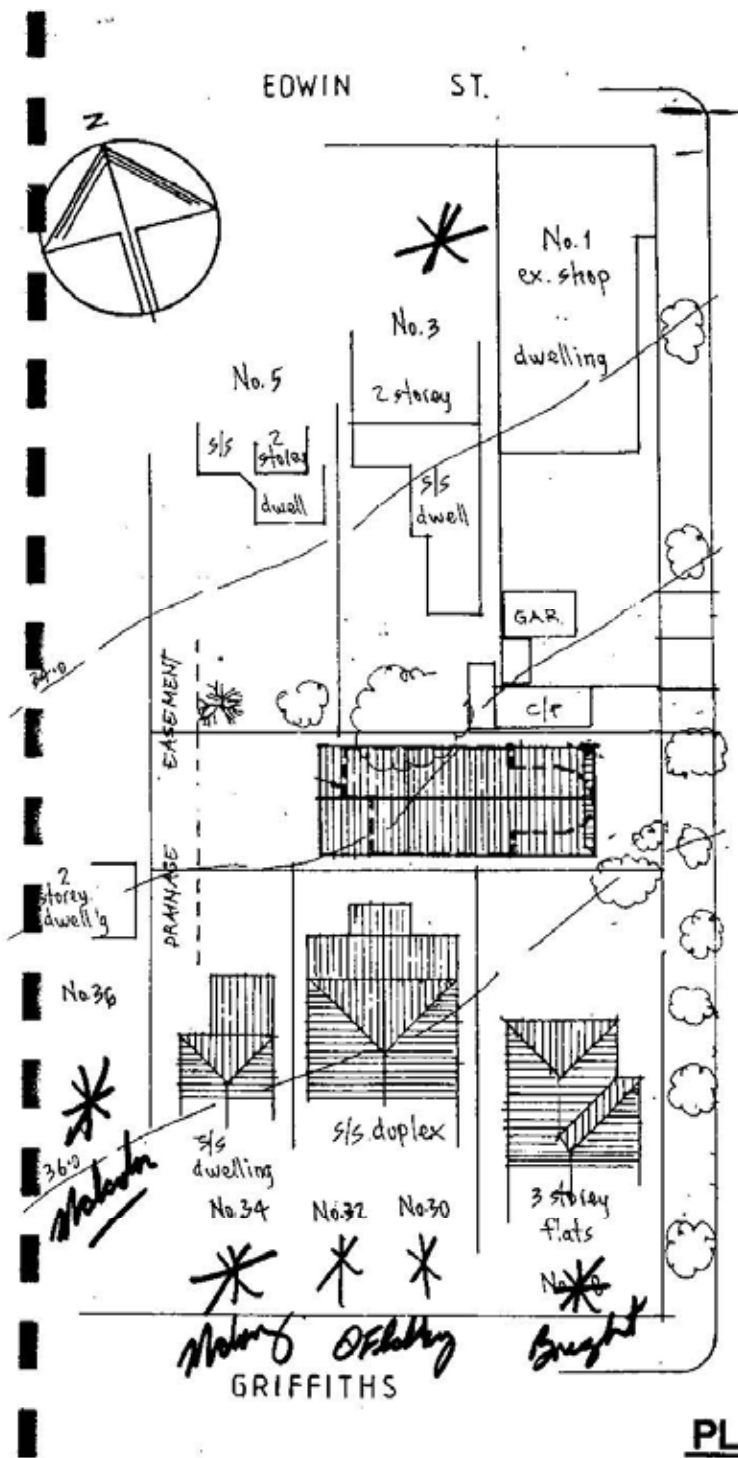
3 Edwin Street

The rear of this property backs onto the side wall of our proposed renovation. There is also a concern re a large tree that borders the boundary on their side. We sent two letters to them, and received no response.

5 Edwin Street

Edward Chillicott reponded, viewed the proposal, and had no issues other than ensuring a landscape plan that would provide privacy protection. At his request, we have factored provision into the landscape plan of the proposal to ensure this.

PTO Diagram Y.

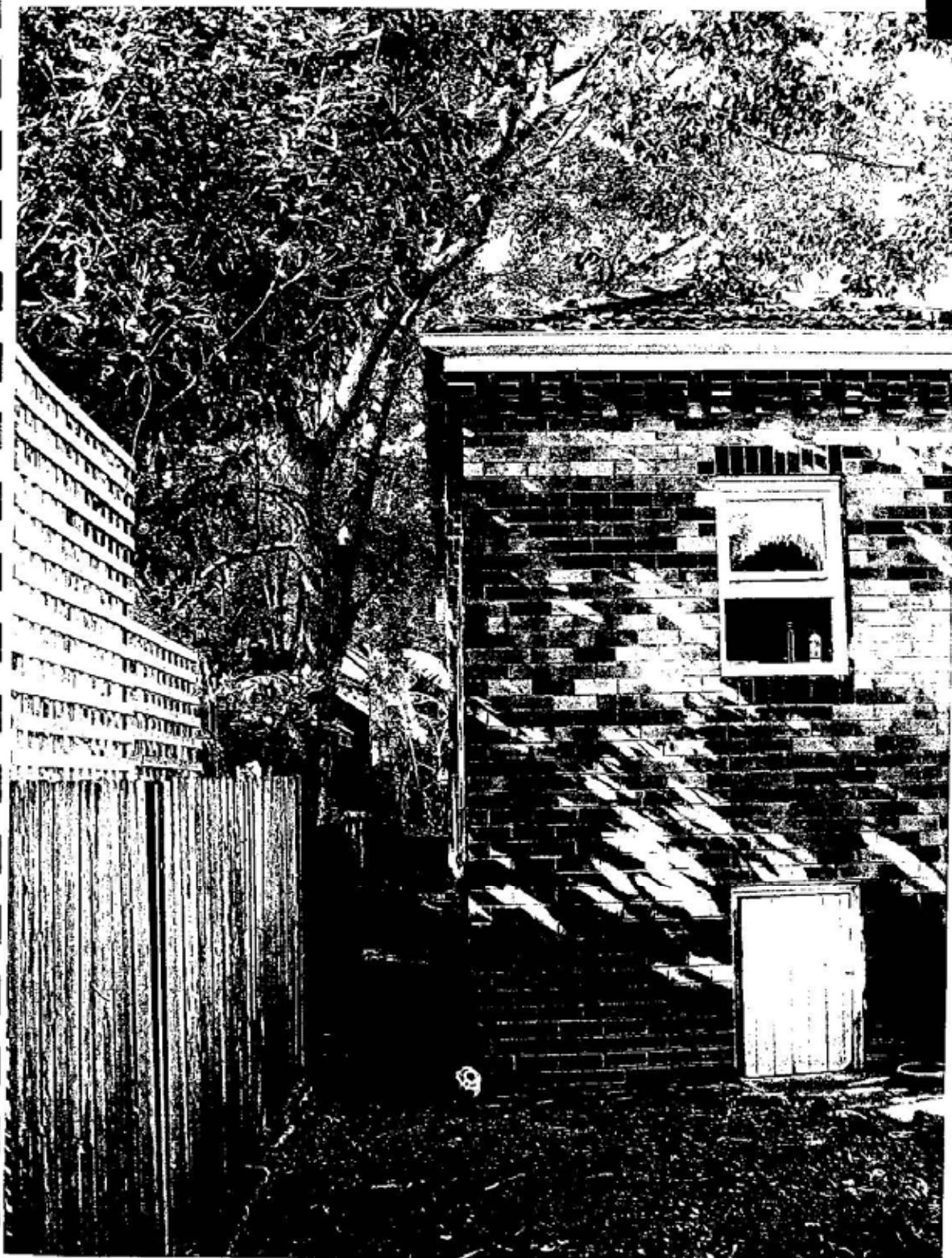


NEIGHBOUR NOTIFICATION

DIAGRAM 'Y'





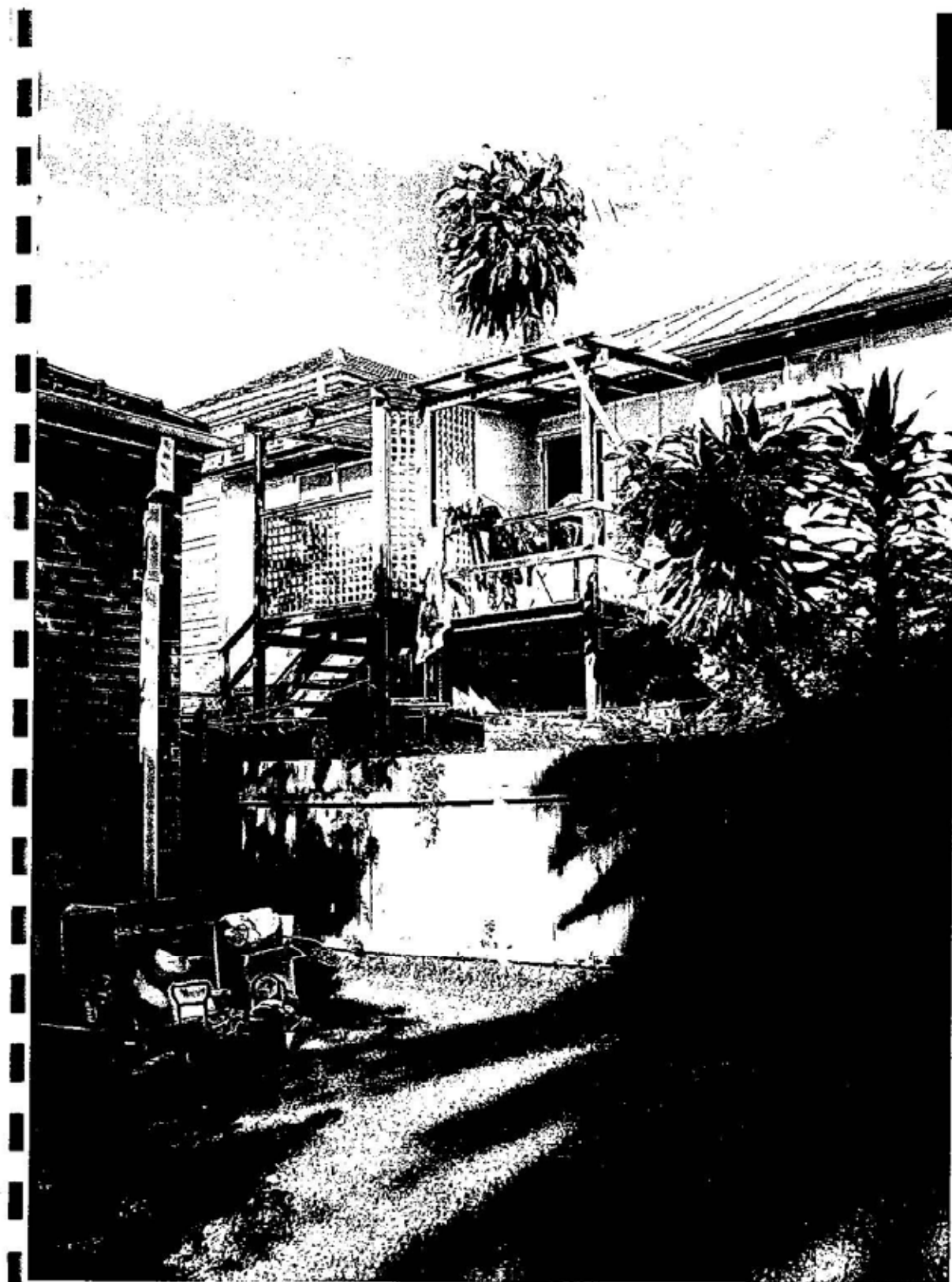




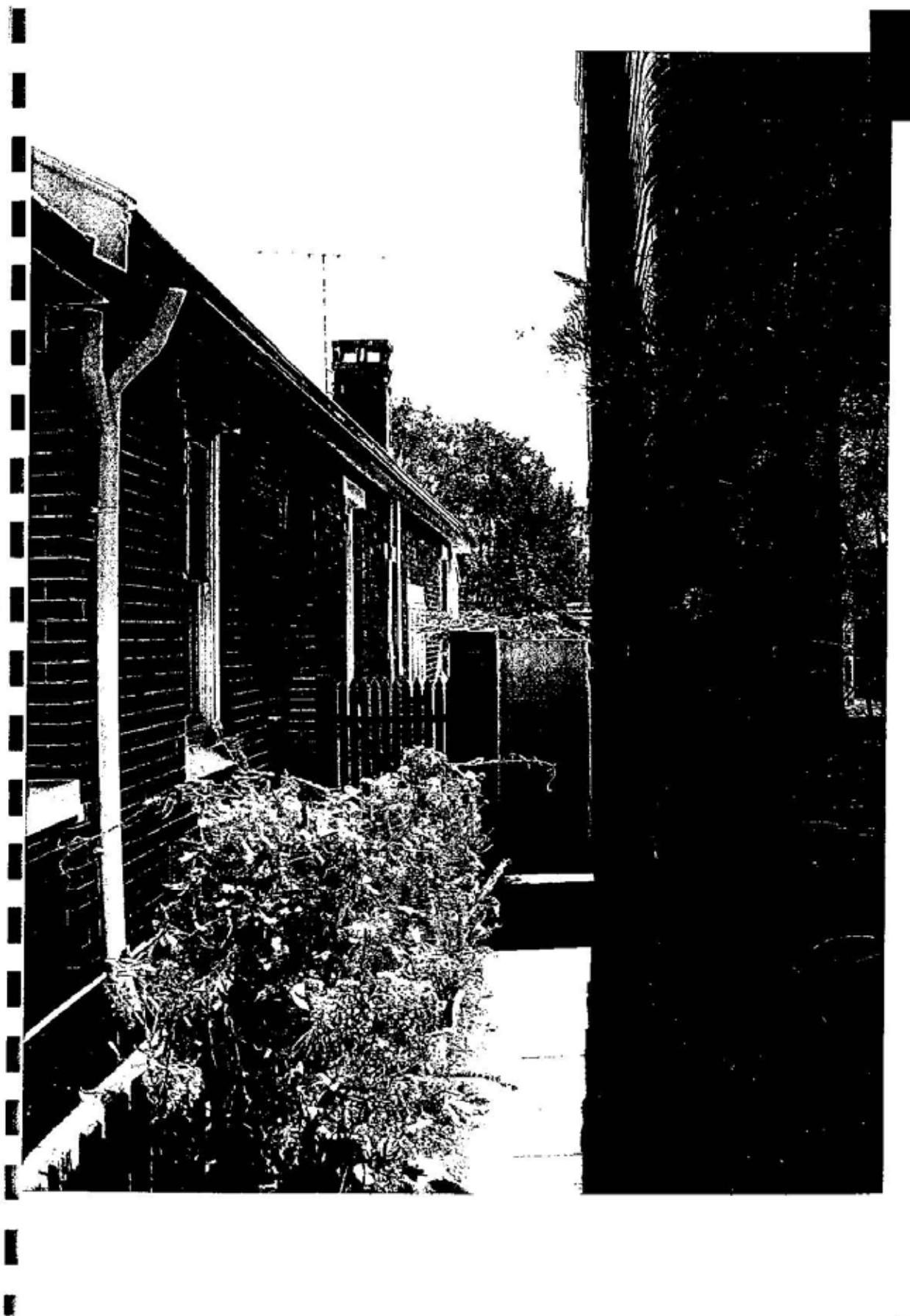


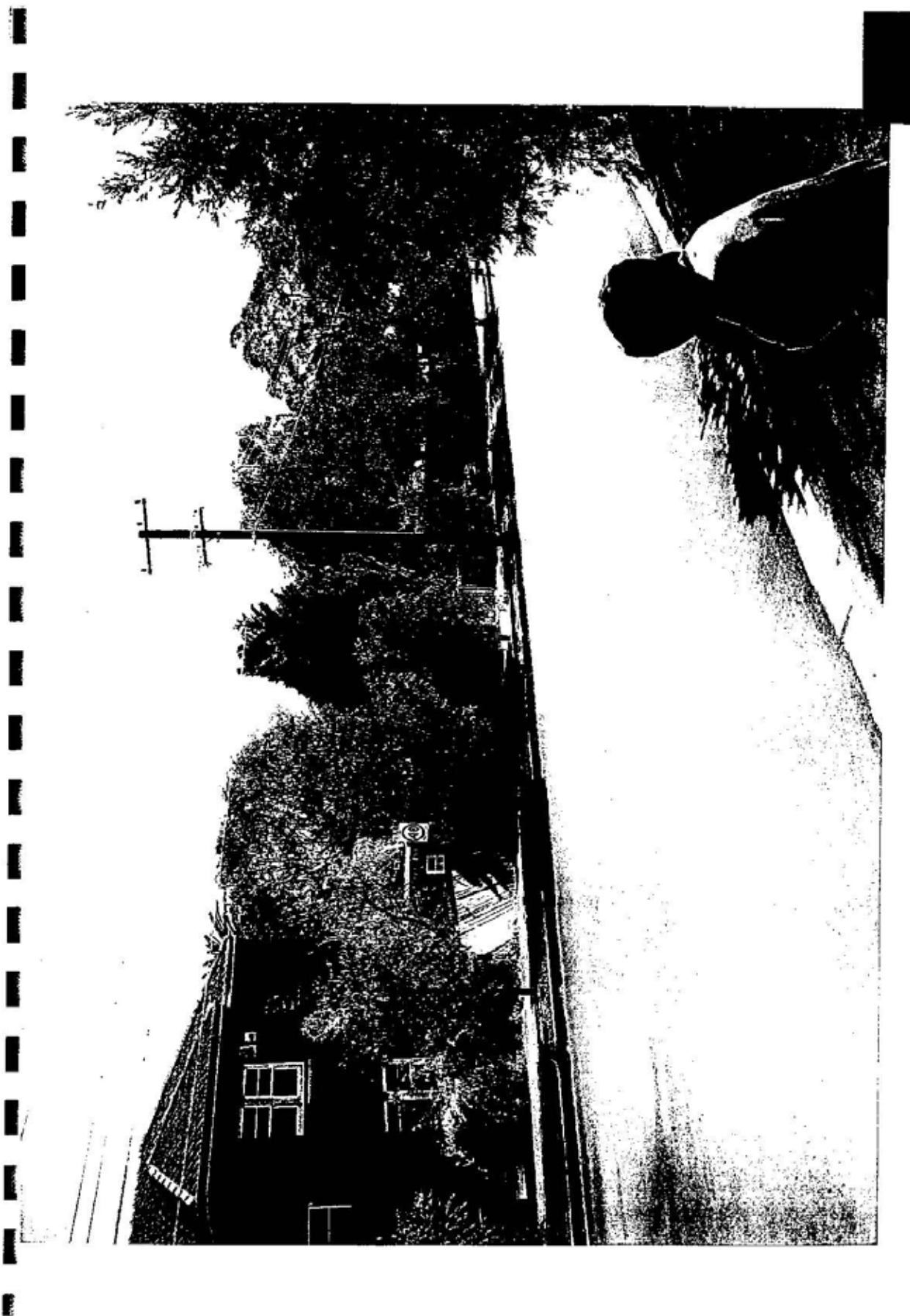








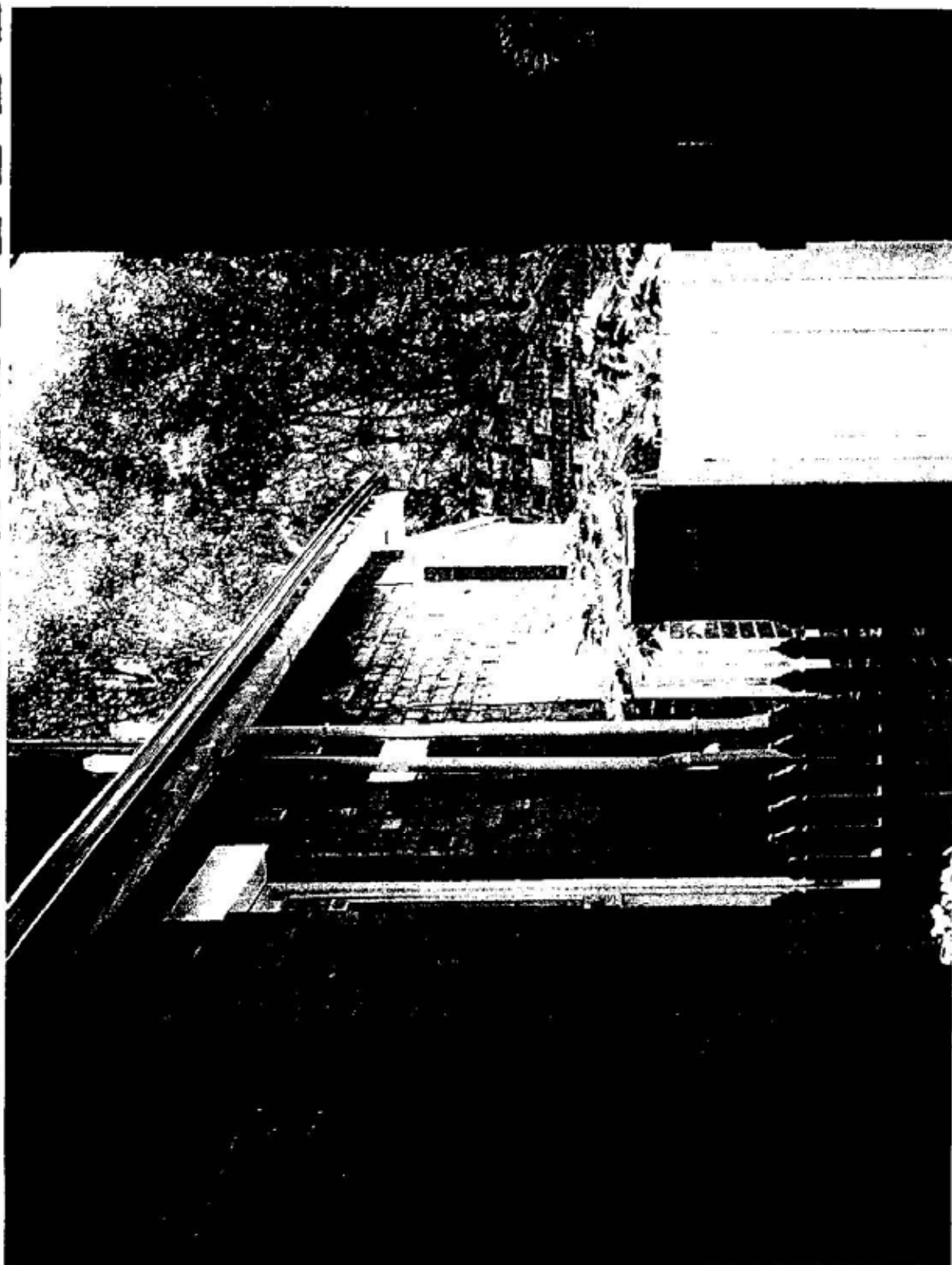




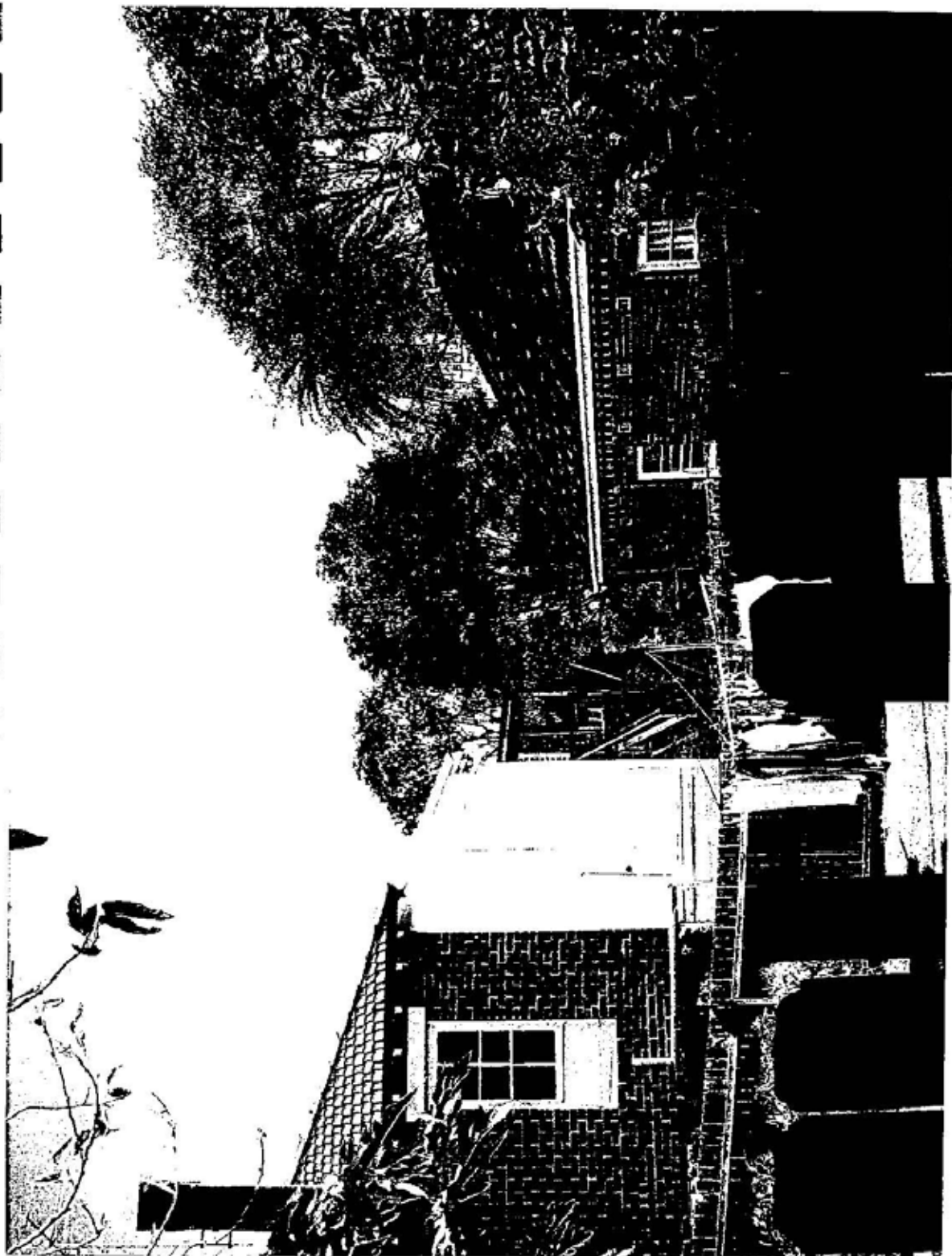


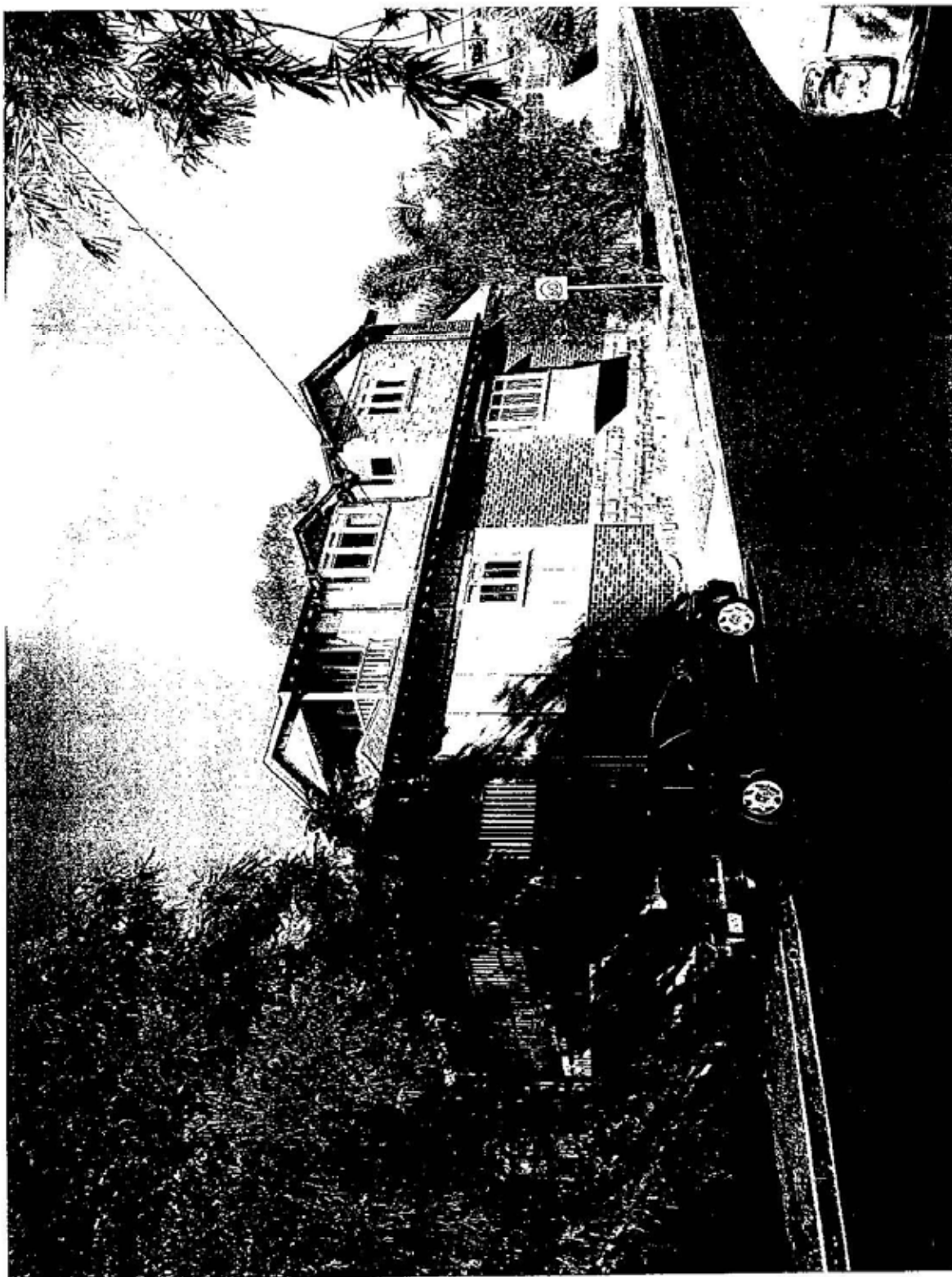














Attachment 1 - Section 96 Application - Review of Issues - Des & Virginia Odell

Desmond & Virginia Odell
10 Charles Street
Fairlight, 2094
Home phone: 02 9949 7307
Mobile phone: 0402 097 417

9th February, 2004

The General Manager,
Mr Henry Wong,
PO Box 82,
MANLY 1655

Dear Henry,

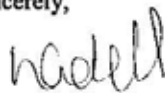
Development Application: DA133/03 10 Charles Street, Fairlight, 2094

We have recently submitted a Development Application to Manly Council. Part of it was approved, whereas part was not. Please find attached documents in support of our Section 96 amendment submitted to Manly Council.

We feel we have a number of valid reasons for appealing this decision. We would appreciate you taking the time to review the issues we have raised and we would also welcome the opportunity for you to visit our home.

We look forward to discussing the issues directly with you in person and we will be in contact with you shortly to invite you to an on-site inspection.

Yours sincerely,



Des and Virginia Odell

Facts relating to the appeal of DA 133/03 in relation to 10 Charles Street, Fairlight NSW 2094

On 7th October 2003 we received a letter from Manly Council approving our development application No. 133/03. The development application DA 133/03 included adding dormer windows to the existing attic/storage area. These dormers were unfortunately not approved within the DA. Our section 96 amendment is requesting that Council approve the inclusion of these dormer windows to the existing attic/storage area.

The application for the dormer windows were fully supported by the planner. A significant amount of time and effort was put into ensuring that our application complied with Council requirements. The application process took approximately 8 months.

Whilst we understand that Manly Council has parameters to work towards in relation to renovations to buildings, the addition of dormers windows to this house would seem to be of little impact.

We would like to appeal on the following basis:

1. We are a growing family and have a severe shortage of storage space.
2. Safety issues: The front dormer is needed to provide more space for a safer, less steep set of stairs to be built to both the 1st floor and 2nd floor storage.
3. Existing precedent of 3rd story dormer windows in a house directly across our street (17 & 19 Griffiths Street).
4. There is a significantly larger set of units directly across the road from our house (12 Cohen Street).
5. The front dormer will provide improved ventilation.
6. No neighborhood objections.
7. Proposed additions will fit with the architectural integrity of the house and neighborhood.

1. Storage issues

Our block of land is extremely small, being around only 200 square meters. Most space is taken up by living and sleeping area, with very little internal or external storage. As our family grows (we currently have two children of 2.5yr and 6 months) we desperately need this extra space. The enhancement of this attic/storage area, as proposed, is the only possible way for us to achieve some extra storage capacity.

2. Safety issues

The front dormer is needed to provide more space for a safer, less steep set of stairs to be built to both the 1st floor and 2nd floor storage. The current stairs are very steep and unsuitable for small children. If they slipped they would more than likely hurt themselves badly. Also, we do not consider the use of a pull-down ladder to be safe enough for use by small children and would prefer built-in stairs, as proposed in our application.

3. Existing precedents in street

There is a 3rd story dormer window in the house across the street from us 17 & 19 Griffiths Street (please see attached photograph numbers 2,3,4). We ask that we receive the same consideration as those applicants received.

4. Bulky buildings in our street

Directly across the road from our house is a large 3 story multi-unit complex which is significantly bigger than our house (please see attached photograph number 1.) The addition of dormer windows to our house is dwarfed in comparison to this set of units directly across the road.

5. Improved ventilation

The front dormer will provide much needed extra ventilation to the attic/storage area and to the 2nd story children's bedrooms.

6. Neighborhood Support

There are no objections from the surrounding neighbors to the inclusion of the dormers. The neighbors at number 11 Charles Street, have requested that any additions do not result in us being able to see into their 2nd story. As per the plans submitted, both side dormers will be non-opening and covered with obscure glass that will let in light but cannot be seen through.

7. Architectural Integrity

It is our intention that any additions we make to our house are of a high quality. Our reason for employing an architect to design the plans for the house was to ensure that any additions would be an enhancement to the property and the neighborhood.

8. Photographs

- No 1. Unit block No 12 Cohen Street, taken from our front garden.
- No 2. Existing dormer windows Griffiths Street, taken from our living area.
- No 3. View of existing dormer window Griffiths Street, taken from the main bedroom.
- No 4. Existing 3rd floor dormers 17 & 19 Griffiths Street.





Attachment 2 - Report Presented to DAU - October 2003**DA No.:** _133/03_____ **Address:** 10 Charles Street, Fairlight_____**Description of Proposal:** Alterations and Additions to Existing Dwelling_____**Integrated Development (concurrences on file)**

n/a Fisheries
n/a Heritage
n/a NPWS
n/a Waterways
n/a EPA
n/a RTA
n/a DLWC
n/a RFS

Referrals (on file)

- ✓ Precinct
- ✓ Building Surveyor
- ☐ Heritage Planner
- ☐ Environmental Health Surveyor
- ☐ Landscape Architect
- ☐ Development Engineer

Submissions

Name	Address	Concerns
Mr Dieter Steinbusch	11 Charles Street, Fairlight	The window on the western elevation be obscured glass to ensure privacy. This issue has been incorporated into the Amended Plans. As such a letter withdrawing the objection was submitted to Council on the 13 August 2003.

Applicable & Considered	Not Applicable	Development Control Plans and Policies
☒ ☒ ☒ ☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☒ ☒ ☒ ☒ ☒ ☒ ☒ ☒	Notification Landslip and Subsidence Waste Management and Minimisation Access Energy Efficient Buildings Backpacker Accommodation Advertising Signs Manly Cove Manly Town Centre Urban Design Guidelines Balgowlah Shopping Centre Urban Design Controls Balgowlah Shopping Centre Urban Design Plan Threatened Species Long Nose Bandicoots Little Penguins
Applicable & Considered	Not Applicable	Manly LEP
☐	☒	17 Foreshore Scenic Protection Area
☐	☒	18 Items of Environmental Heritage Item _____
☐	☒	19 Development in the vicinity of an item Item _____
☐	☒	20 Development in the vicinity of Aboriginal relics Item _____
☐	☒ ☐	21 Conservation Area Area _____
☒	Class _5_	33 Acid Sulphate Soils
☐	☒	Other

Planning Comments

The proposal is for the following works:

- ☐ To construct a single car port, rather than the approved double car port
- ☐ New paving on ground level
- ☐ Extend living/dining room northwards by 80cm
- ☐ Alterations to internal walls
- ☐ New stairwell to attic
- ☐ New dormer windows in attic
- ☐ New internal walls in attic

The site currently accommodates a two storey residential dwelling with attic space in the roof. A Building Application No. 464/90 for alterations and additions, including a double car port was approved by Council on the 13 January 1997. The works have been completed except for the double carport. Unfortunately the building application file is not in Council Records or archives. However, the applicant has submitted a photocopy of the original approval. A copy of which is attached to this report.

The visible changes to the bulk of the building will be an extension on the ground level of 5.1m², two dormer windows in the roof and a single carport.

There are a number of existing non conformities. They include floor space ratio, the western wall height, the front setback, the rear setback, the eastern side setback and the western side setback. Further, the open space requirements, soft open space provision and number of parking spaces required do not comply. Each of these issues shall be discussed more fully below.

☐ Floor Space Ratio

The existing floor space ratio is calculated as follows:

Ground floor	129.74
First floor	59.91
Attic/roof area	8.14 (area above 1.4m)
Approved double carport	45.6

The proposed floor space ratio is calculated as follows:

Ground floor	134.78
First floor	59.91
Attic/floor area	8.14 (area above 1.4m)
Single carport	18.6

The total floor space of the existing building including the double car port would be 243.39 and the proposed floor space is 221.43m. Therefore at a theoretical level there is an overall reduction in floor space because of the reduction of the car port.

☐ Western Wall Height

The western wall height is 6.9m and technically is proposed to be 6.7m. This is existing and subject to a previous approval and there will be no physical change to the building.

☐ Front Setback

The existing front setback of 2.0 -2.5m is existing and will not be altered by the current proposal.

❑ Rear Setback

The existing rear setback would be nil, given the double car port which extends the width of the site. The current proposal improves that situation as in reducing the width of the car port, a portion of the rear setback is opened up.

❑ Eastern Side Setback

The existing setback is 0.2 - 0.4 and the current proposal does not alter that situation.

❑ Western Side Setback

The western side setback is 1.0m and the current proposal does not alter that situation.

❑ Open Space Requirements

The proposed open space is 28.5%, which is an improvement on the existing situation due to the reduction of the car port and can be supported.

❑ Soft Open Space Requirements

The soft open space provision is 33% and is similarly an improvement due to the reduction of the car port.

❑ Parking Provision

The site theoretically could accommodate two car spaces, the current proposal provides for only one car space. The site has the benefit of two street frontages, therefore off street parking is available. Further the site has good access to public transport and is within 200m of Sydney Road, which has bus and ferry links. The reduction of car spaces within the site can therefore be supported.

Considered	Clause 10
✓	(a) <i>to set aside land to be used for purposes of housing and associated facilities;</i>
✓	The land continues to be used for residential purposes.
✓	(b) <i>to delineate, by means of development control in the supporting material, the nature and intended future of the residential areas within the Municipality;</i> The proposal has been assessed against the Manly Residential Development Control Plan, 2001.
✓	(c) <i>to allow a variety of housing types while maintaining the existing character of residential areas throughout the Manly Council area;</i> The character of the residential area will be unaltered.
✓	(d) <i>to ensure that building form, including alterations and additions, does not degrade the amenity of surrounding residents or the existing quality of the environment;</i> The works are minor and will not degrade the amenity of the surrounding area.
✓	(e) <i>to improve the quality of the residential areas by encouraging landscaping and permitting greater flexibility of design in both new development and renovations;</i> The provision of open space, although less than the guidelines has been increased and is supported.
✓	(f) <i>to allow development for purposes other than housing within the zone only if it is compatible with the character and amenity of the locality;</i> Not applicable.
✓	(g) <i>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;</i> The proposal is for minor alterations and fully utilises the existing physical infrastructure.
✓	(h) <i>to encourage the revitalisation of residential areas by rehabilitation and suitable redevelopment.</i> The proposal will increase the utility of the site and by extension contribute to the upgrading of the area.

Considered	EP&AA 1979 – section 79(c)
✓	(a) the provisions of:
✓	(i) any environmental planning instrument . The Manly Local Environmental Plan, 1988 has been referred to.
✓	(ii) any draft environmental planning instrument . N/A
✓	(iii) any development control plan . The Manly Residential Development Control Plan, 2001.
	(iv) the regulations
✓	(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The impacts will be negligible.
✓	(c) the suitability of the site for the development , The site is currently used residential and will continue as such.
✓	(d) any submissions made in accordance with this Act or the regulations , One submission which has currently been withdrawn
✓	(e) the public interest . It is within the public interest as there are no negative externalities.

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

✓ **Approval**

☐ **Refusal**

Officer: Date:

Team Leader: Date:

Manager: Date: